7-22-81
Vol. 46 No. 140
Pages 37625-37872

federal register

Wednesday
July 22, 1981

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LIBRARY
Portland, Oregon

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37714 **Mortgage Loans** FHLBB proposes regulations on balloon payment mortgage loans and reverse annuity mortgage loans.

37625 FHLBB issues regulations on graduated payment adjustable mortgage loan instruments.

37725 **Oil and Gas Leasing** Interior/BLM proposes procedures for conducting oil and gas lease sales in the National Petroleum Reserve—Alaska.

37862, 37866, 37870 **Grant Programs—Education** ED issues final regulations for the Pell Grant Institutional Grants for Graduate and Professional Study and the Legal Profession Training Programs. (Parts II, III, and IV of this issue) (3 documents)

37631 **Taxes—Environmental** Treasury/IRS provides temporary regulations for imposition of taxes on petroleum, certain chemicals, and hazardous wastes.

37716 **Surface Mining** Interior/SMREO announces availability of and requests comments on draft rule on use of explosives in surface coal mining operations.

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Highlights

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

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

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 81-402]

Graduated Payment Adjustable Mortgage Loan Instruments

Dated: July 14, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Board has authorized federal savings and loan associations and federal mutual savings banks to make, purchase, participate or otherwise deal in graduated payment adjustable mortgage loan instruments. Such instruments permit the initial payment amount on an adjustable mortgage loan to be insufficient at the beginning of the loan term to fully amortize the loan, but only if the payment amount is adjusted within ten years of the date of the closing of the loan, and at least every five years thereafter, to a level sufficient to amortize the loan. Promulgation of this regulation provides federally-chartered thrift institutions with additional flexibility in designing various types of mortgage loan instruments. This action also amends the Board's graduated payment mortgage regulation, and makes clarifying and corrective amendments to the adjustable mortgage loan regulation.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Hall, Office of General Counsel ([202) 377-6466] or Joseph A. McKenzie, Office of Policy and Economic Research ([202) 377-6763], Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On September 30, 1980, the Board proposed to authorize federally-chartered thrift institutions to make graduated payment adjustable mortgages (GPAMs) (FHLBB Res. No. 80-612; 45 FR 66798, October 8, 1980). In that proposal, the GPAM was described as a renegotiable rate mortgage (RRM) on which the scheduled monthly payments would begin at a level lower than that of a standard renegotiable rate mortgage loan. The proposed GPAM regulation would have incorporated the adjustable-rate feature of the RRM as well as the limitations on annual payment increases contained in the graduated payment mortgage (GPM) regulation (12 CFR 545.6-4(b)).

After studying the comments received both in response to that proposal and at joint hearings held with the Office of the Comptroller of the Currency, the Board requested comments on several additional issues relating to adjustable-rate mortgages generally but not specifically addressed in the September 1980 proposal (FHLBB Res. No. 81-118; 45 FR 15175, March 4, 1981). The request greatly broadened the scope of possible amendments to the Board's adjustable-rate mortgage regulations by asking for comment on whether or not the Board's regulations should impose limitations on adjustment of the interest rate or monthly payment amount.

Effective April 30, 1981, the Board replaced the variable-rate mortgage (VRM) and RRM regulations (12 CFR 545.6-4(c), 545.6-4a) with a new regulation authorizing federally-chartered thrift institutions to make adjustable mortgage loans (AMLs) (12 CFR 545.6-4a, as amended by FHLBB Res. No. 81-206; 46 FR 24148, April 30, 1981). The AML regulation permits adjustment of the interest rate, which may be implemented through changes in the payment amount, the outstanding principal loan balance, the loan term, or any combination of these variables. The regulation imposes no restrictions on the amount by which any of these factors may be adjusted, except that the term of an AML may never exceed 40 years from the date of loan closing and interest-rate adjustments must reflect the movement of one of the indices authorized by the regulation.

In the preamble to the AML regulation, the Board stated that it had considered incorporating a GPAM into the AML regulation, but felt that all of the implications of such an instrument had not yet been fully explored. Therefore, the Board at that time deferred action on the GPAM. The Board has now determined to authorize a GPAM which, like the AML, would not be subject to any regulatory restrictions on the amount by which the payments may be increased or decreased.

Overview of Comments

The Board received 92 comments in response to its September 1980 GPAM proposal and 645 comments in response to its February 1981 request for comments. Approximately 57% of the comment letters were from federal savings and loans, 20% were from state-chartered savings and loans, and 10% were from consumers and consumer-oriented organizations. Other commenters included trade associations, real estate professionals, secondary market entities, title insurers, lawyers, investment brokers and consultants, commercial banks, and the Federal Home Loan Banks.

Savings and loans overwhelmingly supported the broadest possible liberalization of the Board's adjustable-rate mortgage regulations. The majority of associations supported the elimination of both periodic and aggregate interest-rate adjustment limitations. In contrast, consumers opposed liberalization of the restrictions contained in the RRM and GPM regulations. Their major concern was that large interest-rate increases, and consequent payment increases, might make it difficult for homebuyers to meet mortgage payments. Some concern also was expressed with the impact negative amortization could have on a borrower's ability to repay the loan in those areas where property values could not be expected to rise steadily.

Graduated Payment Adjustable Mortgage Loan Instruments

After careful consideration of the comment letters, testimony at the hearings, staff reports and other available information, the Board has determined to authorize graduated payment adjustable mortgage loans. A GPAML is an adjustable mortgage loan (12 CFR 545.6-4a, as amended effective April 30, 1981; FHLBB Res. No. 81-206; 46 FR 24148, April 30, 1981) on which the monthly payment amount is insufficient at the beginning of the loan term to fully amortize the loan. Within ten years of the date of the closing of the loan and at least every five years thereafter, the

monthly payment amount must be adjusted to a level sufficient to amortize the loan at the then-existing interest rate and principal loan balance over the remaining term of the loan. The GPAML regulation imposes no restrictions on the amount by which the monthly payment, the interest rate, or the loan term may be adjusted during the term of the loan, except that the term of a GPAML, inclusive of adjustments, may never exceed 40 years from the date of the closing of the loan. However, the Board will consider loans that provide for or permit sharp increases in payments over the initial period of up to ten years as evidence of unsafe and unsound operation of an association.

Except for the initial period of up to ten years, the monthly payment amount may be adjusted only because of an adjustment to the interest rate, or because of the requirement that the payment amount be adjusted within ten years of loan closing and at least every five years thereafter to fully amortize the remaining balance of the loan. But for this initial period of up to ten years, a GPAML operates identically to an AML.

Discussion

The GPAML is an important addition to the types of mortgage instruments currently available to federally-chartered thrift institutions. The GPAML will enable individuals who otherwise could not qualify for financing, but whose incomes are expected to increase in the future, to secure home mortgage loans. The instrument will also enable lenders to keep apace of market rates, thus providing the flexibility associations need to pursue sound operating policies.

The GPAML presents two potential concerns for both borrowers and lenders in an inflationary environment—the possibility of significant amounts of negative amortization and the possibility of large payment increases. After studying the ramifications of these concerns and various means of mitigating severe adverse effects on the borrower, the Board determined to limit to ten years the period during which negative amortization can occur as a result of insufficiently-large payments. This is the same limitation currently contained in the GPM regulation. The regulation also requires that the payment amount be adjusted at least every five years thereafter to a level sufficient to fully amortize the loan.

The Board also has concluded that GPAMLs can be written so that payment increases are not unduly burdensome to borrowers and negative amortization is not excessive. These concerns can be addressed by shortening the period during which the monthly payment is insufficient to amortize the loan or by establishing a limitation on the amount by which the payment may be increased from one period to the next. In addition, the effects of negative amortization will probably be mitigated by the operation of the market. Although the loan balance on a GPAML will increase as a result of negative amortization, the borrower's equity in the property will tend to grow at a rate relative to the increases in the market value of the property. This appreciation in the property's value will tend to offset the increase in the loan balance.

Because the potential concerns posed for lenders by a GPAML are essentially underwriting problems, the Board believes that the establishment of limitations on payment increases and on the period between payment adjustments should depend on the situation of the particular borrower, the geographic area, the interest rate offered on the loan, and a variety of other pertinent factors. The most effective way to facilitate the development of a loan instrument that is responsive to all of these factors is to permit the lender and the borrower to negotiate the provisions of the loan. Thus, if a need arises in the market for an instrument with tighter constraints on payment increases and negative amortization, the Board expects that such instruments would necessarily be offered to satisfy that need.

Disclosure

The regulation requires associations offering GPAMLs to add certain information to the disclosure required by the AML regulation to be given to a loan applicant at the time the applicant receives an application or upon request (12 CFR 545.6–4a(f)). The additional disclosures describe the features of a GPAML in general terms, and require a description of the particular type of GPAML the association is offering as well as an example of how that GPAML would operate. The notification required to be given by the AML regulation (12 CFR 545.6–4a(e)) at least 30 but not more than 45 days prior to each adjustment of the payment amount does not need to be amended by this regulation to accommodate the GPAML since it already requires disclosure of adjustments of the principal loan balance.

Graduated Payment Mortgage

Currently, the Board's GPM regulation (12 CFR 545.6–4(b)) places limitations on the amount by which the payment may be increased from one year to the next during the graduation period. These limitations range from 7.5% per year during a graduation period of five years to 3% per year for a graduation period of 10 years. In view of the Board's belief that associations should be given maximum flexibility in designing mortgage instruments containing graduated payment features, the Board has determined to amend the GPM regulation by deleting the existing limitations on payment increases. The GPM regulation, though, would continue to limit the graduation period to a maximum of 10 years. Because the Board is also of the opinion that individual associations should be free to develop their own underwriting standards relative to negative amortization, the Board has determined to amend the GPM regulation to assume continued compliance with the loan-to-value requirements (12 CFR 545.6–2(a)) if the original loan-to-value ratio of the GPM met the requirements. A similar provision is contained in the AML regulation (12 CFR 545.6–4a(b)(3)). The Board has also determined to delete the prohibition against payment adjustments occurring more often than once a year. This change makes the GPM regulation consistent with the GPAML and AML regulations, which permit payment adjustments to occur as often as monthly.

As part of its October 1980 proposed alternative mortgage instrument amendments (FHLBB Res. No. 80-653; 45 FR 72675, November 3, 1980), The Board requested comment on whether the GPM regulation should continue to permit a borrower to convert to a standard mortgage instrument (with a fixed interest rate, level payments, and full amortization) at any time during the graduation period. Fourteen of the sixteen S&L industry members commenting on this proposal supported eliminating this right, while the six consumers and consumer organizations commenting on the issue favored retention of the right to convert. The Board has determined to eliminate the requirement that associations permit a GPM borrower to convert to a standard instrument. This is in keeping with the Board's view that a mortgage loan instrument should reflect the specific needs of the borrower and lender, the geographic area, the interest rate offered on the loan, and other pertinent factors, and therefore should be a matter of negotiation between the borrower and lender.

Also in its October 1980 proposal, the Board proposed to provide a standardized disclosure form for the GPM. Although few commenters

opposed that proposal, the Board has determined that a standardized form is unnecessary to ensure full disclosure since the GPM is in essence simply a fixed-rate mortgage. In addition, because the regulation will no longer require inclusion of the conversion option, it is no longer necessary to require that the GPM disclosure provide a side-by-side comparison of a GPM with a level-payment mortgage.

Adjustable Mortgage Loan Amendments

The Board is taking this opportunity to make several clarifying and corrective amendments to its AML regulation (12 CFR 545.6–4a, as amended effective April 30, 1981). First, the third sentence of subparagraph (c)(1) is amended to clarify that, to calculate the adjusted interest rate, it is necessary to add or subtract the difference between the initial index value and the current index value to or from the original loan interest rate, taking into account any contractual limitations on the amount by which the rate may be adjusted from one adjustment date to the next. Second, subparagraph (c)(2)(iv) is amended by correcting the citation to the Statistical Release in which the Federal Reserve Board publishes the monthly average yield of one- to five-year securities (G. 13(415) as opposed to B. 13(415)). Third, the phrase "key terms" replaces "basic terms" in the first sentence of the bracketed material appearing under the heading "KEY TERMS." This is intended to clarify that the material inserted under the heading "How Your Adjustable Mortgage Loan Would Work" must be a description elaborating upon each of the key terms summarized under the heading "KEY TERMS." Finally, the bracketed directive under the heading *"Example of operation of your type of AML"* is expanded to clarify the Board's intent that the example should demonstrate the operation of all of the features of the AML plan described in the disclosure.

The Board finds that delay of the effective date of this regulatory action for 30 days after publication pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary because (1) it relieves restriction, and (2) is in the public interest to make it available expeditiously since it will provide an additional important instrument for home financing.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 545, Subchapter C, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Amend § 545.6–4 by removing paragraph (b)(3), redesignating subparagraphs (b)(4), (b)(5) and (b)(6) as paragraphs (b)(3), (b)(4), and (b)(5), respectively, and revising paragraphs (b)(1), (b)(2) and new (b)(4) and (b)(5), to read as follows:

§ 545.6–4 Graduated payment and reverse-annuity mortgage instruments.

* * * * *

(b) *Graduated payment mortgage.*—(1) *Description.* This instrument's scheduled payments begin at a level lower than that of a comparable standard mortgage instrument, and rise to a predetermined point, after which they remain constant; the graduation period and rate of increase and the interest rate are fixed at loan origination.

(2) *Graduation period, rate and frequency.* Graduation periods are limited to ten years, with the rate and frequency of increases in mortgage payments as set out in the mortgage loan contract.

(3) *Interest capitalization.* * * *

(4) *Loan-to-value-ratio limitations.* For purposes of determining compliance with the loan-to-value-ratio limitations set out in § 545.6–2(a) of this Part, the Board will assume continued compliance where the original loan-to-value ratio met the requirements of § 545.6–2(a) of this Part.

(5) *Disclosure.* Each prospective borrower shall receive materials explaining the graduated payment mortgage offered.

* * * * *

2. Revise paragraphs (c)(1) and (c)(2)(iv) and paragraph (f) of § 545.6–4a, to read as follows:

§ 545.6–4a Adjustable mortgage loan instruments.

* * * * *

(c) *Index.* (1) Adjustments to the interest rate of an adjustable mortgage loan shall correspond directly to the movement of an index authorized by subparagraph (2) of this paragraph, subject to such rate-adjustment limitations, if any, as an association may provide. The initial index value shall be the most recently available value of the index at, or within six months prior to, the date of the closing of the loan. The interest rate at adjustment shall reflect the difference, in reference to the interest rate of the loan on the date of closing, between the initial index value and either the index value most recently available as of the date of rate adjustment, if the payment is not simultaneously adjusted, or the index value most recently available as of the date of notification of a payment adjustment; *Provided,* That where the movement of the index permits an interest-rate increase, the association may decline to increase the interest rate by the indicated amount, and the association may decrease the interest rate at any time.

(2) * * *

* * * * *

(iv) The monthly average yield on United States Treasury securities adjusted to a constant maturity of one, two, three, or five years, as published in the *Federal Reserve Bulletin* and made available by the Federal Reserve Board in Statistical Release G.13(415) during the first week of each month; or

* * * * *

(f) *Disclosure.* * * *

Key terms of ———— Federal Savings and Loan Association's adjustable mortgage loan.

* * * * *

[Provide summary of key terms of the * * *

* * * * *

Example of Operation of Your Type of AML

[Set out an example of the operation of all of the features of the type of AML * * *

* * * * *

3. Add new § 545.6–4b, to read as follows:

§ 545.6–4b Graduated payment adjustable mortgage loan instruments.

(a) *Authorization.* (1) Associations making, purchasing, participating or otherwise dealing in loans pursuant to § 545.6–2(a) of this Part may use graduated payment adjustable mortgage loan instruments as described in this section.

(2) This regulation is preemptive of conflicting state law pursuant to § 545.6–4a(a)(2) of this part.

(b) *Description.* A graduated payment adjustable mortgage loan is an adjustable mortgage loan on which the scheduled monthly payment amount at the beginning of the loan term is insufficient to fully amortize the loan. As such, a graduated payment adjustable mortgage loan is subject to the provisions of § 545.6–4a of this part except to the extent they are inconsistent with the provisions of this section. During a period the length of which may not exceed ten years beginning with the date of the closing of the loan, the scheduled payments must rise to a level sufficient to amortize the loan at the then-existing interest rate and principal loan balance over the remaining term of the loan. After the end

of this period, the payment amount must be adjusted at least every five years to a level sufficient to fully amortize the loan.

(c) *Disclosure.* An applicant must be given, at the time the applicant receives an application, or upon request, a disclosure notice in the following form:

Important Information About the Graduated Payment Adjustable Mortgage Loan—Please Read Carefully

You have received an application form for a graduated payment adjustable mortgage loan ("GPAML"). The GPAML may differ from other mortgages with which you are familiar.

General Description of Graduated Payment Adjustable Mortgage Loan

The graduated payment adjustable mortgage loan is a flexible loan instrument on which the scheduled monthly payment amount at the beginning of the loan term is insufficient to fully amortize the loan. Within ten years of the date of the closing of the loan, and at least every five years after that, the payment amount must be adjusted to a level that will fully amortize the loan. The interest rate on a GPAML may be adjusted by the lender from time to time. Such adjustments will result in increases or decreases in your payment amount, in the outstanding principal loan balance, in the loan term, or in all three (see discussion below relating to these types of adjustments). Federal regulations place no limit on the amount by which the interest rate may be adjusted either at any one time or over the life of the loan, or an the frequency with which it may be adjusted. Adjustments to the interest rate must reflect the movement of a single, specified index (see discussion below). This does not mean that the particular loan agreement you sign must, by law, permit unlimited interest-rate changes. It merely means that, if you desire to have certain rate-adjustment limitations placed in your loan agreement, that is a matter you should negotiate with the lender. You may also want to make inquiries concerning the loan terms offered by other lenders on GPAMLs to compare the terms and conditions.

Another flexible feature of the GPAML is that the regular payment amount, in addition to being increased because it was too small to fully amortize the loan at the beginning of the loan term, may be increased or decreased by the lender from time to time to reflect changes in the interest rate. Again, Federal regulations place no limitations on the amount by which the lender may adjust payments at any one time, or on the frequency of payment adjustments. If you wish to have particular provisions in your loan agreement regarding adjustments to the payment amount, you should negotiate such terms with the lender prior to entering such an agreement.

A third flexible feature of the GPAML is that the outstanding principal loan balance (the total amount you owe) may be increased or decreased from time to time when, because of adjustments to the interest rate or because the payment amount was too small at the beginning of the loan term to fully amortize the loan, the payment amount is either too small to cover interest due on the loan, or larger than is necessary to pay off the loan over the remaining term of the loan.

The final flexible feature of the GPAML is that the loan term may be lengthened or shortened from time to time, corresponding to an increase or decrease in the interest rate. When the term is extended in connection with a rate increase, the payment amount does not have to be increased to the same extent as if the term had not been lengthened. In no case may the total term of the loan exceed 40 years.

Index

Adjustments to the interest rate of a GPAML must correspond directly to the movement of an index, subject to such rate-adjustment limitations as may be contained in the loan contract. If the index has moved down, the lender must reduce the interest rate by at least the decrease in the index. If the index has moved up, the lender has the right to increase the interest rate by that amount. Although taking such an increase is optional by the lender, you should be aware that the lender has this right and may become contractually obligated to exercise it.

[Name and description of index to be used for applicant's loan, initial index value (if known) or date of initial index value, a source or sources where the index may be readily obtained by the borrower, and the high and low index rates during the previous calendar year.]

Key terms of ———— Federal Savings and Loan Association's graduated payment adjustable mortgage loan.

Following is a summary of the key terms of the type of GPAML to be offered to you. This summary is intended for reference purposes only. Important information relating specifically to your loan will be contained in the loan agreement, which alone will establish your rights under the loan plan.

[Provide summary of key terms of the loan, including the loan term, over what period and by what amounts the payment will be adjusted to fully amortize the loan, the frequency of rate changes, the frequency of payment changes, the maximum rate change, if any, at one time, the maximum rate change, if any, over the life of the loan, the maximum payment change, if any, at one time, minimum increments, if any, of rate changes, and whether there will be adjustments to the principal loan balance, in the following format:

Loan term.....
Graduation period.....
Rate of payment increases during graduation period.....
Frequency of payment increases during graduation period.....
Frequency of rate changes.....[etc.]]

How Your Graduated Payment Adjustable Mortgage Loan Would Work

Initial Interest Rate

The initial interest rate offered by ———— Federal Savings and Loan Association on your GPAML will be established and disclosed to you on [commitment date, etc.] based on market conditions at the time.

[Insert a short description of each of the key terms of the type of GPAML to be offered to the borrower, using headings where appropriate.]

Notice of Payment Adjustments

———— Federal Savings and Loan Association will send you notice of an adjustment to the payment amount at least 30 but not more than 45 days before it becomes effective. [Describe what information the notice will contain.]

Prepayment Penalty

You may prepay a GPAML in whole or in part *without penalty at any time* during the term of the loan.

Fees

You will be charged fees by ———— Federal Savings and Loan Association and by other persons in connection with the origination of your GPAML. The association will give you an estimate of these fees after receiving your loan application. However, you will not be charged any costs or fees in connection with any regularly-scheduled adjustment to the interest rate, the payment, the outstanding principal loan balance, or the loan term initiated by the lender.

Example of Operation of Your Type of GPAML

[Set out an example of the operation of all of the features of the type of GPAML to be offered to the borrower, including, where appropriate, the use of a table.]

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947; 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-21503 Filed 7-21-81; 8:45 am]

BILLING CODE 6720-01-M

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12 CFR Parts 546 and 563

[No. 81-403]

Delegation of Authority Regarding Merger Approvals

July 14, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final regulations.

SUMMARY: These amendments increase the scope of the Board's delegation of authority to its Principal Supervisory Agents to approve applications for mergers involving Federal savings and loan associations or institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

EFFECTIVE DATE: July 20, 1981.

FOR FURTHER INFORMATION CONTACT: John R. Hall, (202) 377–6450, Associate General Counsel, Federal Home Loan

Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: Section 546.2 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 546.2) provides rules and procedures for mergers involving Federal savings and loan associations, and § 563.22 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.22) similarly provides rules for mergers involving institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. Under those rules as amended by Resolutions Nos. 80-446 (July 24, 1980; 45 FR 50553), 81-18 (January 16, 1981; 46 FR 9917), and 81-90 (February 27, 1981; 46 FR 14727), Board approval for a merger may be given in specified circumstances by the Board's Principal Supervisory Agent ("PSA"), i.e., the president of the Federal Home Loan Bank of which the resulting institution in the proposed merger is a member. Approval under that delegation of authority may be given if:

(1) The merging association has assets of less than $30,000,000 or the resulting association would have assets of less than $250,000,000.

(2) The resulting association would hold less than 8% of the total savings accounts in each county in which both the merging and resulting associations have an office and less than 10% of the total savings accounts in counties where only the merging association has an office.

(3) The resulting association would account for less than 8% of the total residential mortgage loans made in each county where both the merging and resulting association have an office and less than 10% of the total residential mortgage loans in counties where only the merging association has an office.

(4) The maximum percentage figures in items (2) and (3) may be 12% provided that the PSA receives appropriate clearance from Board staff.

(5) The resulting association's net worth, excluding goodwill, would at least equal the amount required for the association under 12 CFR 563.13.

(6) Any proposed increase in compensation to any officer, director, or controlling person of the merging association by the resulting association or any service corporation would not exceed 15% or $10,000, whichever is greater.

(7) Any proposed advisory director fee would not exceed the greater of the following amounts: (i) 115% of the fee per monthly meeting attended received as a director of the merging institution, (ii) $150 per monthly meeting attended, or (iii) the fee per monthly meeting attended that advisory directors of the resulting association receive.

(8) No association involved in the merger received on its most recent examination a rating of less than satisfactory with regard to its compliance with the Community Reinvestment Act and regulations issued thereunder.

(9) The merger was not instituted for supervisory reasons.

(10) No employment contract offered to an officer of the merging association exceeds 5 years in length.

(11) The merger is not protested.

(12) The merger does not raise significant issues of law or policy for which the Board has not established a formal position.

The Principal Supervisory Agent may also recommend modifications of the plan of merger. If the recommendations are not accepted by the directors of both institutions, and if an institution requests it, the Principal Supervisory Agent must submit the merger application to the Board.

In approving a merger, the Principal Supervisory Agent may approve maintenance of an office of the merging institution as a facility of the resulting Federal association and may approve an application for insurance of accounts and Federal Home Loan Bank membership filed by an uninsured institution merging into a Federal association.

In the preamble to the February 27, 1981, amendment of the merger delegation, the Board described the significant increase in merger activity that had occurred prior to that amendment and stated that a continued high volume of mergers was anticipated. In response to that activity the Board decided to increase the scope of the delegation of authority to approve mergers to permit approvals by the Board's Principal Supervisory Agents of mergers involving larger institutions. The Board provided for delegated approval authority where either of the merging institutions has assets of less than $30 million, or where the resulting institution has assets of less than $250 million. Those maximum amounts were previously $10 million and $150 million, respectively.

Based on its experience with the large number of mergers occurring after those amendments were adopted, the Board has decided to further liberalize certain criteria for approval of mergers under delegated authority. First, the Board is increasing the existing asset size limits. The Board believes it is appropriate for it to continue to review all mergers involving very large institutions and those that raise significant issues. However, it will no longer review mergers where either the merging institution has assets of less than $100 million, or the resulting institution has assets of less than $500 million, provided the merger satisfies the other criteria specified in the regulation and no unusual issues are raised by application. This change will permit more efficient use of the Board staff time and will permit expedited processing of additional merger applications.

Second, the Board is increasing the maximum market share criteria for delegated approvals. The Board intends to review all mergers that raise significant issues under the antitrust laws. However, existing market share benchmarks require Board review of many mergers that cannot reasonably be expected to have a significant competitive impact. Therefore, the Board has determined that mergers may be approved under delegated authority if, in addition to all of the other specified criteria being satisfied, the resulting institution would account for less than 10% of the total savings accounts and the total residential mortgage loans made in each county where both the merging and resulting associations have an office and less than 12% of the total savings accounts and the total mortgage loans in each county where only the merging association has an office. Those maximum percentages may be 15% in a particular case, provided the PSA receives the concurrence of the Board's Office of General Counsel and Office of Policy and Economic Research.

Third, the Board has determined that, as a general rule, it need review only those supervisory mergers, otherwise qualifying for approval under delegated authority, that involve an agreement with the Federal Savings and Loan Insurance Corporation or require forebearance with respect to supervisory action under the regulations. All other mergers instituted for supervisory reasons that meet the other criteria for approval under delegated authority may be approved by the PSA.

Fourth, the Board has determined that applications may be approved under delegated authority even though the disappearing merger partner has a less than satisfactory CRA rating, provided the institution that will be the resulting institution after the merger has at least a satisfactory CRA record. The Board believes that the important consideration with respect to the effect of a merger on CRA performance is the CRA policy that the institution will implement following the merger.

Because, in most instances, that policy will be the policy of the acquiring partner in the merger, the policy of the disappearing merger partner is usually irrelevant. Therefore, the Board is amending its regulation to authorize approval of mergers under delegated authority without regard to the CRA rating of the disappearing institution, provided the acquiring institution has at least a satisfactory CRA rating and no significant deficiencies with respect to the Board's nondiscrimination regulations. However, the PSA will carefully review the CRA performance of the disappearing institution and the intentions of the acquiring institution to determine whether any unacceptable policies or procedures of the disappearing institution may be implemented by the resulting institution after the merger. If the PSA believes such a possibility exists, he will submit the application to the Board for such action as it deems appropriate.

Finally, the Board has determined to permit approval of a merger under delegated authority where compensation paid by the resulting institution to officers, directors, or controlling persons of the disappearing institution or fees paid to advisory directors of the resulting institution will exceed the amounts specified in the Board's Policy Statement on mergers (12 CFR 571.5), provided the applicant submits evidence sufficient to rebut a presumption of unreasonableness and sale of control. Whenever proposed conpensation or fees exceed the guidelines and the PSA determines that the evidence is insufficient to rebut that presumption, he will submit the application to the Board.

Because the amendments affect internal Board procedures and will facilitate the processing of applications for mergers, and because it is in the public interest to provide prompt action on applications to the Board, the Board believes it is in the public interest to implement the amendments without delay, and has therefore determined that observance of the notice and public procedure provisions of 12 CFR 508.11 and 5 U.S.C. 553(b) would be contrary to the public interest and unnecessary, and because publication of the amendments for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendments would, in the Board's opinion, likewise be unnecessary for the same reasons, the Board hereby provides that the amendments shall become effective as provided herein.

Accordingly, the Board hereby amends Part 546 of Subchapter C and Part 563 of Subchapter D, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 546—MERGER, DISSOLUTION, REORGANIZATION, AND CONVERSION

1. Revise paragraph (h) of § 546.2 to read as follows:

§ 546.2 Procedure; effective date.

* * * * *

(h) The Principal Supervisory Agent may give Board approval (including recommending modification of a plan of merger, consolidation, or purchase of bulk assets) required by paragraph (c), if the following conditions are met:

(1) Either association has assets of less than $100,000,000 or the resulting association would have assets of less than $500,000,000;

(2) The resulting association would hold less than 10 percent of the total savings accounts (including savings accounts under $100,000 held by commercial banks) of financial associations in any county (or similar political subdivision) in which, prior to the merger, both the merging association and the resulting association have an office;

(3) The resulting association would hold less than 12 percent of the total savings accounts (including saving accounts of under $100,000 held by commercial banks) of financial associations in each county (or similar political subdivision) in which, prior to the merger, the merging association has an office;

(4) The resulting association would account for less than 10 percent of the total residential mortgage loans made in any county (or similar political subdivision) in which, prior to the merger, both the merging association and the resulting association have an office, based on mortgage recording data or such other evidence as is available;

(5) The resulting association would account for less than 12 percent of the total residential mortgage loans made in each county (or similar political subdivision) in which, prior to the merger, the merging association has an office, based on mortgage recording data or such other evidence as is available;

(6) The resulting association's net worth, excluding goodwill, would at least equal the amount required for that association under § 563.13 of this Chapter;

(7) The association that will be the resulting association in the merger received on its most recent examination a rating of at least satisfactory with regard to its compliance with the Community Reinvestment Act and regulations issued thereunder and has no significant deficiencies with respect to the Board's Nondiscrimination regulations;

(8) The merger does not involve any agreement with the Federal Savings and Loan Insurance Corporation or forbearance with respect to supervisory action under any regulation;

(9) The merger is not protested;

(10) The percentages in subparagraphs (h) (2), (3), (4) and (5) of this section shall be 15 percent, provided that the Principal Supervisory Agent, prior to giving approval, obtains the concurrence of the Board's Office of Policy and Economic Research and Office of General Counsel with respect to the determination that the proposed merger will not adversely affect competition; and

(11) No employment contract offered to an officer of the disappearing association exceeds 5 years in length.

If the Principal Supervisory Agent recommends modifications of the application which are not accepted by the directors of both institutions, the application shall be submitted by the Principal Supervisory Agent to the Board if one of the institutions requests it.

The authority to approve mergers under this paragraph (h) is discretionary with the Principal Supervisory Agent. It is expected that when a merger subject to this delegation raises significant issues of law or policy for which the Corporation has not established a formal position, the Principal Supervisory Agent will refer that merger application to the Corporation for its consideration.

* * * * *

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—OPERATIONS

2. Revise paragraph (e) of § 563.22 to read as follows:

§ 563.22 Merger, consolidation, or purchase of bulk assets.

* * * * *

(e) The approval of the Corporation (including recommending modifications of the plan of merger, consolidation, or purchase of bulk assets) required by paragraph (a) of this section may be given by the Principal Supervisory Agent (as defined in § 545.14(a)(3) of this chapter) if all of the following conditions are met:

(1) Either institution has assets of less than $100,000,000 or the resulting

institution would have assets of less than $500,000,000;

(2) The resulting institution would hold less than 10 percent of the total savings accounts (including savings accounts under $100,000 held by commercial banks) of financial institutions in any county (or similar political subdivision) in which, prior to the merger, both the merging institution and the resulting institution have an office;

(3) The resulting institution would hold less than 12 percent of the total savings accounts (including savings accounts of under $100,000 held by commercial banks) of financial institutions in each county (or similar political subdivision) in which, prior to the merger, the merging institution has an office;

(4) The resulting institution would account for less than 10 percent of the total residential mortgage loans made in any county (or similar political subdivision) in which, prior to the merger, both the merging institution and the resulting institution have an office, based on mortgage recording data or such other evidence as is available;

(5) The resulting institution would account for less than 12 percent of the total residential mortgage loans made in each county (or similar political subdivision) in which, prior to the merger, the merging institution has an office, based on mortgage recording data or such other evidence as is available;

(6) The resulting institution's net worth, excluding goodwill, would at least equal the amount required for that institution under § 563.13 of this Part;

(7) The institution that will be the resulting institution in the merger received on its most recent examination a rating of at least satisfactory with regard to its compliance with the Community Reinvestment Act and regulations issued thereunder and has no significant deficiencies with respect to the Corporation's Nondiscrimination regulations;

(8) The merger does not involve any agreement with the Federal Savings and Loan Insurance Corporation or forbearance with respect to supervisory action under any regulation;

(9) The merger is not protested;

(10) The percentages in subparagraphs (e) (2), (3), (4) and (5) of this section shall be 15 percent, provided that the Principal Supervisory Agent, prior to giving approval, obtains the concurrence of the Federal Home Loan Bank Board's Office of Policy and Economic Research and Office of General Counsel with respect to the determination that the proposed merger will not adversely affect competition; and

(11) No employment contract offered to an officer of the disappearing association exceeds 5 years in length.

If the Principal Supervisory Agent recommends modifications of the application which are not accepted by the directors of both institutions, the application shall be submitted by the Principal Supervisory Agent to the Corporation if one of the institutions requests it.

The authority to approve mergers under this paragraph (e) is discretionary with the Principal Supervisory Agent. It is expected that when a merger subject to this delegation raises significant issues of law or policy for which the Corporation has not established a formal position, the Principal Supervisory Agent will refer that merger application to the Corporation for its consideration.

(Section 5 of the Home Owners' Loan Act, 12 U.S.C. 1464; Section 402, 403, and 407 of the National Housing Act, 12 U.S.C. 1725, 1726, and 1730; Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943–48 Comp.))

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-21503 Filed 7-21-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 57

[T.D. 7782]

Temporary Regulations in Connection With Environmental Taxes; Imposition of Taxes on Petroleum, Certain Chemicals and Hazardous Wastes

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides temporary regulations for persons who must pay environmental taxes. Changes to the applicable tax law were made by the Hazardous Substance Response Revenue Act of 1980. These regulations affect all persons who must pay environmental taxes and provide them with the guidance needed to comply with the law.

DATE: The amendments made by these regulations are effective on April 1, 1981.

FOR FURTHER INFORMATION CONTACT: Cynthia L. Clark of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, Attention CC:LR:T:LR–47–81 202–566–4336, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to certain procedural requirements for the payment of environmental taxes under sections 6011, 6071, 6091, 6151 and 6302 of the Internal Revenue Code of 1954 (Code), to reflect the additions to the Code made by section 211 of the Hazardous Substance Response Revenue Act of 1980 (Pub. L. 96–510, 94 Stat. 2797). A new Chapter 38 relating to the imposition of taxes on petroleum and certain chemicals is added to the Code by the Act. The Act also creates a fund which will be financed by the taxes imposed on crude oil, petroleum products and specified chemicals, and will be used to clean up abandoned hazardous waste dumpsites and hazardous substance spills. Further, a new Part 57, Temporary Regulations in Connection with Environmental Taxes, is added by this document to Title 26 of the Code of Federal Regulations. The regulations adopt collection procedures that are similar to those currently used to collect the Manufacturer's Excise Taxes. No deposit of environmental taxes is required with respect to such taxes payable for the calendar quarter ending June 30, 1981. The temporary regulations provided by this document will remain in effect until superseded by final regulations on this subject. The Act also adds sections 4681 and 4682 to the Code. These sections generally impose a tax on the receipt after September 30, 1983, of hazardous waste at a qualified hazardous waste disposal facility. Guidance will be provided later with respect to the collection of this tax.

Drafting Information

The principal author of this regulation is Kyllikki Kusma of the Legislation and Regulations 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.

Waiver of Procedural Requirements of Treasury Directive

There is need for expeditious adoption of the provisions contained in this document because of the need for immediate guidance to persons required to file a return of tax. For this reason, Roscoe L. Egger, Jr., Commissioner of Internal Revenue, has determined that the provisions of paragraphs 8 through 14 of the Treasury Department directive

(TD 50-04.F) relating to improving government regulations must be waived.

Adoption of Amendments to the Regulations

Accordingly, a new part 57, Temporary Regulations in Connection with Environmental Taxes, is added to Title 26 of the Code of Federal Regulations, and the following temporary regulations are adopted:

PART 57—TEMPORARY REGULATIONS IN CONNECTION WITH ENVIRONMENTAL TAXES

Sec.

57.6011(a)-1 Returns.
57.6011(a)-2 Final returns.
57.6071(a)-1 Time for filing returns.
57.6091-1 Place for filing returns.
57.6151-1 Time and place for paying tax shown on return.
57.6302(c)-1 Use of Government depositaries.

Authority. Sections 6011 (68A Stat. 732, 26 U.S.C. 6011), 6071 (68A Stat. 749, 26 U.S.C. 6071), 6091 (68A Stat. 752, 26 U.S.C. 6091), 6302 (68A Stat. 775, 26 U.S.C. 6302), and 7805 (68A Stat. 917, 26 U.S.C. 7805) Internal Revenue Code of 1954.

§ 57.6011(a)-1 Returns.

(a) *In general.* Effective as of April 1, 1981, liability for tax imposed under section 4611, Imposition of Tax on Petroleum, or section 4661, Imposition of Tax on Certain Chemicals, shall be reported on Form 720, Quarterly Federal Excise Tax Return. Except as provided in paragraphs (b)(1) and (2) of this section, a return on Form 720 shall be filed for a period of one calendar quarter beginning with the quarter ending June 30, 1981. Every person required to make a return on Form 720 for the return period ended June 30, 1981, shall make a return for each subsequent calendar quarter, month, or semimonthly period (whether or not liability was incurred for any tax reportable on such return for such return period) until a final return has been filed in accordance with § 57.6011(a)-2. Every person not required to make a return on Form 720 for the return period ended June 30, 1981, shall make a return for the first calendar quarter thereafter in which the person incurs liability for tax imposed under section 4611 or section 4661 and shall make a return for each subsequent calendar quarter month or semimonthly period until a final return has been filed in accordance with § 57.6011(a)-2.

(b) *Monthly and semimonthly returns*—(1) *Requirement.* If the district director determines that any taxpayer who is required to make a deposit of taxes under the provisions of § 57.6302(c)-1 has failed to make deposits of such taxes, such taxpayer shall be required, if so notified in writing by the district director, to file a monthly or semimonthly return on Form 720, except that, if some other form is furnished by the district director for use in lieu of Form 720, the return shall be made on such other form. Every person so notified by the district director shall make a return for the calendar month or semimonthly period (as defined in § 57.6302(c)-1(c)(1)) in which the notice is received and for each calendar month or semimonthly period thereafter until the taxpayer has filed a final return or is required to make returns on the basis of a different return period pursuant to notification as provided in paragraph (b)(2) of this section.

(2) *Change of requirement.* At the district director's discretion, the taxpayer may be notified in writing that the taxpayer is required to make a quarterly or monthly return, if the taxpayer has been filing returns for a semimonthly period or is required to make a quarterly or semimonthly return, if the taxpayer has been filing monthly returns.

(3) *Return for period change takes effect.* If a taxpayer who has been filing quarterly returns receives notice to file a monthly or semimonthly return or a taxpayer who has been filing monthly returns receives notice to file a semimonthly return, the first return required pursuant to the notice shall be made for the month or semimonthly period in which the notice is received and all prior months or semimonthly periods which are not includible in a prior period for which the taxpayer is required to file a return. If a taxpayer who has been filing monthly or semimonthly returns receives notice to file a quarterly return, the last month or semimonthly period for which a return shall be made is the last month or semimonthly period of the calendar quarter in which such notice is received. If a taxpayer who has been filing semimonthly returns receives notice to file a monthly return, the last semimonthly period for which a return shall be made is the last semimonthly period of the month in which such notice is received.

§ 57.6011(a)-2 Final returns.

(a) *In general.* Any person who is required to make a return on Form 720 pursuant to § 57.6011(a)-1, and who in any return period ceases operations in respect of which the person is required to make a return on such form, shall make such return for such period as a final return. Each return made as a final return shall be marked "Final Return" by the person filing the return. A person who has only temporarily ceased to incur liability for tax required to be reported on Form 720, because of temporary or seasonal suspension of business or for other reasons, shall not make a final return but shall continue to file returns.

(b) *Statement to accompany final return.* There shall be executed as a part of each final return a statement showing the address at which the records required by the regulations in this part will be kept, the name of the person keeping such records, and, if the business of a taxpayer has been sold or otherwise transferred to another person, the name and address of such person and the date on which such sale or transfer took place. If no such sale or transfer occurred or the taxpayer does not know the name of the person to whom the business was sold or transferred, that fact should be included in the statement.

§ 57.6071(a)-1 Time for filing returns.

(a) *Quarterly returns.* Each return required to be made under paragraph (a) of § 57.6011(a)-1 for a return period of not less than one calendar quarter shall be filed on or before the last day of the first calendar month following the period for which it is made. However, a return may be filed on or before the 10th day of the second calendar month following such period if timely deposits under section 6302(c) of the Code and the regulations thereunder have been made in full payment of such taxes due for the period. For the purpose of the immediately preceding sentence, a deposit which is not required by such regulations in respect of the return period may be made on or before the last day of the first calendar month following the close of such period, and the timeliness of any deposit will be determined by the earliest date stamped on the applicable deposit form by an authorized financial institution or by a Federal Reserve bank.

(b) *Monthly and semimonthly return*—(1) *Monthly returns.* Each return required to be made for a monthly period under paragraph (b)(1) of § 57.6011(a)-1 shall be filed not later than the 15th day of the month following the period for which it is made.

(2) *Semimonthly returns.* Each return required to be made for a semimonthly period under paragraph (b)(1) of § 57.6011(a)-1 shall be filed not later than the 10th day of the semimonthly period following the period for which it is made.

(c) *Last day for filing.* For provisions relating to the time for filing a return when the prescribed due date falls on Saturday, Sunday, or a legal holiday, see

§ 301.7503–1 of this chapter (Regulations on Procedure and Administration). Section 7502, relating to timely mailing treated as timely filing and paying, shall apply to the same extent it applies to the collection of taxes under Chapter 32, relating to Manufacturers' Excise Taxes.

(d) *Late filing.* For additions to the tax in case of failure to file a return within the prescribed time, see § 301.6651–1 of this chapter (Regulations on Procedure and Administration).

§ 57.6091–1 Place for filing returns.

(a) *Persons other than corporations.* The return of a person other than a corporation shall be filed with the district director for the internal revenue district in which is located the principal place of business or legal residence of such person. If such person has no principal place of business or legal residence in any internal revenue district, the return shall be filed with the District Director at Baltimore, Md. 21202, except as provided in paragraph (c) of this section.

(b) *Corporations.* The return of a corporation shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of the corporation, except as provided in paragraph (c) of this section.

(c) *Returns of taxpayers outside the United States.* The return of a person (other than a corporation) outside the United States having no legal residence or principal place of business in any internal revenue district, or the return of a corporation having no principal place of business or principal office or agency in any internal revenue district, shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, unless the principal place of business or legal residence of such person, or the principal place of business or principal office or agency of such corporation, is located in the Virgin Islands or Puerto Rico, in which case the return shall be filed with the Director of International Operations, U.S. Internal Revenue Service, Hato Rey, Puerto Rico 00917.

(d) *Returns filed with service centers.* Notwithstanding paragraphs (a), (b), and (c) of this section, whenever instructions applicable to such returns provide that the returns shall be filed with a service center, such returns shall be so filed in accordance with such instructions.

(e) *Hand-carried returns.* Except as provided in paragraph (e)(3) of this section, and notwithstanding paragraphs (1) and (2) of section 6091 (b) and paragraph (d) of this section—

(1) *Persons other than corporations.* Returns of persons other than corporations which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone, or local office constituting a permanent post of duty within the internal revenue district of such director) as provided in paragraph (a) of this section.

(2) *Corporations.* Returns of corporations which are filed by hand carrying shall be filed with the district director (or with any person assigned the administrative supervision of an area, zone, or local office constituting a permanent post of duty within the internal revenue district of such director) as provided in paragraph (b) of this section.

(3) *Exceptions.* This paragraph (e) shall not apply to returns of—

(i) Persons who have no legal residence, no principal place of business, nor principal office or agency in any internal revenue district,

(ii) Citizens of the United States whose principal place of abode for the period with respect to which the return is filed is outside the United States,

(iii) Persons who claim the benefits of section 911 (relating to earned income from sources without the United States), section 931 (relating to income from sources within possessions of the United States), or section 933 (relating to income from sources within Puerto Rico), and

(iv) Nonresident alien persons and foreign corporations.

(f) *Permission to file in district other than required district.* The Commissioner may permit the filing of any return required to be made under the regulations in this part in any internal revenue district, notwithstanding the provisions of paragraphs (1), (2), and (4) of section 6091(b) and paragraphs (a), (b), (c), (d), and (e) of this section.

§ 57.6151–1 Time and place for paying tax shown on return.

The tax required to be reported on each tax return required under this part is due and payable to the internal revenue officer with whom the return is filed at the time prescribed in § 57.6071(a)–1 for filing such return. See the applicable sections in Part 301 of this chapter (Regulations on Procedure and Administration), for provisions relating to interest on underpayments, additions to tax, and penalties. For provisions relating to the use of Federal Reserve banks or authorized financial institutions in depositing the taxes, see § 57.6302(c)–1.

§ 57.6302(c)–1 Use of Government depositories.

(a) *Requirements—(1) Monthly deposit.* Except as provided in paragraph (a)(2), (a)(3), or (a)(4) of this section, if for any calendar month, other than the last month of a calendar quarter, any person required to file a quarterly excise tax return on Form 720 has a total liability of more than $100 for all excise taxes reportable on such form, the amount of such liability for taxes (to which this part relates) shall be deposited with a Federal Reserve bank or authorized financial institution on or before the last day of the month following such month.

(2) *Semimonthly Deposit.* This paragraph (a)(2) applies to excise taxes (to which this part relates) which are reportable on Form 720 by any person whose total liability for all excise taxes reportable on Form 720 for any calendar month in the preceding calendar quarter exceeds $2,000. In any case to which this paragraph (a)(2) applies (except as provided in paragraphs (a)(3) or (a)(4) of this section), the excise tax payable under this part for a semimonthly period (as defined in paragraph (c)(1) of this section) shall be deposited by such person in a Federal Reserve bank or authorized financial institution on or before the depositary receipt date (as defined in paragraph (c)(2) of this section). A person will be considered to have complied with the requirements of this paragraph (a)(2) for a semimonthly period if—

(i) The person's deposit for such semimonthly period is not less than 90 percent of the total amount of the excise taxes (to which this part and Parts 46, 48, and 49 relate) reportable on Form 720 for such period and if such period occurs in a month other than the last month in a calendar quarter, the person deposits any underpayment for such month by the 9th day of the second month following such month; or

(ii) The person's deposit for each semimonthly period in the month is not less than 45 percent of the total amount of the excise taxes (to which this part and Parts 46, 48, and 49 relate) reportable on Form 720 for the month, and if such month is other than the last month in a calendar quarter, the person deposits any underpayment for such month by the 9th day of the second month following such month; or

(iii) The person's deposit for each semimonthly period in the month is not less than 50 percent of the total amount of the excise taxes (to which this part and Parts 46, 48, and 49 relate) reportable on Form 720 for the second preceding calendar month, and if such

month is other than the last month in a calendar quarter, the person deposits any underpayment for such month by the 9th day of the second month following such month;

(iv) The requirements of paragraph (a)(2)(i), (a)(2)(ii), or (a)(2)(iii) of this section (if applicable under the last sentence of this paragraph (a)(2)) are satisfied for the first semimonthly period in the month and the person's deposit for the second semimonthly period in such month is, when added to the deposit for such first semimonthly period, not less than 90 percent of the total amount of the excise taxes to which this part relates reportable by the person on Form 720 for such month, and if such period occurs in a month other than the last month in a calendar quarter, the person deposits any underpayment for such month by the 9th day of the second month following such month.

Accordingly, a person who makes deposits in accordance with the provisions of paragraph (a)(2)(ii), (a)(2)(iii), or (a)(2)(iv) of this section will not find it necessary to keep books and records on a semimonthly basis. However, paragraph (a)(2)(ii) or (a)(2)(iii) of this section shall not apply to any such person who normally incurs in the first semimonthly period in each month more than 75 percent of the total excise tax liability (to which this part and Parts 46, 48, and 49 relate) for the month.

(3) *Exception.* The provisions of this section shall not apply with respect to taxes for the month or the semimonthly period in which the taxpayer receives notice from the district director that returns are required under paragraph (b)(1) or (2) of § 57.6011(a)–1, or for any subsequent month or semimonthly period for which such a return is required.

(4) *No deposit for the calendar quarter ending June 30, 1981.* No deposit is required under the provisions of this part 57 with respect to the taxes payable for the calendar quarter ending June 30, 1981.

(b) *Special requirements.* The provisions of this paragraph (b) apply to every person (whether or not required by paragraph (a)(1) or (a)(2) of this section to make a deposit of taxes) required to file a quarterly excise tax return on Form 720 for a calendar quarter who has a total liability for all excise taxes (to which this part and Parts 46, 48, and 49 relate) reportable on such form which exceeds by more than $100 the total amount of taxes deposited pursuant to paragraph (a)(1) or (2) of this section for the quarter. The person shall, on or before the last day of the month following the calendar quarter for which the return is required to be filed, deposit with a Federal Reserve bank or authorized financial institution the full amount by which the liability for all excise taxes reportable on such form for the calendar quarter exceeds the amount of excise taxes previously deposited for that calendar quarter.

(c) *Definitions.* The terms enumerated in this section are to be defined in the following manner:

(1) *Semimonthly period.* A "semimonthly period" means the first 15 days of a calendar month or the portion of a calendar month following the 15th day of the month.

(2) *Depositary receipt date.* The "depositary receipt date" is the 9th day of the semimonthly period following the semimonthly period for which the taxes are reportable.

(d) *Depositary forms*— (1) *In general.* A person required to make deposits by paragraphs (a) (1) or (2) or (b) of this section may make one, or more than one, remittance of the amount required to be deposited. An amount of such tax which is not required to be deposited may nevertheless be deposited if the person liable for the tax so desires.

(2) *Remittance.* Each remittance of an amount required to be deposited shall be accompanied by a Federal Tax Deposit, Excise Taxes, form (Form 504) which shall be prepared in accordance with the applicable instructions. The remittance, together with Form 504, shall be forwarded to a Federal Reserve bank, or, at the election of the person making the remittance, forwarded to a financial institution authorized in accordance with Treasury Department Circular No. 1079, 31 CFR Part 214, to accept remittances of the taxes for transmission to a Federal Reserve bank. The timeliness of the deposit will be determined by the date stanped on the Federal Tax Deposit form by a Federal Reserve bank or by the authorized financial institution, whichever is earlier. Section 7502(e), relating to timely mailing treated as timely filing and paying, shall apply to the same extent it applies to the collection of taxes under Chapter 32, relating to Manufacturers' Excise Taxes. Each person making deposits pursuant to this section shall report on the return for the period with respect to which such deposits are made information regarding such deposits in accordance with the instructions applicable to such return and pay (or deposit by the due date of such return) the balance, if any, of the taxes due for such period.

(3) *Time deemed paid.* Amounts deposited under paragraph (d)(2) of this section shall be considered as paid on the last day prescribed for filing the return for the tax (determined without regard to any extension of time for filing such return), or at the time deposited, whichever is later.

(4) *Procurement of prescribed forms.* Copies of Form 504 will so far as possible be furnished persons required to deposit. The person may secure the forms or additional forms by applying for them to the district director or director of a service center and by supplying the person's name, identification number, address, the type of tax, and the taxable period to which the deposits will relate. A person will not be excused from making a deposit, however, by the fact that no form has been furnished. A person not supplied with the proper form should make application for it in ample time to make the required deposit within the time prescribed.

There is need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason it is found impracticable to issue it with notice and public procedure under subsection (b) of section 553 of Title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

(Secs. 6011 (68A Stat. 732, 26 U.S.C 6011), 6071 (68A Stat. 749, 26 U.S.C. 6071), 6091 (68A Stat. 752, 26 U.S.C. 6091), 6302 (68A Stat. 775, 26 U.S.C. 6302), and 7805 (68A Stat. 917, 26 U.S.C. 7805) of the Internal Revenue Code of 1954)

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: June 30, 1981

John E. Chapoton,

Assistant Secretary of the Treasury

[FR Doc. 81-21359 Filed 7-17-81; 1:50 pm]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Parts 212 and 556

[Army Regulation 210–1]

Private Organizations on Department of Army Installations

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: Army Regulation 210–1 implements Department of Defense Instruction 1000.15, "Private Organizations on Military Installations" (published in the **Federal Register** December 12, 1978, as Part 212, Title 32, CFR, Chapter 1). This regulation was

published as a Proposed Rule in the **Federal Register** on January 15, 1981. The regulation is applicable to all private organizations on Army installations except those under special Department of Defense sanction as set forth in separate agreements or regulations. The regulation clarifies the facts that private organizations are private and self-sustaining; are not officially affiliated with the United States Government or its instrumentalities; and are subject to state laws and local ordinances. Accordingly, this regulation does not direct or regulate the operational policies of private organizations, but establishes only those prerequisites necessary for private organizations to operate on Army installations.

EFFECTIVE DATE: August 15, 1981.

FOR FURTHER INFORMATION CONTACT: Ms. Terri N. Slocomb, Program Analyst, Office of The Adjutant General, ATTN: DAAG-CMP-P, Department of the Army, Washington, DC 20310, Telephone (202) 325-9370.

SUPPLEMENTARY INFORMATION: No comments were received on the proposed rule as published in the **Federal Register** (46 FR 3561). However, changes were made to clarify and improve the rule in accordance with the Army's Plain English program.

The Department of the Army has determined that this Final Rule is a non-major rule in accordance with the requirements of Executive Order 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96-354) that it poses no burden upon small entities.

Dated: June 19, 1981.

John O. Roach II,

Army Liaison Officer with the Federal Register.

PART 212—PRIVATE ORGANIZATIONS ON DOD INSTALLATIONS

Accordingly, 32 CFR is amended as follows:

PART 212 [REMOVED]

1. 32 CFR Part 212 is removed.

2. 32 CFR Part 556 is added to read as follows:

PART 556—PRIVATE ORGANIZATIONS ON DEPARTMENT OF ARMY INSTALLATIONS

Subpart A—General

Sec.
556.1 Purpose.
556.2 Applicability.
556.3 References.
556.4 Explanation of terms.
556.5 Types of private organizations (POs).

Subpart B—Policies

556.6 General.
556.7 Restrictions.
556.8 PO employment and membership practices.
556.9 Insurance.
556.10 Audits.
556.11 Taxes.
556.12 PO Compliance with State or local laws.

Subpart C—Responsibilities and Procedures

556.13 The Adjutant General (TAG).
556.14 Major Army commanders.
556.15 Installation commanders.
556.16 General.
556.17 Recreational and educational POs.
556.18 Standardized documentation.

Subpart D—Support and Services

556.19 General.
556.20 Resale and fundraising activities.
556.21 General.
556.22 Permissive temporary duty (TDY).
556.23 Specialevents.
556.24 General.
556.25 Space and facilities.
556.26 Equipment.
556.27 Transportation.
556.28 Utilities.
556.29 Printing and copying services.
556.30 Postal support.
556.31 Other services.
Appendix A. References.
Appendix B. Classification System for Private Organizations by Type and Subtype
Appendix C. Sample Format—Constitution and Bylaws
Appendix D. Sample Format—Amendment to Constitution and Bylaws
Appendix E. Private Organization Checklist
Appendix F. Type 2 POs with DA approved Constitutions and Bylaws

Authority: 10 U.S.C. Section 3102.

Subpart A—General

§ 556.1 Purpose.

This regulation sets forth policy for authorizing and operating private organizations (POs) on Army installations. This guidance does not cancel any specific agreements between Federally sanctioned or affiliated POs and—

(a) The U.S. Government,

(b) The Department of Defense (DOD), or

(c) The Department of the Army (DA).

§ 556.2 Applicability.

(a) This regulation applies to the Active Army, U.S. Army Reserve, and Army National Guard with POs which are—

(1) Authorized to operate on DA installations worldwide. (See exceptions in paragraph (b) of this section), and

(2) Using space or facilities other than Army Reserve Centers. (For POs on Army Reserve Centers, see AR 140-488.)

(b) This regulation does not apply to—

(1) POs operating outside of DA installations which request occasional or nonrecurring use of Army space or facilities. AR 360-61 contains guidance for Army liaison with these POs.

(2) Any funds and activities on DA installations that serve officially recognized Federal Government purposes (e.g., Morale Support Program activities). Such funds and activities are not defined as private in nature. These include:

(i) Any funds accounted for under U.S. Treasury symbols.

(ii) Nonappropriated fund instrumentalities (NAFIs).

(iii) Any funds cited in paragraph 1-2b (1) through (7), AR 230-1.

(iv) Appropriated fund (APF) and nonappropriated fund (NAF) contractor and subcontractor organizations and funds on DA installations.

(3) Certain unofficial activities which may operate on DA installations without being authorized at Type 3 (independent) POs. Installation commanders may exclude certain funds or activities from regulation due to their limited scope, activities, membership, or funds. (Examples: Office coffee funds, flower funds, Christmas party funds, dance funds, or sympathy funds.) Installation commanders may set procedures for these informal activities and funds.

(4) Chapel organizations which operate as parts or extensions of the DA chapel program. These organizations must not make or manage funds in their name or interest; and they must be supervised, controlled, and directed by installation chaplains acting within (the scope of) their assigned duties. (Examples: Catholic Ladies Guild, Protestant Women of the Chapel, and Youth of the Chapel.) Chapel organizations which make or manage their own funds are subject to all provisions of this regulation.

§ 556.3 References.

Required and related publications are listed in Appendix A.

§ 556.4 Explanation of terms.

(a) Audit. An official examination, verification, and correction of account books that show the financial status of the PO.

(b) DA installation. A location, facility, or activity assigned to, owned, leased, controlled, or occupied by DA.

(c) DOD family. All of the following:

(1) Active duty military personnel.

(2) Retired military members.
(3) Members of reserve components.
(4) Family members and surviving spouses of personnel in (1) through (3) above.
(5) Local DOD civilian employees.
(6) Other civilians as authorized by major commanders and installation commanders.

(d) Double entry accounting system. A system in which both elements of each transactions (debits and credits) are—
(1) Recorded separately, and
(2) Recorded during the period of occurrence.

(e) Gross annual revenue. The total revenue of a PO. This includes gross income from—
(1) Sales of goods and services.
(2) Membership assessments or dues.
(3) Contributions and donations.
(4) Interest.

(f) Private organization. A self-sustaining, non-Federal entity constituted or established and operated on a DA installation by individuals acting outside any official capacity as officers, employees, or agents of the Federal Government or its instrumentalities. It can be incorporated or unincorporated; and it must have the written consent of the installation commander or higher authority to operate on a DA installation.

(g) Qualified auditor.
(1) An auditor qualified to hold grade UA/GS 9 (or local national equivalent grades) or above in civilian jobs series 510.
(2) A public accountant or certified public accountant licensed by a State or other recognized licensing jurisdiction.

(h) Single entry accounting system. (Often called a combination journal system.) A simple system recording transactions on a cash basis. No inventories or accounts receivable or payable are kept.

§ 556.5 Types of private organizations (POs).

POs are categorized and identified by 3 types as follows—

(a) Type 1—Federally sanctioned POs. POs that conduct service operations. They are sanctioned by specific DOD authority or by special authority from HQDA. All Type 1 POs are governed by this regulation except those listed in paragraphs (a) (1) through (9) of this section. POs listed below are governed by other regulations as stated.
(1) Credit unions. See AR 210–24.
(2) Banking offices or institutions. See AR 210–135.
(3) American National Red Cross. See AR 930–5.
(4) United Service Organizations, Inc. (USO). See AR 930–1.
(5) United Seamen's Service. See AR 700–83.
(6) Labor organizations subject to Title 5, USC chapter 71. See Federal Personnel Manual (FPM), chapter 711.
(7) Association of Supervisors and Managers. See Civilian Personnel Regulation (CPR) 251 and AR 1–210.
(8) Civil Air Patrols. See Air Force Regulation (AFR) 46–6, "Support for Civil Air Patrol."
(9) Army Emergency Relief. See AR 930–4.

(b) Type 2—Affiliated POs. POs that conduct activities of common interest to a voluntary membership. They require the written approval of the installation commander to operate on DA installations. Type 2 POs operate as local affiliations, chapters, lodges (fraternal or benevolent organizations), or elements of POs with national or State charters.

(c) Type 3—Independent POs. POs established, organized, operated, and controlled locally by common interest groups. Type 3 POs conduct activities that meet certain accepted needs or wants of some members of the DOD family. The local PO must obtain written permission to operate from the installation commander. Type 3 POs have no formal connection with organizations outside the installation.

(d) PO subtypes.
(1) For classification purposes, there are eight authorized subtypes of POs. POs in each subtype have one or more of the following characteristics in common:
(i) They have similar purposes or objectives.
(ii) They conduct related activities.
(iii) Their members or participants in their activities are of a common age level.
(2) A subtype may include more than one type of PO. For example, Type 1 (Red Cross), Type 2 (PTA), and Type 3 (thrift shop), POs all perform the subtype function of community services.
(3) Classification of POs by type and subtype clarifies the distinction between POs and NAFIs. Appendix B lists various types of POs commonly found on DA installations by type and subtype. (These are only examples, the list is not complete.)

Subpart B—Policies

§ 556.6. General.

(a) POs are not NAFIs, and so they are not entitled to the special immunities and privileges given NAFIs.

(b) There is no official relationship between PO activities and official duties, and responsibilities of DOD personnel who are PO members or participants.

(c) POs are not part of the military organization, so they receive limited Government supervision.

(d) POs operate on a financially self-sustaining basis, except for support authorized in Subpart D.

(e) Neither the Federal Government nor its NAFIs have any vested interest in the assets of a PO; nor will either make any claim to PO assets, or incur or assume any obligation of a PO.

(f) Installation commanders may, following DA policy and Federal laws which apply, acquire for the installation, property—
(1) Abandoned by a PO due to its disestablishment.
(2) Given to the installation by the PO.

(g) POs will follow all laws governing comparable private sector activities (see § 556.12).

(h) DA interest in the operation of POs is due only to their—
(1) Location on DA installations.
(2) Relationships with both the Federal and private sector.
(3) Activities which support recognized programs that benefit the DOD family.
(4) Responsibilities as employers.

§ 556.7. Restrictions.

(a) No PO will use or include in its title, logo or letterhead—
(1) The name or seal of DOD or the acronym "DOD."
(2) The name, abbreviation, or seal of any military department or service. (POs already using the name of a military department or service are excluded from this restriction; but sponsorship or endorsement must not be stated or implied.)
(3) The seal, insignia, or other identifying device of the local installation. The installation commander may authorize an exception to this restriction if clear identification is needed; official sponsorship or endorsement must not be stated or implied.

(b) Activities of POs will in no way prejudice or discredit DOD components or other agencies of the Federal Government.

(c) A PO will not duplicate or compete with the establishment or existence of a NAFI or APF government function on a DA installation.

(d) All PO functions and expenditures must be authorized by the local PO's constitution and bylaws. Only the PO will choose its specific functions and expenditures. DOD personnel acting in an official capacity will not influence these choices.

(e) A PO will not be created, operated, or administered by DOD personnel acting in or on behalf of an official purpose to evade restrictions on expenditures APF or NAF.

§ 556.8 PO employment and membership practices.

(a) POs must follow all labor laws that apply to private sector employment standards. POs will not be allowed to operate on DA installations if their employment practices discriminate based on—
(1) Sex
(2) Age
(3) Religion
(4) Race
(5) Color
(6) National origin
(7) Lawful political affiliation
(8) Labor organization membership, or
(9) Physical handicap not affecting performance of duties.

(b) POs operating on DA installations will not discriminate in membership on the basis of race, color, sex, national origin or religion. This does not preclude the existence of religious, cultural or ethnic POs, when—

(1) Their membership is not restricted or discriminatory, and

(2) Approval is given to similar religious, cultural or ethnic POs without preference.

(c) If the majority of members of the installation DOD family do not object, the installation commander may approve the operation of certain POs which restrict membership to one sex. One or more of the following must apply:

(1) The PO's purpose is philanthropic and, by tradition, its membership has been of one sex. Such POs are generally service organizations which contribute to the morale and welfare of the local community.

(2) The PO's purpose and function is to benefit one sex and its membership is composed of that sex. (Examples are: Scouting organizations or ladies'/men's sports associations.)

(3) The PO has a specific purpose and function which restricts membership to one sex, but also has an auxiliary, distaff or counterpart organization which has the same purpose and function (i.e., separate but equal). Examples are: ladies/mens sports clubs, ladies/mens civic organizations, boy/girl/Scouting organizations, etc.

§ 556.9 Insurance.

(a) If appropriate, POs will obtain adequate insurance as protection against public liability claims, property damage claims, or other legal actions arising from—

(1) Activities of the PO or

(2) One or more of the PO's members acting in its behalf.

(b) Normally, such insurance will be appropriate when PO activities or functions expose the public to possible risk.

(c) Insurance, such as fidelity or fire insurance, of PO assets is the responsibility of each PO's membership.

§ 556.10 Audits.

POs with gross annual revenue of $1,000 or more will be audited annually at their own expense. The following provisions apply:

(a) POs using a double entry accounting system, regardless of source of income over $1,000 will be audited by a qualified auditor. (See definition in § 556.4(g)).

(b) POs using a single entry accounting system—

(1) With income only from contributions, dues, and assessments, may be audited by either—

(i) A PO member who holds no office, or

(ii) A qualified auditor. (See § 556.4(g)).

(2) Which engage in resale or fundraising activities may be audited by either—

(i) An appointed committee of three PO members who hold no offices, or

(ii) A qualified auditor. (See § 556.4(g)).

(c) Type 2 POs with financial statements audited annually by their national headquarters may submit a copy of such an audit. If not audited by their national headquarters, the provisions of paragraphs (a) and (b) of this section apply.

§ 556.11 Taxes.

POs must comply with all Federal, State and local tax. POs must seek private counsel or contact proper tax officials to ensure compliance with all tax laws. POs located overseas will obtain a statement of clarification from the local office of the Staff Judge Advocate (SJA).

(a) Federal income tax. Certain types of POs charitable, religious, educational, scientific, etc., may qualify for exemption from Federal income tax, under section 501 of the Internal Revenue Code. Type 2 POs, whose national organizations control taxes for all local chapters, only need to provide a statement to this effect; it must be signed or notarized by the national headquarters. All other POs will obtain a statement of their tax status from their IRS district office.

(b) State and local sales, income, occupation, and employer taxes. Local law will determine whether POs—

(1) Must comply with State and local tax requirements, or

(2) Are exempt from State and local tax requirements.

§ 556.12 PO compliance with State or local laws.

Licensing, certification, or registration with State or local commissions may be required for POs engaging in certain activities. (These are activities such as bingo, raffles, or insurance operations.) In approving a permit to operate, the installation commander will decide whether the PO should request a written statement from State or local commissions of how State laws, local laws, or other requirements apply. The commander will consult with the local SJA office in making this decision. POs are not exempt from State or local law because they operate on Federal property; but this regulation does not require licensing, certification, or registration of PO activities unless specifically required by State or local authorities. This requirement applies only to the State containing the Federal property in which the PO operates.

Subpart C—Responsibilities and Procedures

§ 556.13 The Adjutant General (TAG).

TAG will—

(a) Be HODA Staff's proponent for POs on DA installations.

(b) Establish DA policies and procedures for operation of POs on DA installations.

(c) Make staff assistance visits to insure that MACOMs and installations follow established policies.

§ 556.14 Major Army commanders.

Major Army commander will—

(a) Prescribe policies and procedures to insure that subordinate commands comply with this regulation.

(b) During staff assistance visits and inspections, review installation policies and procedures to monitor POs and take required corrective action.

§ 556.15 Installation commanders.

Installation commanders will—

(a) Insure that all POs operating on their installations comply with this regulation.

(b) Establish installation policy for implementing this regulation to include issues of reimbursement, logistical support, etc.

(c) Determine what conditions require an official inquiry or investigation of a PO to best preserve US interests. When

such a determination is made, APF audit or other resources of APFs may be used. An official inquiry will not be made to meet the annual PO audit requirement.

(d) Insure that participation in POs by DOD personnel is in accord with AR 1–210.

(e) Prohibit the possession or sale of drug abuse paraphernalia by or in POs as required by AR 190–30.

§ 556.16 General.

The following procedures apply to all POs subject to this regulation, except those POs discussed in §§ 556.17 and 556.18.

(a) Operating permits. POs seeking a permit to operate on a DA installation must apply in writing to the installation commander. All POs must have the permit revalidated every 2 years.

(b) Documentation

(1) Application for a permit will include—

(i) A charter, articles of agreement, or constitution and bylaws. Sample format of a constitution and bylaws, and format for amendment, are in Appendixes C and D.

(ii) Any other documentation that states the nature, functions, objectives (including planned use of funds) and activities of the PO.

(2) Application documentation will—

(i) Define membership eligibility. (The majority of membership will be members of the DOD family.)

(ii) Set forth responsibilities for all management functions. These functions include accountability of assets, coverage and limitation of insurance, and disposition of remaining assets upon breakup of the PO.

(iii) Include a statement of the PO's liability if assets are not enough to cover all PO liabilities. The statement of liability will meet all State and jurisdictional laws; it will also address the extent of PO members' personal liability for debts of or claims against the PO. State laws governing the liability of national headquarters of Type 2 POs apply to all local chapters unless specifically superseded by laws of State where local chapters are established.

(3) To operate on a DA installation, Type 2 POs must meet the requirements on both their national headquarters and this regulation.

(c) Revalidation. Requests for revalidation of PO operating permits will be sent to the installation commander. This must be done 90 days before the current permit expires. The letter of application will request continued operation, it will include any (major) changes in PO activities, objectives, organization or constitution and bylaws, articles of agreement, charter, etc. If revalidation is not obtained, the current permit automatically expires 2 years from the date of the last approval. Commanders will establish suspense dates for each PO to seek revalidation and will notify POs of these dates.

(d) Installation review. Installation commanders will review all documentation submitted by POs for both initial permission to operate and revalidation; approval will be granted or denied based on this review. Approval of a request to operate (initial or revalidation) will permit operation of a PO on the installation for 2 years. After 2 years, revalidation must be obtained. The installation commander may revoke permission at any time during the 2-year period. Written approval will include a statement that frees the DA installation from any liability of the PO. Installation commanders' review of PO applications will insure that—

(1) PO income will not personally profit individual members, except through—

(i) Wages and salaries as employees of the PO, or

(ii) Payment for services rendered.

(2) PO income will be used to pay operating expenses; expenses include charitable contributions by the PO and competitive awards to PO members or installation personnel. This does not preclude the installation commander from authorizing an investment club that satisfies the provisions of this regulation.

(e) Reporting requirements.

(1) POs will supply the following to the installation commander:

(i) Minutes of PO meetings. POs will submit minutes or summaries of PO meetings, if required by the installation commander. POs will inform installation commanders of any change in PO officers or points of contact.

(ii) Financial statements. POs with a gross annual revenue of $1,000 or more will submit annual financial statements to the installation commander; the installation commander may require more frequent submission. These statements may be submitted as part of the annual audit. (Annually, installation commanders will send financial statements of POs whose gross annual revenue exceeds $100,000 to their Major Army Command (MACOM). MACOMs will send one copy to HQDA(DAAG–CMC–FM).

(iii) A copy of audit reports.

(iv) A copy of tax status, if required.

(v) A copy of correspondence concerning applicability of State or local laws. (See § 556.12).

(2) Installation commanders will keep a current file on each PO. It will contain the latest copy of—

(i) All reports submitted by the PO, as found in (1) above.

(ii) The PO's charter, constitution and bylaws, or articles of agreement, etc.

(iii) The PO's request for a permit to operate or for revalidation and a copy of the installation commander's letter of approval.

(iv) The PO checklist, as found in Appendix E. This will be completed by the installation commander at least every 2 years.

(f) Termination of PO operation on a DA installation. A PO may be discontinued by—

(1) The membership, or

(2) A decision of the installation commander who may withdraw permission to operate on the DA installation at any time.

§ 556.17 Recreational and educational POs.

Certain POs may operate on DA installations as adjuncts or extensions of APF or NAF recreational or educational activities. Such POs need not fulfill the procedural requirements of Sec. 556.16. (They remain subject to all other provisions of this regulation.) The operation of these POs on the installation requires the approval of the installation commander; the commander will prescribe local guidance for them. POs of this kind are—

(a) Bowling leagues, national scouting organizations, sports and other special interest groups. These POs must be under the administrative supervision of the Morale Support Program Director or subprogram managers.

(b) POs formed and operated in conjunction with installation dependent schools. These POs must be under the administrative supervision of a member of the school faculty. (Examples are: School drama club, yearbook fund, and language club, National Honor Society and Keyettes/Keys.)

§ 556.18 Standardized documentation.

The national constitution and standard bylaws, charters or articles of agreement of the Type 2, POs listed in Appendix F, have been reviewed by HQDA. These meet all requirements of this regulation. Affiliated chapters of these organizations may fulfill the requirements of § 556.16(b) by following these procedures:

(a) Local chapters will submit a letter to the installation commander requesting a permit to operate on the installation.

(b) The letter will contain—

(1) A statement of the chapter's standing with the national organization.

(2) A statement that the standard chapter bylaws prescribed by the national headquarters have been adopted by the local chapter without change. Any changes made to the standard bylaws by the local chapter will require review by the installation commander.

(3) A statement of the intended scope and substance of chapter activities on the installation.

(c) Local chapters must also provide a copy of the national constitution and bylaws, charter, or article of agreement. Installation commanders will use these in reviewing PO operations for compliance with the policies in Subpart B. Local review of constitutions and bylaws, etc., is not required to grant permission to operate.

(d) While completing procedures in this paragraph satisfies the requirements of §§ 556.16 (a) and (b), local chapters are still subject to revalidation and reporting requirements. (See §§ 556.16 (c) and (d)).

Subpart D—Support and Services

§ 556.19 General.

(a) POs subject to this regulation will be self-sustaining except for limited logistic support which may be granted by installation commanders. (See § 556.24 below.) Funds will be obtained through dues, contributions, service charges, fees, or special assessment of members.

(b) APFs or NAFs may give financial support for scouting programs overseas when approved by HQDA as part of annual MACOM Morale Support Fund budgets. Otherwise, Federal APFs or NAFs will give no direct financial assistance to a PO through contributions, dividends, or other donations of money or assets.

§ 556.20 Resale and fundraising activities.

POs will not engage in on-post resale and fundraising activities unless the installation commander authorizes—

(a) Thrift shop sales of used clothing and used merchandise.

(b) Museum shop sales of items related to museum activities per AR 870–20.

(c) Occasional fundraising activities such as dances, car washes, or cake raffles. All POs will comply with State codes requiring licensing for raffles; PO sponsored raffles will not be permitted in states that prohibit raffles.

(d) Occasional sales for fundraising purposes (bake sales, bazaars, and similar activities). Only those services and merchandise listed in Appendices B and C, AR 60–20, will be offered during such sales within CONUS. Exceptions to the prohibition of continuing resale operation may be granted as follows:

(1) Installation commanders may authorize POs to engage in continuing resale operations when—

(i) Sales are restricted to PO members, and

(ii) Merchandise sold relates directly to the purpose and function of the PO; and

(iii) Local exchanges and other installation NAFIs state in writing an inability to meet the resale requirement.

(2) Major commanders may authorize continuing resale operations with sales not restricted to PO members and merchandise not directly related to the PO's purpose and function. The conditions in paragraphs (d)(2) in (i) through (iii) of this section must be met:

(i) AAFES and other installation NAFIs state in writing and inability to meet the resale requirement.

(ii) Proceeds from sales will be used by the PO solely to support a DA authorized Morale, Welfare, and Recreation activity or purpose. (This does not include proceeds used to cover the PO's expenses in providing such sales.)

(iii) A copy of MACOM approval for such operations will be sent to HQDA (DAAG–CMP–P).

§ 556.21 General.

APF (military or civilian) or NAF employees will not, as an official duty, be assigned to or work for POs.

§ 556.22 Permissive temporary duty (TDY).

Installation commanders may authorize permissive TDY for active duty military personnel to support national scouting organizations, per Chapter 11, AR 630–5.

§ 556.23 Special events.

Installation commanders may authorize the use of military personnel and APF or NAF civilians to support special events which may benefit POs. The following conditions must be met:

(a) The commander must approve the special event (fair, bazaar, picnic, etc.) to be conducted on the installation.

(b) The event must benefit or enhance the morale of the installation DOD family.

(c) The event is open to all members of the installation DOD family, not just PO members.

(d) PO-sponsored special events will not pre-empt fundraising activities of the Installation Morale Support Activity or Installation Club System.

(e) The event will not state or imply endorsement of any specific commercial good or service.

(f) The use of such personnel is only to prepare installation facilities and grounds for the special event.

(g) The use of special duty enlisted military personnel is authorized by AR 600–200.

§ 556.24 General.

The amount and type of support authorized for a PO depends on the authority under which the PO is organized.

(a) Type 1 POs governed by other directives (see Sec. 556.5) are authorized support as stated therein.

(b) Sections 556.25–556.31 will be followed for—

(1) Support for other Type 1 POs.

(2) Support for all Type 2 and 3 POs.

(c) Under the provisions of paragraph 2–3, AR 37–30, installation commanders may waive or reduce charges to nonprofit POs for any of the support elements listed in paragraph 1–7, AR 37–30. This applies only to support requested by a PO and provided on an occasional or nonrecurring basis.

§ 556.25 Space and facilities.

Most POs require space only for periods of time necessary to conduct regular organizational meetings or for other occasional or nonrecurring PO sponsored events. Installation commanders may grant such use of space or facilities to include utilities, in place equipment and janitorial supplies used without charge to the PO when such use is incidental to other uses of the facility. Otherwise PO use of space or facilities is governed by AR 405–80. Specific provisions are as follows:

(a) Nonexclusive use of space or facilities. Nonexclusive use gives no rights to the PO; the Army may reclaim use of space or facilities without prior notice to the PO. Installation commanders may grant use of available space or facilities rent free to POs on a full-time or part-time basis when such use is nonexclusive (see para 2–33, AR 405–80).

(b) Exclusive use of space or facilities. Exclusive use gives certain rights to the PO and requires a lease between the PO and the U.S. Government. Requirements and procedures for rent agreements are in AR 405–80.

(1) Rent for exclusive use of space in CONUS will be set by the installation commander per recommendation of the post engineers.

(2) Rent in overseas areas will be set by overseas commanders per host country Status of Forces Agreements,

treaties or other agreements under which the Army controls such real estate.

(c) Installation commanders may grant on-post youth group POs (boy or girl scouts, little league groups, etc.) revocable-at-will licenses for one time, intermittent, or continuing use of available meeting facilities. (See para 2–29, AR 405–80.)

(d) Paragraph 2–38, AR 405–80 authorizes major commanders to lend certain real property, including unoccupied barracks, to veterans organizations for—

(1) Use at state or national conventions, or

(2) National youth athletic or recreational tournaments which are sponsored by Veterans Organizations.

§ 556.26 Equipment.

POs must furnish or procure equipment, supplies and other materials at their own expense. Government-owned equipment may be loaned or rented to a PO located on a DA installation; such equipment must be directly related to the purpose and function of that PO. APFs and NAFs will not be used to restore or repair equipment owned by or loaned to tenant POs unless a request is made to and approved by the installation commander for PO reimbursement for such repairs. Audio-visual hardware and software may be used by POs when not in use for official purposes. (See AR 108–2.)

§ 556.27 Transportation.

Government motor vehicles may be used to transport PO goods and personnel for PO-sponsored or cosponsored special events. Such events must meet the conditions of Section 556.23. Installation commanders will decide whether to provide transportation on a reimbursable or nonreimbursable basis per AR 58–1. The commander will also insure that transportation made available to POs will not detriment the installation and command mission. Otherwise, transportation support for POs will be per AR 58–1 and will not generate requirements for more military vehicles.

§ 556.28 Utilities.

(a) All POs will reimburse the installation for utilities except when not required under §§ 556.24 and 556.25 or (b) below.

(b) Installation commanders may grant nonreimbursable utilities support to the following types of POs when they operate nonexclusively on DA facilities:

(1) Thrift shops.

(2) Child care centers established as exceptions to AR 608–1.

§ 556.29 Printing and copying services.

POs may not obtain printing services from Government printing plants or with APF or NAF. Copying services may be authorized by the installation commander for PO use when requested by the PO for—

(a) Documentation required by this regulation, or

(b) Special events or functions on military installations, such events must meet the conditions of § 556.23. These services include copying flyers, posters, programs, etc. Costs of services will not exceed $50 per event.

§ 556.30 Postal support.

POs will not use official mail indicia or the Military Postal Service except as shown in figure 4–1 below. Questions regarding postal support to POs will be directed to HQDA (DAAG–MP), Military Postal Service Agency, Wash DC 20310.

Figure 4–1

Use of Military Postal Service or Official Mail by Private Organizations on DA Installations

	Official Mail Indicia	MPS
I. Type 1—Federally Sanctioned:		
a. Banks	No[1]	Yes[2]
b. Credit Unions	No	Yes[2]
c. Labor Organizations	No	Yes[2]
d. Association of Managers and Supervisors	No	Yes[2]
e. USO	No	Yes[4]
f. Red Cross	No	Yes[4]
g. United Seamen's Service	No	Yes[4]
h. Component Relief/Aid Organizations.	Yes[5]	Yes
i. Civil Air Patrols	Yes[6]	N/A
j. Youth Organizations	No	Yes
k. Other Type 1	No	Yes[4]
II. Type 2—Affiliated:		
All type 2 POs	No	Yes[3]
III. Type 3—Independent:		
All Type 3 POs	No	Yes[3]

Notes:

[1] Only when using Postage and Fees Paid Indicia of the oversea US Army Central Finance and Accounting Officer for currency shipments within the oversea theater and to CONUS.

[2] Use of MPS is authorized outside CONUS only where there is no US Postal Service (USPS). Use will be limited to transactions arising from official operations for the benefit of the military installations and their personnel. All such mail entered into the MPS will bear proper postage. See DODD 4525.5.

[3] MPS privileges are authorized outside CONUS only: (a) Where there is no USPS, (b) to the extent that existing MPS facilities and personnel of the command permit, (c) if the major overseas commander determines, and the proper Military Department concurs, that local civil postal service is inadequate, and (d) if the host Government does not object. (See DODD 4525.5.)

[4] Authorized the use of MPS outside CONUS only where there is no USPS. (See DODD 4525.5.)

[5] When a US Army organization is acting on behalf of these organizations.

[6] Per HQ USAF (AF/DAAC(SI)), use of USAF indicia authorized.

§ 556.31 Other services.

POs may not use installation auditing, data processing, financial management, legal, purchasing, or other similar services. POs must obtain such support at their own expense. However, this paragraph does not—

(a) Prohibit use of expertise on the installation commander's staff in exercising command oversight responsibilites for POs, or

(b) Require POs to pay for staff resources expended in performing the command oversight function.

Appendix A—*References*

A–1. Required publications.

a. AR 1–210, Participation in Activities of Private Organizations, cited in Section 556.21(d).

b. AR 37–30, User Charges, cited in § 556.24(c).

c. AR 60–20, Army and Air Force Exchange Service, Operating Policies, cited in § 556.20(c).

d. AR 405–80, Granting Use of Real Estate, cited in § 556.25.

e. AR 600–200, Enlisted Personnel Management System, cited in § 556.23(e).

f. AR 870–20, Historical Properties and Museums, cited in § 556.20(b).

A–2. Related Publications.

a. AR 28–1, Army Morale Support Activities.

b. AR 58–1, Management Acquisition and Use of Administrative Use Motor Vehicles.

c. AR 108–2, Army Training and Audio-visual Support.

d. AR 140–468, Licenses to Use Army Reserve facilities.

e. AR 190–30, Military Police Investigations.

f. AR 210–24, Credit Unions.

g. AR 210–135, Banking Service on Army Installations.

h. AR 230–1, The Nonappropriated Fund System.

i. AR 360–61, Community Relations.

j. AR 608–1, Army Community Service Program.

k. AR 630–5, Leave, Passes, Permissive Temporary Duty and Public Holidays.

l. AR 700–83, Army Support of United Seamen's Service.

m. AR 930–1, Army Use of USO Services.

n. AR 930–4, Army Emergency Relief.

o. AR 930–5, American National Red Cross Service Program and Army Utilization.

p. AFR 46–6, Support for Civil Air Patrols.[1]

Appendix B—Classification System for Private Organizations by Type and Subtype

B–1. Types of Private Organizations.

a. Type 1—Federally Sanctioned.

b. Type 2—Affiliated.

c. Type 3—Independent.

B–2. Subtypes of Private Organizations.

a. Financial Institutions.

[1] May be obtained by writing to: Air Force Publications Center, 1100 Air Base Wing/DAP, Bolling AFB, WASH DC 20332.

b. Community Services, Fraternal/Benevolent.
c. Labor-Management Organizations.
d. Sports, Hobbies, Crafts.
e. Distaff Service Organizations.
f. Youth Groups.
g. Professional, Scientific, and Management.
h. Religious Groups.

B-3. Examples of Private Organizations by Type and Subtype.

a. Type 1—Federally Sanctioned.

Subtypes

Financial Institutions

Banks
Credit Unions

Labor—Management

Labor Organizations
Association of Managers and Supervisors

Community Services

USO
Red Cross
United Seamen's Service
Component Relief/Aid Organizations

Youth Groups

b. Type 2—Affiliated.

Subtypes

Professional, Scientific, Management

Engineering or Scientific Fraternities
Associations of Active Duty Personnel
Nurses Guilds
Financial Management Associations
Personnel Management Organizations

Sports, Hobbies, Crafts

ABC Bowling Leagues
Affiliated Hobby, Craft Groups
Sports Officials Association

Religious Groups

Altar Guild Society
Guilds
Religious Youth Organizations

Community Services

Veterans Organizations
PTA
Surviving Spouse/Parent Organizations
Ethnic Groups Affiliations
Reserve/Retired Association
Affiliated Community Service Clubs

Youth Organizations

Junior Army Navy Guild Organizations (JANGO)
4-H Clubs
Scouting Organizations
Little League

Distaff

(Only those affiliated)

c. Type 3—Independent.

Subtypes

Sports, Hobbies, Crafts

Model Clubs
Stamp, Coin, Other Collectors
Theater and Dance Guilds
Fish and Game Clubs
Golf Leagues
Investment Clubs

Youth Organizations

Contemporary Age Clubs (Teens, etc.)
Youth Sports/Recreation Club

Community Service

Thrift Shops
School Booster Clubs
Local Ethnic Groups
Child Care Center [1]
Preschool and Kindergarten [1]
Social Problem Study Groups

Distaff Organizations

Spouses or
Wives Clubs (May include Thrift Shop Operation)
National Origin Clubs

Professional, Scientific, Management

Local, Independent
Unaffiliated Organizations

Religious

Local, Independent
Unaffiliated Organizations

Appendix C—Sample Format—Constitution and Bylaws [2]

Constitution—(Organization Title)

Article I.—Name and Purpose

Article II.—General Provisions

Include in this section all statements required by this regulation such as the statement of personal liability in case of PO fund deficiency, and licensing or registration of activities as required by law (for bingo, raffle, insurance resale, etc.). Any documentation such as a license or certificate of registration should be attached to the constitution and bylaws and noted in this section.

Article III.—Officers and Governing Body

Article IV.—Membership or Patronage

Article V.—Method of Financing

Article VI.—Activities

Article VII.—Meetings and Quorums

Article VIII.—Adoption and Amendments

(Include "subject to final review by the installation commander.")

Article IX.—Dissolution

Include the following paragraph as a separate Section of Article IX.

Section:

If the organization is dissolved, all funds in the treasury at the time will be used to meet any outstanding debts, liabilities, or obligations. The balance of these assets will be disposed of as determined by the membership.

Sample Bylaws

Article I.—Duties of Officers

Article II.—Election and Voting

Article III.—Dues or Fees

Article IV.—Standing Committees

Article V.—Finances and Taxes

Article VI.—Insurance Coverage

Article VII.—Awards/Gifts

Article VIII.—Hiring and Supervision of Employees

Article IX.—Duties of Employees and Employees' Benefits

Approved by majority vote on (date)———

(Signed) President———

(Signed) Secretary———

Appendix D—Sample Format—Amendment to Constitution and Bylaws

(Association Title)———

Current Date———

Amendment

Constitution/Bylaws (as applicable)

Article———, Section———, which reads:

Is amended to read:

Approved by majority vote on (date)———

(Signed) President———

(Signed) Secretary———

Appendix E—Private Organization Checklist

To be completed by installation commanders at least every 2 years. (See § 556.16(e)(2)(iv).)

	YES	NO
1. Have all private organizations on the installation received permission to operate or revalidation within the last 24 months?		
2. Does each PO and the command have a copy of AR 210-1 and all applicable local command supplements and related guidance?		
3. Do the command and the PO have the following documents in their current files:		
a. Charter, constitution, or bylaws?		
b. PO request for permission to operate and biennial revalidation with all required supporting documents?		
c. Initial command "permission to operate" letter or indorsement and biennial command revalidation letter/indorsement?		
d. Copies of minutes of the last monthly or quarterly meetings, if required?		
e. Copies of latest financial statement?		
f. Copies of last audit?		
g. List of current PO officers?		
h. Valid IRS tax status determination?		
i. Copies of all documents filed by the PO with the US Government (e.g., IRS), State, or other political subdivision government, as required by law?		
4. If a PO has been granted exclusive use of Army real estate, has the PO been issued a document so stating, per AR 405-80?		
5. Is the Government billing and the PO paying for all US Government support provided to the PO on a reimbursable basis under the lease or as otherwise required by law and Government regulation?		
6. Are any US Government military or civilian personnel employees working for or with POs other than outside the scope of their official duties?		

[1] When established as a PO as an exception to AR 608-1.

[2] This format is a sample only, and all PO constitutions and bylaws need not follow this format. POs not using charters, constitutions, and bylaws, or articles of agreement in this standard format must insure that all information required by this regulation is submitted to the installation commander; the PO may provide a separate document along with the constitution and bylaws that completes all information required by Section 556.16 of this regulation.

	YES	NO
7. For PO's engaged in resale activities:		
a. Have POs with gross annual revenues of $100,000 or more submitted financial statement as required?		
b. Have the audit requirements been met? (See Section 556.10).		
c. Have POs engaged in other than "occasional sales" obtained installation or major commander approval?		
d. Have commanders, in reviewing PO resale requests, documented that:		
(1) No other NAFIs or APF activities offer the same or similar resale service on the installation?		
(2) Sales are made only to members?		
(3) Provisions of Section 556.20 are met to justify an exception to resale restriction?		
8. Do minutes of PO meetings submitted show any of the following:		
a. Conduct of programs and activities which may discredit the US Army, DOD, or the Government?		
b. Conduct of programs and activities which impose a financial obligation on the Army or any NAFI?		
c. Conduct of programs and activities which duplicate and compete with authorized Army or NAFI activities?		
9. Do the PO financial statements confirm the financially self-sustaining requirements of a PO?		
10. Has the command revoked permission to operate or directed necessary corrective action for PO's violating any provisions of AR 210-1?		
11. Has the installation established procedures to insure followup on inspection and audit findings?		
Are they being followed?		

Appendix F—Type 2 POs With DA Approved Constitutions and Bylaws

The national constitutions and bylaws of the following Type 2 POs have been reviewed by HQDA and found compatible with this AR[1]:

Name of organization	Address of national headquarters	Federal tax exempt
Association of the United States Army (AUSA).	245 Wilson Blvd., Arlington, VA 22201.	Yes.
Non Commissioned Officers Association (NCOA).	International HQ Complex, PO Box 33610.	Yes.
United States Army Warrant Officers Association.	PO Box 3765, Washington, D.C. 20007.	Yes.

[FR Doc. 81-21318 Filed 7-21-81; 8:45 am]

BILLING CODE 3710-08-M

Office of the Secretary

32 CFR Part 286

[DOD Directive 5400.7 and DOD 5400.7-R]

DOD Freedom of Information Act Program; Correction

AGENCY: Office of the Secretary, DOD.

ACTION: Final rule; correction.

SUMMARY: This action corrects 2 items in the DOD regulation on the Freedom of Information Act: (a) the deletion of enclosures 1 through 7 vice 1 through 6 in § 286.5; and (b) the codification of § 286.31 of this title to conform to Federal Register requirements.

FOR FURTHER INFORMATION CONTACT: Margarete S. Healy, telephone 202-697-4111.

SUPPLEMENTARY INFORMATION: In FR Doc. 80-37868, appearing in the Federal Register on December 5, 1980 (45 FR 80502) the Office of the Secretary of Defense published its regulation on the Freedom of Information Act, 5 U.S.C. 552. This action corrects two errors:

1. In the SUPPLEMENTARY INFORMATION, page 80502, the last paragraph deletes enclosures 1 through 6. This should be corrected to read "* * * delete enclosures 1 through 7 * * *."

2. On page 80506, § 286.31 *Exemptions.* The paragraphs reading "Number 1." and "Number 2." should be corrected to read "(1)" and "(2)." The paragraphs following "(2)" should be renumbered as follows:

From	*To*
(1)	(i)
(2)	(ii)
Number 3	(3)
(1)	(i)
(2)	(ii)
(3)	(iii)
(4)	(iv)
Number 4	(4)
(1)	(i)
(2)	(ii)
(3)	(iii)
(4)	(iv)
(5)	(v)
Number 5	(5)
(1)	(i)
(i)	(A)
(ii)	(B)
(iii)	(C)
(iv)	(D)
(v)	(E)
(vi)	(F)
(vii)	(G)
(2)	(ii)
(3)	(iii)
(4)	(iv)
(5)	(v)
Number 6	(6)
(1)	(i)
(i)	(A)
(ii)	(B)
(2)	(ii)
(3)	(iii)
(4)	(iv)
Number 7	(7)
(1)	(i)
(i)	(A)
(ii)	(B)
(iii)	(C)
(iv)	(D)
(v)	(E)
(vi)	(F)
(vii)	(G)
(2)	(ii)
(i)	(A)
(ii)	(B)
(iii)	(C)
(3)	(iii)
(4)	(iv)
Number 8	(8)
Number 9	(9)

Dated: July 16, 1981.

M. S. Healy,

OSD Federal Register Laison Officer, Department of Defense.

[FR Doc. 81-21356 Filed 7-21-81; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1887-7]

Ohio: Approval and Promulgation of Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Response to petitions for reconsideration and additional comments.

SUMMARY: On June 24, 1980, EPA promulgated final sulfur dioxide (SO_2) emission limitations for Cleveland Electric Illuminating Company's (CEI's) Avon Lake and Eastlake power plants in Ohio (45 FR 42279). EPA received three petitions for reconsideration including requests for an opportunity to comment on EPA's action. On January 27, 1981, EPA announced its decision that an additional comment period was appropriate, and invited submissions from interested persons on the emission limitations for the CEI plants (46 FR 8581).

EPA has reconsidered the emission limitations in light of the petitions for reconsideration and the comments received, and reaffirms the emission limitations made immediately effective in the promulgation of June 24, 1980. In a separate notice, EPA is proposing to withdraw a second set of emission limitations that were to become effective on June 24, 1981.[1]

DATES: EPA's reconsideration of the current emission limitations is effective July 22, 1981.

[1] This document will be published at a later date.

[1] This is not a complete list and does not imply official DA sanction, endorsement, or sponsorship of these POs. National HQs of other type 2 POs may submit national constitutions and bylaws, etc., for review and possible inclusion in this list by sending a complete copy to: HQDA DAAG-CMP-P, Washington, D.C. 20310.

FOR FURTHER INFORMATION CONTACT: Steve Rothblatt, Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, 312/886-6030.

SUPPLEMENTARY INFORMATION:

Background

On June 12, 1979, EPA proposed to revise the emission limitations applicable to CEI's Avon Lake and Eastlake power plants from 1.15 to 6.09 lbs. sulfur dioxide (SO_2) per million BTU (MBTU) for Avon Lake and from 1.43 to 6.58 lbs. SO_2 per MBTU for Eastlake. 44 FR 33711. EPA proposed this change because it had concluded that the urban RAM model which had been used to calculate the original limitations was inappropriate for use in the areas where the CEI plants are located.

On June 24, 1980, the Administrator took final action on the CEI emission limitations (45 FR 42279). EPA set the limitations at 4.10 or 4.65 lb. SO_2 per MBTU for the Avon Lake plant, depending on the sulfur content of the oil burned, and set the Eastlake limitations at 5.64 lbs. SO_2 per MBTU. Comments submitted during the rulemaking had raised doubts about the adequacy of the proposed limitations to protect the National Ambient Air Quality Standards (NAAQS) for SO_2. MPTER modeling performed by EPA in establishing a monitoring network for the plants also suggested that the proposed limits would not prevent violations of the NAAQS. Consequently, EPA decided to perform a further modeling analysis using the CRSTER model, EPA's benchmark model for isolated sources in non-urban areas. *See* EPA's "Guidelines on Air Quality Models" April 1978. This analysis showed that under Class A stability conditions, limits of 4.10/4.65 and 5.64 lbs. for Avon Lake and Eastlake, respectively, were necessary to prevent SO_2 violations.

During this time EPA also decided to revise its stack height policy to require sources seeking to raise existing stacks to demonstrate through fluid modeling or field studies that any increased height was necessary to avoid excessive concentrations due to downwash, wakes or eddies.[2] Since CEI was replacing existing stacks at each of the two plants with taller stacks, EPA announced this policy change as part of its final action and applied the revised policy in developing the final CEI emission limitations. As a result, EPA promulgated two sets of emission limitations: 4.10/4.65 lb. for Avon Lake and 5.64 lbs. for Eastlake, assuming credit for the plant's new taller stacks in accordance with EPA's formula for determining good engineering practice (GEP) height; and 3.43/3.93 lbs. for Avon Lake and 3.04 lbs. for Eastlake assuming no credit for the new tall stacks. The first set of limitations was made immediately effective, and the second set was made effective one year later in order to provide CEI with an opportunity to demonstrate through fluid modeling that the stack height increase were necessary.

[2] In contrast EPA's proposed stack height regulations generally allowed sources automatic credit for stack heights up to a good engineering practice height, as determined by an EPA formula. *See* 44 FR 2608 (January 12, 1979).

Petitions for Reconsideration

In August, 1980, CEI, the North American Coal Corporation, the NACCO Mining Company, and the Northern Ohio Lung Association (NOLA) filed petitions for reconsideration. The petitioners stated that they had had no opportunity to comment on the use of the CRSTER model and Class A stability conditions in determining the final emission limitations, and on EPA's stack height policy revision as applied to CEI. They requested that EPA provide an opportunity for comment on the final rulemaking, and reconsider the rule in light of the comments received. Because EPA has made a commitment to the Sixth Circuit Court of Appeals to promulgate final emission limitations for CEI by June 17, 1980—the attainment date for the Ohio State Implementation Plan (SIP)—the Agency had been unable during the rulemaking to provide as much opportunity for public participation as it would have preferred to do. Therefore EPA granted the petitions, 46 FR 8581 (January 27, 1981), and solicited further comments from interested parties. EPA denied CEI's request for a stay of the effectiveness of the current emission limitations and deferred action on CEI's request for a stay of the second set of limitations.

EPA deferred decision on the second stay request because the Agency hoped to resolve issues related to the stack height policy change on which the limitations were based in the context of final action on the stack height regulations it had proposed on January 12, 1979 (44 FR 2608). At the time it promulgated the limitations, EPA expected to complete work on the stack height regulations within a few months. However, since the June 1980 promulgation, the need for further analyses has resulted in a postponement of final action of the stack height regulations. Due to the extended delay in issuing the final regulations, EPA decided to withdraw the policy revision announced in the CEI rulemaking, pending final action on the stack height regulations. In view of the withdrawal of the policy on which the second set of emission limitations were based, EPA determined it was also appropriate to stay the effectiveness of the second set of emission limitations. 46 FR 28650 (May 28, 1981).

After careful consideration of all timely comments, EPA has decided that the first set of emission limitations for the CEI plants as promulgated on June 24, 1980, are necessary and sufficient to protect the NAAQS for SO_2. EPA therefore has determined to reaffirm those limitations. Because EPA has withdrawn the fluid modeling policy on which the second set of limitations was based and has stayed those limitations, EPA is proposing in a separate notice to withdraw those emission limitations. A more detailed response to comments follows.

Response to Comments

A. Use of Class A Stability Conditions and P-G Dispersion Coefficients

1. *Comment:* CEI asserted that EPA's promulgation of emission limitations to attain the NAAQS under rare Class A conditions is irrational.

Response: As stated in the Notice of Final Rulemaking (NFR), EPA's modeling demonstrated that Class A stability conditions were the controlling meteorological conditions for establishing emission limitations at the CEI plants. In view of this fact, EPA believes it is rational to use Class A conditions in setting the CEI limitations. Though Class A conditions are less common than other meteorological conditions, they do occur in the vicinity of the CEI plants with a frequency of more than once per year. The NAAQS requires that the standard for SO_2 not be exceeded more than once per year, and EPA must therefore consider any meteorological events which can cause the standard to be exceeded more frequently than once per year.

2. *Comment:* CEI and others asserted that use of the Class A stability Pasquill-Gifford (P-G) dispersion coefficients has been the subject of extensive criticism, and consequently they should not have

been applied in the determination of the CEI emission limitations.

Response: EPA has reconsidered its use of the P-G coefficients in response to the decision of the United States Court of Appeals for the Sixth Circuit in *Cincinnati Gas & Electric Co. v. EPA*, 578 F. 2d 660 (1978), *cert. denied* 439 U.S. 1114 (1979). In that case the Court remanded the Agency's decision to use the P-G coefficients in modeling four isolated rural powerplants in Ohio. During the reconsideration EPA reviewed a number of the publications cited by CEI in its comments on this rulemaking, and performed comparisons of monitored air quality data with predicted air quality data generated by the Class A P-G coefficients. The comparisons indicated that the P-G coefficients do not result in overpredictions; in fact, monitored values exceeded predicted values in several instances. *See* 45 FR 41501 (June 19, 1980). Both the vertical (sigma-z) dispersion curve and the horizontal (sigma-z) dispersion curve were found to be accurate estimations of plume dispersion rates. On the basis of these studies, the Agency decided to retain the Class A P-G dispersion coefficients. EPA therefore rejects CEI's claim that the P-G coefficients should not have been applied in the instant rulemaking. EPA's conclusion and supporting documentation are discussed more fully in the previously cited **Federal Register** notice.

3. *Comment:* CEI claimed that the Class A P-G dispersion coefficients were developed for inland powerplants, and that they are inaccurate for Avon Lake and Eastlake which are located in a coastal setting where a large body of water exerts a stabilizing influence on meteorological conditions.

Response: The Class A P-G dispersion coefficients described the impact of plumes that are contained within and dispersed by a very turbulent, unstable layer of air, regardless of the geographic location of the unstable air. The CRSTER model used in assessing the CEI plants is applicable under these conditions to both inland and coastal sites. Although such meteorological conditions occur less frequently at coastal sites, such conditions must still be considered in determining expected impacts on ambient air quality in coastal areas.

Furthermore, the meteorological data used in analysis of the CEI facilities do not reflect conditions at an inland location. The data were taken from the Cleveland/Buffalo airport National Weather Service (NWS) station which is situated within a few miles of Lake Erie. Consequently, contrary to CEI's claim, the modeling performed with this data is more representative of coastal conditions than it is of inland meteorology.

4. *Comment:* CEI asserted that the supplemental record developed upon reconsideration of the Class A P-G dispersion coefficients does not support their application to the CEI facilities.

Response: CEI has misconstrued the purpose of the Agency's reconsideration of the P-G coefficients. As noted above, the reconsideration was in response to a remand from the Sixth Circuit, which required the Agency to develop a more adequate record on the application of the P-G coefficients in setting emission limits for four powerplants in Ohio. The reconsideration was not intended as a general rulemaking on Class A P-G coefficients, nor could it have encompassed the application of P-G coefficients to specific facilities such as CEI's. *See* 45 FR 8581 (June 19, 1980). However, the data generated during the reconsideration generally supports the use of the P-G dispersion coefficients and is therefore relevant to the development of CEI's emission limitations.

5. *Comment:* CEI argued that other EPA studies of power plant plume dispersion at coastal sites support petitioner's position that the Class A P–G coefficients should not be applied to its facilities.

Response: CEI refers in this comment to the study of the Big Bend power plant in Tampa, Florida, conducted by Environmental Measurements, Inc. In EPA's final determination on the Class A P–G coefficients the Agency rejected data collected at Big Bend because the "unstable meteorological conditions associated with Class A stability conditions were suppressed [by the Gulf of Mexico where the plant is located] during * * * the field study * * *." 45 FR 41508 (June 19, 1980). However, as EPA has since made clear (45 FR 74044, November 7, 1980), the Agency did not intend to imply that such meteorological conditions *never* occur near large bodies of water. The period of study at Big Bend simply did not include any Class A meteorological conditions, and therefore the data was irrelevant to the accuracy of the Class A P–G dispersion coefficients in coastal areas.

6. *Comment:* CEI stated that site-specific plume dispersion studies conducted by CEI in 1980 prove the inaccuracy of the P–G Class A dispersion coefficients at CEI's coastal plants.

Response: Review of the reports and data submitted by CEI's consultant indicate that no measurements of the CEI plumes were made during meteorological conditions that were representative of Class A stability conditions. That is, on each of the days studied by CEI's consultant, the plant's plume was not contained within the unstable, turbulent layer of air characteristic of Class A conditions that disperses a plume rapidly and thereby gives rise to high ground level concentrations. Instead, the plume was contained entirely within a stable layer of air found above the unstable mixed layer. Under such conditions, the CRSTER model would calculate the ground-level impact from such plumes to be zero. That is, the CRSTER model recognizes that plumes above the turbulent layer of air have little or no impact on ground-level concentrations even if the dispersive conditions within the mixed layer are very unstable (*e.g.*, P–G Class A). Therefore, the CEI site-specific dispersion studies provide no basis for determining that the P–G Class A dispersion coefficients are inaccurate as applied to the CEI facilities.

B. Long Range Transport of SO_2 and Sulfates

1. *Comment:* New York and Massachusetts claim that EPA failed to comply with Sections 110(a)(2)(E) and 126 of the Clean Air Act. The commenters argued that EPA erred by not considering the long-range impacts of SO_2 on sulfate formation, total suspended particulate levels, and acid deposition. The commenters do not contend that the Avon Lake or Eastlake plants, specifically, will interfere with attainment or maintenance of SO_2 standards in Massachusetts, New York, or any other state, or that EPA erred in its determination that the plants would have an insignificant impact on SO_2 concentrations in other states. Rather, the commenters argued that EPA was required to calculate the impacts of the SO_2 revisions on sulfate and particulate matter concentrations in other states. Furthermore, the commenters claimed that modeling tools are available and should have been used by EPA to address the long-range transport problem. As support for their claim that SO_2 emissions from CEI are transported to and have adverse impacts in downwind states in the northeast, the commenters submitted several studies (*e.g.*, ORBES, a Climatology Study, and many trajectory analyses).

Response: EPA's review and approval of the SIP revisions was consistent with Sections 110(a)(2)(E) and 126 for several reasons. First, these revisions involve only the SO_2 emissions limitations. Accordingly, EPA modeled the revisions for their impact on SO_2 concentrations.

The revisions did not alter the particulate matter emission limitations for the plants and EPA, therefore, did not model the effect of the revisions on particulate matter levels. This modeling approach is the same approach used by EPA in developing the Ohio SO_2 plan. That approach has been reviewed and sustained by this Court consistently. *Cincinnati Gas & Electric Co.* v. *EPA*, 578 F. 2d 660 (6th Cir. 1978), *cert. denied* 439 U.S. 910 (1979); *Ohio Environmental Council* v. *EPA*, 593 F. 2d 24 (6th Cir. 1979); *Republic Steel Corp.* v. *EPA*, 621 F. 2d 797 (6th Cir. 1980).

Second, the modeling done here indicated there would be no interstate transport problem for SO_2. In evaluating a revision to emission limitations in a state implementation plan, EPA models the proposed limitations to determine where the highest ambient concentrations will occur under the revised limits (see page 33 of EPA's the "Guideline on Air Quality Models", April 1978). In this case, EPA found that the three-hour concentrations would be the highest and, therefore, controlling in setting emission limitations for the plants. The three-hour highest, second-high concentrations occurred within 0.9 to 1.2 kilometers of the plants, depending on the meteorological conditions and the plant (see "Summary Report on Modeling for the Avon Lake and Eastlake Power Plants", Docket No. VII. C). Moreover, EPA found that within 9.1 kilometers of Avon Lake the concentrations had dropped to less than half of the peak value and within 13.6 kilometers of Eastlake the concentrations had dropped to less than a quarter of the peak value. The nearest state border, that of Pennsylvania, is 73 kilometers from Eastlake and 125 kilometers from Avon Lake, considerably beyond the points of highest impact. In view of the sharp decrease in concentrations within 14 kilometers of both plants, EPA conducted no modeling in Pennsylvania or other states. Based on its modeling results, however, EPA reasonably concluded that SO_2 emissions from the two plants would not prevent attainment or maintenance of SO_2 standards in Pennsylvania or other more distant downwind states.

Third, EPA reference models are only valid out to 50 km from a source. No reference techniques have yet been established for accurately evaluating impacts beyond 50 km. The "state-of-the-art" of long-range transport models is not sufficiently advanced to be used for regulatory purposes. Consequently, contrary to the commenters' claim, there are no EPA-approved regulatory tools currently available to assess long-range impacts.

Fourth, with respect to the claim that EPA should have modeled the SO_2 emissions for their effect on the particulate matter levels in other states, EPA's currently adopted models are simply not capable of such an analysis. EPA models estimate ground-level SO_2 concentrations caused by a plant's SO_2 emissions. Similarly, EPA models estimate ground-level particulate matter concentrations caused by a plant's particulate matter emissions. Models capable of estimating the impact of SO_2 emissions on ground-level particulate matter concentrations have been developed by researchers and EPA is presently evaluating their predictive accuracy as part of an overall revision to its Modeling Guideline. Application of these models at this time, however, is premature.

Fifth, for the purposes of Section 110(a)(2)(e), it is important to note that the commenters have not shown that the SO_2 emissions from the two CEI plants actually contribute materially or at all to particulate pollution in other states. The commenters cite nothing that supports a finding that Avon Lake or Eastlake is responsible for any pollutant concentrations in another state, let alone concentrations that prevent a state from attaining or maintaining particulate matter standards.

Finally, the sulfate question raised by the commenters is a complex one. To date, EPA has not established a national ambient air quality standard for sulfates. However, the sulfate issue is being evaluated as part of EPA's current review, under Section 109(d)(1), 42 U.S.C. 7409(d)(1), of the criteria and national standards for sulfur oxides and particulate matter (see "Second External Review Draft, Air Quality Criteria for Particulate Matter and Sulfur Oxides," and notice announcing comment period on draft, 46 FR 15589 (March 6, 1981)). At present, in the absence of a national standard for sulfates, EPA is not required to consider the impact of the CEI revisions on sulfate levels.

2. *Comment:* The Province of Ontario, Canada, claimed that emissions from Avon Lake and Eastlake and other sources in the Great Lakes region adversely affect air quality in southern Ontario in contravention of Section 115 of the Clean Air, the principles of international law, and the Memorandum of Intent Between the Government of Canada and the Government of the United States of America Concerning Transboundary Air Pollution (August 5, 1980). Ontario argued that the long range transport of the sulfate derivatives of SO_2 causes acid deposition and decreased visibility in that province.

Response: Ontario's claim that Section 115 prohibits international air pollution is not appropriately raised in the context of this SIP revision. Under Section 115 the Administrator may notify a State that a SIP revision is necessary to prevent transboundary air pollution if reports or studies submitted by an international agency lead her to believe that public health or welfare in a foreign country is endangered.[3] 42 U.S.C. 7415. Absent formal notification, however, Section 115 does not require EPA to consider transboundary air pollution in approving a SIP revision.

Ontario also argues that principles of international law prohibit EPA, as an agency of the federal government, from permitting individuals within the U.S. to pollute Canadian territory or property. However, Ontario bases its claim of injury from transboundary air pollution upon the cumulative impacts of total SO_2 emissions from the midwestern and northeastern U.S., and not specifically upon emissions from the CEI plants that are the subject of this rulemaking. Ontario has had an opportunity to submit its views on the cumulative interstate effects of SO_2 and sulfates at a hearing held by EPA on June 18 and 19. See 46 FR 24602 (May 1, 1981). Furthermore, transboundary SO_2 emissions are the subject of ongoing negotiations between Canada and the U.S. In view of the limited scope of this proceeding and the other fora available in which Ontario may raise issues of aggregate SO_2 emissions and international law, EPA does not believe that it is required to consider these issues here.

Finally, Ontario claims that the Memorandum of Intent (MOI) between the Government of Canada and the United States of America places affirmative obligations upon EPA. In that document Canada and the U.S. stated their intent to "promote vigorous enforcement of existing laws and regulations * * * in a way that is responsive to the problems of transboundary air pollution," pending the conclusion of a formal agreement on air pollution between the two countries. The U.S. has honored the intent of the MOI by controlling its SO_2 emissions to the extent allowed by the provisions of domestic law. In this rulemaking EPA has concluded that the current emission limits are adequate to protect and maintain the NAAQS. Therefore it has

[3] The Secretary of State may also request the Administrator to give such notification to a State.

met its obligations under the MOI to enforce domestic law.

C. The Revised Stack Height Policy and Its Application to CEI

1. *Comment:* Numerous comments raised both procedural and substantive objections to EPA's revised stack height policy, as announced in the final rulemaking on the CEI emission limitations, and its application to CEI. Commenters objected that EPA failed to follow rulemaking procedures prescribed by Section 123 of the Clean Air Act, 42 U.S.C. § 7423, and claimed that interested parties were thereby deprived of an opportunity to comment on a significant policy change affecting industry as a whole. CEI further urged EPA to apply the proposed stack height regulations that were in effect when the company initiated construction of its new taller stacks at Avon Lake and Eastlake. Other commenters urged retention of the new policy.

Response: On January 12, 1979 (44 FR 2608), EPA proposed stack height regulations to implement Section 123 of the Act. Those regulations generally allowed sources automatic credit for stack heights up to a good engineering practice (GEP) height, as determined by an EPA formula. As noted above, EPA revised the stack height policy in its final rulemaking on the CEI emission limitations (45 FR 42279) to require existing sources seeking stack height increases to demonstrate through fluid modeling or field studies that stack height increases were necessary to avoid excessive concentrations due to downwash or other problems. As a result of the policy revision, EPA promulgated two sets of emission limitations for CEI: the limitations currently in effect, and a second set to become effective one year later on June 24, 1981, unless CEI submitted the appropriate studies.

When EPA granted the requests for further opportunity to comment on the final CEI emission limitations (46 FR 8581, January 27, 1981), EPA denied CEI's request to stay the first set of limitations but deferred action on any stay of the second set. EPA stated that it would act on the deferred request before the effective date of the second set of limitations. EPA intended to promulgate final stack height regulations prior to the effective date of the second set of emission limitations. However, because of the need to conduct further analyses prior to promulgation of the stack height rules, EPA determined that it would be unable to complete action on those rules prior to June 24, 1981. Therefore, on May 28, 1981 (46 FR 28650), EPA withdrew the stack height policy revision requiring fluid modeling studies and stayed the emission limits. This action moots the concerns raised by the commenters who questioned application of the policy without an opportunity to comment. If the new final stack height regulations incorporate a requirement for fluid modeling or field studies, CEI and any other affected sources will be given ample time to perform the necessary modeling. As to commenters urging retention of the policy, EPA determined it was inappropriate to require sources to comply with a new stack height policy prior to promulgation of final stack height rules. EPA therefore decided not to retain the policy in the interim period before promulgation.

2. *Comment:* The North American Coal Company and the NACCO Mining Company (jointly NACCO) argued that imposition of the 3.04 lbs. SO_2 per MBTU emission limit for Eastlake that was to become effective on June 24, 1981, would cause social and economic disruption in Ohio because CEI would be forced to discontinue purchasing high sulfur coal from NACCO.

Response: The 3.04 lbs. emission limit for Eastlake was based upon the stack height policy revision that has been withdrawn, and it has now been stayed. 46 FR 28650 (May 28, 1981). EPA is today proposing to withdraw the 3.04 lbs. emission limit altogether, and consequently concerns raised by NACCO have been mooted.

D. *Adequacy of the CEI Emission Limitations*

1. *Comment:* Several commenters noted that the monitored violations during 1980 in the vicinity of the Eastlake plant indicate that the revised emission limits will not protect the NAAQS. In addition, two commenters stated that the violations could not be explained simply by saying that the violations occurred prior to the tie-in of the new taller stack, since it has not been determined that the new stack satisfies the requirements of Section 123 of the Clean Air Act. CEI on the other hand, argued that the ambient monitoring data support the emission limitations proposed in June 1979. CEI attributed the monitored violations to building-induced downwash which should be corrected with the new taller stack at Eastlake.

Response: the violations of the NAAQS monitored near the Eastlake plant in 1980 occurred when CEI was emitting at levels above the currently effective emission limitations which were promulgated in June of that year. Commenters apparently are assuming that CEI was emitting at levels less than or equal to the current emission limitations prior to the effective date of the limitations. However, there is no evidence that such was the case, and therefore the monitored violations have no relevance to the adequacy of the current emission limits. Furthermore, during the monitoring in question, the new taller stack at Eastlake had not yet replaced two of the four short stacks. The current emission limits assume full use of the new tall stack and replacement of all four old stacks. Therefore, compliance with the current limits in conjunction with use of the new stack will adequately protect the NAAQS.

Contrary to assertions by two parties, it is appropriate to take into account the new tall stack at Eastlake in determining the adequacy of the current emission limits. In promulgating the two sets of emission limits for CEI, EPA determined that the new taller stacks conformed to good engineering practice (GEP) in accordance with EPA's GEP formula under the proposed stack height regulations. *See* 45 FR 42279 (June 24, 1980). *See* also 44 FR 33711 (June 12, 1979). Since the new stack was to be in operation by January 1981 and in fact is now in full use, it was proper for EPA to develop the emission limits for Eastlake assuming credit for the new stack.

CEI has not supported its claim that the monitored violations are due to building-induced downwash. EPA believes that such downwash effects are negligible at a distance of 30 building heights downwind of the Eastlake plant (*i.e.*, at the Jefferson monitor site where the violations in question were recorded). Consequently, any problems attributed to building-induced downwash are unfounded. EPA has already determined that the emission limit of 6.58 lbs., which was in effect at the time of the violations, is not adequate to protect the SO_2 NAAQS and that the promulgated limits are necessary and sufficient to protect the standards.

2. *Comments:* Several commenters argued that EPA erred in not modeling the CEI facilities' impact on nonattainment areas in Cuyahoga County.

Response: EPA found that concentrations dropped off sharply within 10 kilometers of Avon Lake and within 14 kilometers of Eastlake. Since Cuyohoga County is located more than 15 kilometers from the CEI plants, EPA determined that it was not necessary to model for air quality impacts in Cuyahoga County.

In addition, EPA's decision not to model the facilities' impact on those areas followed EPA's overall modeling

approach in developing Ohio's sulfur dioxide plan (see "Technical support Document: Sulfur Dioxide Control Strategy for the State of Ohio," August, 1976, pp. IV–7). As noted previously, that plan has been upheld by the Sixth Circuit Court of Appeals. The plan divided the tri-county Cleveland metropolitan area into seven separate subregions. Each subregion was then modeled individually. The Avon Lake and Eastlake plants were not part of the Cuyahoga county subregion, and the emission limitations for the Avon Lake and Eastlake plants therefore were not modeled for impacts in Cuyohoga County.

EPA had previously determined, and continues to believe, that this modeling approach is a reasonable means of insuring attainment and maintenance of the NAAQS in the Cleveland area. The large number of sources and geographic scope of the area restrict the Agency's ability to conduct source-specific modeling. Division into subregions is needed to assess individual source effects and allows the Agency to identify the sources principally contributing to high ambient concentrations. Once the major contributors are identified, standards can be attained by controlling those sources. Since subregional modeling effectively defined the dominant sources in the Cleveland area, it was reasonable for EPA to continue modeling the area on a subregional basis.

Furthermore, the modeling analysis suggested by commenters is not possible with current reference modeling techniques. A combined source analysis would require modeling the CEI plants, which EPA has determined to be located in rural areas, with sources in the urban Cleveland area. No tools currently exist to assess the interaction of non-urban sources with urban sources.

3. *Comment:* One commenter maintained that under Section 110 of the Clean Air Act, EPA may not promulgate or approve a SIP unless it ensures attainment and maintenance of the NAAQS, and that EPA had failed to demonstrate that relaxation of CEI's emission limits would ensure attainment. Instead, EPA first relaxed the limits and then established a monitoring network to calculate the effects on air quality. The commenter also contended that EPA was aware that the new Eastlake stack would not be fully operative until January 1981, and yet EPA approved emission limits based on operation of the new stack that became effective in June 1980. Therefore EPA set limits that it knew would not protect the NAAQS during the last half of 1980.

Response: CEI was required to establish the extensive monitoring system referred to in this comment at the time that EPA proposed to relax emission limitations to 6.09 lbs. and 6.58 lbs. for Avon Lake and Eastlake, respectively. 44 FR 33711 (June 12, 1979). The monitoring system, however, was not established to determine the adequacy of the proposed emission limitations but rather for use in developing a site-specific model, if necessary, since none of EPA's approved models were precisely applicable to CEI's plants. However, EPA subsequently determined that the proposed limits were not adequate to attain and maintain SO_2 standards and therefore promulgated the currently effective limits. These limits were based on dispersion modeling and not on the results of the previously proposed monitoring network. As noted elsewhere, based on its modeling EPA has determined that those limits will protect the SO_2 standards.

Regarding the commenter's second point, EPA was aware that the new stack was not fully operative for all four stack units at Eastlake when the regulations were promulgated. However, EPA was also aware that two of the four units were scheduled to be out of operation for 10 to 13 weeks each during the last half of 1980.[4] EPA reasonably concluded that the anticipated reduction in emissions during this period would ensure that the 1980 promulgated limits would protect national standards prior to full operation of the new stack. Furthermore, the commenter presented no evidence that the promulgated limits were not adequate during 1980. In view of the anticipated reduction in emissions during these six months, and the lack of evidence that the current limits would be inadequate, EPA believes it was reasonable to make the current emission limitations effective during the latter half of 1980.

E. Adequacy of the Modeling Analysis

1. *Comment:* Pennsylvania contended that the technical support document (TSD) did not contain sufficient information for interested parties to independently duplicate the modeling results, as is required by EPA's guidelines.

Response: The TSD contains the model itself and four basic categories of input data: an emission inventory, calculation of the background concentration, meteorological data, and receptor locations. This information is sufficient to allow Pennsylvania to reproduce EPA's modeling analysis.

2. *Comment:* A commenter maintained that EPA should have used meteorological data from the CEI tower or nearby Perry Nuclear Tower in its modeling analysis instead of data from the Cleveland/Buffalo Airport.

Response: EPA could not use meteorological data from the CEI tower or Perry Nuclear Tower. The CEI tower station was not established until after June 1979, as part of the monitoring network that CEI was required to set up, 44 FR 33711 (June 12, 1979), and it had not generated a sufficient amount of data to be useful prior to the final rulemaking on CEI's emission limits. The Perry Nuclear Tower data base was deficient for several reasons: it relied on different parameters to determine meteorological stability classes than those approved by EPA; it included no mixing data; and the data were not in an acceptable format for dispersion modeling. Therefore the Cleveland NWS data were determined to be the most complete and representative data set available at the time of modeling.

3. *Comment:* Several commenters claimed that the CEI plants are not isolated sources and that a multi-source modeling analysis should have been performed by EPA.

Response: EPA used its CRSTER model in analyzing the revisions for the Avon Lake and Eastlake plants. The CRSTER model is EPA's approved single-source model. The CRSTER model is essentially identical to MAXT24, the model used by EPA in developing the Ohio SO_2 plan upheld by the sixth Circuit Court of Appeals. As discussed in the June 24, 1980 **Federal Register** notice, EPA believed that the single-source CRSTER model was more appropriate than a multi-source model. *See* 45 FR 42281. As stated in the notice, EPA's review of modeling done with the MPTER model (a multi-source model which had been used to develop a proposed monitoring network for the plants) showed that the plant's emissions were of overwhelming significance when compared to other nearby sources. The single-source CRSTER model, which is designed to model isolated rural sources, was therefore determined to be more appropriate to model the plants than the

[4] The new stack is one part of a plant modification that also involves installation of new electrostatic precipitators (ESPs) on all four units. The Delayed Compliance Order (DCO) implementing the installation of the ESPs requires CEI to submit quarterly progress reports. According to the Seventh Quarterly Progress Report, dated April 15, 1980, units 3 and 4 were scheduled to shut down nonsimultaneously to allow ESP installation during the latter half of 1980.

multi-source MPTER model, which is designed to model multiple sources of comparable significance.

Subsequent to its June 1980 final action, however, EPA learned that the emission inventory it had used in modeling the revised limitations had excluded a significant point source located near the Avon Lake plant. As a result, in July 1980, EPA remodeled the Avon Lake plant and the point source with the MPTER multi-source model. The new modeling demonstrated that the revised emission limitations would still insure attainment and maintenance of the SO_2 standards. Specifically, the addition of the new point source emissions to the Avon Lake emissions and background concentration did not result in a violation of the secondary SO_2 standard of 1300 $\mu g/m^3$. In response to the commenter's argument, EPA has included these modeling results in the docket. Docket No. IV.D.

4. *Comment:* One commenter argued that EPA was correct in concluding in its June 12, 1979 Notice of Proposed Rulemaking (44 FR 33711) that no modeling can accurately predict air quality at the location of the CEI plants, and that consequently EPA should not have employed modeling in setting the current emission limitations. Several commenters stated that the current limits should not have been promulgated until CEI's on-Site monitoring program was complete.

Response: As noted above, EPA utilized the RAM urban model to set the initial emission limitations of 1.15 lbs. SO_2 per MBTU for Avon Lake and 1.43 lbs. SO_2 per MBTU for Eastlake. That model was rejected on the basis of air quality data as inappropriate for the non-urban area in which the CEI facilities are located. *See* 44 FR 33711 (June 12, 1979). The rural RAM model was also rejected because it does not take into account lake breeze and fumigation effects that are characteristic of the plants' location. 45 FR 42279 (June 12, 1980). Ultimately, EPA determined that the CRSTER single-source model was an appropriate tool for developing CEI's emission limits because the CRSTER model proved to be relatively accurate in predicting elevated air quality values that result from lake-breeze and fumigation effects (see reponse to comment E.5, below). Furthermore, subsequent to the initiation of rulemaking on CEI's plants the CRSTER model superseded the RAM rural as EPA's benchmark model for isolated sources in non-urban areas. In June, 1979, EPA instructed its regional offices to use the CRSTER model in non-urban areas, unless other techniques were shown on a case-by-case basis to provide more appropriate and accurate results. *See* "Memorandum: Consistency in the use of Air Quality Models," Docket No. III.B.8. For these reasons, EPA determined that the CRSTER model was a more adequate modeling tool for CEI than either RAM model had been.

Contrary to the commenters' assertion that EPA should have awaited the results of the monitoring program, it is clear from the foregoing discussion that the modeling developed for CEI was an accurate basis from which to develop emission limitations. The monitoring network had never been intended to provide the data for emission limits (see response to comment D.3, above).

5. *Comment:* One commenter argued that EPA did not have sufficient information on lake-breeze and fumigation effects to demonstrate that the current emission limitations will protect the NAAQS under such conditions. Specifically, the commenter alleged that: (a) the use of the Weisman equation may underestimate thermal/turbulent internal boundary layer (TIBL) heights and concentrations; (b) Cleveland meteorological data is inappropriate; and (c) no site-specific upper air data were utilized. In addition, the commenter argued that EPA's fumigation analysis, despite its inadequacies, *did* predict violations of the NAAQS, thereby demonstrating the inadequacy of the current emission limits.

Response: Fumigation effects occur in coastal areas when a plume intersects a turbulent layer of air (TIBL) that develops from solar heating of the coastal lands. The turbulent layer erodes the plume and downward mixing occurs, while plume rise is prevented by an overlying "lid" of stable air. Horizontal dispersion of the plume extends over a relatively large area, increasing maximum ground-level concentrations around the source. Since the CRSTER model does not take into account fumigation effects, EPA conducted a fumigation analysis for the CEI plants to determine whether the model was failing to predict standard violations caused by fumigation. Meteorological data were obtained from the nearest NWS station at Cleveland. Although the data were not site-specific, it was the best available data base (See response to comment E.2., above). The Weisman equation was used to estimate TIBL heights in the absence of on-site upper air data.[5] EPA believes that this was a reasonably accurate methodology, and comparison of predicted and monitored air quality values have borne this out (see below).

First, meteorological data was screened to determine the three hour periods most likely to cause maximum concentrations due to shoreline fumigation. Air quality concentrations for these periods were then determined and compared to high concentrations predicted by CRSTER. The comparison indicates that concentrations associated with lakeshore fumigation in most cases would not be higher than high concentrations calculated by CRSTER for Class A stability conditions. The data does suggest that under certain conditions fumigation effects could be controlling. However, there is not sufficient information available to draw this conclusion, and the results of the fumigation analysis which are available are less reliable than the standard concentration estimates provided by CRSTER. Consequently, EPA believes that the current emission limitations based on the CRSTER modeling will be adequate to protect the NAAQS. A detailed discussion of the CRSTER modeling and the lakeshore fumigation analysis is contained in the docket. *See* "Summary Report on Modeling for the Avon Lake and Eastlake Plants," Docket No. VII.C.

6. *Comment:* CEI noted that the field studies conducted near Avon Lake during the summer of 1980 measured no short-term violations under fumigation conditions. CEI also cited previous studies indicating that the point at which fumigation occurs is so highly mobile that the potential for exceeding the three-hour NAAQS at any one time is small. According to CEI, the improbability of a violation is increased by the fact that a persistent wind speed within a critical range must coincide with the occurrence of a turbulent layer of air. Therefore CEI concluded that fumigation effects should not be considered in setting emission limitations.

Response: CEI has submitted only raw data from the Avon Lake fumigation study, and it is premature for EPA to comment on the study until it has seen the full report. CEI's assertions that three-hour violations under fumigation conditions are unlikely are contradicted by EPA's fumigation analysis for the CEI plants which, as noted above, suggests that fumigation effects may cause high three-hour concentrations. In any case, the current emission limitations are not based upon maximum concentrations calculated during lakeshore fumigation, but are based upon CRSTER predictions of air quality values during Class A

[5] The Weisman equation is a method of calculating the probable height of the TBL at various distances downwind from a source.

stability conditions. (See discussion above.) Since fumigation effects did not form the basis for the emission limitations for the CEI plants, CEI's concerns are not directly relevant to this rulemaking.

7. *Comment:* Pennsylvania, Massachusetts and NOLA raised numerous objections to EPA's calculation of background concentrations:

(a) Pennsylvania questioned EPA's interpretation of "similar" meteorological conditions.

(b) Pennsylvania and Massachusetts claimed that EPA should have considered the variability of background levels. Pennsylvania argued that basing background on meteorological conditions modeled to produce high concentrations may not yield the highest total concentrations. Massachusetts argued that background should not be based on an average of high monitored values, but on the highest or second-highest single value.

(c) Pennsylvania objected to the use of a single monitor located so that the impact of several sources was not registered.

(d) Massachusetts questioned EPA's rejection of 1977 data collected at the monitoring site.

(e) Massachusetts noted that no actual data were presented to verify the background calculations.

(f) Massachusetts argued that EPA failed to define the criteria for excluding the impacts from the CEI plants.

(g) Massachusetts claimed that EPA did not include violations monitored in 1979 in the derived background levels.

(h) NOLA claimed that use of a monitor located only 1.85 km from the source is inappropriate for assessing background levels where the fumigation effects are expected to occur (*i.e.*, 4–10 km from the source).

Response: EPA's derivation of background levels due to natural and unidentified manmade sources is discussed in detail in "Summary Report on Modeling for the Avon Lake and Eastlake Power Plants" (June 1980). Among the points addressed in this document are the monitoring data base, the basis for dismissing the 1977 data, the criteria for excluding impacts from the CEI plants, and the reason for not including 1979 monitored violations in the background levels. In summary, background concentrations were derived from hourly SO_2 data that were both representative and readily accessible. Only one monitor (Eastlake) satisfied these two criteria. (The hourly data from this monitor are available from EPA's National Aerometric Data Bank.) Although it would have been preferable to employ a multi-monitor data base, such a data base was simply not available. Consequently, EPA determined that the derived background values represent the best estimate possible with available data. Data collected during 1977 at the Eastlake monitor were excluded because the recorded concentrations remained above a relatively high value for unusually long periods of time. Data from 1979 did not show this trend, and were more likely to be representative of future air quality.[6] Several violations recorded during 1979 were excluded from the background concentration calculations because the CEI plant was affecting the monitor during those periods.[7]

The methodology used by EPA was consistent with that specified in the "Guideline on Air Quality Models." In accordance with its Guideline, EPA characterized the meteorological conditions associated with the highest, second-highest modeled ambient concentrations, and selected the monitored background levels associated with similar meteorological conditions (Class A or B stability near mid-day).[8] EPA then averaged the values associated with those conditions and arrived at an estimated background of 70 $\mu g/m^3$ for the three-hour average case, and 40 $\mu g/m^3$ for the 24-hour average case.

By using this worst-case background concentration in all modeling of the plants, EPA used a conservative assumption since for some hours background will probably be less than it is under worst-case conditions. While Massachusetts characterizes this approach as use of a "fixed" background, the concentration is based on an analysis of varying meteorological events within Class A stability conditions, screening of data to exclude hours associated with impacts from the plant, and an averaging of the selected figures. EPA submits that such an approach takes into account fluctuating source impacts and meteorological conditions. Massachusetts' suggestion that EPA use only the highest or second highest recorded concentration would base background concentration on a single annual meteorological event. By averaging background concentrations, on the other hand, EPA derives the concentration that is most likely to occur under Class A stability conditions, and is therefore most representative of background concentrations under worst case conditions.

Contrary to NOLA's contention, the exact location of monitors to be used in deriving background levels is not critical. According to the "Guideline on Air Quality Models", background levels from isolated point sources such as the two CEI plants should be based on air quality data collected *in the vicinity* of the source at times when the point source itself is not impacting the monitor. Moreover, since EPA's modeling led to a determination that concentrations due to fumigation effects are not controlling at the plants, it was not essential that background concentrations be based on data from monitors located where fumigation effects are expected to occur.

8. *Comment:* Several commenters argued that CRSTER was generally inappropriate for modeling the CEI plants because: a) its range is too limited; b) CRSTER is an uneven terrain model and the plants are located in flat terrain; and c) CRSTER assumes all stacks are co-located but the CEI stacks are spatially separated.

Response: As stated above, CRSTER is the benchmark model for isolated sources in non-urban areas, and is capable of simulating pollutant dispersion in both even and uneven terrain. The model can assess ground-level concentrations as far as 50 km downwind from a source, the maximum distance at which EPA approved models can be applied.

In response to the comment that CRSTER's assumption of colocation of stacks is inaccurate for the CEI plants, EPA remodeled Avon Lake and East Lake using the MPTER model which takes into account the separation of stacks. The remodeling showed that slightly different emission limits for both plants would result from use of MPTER. The emission limits would change to 3.9 and 4.46 for Avon Lake, depending on the sulfur content of the fuel, and to 5.74 for Eastlake. In other words, using MPTER the Avon Lake limits would be slightly more stringent and the Eastlake limits slightly less so. The impact of these changes on air quality would be negligible, amounting to approximately a 4% decrease in SO_2 concentrations in the vicinity of Avon Lake and a 2% increase near Eastlake. Given the fact that the margin of error for air quality models is generally considered to be 10–20%, EPA does not consider these changes significant. Therefore EPA has concluded that the use of CRSTER is reasonable, and there is no need to

[6] There were too few data from 1978 to calculate background concentrations.

[7] Those hours when the wind direction was within ±45° of the azimuth from the plant to the monitor were selected as periods when the plant's plume would not be affecting the monitor. *See* "Summary Report on Modeling for the Avon Lake and Eastlake Power Plants", p. 4, Docket No. VII.C.

[8] EPA's Guideline does not specify a method for identifying "similar" meteorological conditions, but in this case EPA matched wind speed and stability class in correlating monitored and modeled conditions.

revise the emission limits on the basis of the MPTER modeling.

F. Miscellaneous

1. *Comment:* Massachusetts claimed that the CEI emission limitations were based on data and analyses that would not be acceptable in other EPA regions, and that EPA had therefore violated Section 301 of the Clean Air Act which requires consistency among regions.

Response: The technical basis for the promulgated emission limitations is consistent with EPA's "Guideline on Air Quality Models" (April 1978). The Guideline establishes national EPA policy or air quality analyses, and is applied uniformly in all EPA regions. EPA did not deviate from nationally applicable standards in generating and analyzing data for CEI's facilities. The Agency's action in this rulemaking therefore did not violate Section 301 of the Act.

2. *Comment:* Pennsylvania raised several objections to the design of the on-site monitoring network established for the CEI plants.

Response: As noted above, EPA required CEI to set up the monitoring network in June 1979, after the Agency had tentatively concluded that emissions limitations of 6.09 lbs. and 6.58 lbs. would protect the NAAQS. *See* 44 FR 33711 (June 12, 1979). The purpose of the network was simply to gather further air quality information in the vicinity of CEI's plants emission limits.

In fact, the current limits were established by modeling analysis.

The design of the monitoring network is therefore unrelated to this rulemaking.

3. *Comment:* One commenter claimed that there was no basis for the emission limitations established by EPA, and that the entire action seemed to be based on assumptions with no relation whatsoever to the real world.

Response: The emission limitations promulgated by EPA were based on dispersion modeling that was performed in accordance with the "Guideline on Air Quality Models" (April 1978). The use of modeling to set emission limitations is permitted by the Clean Air Act and has been upheld by U.S. Courts of Appeals. The models are intended to simulate real world conditions and use measured meteorological data and actual source parameters in calculating ambient concentrations. Thus, the emission limitations are based on modeling that reflects actual conditions.

4. *Comment:* The revision of the emission limitations should have included a monitoring/reporting requirement.

Response: On the basis of air quality monitoring, EPA has determined that the current emission limitations are adequate to protect the NAAQS. Nevertheless, based on EPA's June 1979 proposal, CEI is operating a monitoring network and is submitting data to EPA.

5. *Comment:* Ohio EPA and CEI stated that since the limitations promulgated were necessary to assure attainment of the *secondary* NAAQS, EPA should extend the date for compliance rather than providing for immediate compliance.

Response: Section 110(a)(2)(A) of the Act provides that ambient air quality standards must be attained "as expeditiously as practicable" and in the case of secondary standards, within "a reasonable time." Statements provided by CEI indicate that the Eastlake and Avon Lake plants are in compliance with the promulgated limitations. The record therefore supports EPA's conclusion that immediate compliance was both practicable and reasonable, and no compliance date extension is appropriate.

6. *Comment:* EPA should have provided prior notice and opportunity for comment on the methodology used in setting final emission limits, the factual data obtained, and the legal basis for rulemaking.

Response: EPA initiated rulemaking on CEI's facilities with a notice of proposed rulemaking and opportunity for public comment, as required by Section 307(d)(3) of the Clean Air Act, 42 U.S.C. § 7607(d)(3) and by the Administrative Procedure Act, 5 U.S.C. §§ 553(b). *See* 44 FR 33711 (June 12, 1979). Reproposal of a rule is only required when there is not sufficient continuity between a proposed rule and an agency's subsequent action to have provided meaningful notice of the final action and an opportunity to comment. *See, e.g., South Terminal Corp. v. EPA,* 504 F. 2d 646, 659 (1st Cir. 1974); *International Harvester Co. v. Ruckelshaus,* 478 F.2d 615 (D.C. Cir. 1973). In promulgating CEI's emission limits, EPA believed that the promulgated emission limitations were generally based on currently approved, known EPA methodologies, and policies that were sufficiently similar to existing EPA policies not to require reproposal of the limitations. However, the Agency did conclude that a further comment period was appropriate in response to the petitions for reconsideration. Interested parties have now had full opportunity to submit their views on all aspects of this rulemaking, and any disadvantage due to the absence of a second comment period on the limitations has been alleviated.

Furthermore, EPA had made a commitment to the Sixth Circuit to promulgate final emission limitations for these plants by June 17, 1980. (*See* p. 4, above.) Courts have recognized court-imposed deadlines as good cause for dispensing with full rulemaking procedures. *See, e.g., American Federation of Government Employees, AFL–CIO v. Block* (No. 79–2128, D.C. Cir., March 18, 1981). Nor is it fatal that EPA did not state its rationale for invoking the good cause exception to notice and comment in its final rulemaking, if good cause indeed existed.[9] *DeRieux v. Five Smiths, Inc.,* 499 F.2d 1312, 1333 (Em. App.), *cert. denied* 419 U.S. 896 (1974). Therefore even if the emission limits should ideally have been reproposed with further notice and comment, good cause existed for EPA to dispense with informal rulemaking in these circumstances.

7. *Comment:* The State of New York claims that EPA must consolidate this proceeding with other pending midwestern SO_2 SIP relaxations, and, using state-of-the-art methodology, assess the cumulative impact of these relaxations on New York State.

Response: To the extent that New York's comments relate to SO_2 and particulate levels in New York, they are being considered at New York's request as part of a consolidated hearing pursuant to Section 126(b) of the Act. This hearing, which was held June 18 and 19, 1981, in Washington, D.C. addressed whether and how EPA should consider aggregate emissions in approving SIP revisions. 46 FR 24602 (May 1, 1981).

To the extent that New York's petition raises issues concerning sulfates and acid rain, EPA has stated that it has no national ambient air quality standards for acid deposition or sulfates. Consequently, the Agency has no basis for regulating emissions under Sections 110 or 126 because of their impacts on acid deposition or sulfates. 46 FR 24602, 24603.

Conclusion

EPA has reconsidered the final emission limitations promulgated for CEI's Avon Lake and Eastlake facilities in light of the petitions for reconsideration and all comments received. The Agency has determined that current emission limits of 4.10/4.65 lbs. for Avon Lake and 5.64 lbs for Eastlake made effective on June 24, 1980 are necessary and sufficient to attain and maintain the SO_2 NAAQS.

[9] EPA did in fact articulate the court-imposed deadline as the basis for good cause to make the limits effective immediately rather than delaying effectiveness for 30 days, as is otherwise required by the APA. See 45 FR 8581 (June 24, 1980).

Therefore EPA is reaffirming these limits. However, since EPA has determined to withdraw the fluid modeling policy on which the second more stringent limits of 3.43/3/93 lbs. and 3.04 lbs. were based, EPA is proposing in a separate notice to withdraw those limitations.

Under Section 307(b)(1) judicial review of this action is available only by filing a petition for review in the U.S. Court of Appeals for the appropriate circuit by September 21, 1981. Under Section 307(b)(2) today's action may not be challenged later in a separate civil or criminal proceeding.

Dated: July 17, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81-21516 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-36-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101-35, 101-36

[FPMR Amdt. F-49]

ADP and Telecommunications Security

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This directive clarifies the information contained in FPMR Part 101-35, ADP and Telecommunications Management Policy, and FPMR Part 101-36, ADP Management, to reflect current policy concerning risk analysis requirements, and deletes reference to the National Security Agency.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Robert R. Johnson, Policy and Evaluation Division (202-566-0194).

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 effects. 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 101-35—ADP AND TELECOMMUNICATIONS MANAGEMENT POLICY

Subpart 101-35.3—Security of Federal ADP and Telecommunication Systems

1. Section 101-35.304 is revised to read as follows:

§ 101-35.304 Security program elements.

The agency security program shall contain all of the elements necessary to ensure an adequate level of security for all agency data whether processed by the agency, other Government agencies, or commercially. The program shall be consistent with policies, procedures, and standards issued by OMB, GSA, the Department of Commerce, and the Office of Personnel Management. Where national security information/or cryptologic systems are involved, the provisions of Executive Order 12065, other applicable national security issuances, and the agency implementations thereof shall also apply.

2. Section 101-35.304-2(a) is revised and § 101-35.304-2(c) is reserved to read as follows:

§ 101-35.304-2 Risk analysis.

(a) A risk analysis shall be performed for each ADP and telecommunications facility to provide an understanding of the probable losses and the effect of these losses; for example, what is the probability of loss of a tape or microfilm library and what is the economic or other consequence of that loss? Expected losses should be estimated in dollars or other significant indicators, such as loss of data affecting vital programs. The analysis shall be performed before the approval of design specifications for new installations or whenever there is a significant change to the physical facility or to the hardware or software. The analysis shall be reviewed and updated whenever changes affecting the degree of protection occur. In any event, the interval between reviews shall not exceed 5 years. A copy of each risk analysis shall be maintained for evaluation and audit purposes. These should be protected to the greatest extent practicable under law. Where National Security Systems are involved, appropriate classification and declassification markings shall be applied to the risk analysis package. These risk analyses are the basis for determining the type and scope of security measures required at each location. The National Bureau of Standards (NBS) publication, FIPS PUB 65, Guideline for Automatic Data Processing Risk Analysis, provides guidance on risk analysis.

* * * * *

(c) [Reserved]

PART 101-36—ADP MANAGEMENT

Subpart 101-36.7—Environmental and Physical Security

3. Section 101-36.701(a) is revised to read as follows:

§ 101-36.701 Definitions.

Terms used in this subpart are defined as follows:

(a) "ADP facility" means an area, usually enclosed, containing a computer or other operational ADPE, and related supporting ADP resources essential to the operation of an ADP system. The areas needing protection include those where there are terminals capable of displaying sensitive data or that can alter, change, or affect data.

* * * * *

(Sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)))

Dated: June 30, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-21345 Filed 7-21-81; 8:45 am]

BILLING CODE 6820-25-M

National Archives and Records Service

41 CFR Part 105-61

[ADM 7900.2 CHGE 17]

Public Use of Records, Donated Historical Materials, and Facilities in the National Archives and Records Service; Location of Records and Hours of Use; Fees for Reproduction Services

AGENCY: National Archives and Records Service, General Services Administration.

ACTION: Final rule.

SUMMARY: This rule revises the fee schedule for reproduction services established by the National Archives and Records Service (NARS). The revised fee schedule will be in effect during fiscal year 1981.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Alex Mallus, Management Analysis Division, Office of Program Support, National Archives and Records Service, General Services Administration (NAA), Washington, DC 20408. (202-523-3214).

SUPPLEMENTARY INFORMATION: Since NARS is authorized to establish fees for reproduction services under existing

law, we do not believe that it is necessary to obtain agency comments before the regulation becomes effective. Therefore, the regulation is effective upon publication in the Federal Register.

PART 105–61—PUBLIC USE OF RECORDS, DONATED HISTORICAL MATERIALS, AND FACILITIES IN THE NATIONAL ARCHIVES AND RECORDS SERVICE

Subpart 105–61.51—Location of Records and Hours of Use

1. Section 105–61.5101–3 is amended by revising paragraph (a) and adding paragraph (g) as follows:

§ 105–61–5101–3 Presidential libraries.

(a) Herbert Hoover Library, Parkside Drive, West Branch, IA 52358. Hours: 9 a.m. to 5 p.m., Monday through Friday.

* * * * *

(g) Gerald R. Ford Library, 1000 Beal Avenue, Ann Arbor, MI 48109. Hours: 9 a.m. to 5 p.m., Monday through Friday.

Subpart 105–61.52—Fees

2. Section 105.61.5201(c) (2), (5) and (6) are revised to read as follows:

§ 105–61–5201 Applicability.

* * * * *

(c) * * *

(2) Audiovisual materials sold by the National Audiovisual Center. Prices for these materials are available from the Distribution Branch (NEAD), National Audiovisual Center (GSA), Washington, D.C. 20409.

* * * * *

(5) Military service files and pension files more than 75 years old. Reproduction of a military service file (or selected documents from the file if voluminous)—$5.

(6) Passenger lists more than 75 years old—$5.

* * * * *

3. Section 105–61.5205 is amended by revising paragraphs (a) and (d) through (e) as follows:

§ 105–61.5205 Mail orders.

The following fees apply only when reproductions are ordered by mail:

(a) Except for those processes showing a higher minimum in § 105–61.5206, a minimum fee of $5 per order is charged for reproductions ordered by mail.

* * * * *

(d) The following special shipping fees are computed as a percentage of the fee for the item ordered:

Type of reproduction	Shipping fee (percent)		
	Foreign surface	Foreign airmail	Domestic expedited
(1) Electrostat	7	18	8
(2) Photostat	6	15	8
(3) Diazo	10	24	13
(4) Copy negative	4	11	5
(5) Slides (2 by 2 in)	4	10	4
(6) Photographic prints (8 by 10 in or smaller)	4	10	6
(7) Photographic prints (larger than 8 by 10 in)	14	40	11
(8) Sound and video tapes	7	20	6
(9) Motion pictures	3	11	3
(10) Microfilm [1]	2	4	2

[1] Shipping fees for microfilm publications are included in the "Catalog of National Archives Microfilm Publications".

(e) Registered mail may be used for insurance purposes when the service is requested by the customer. Priority postage rates apply for domestic mailings in addition to the following fees:

Amount insured	Fee
0 to $100	$3.30
$100.01 to $500	3.60
$500.01 to $1,000	3.90
$1,000.01 to $2,000	4.20

Foreign mail may be registered for an additional $3.25. (Maximum indemnity $15.76.)

4. Section 105–61.5206 is amended by revising paragraphs (b) through (j) to read as follows:

§ 105–61.5206 Fee schedule.

* * * * *

(b) Still Photography (minimum order, $5).

Black and white	
(1) Copy negatives:	
4 in by 5 in	$4.60
8 in by 10 in	6.65
(2) Aerial prints:	
10 in by 10 in or smaller (contact)	5.00
10 in by 10 in enlargement	5.00
14 in by 14 in	8.80
18 in by 18 in	10.35
20 in by 24 in	10.35
27 in by 28 in	19.55
40 in by 41 in	26.45
Photo-indexes (usually 20 in by 24 in)	10.35
(3) Photographic prints (includes prints from microfilm):	
4 in by 5 in (contact: A contact print is an exact copy of a negative which cannot be altered. The service is available only when there is a 4 in by 5 in negative on file)	2.75
8 in by 10 in or smaller	5.35
11 in by 14 in	6.60
16 in by 20 in	9.80
20 in by 24 in	12.35
22 in by 28 in	14.85
24 in by 30 in	18.40
30 in by 40 in	20.55
Sepia, add	5.20
(4) Slides and transparencies:	
2 in by 2 in from existing negative	2.00
Additional fee when negative must be made	4.60
Color	
2 in by 2 in	3.10
(5) Photostat:	
Paper (up to 17 in by 23 in)	7.25
Film (up to 17 in by 23 in)	8.00
(6) Diazo (per foot)	1.00
(7) 105 mm microfilm prints:	
18 in by 24 in paper copy	1.80

(c) Microfilm.

	16mm rotary	16mm planetary	35mm planetary	35mm oversize
(1) Negative (per frame; minimum order, $11)				
Customer tabs documents for microfilming	$0.03	$0.15	$0.15	$0.52
NARS identifies documents for microfilming	.07	.20	.20	.58
(2) Next generation (per foot; minimum $7 per roll)		.09	.12	
(3) Direct duplicate (per foot; minimum order, $7)		.14	.16	

(d) Microfiche duplication:

(Per fiche, minimum order, $3)	$0.46

(e) Electrostatic copying.

(1) Paper to paper (up to 11 in by 17 in):	
Customer tabs documents for copying	$0.20
NARS identifies documents for copying	.25
(2) Paper to paper (18 in by 24 in)	.50
(3) Oversized electrostatic copies (per foot)	0.90
(4) Red line facsimile (for public laws)	3.15
(5) Microfilm to paper:	
From negative (Copyflo, per foot; minimum order, $11)	1.55
From positive (per frame):	
When work is done by customer (up to 8½ in by 14 in per frame)	.15
When work is done by NARS (minimum mail order, $5):	
Nonconsecutive frames or first of consecutive frame, any size	.85
Consecutive or duplicate frames:	
Up to 8½ in by 14 in	.30
11 in by 17 in	.40
16 in by 24 in	.50
High resolution-wet process (8½ in by 11 in):	
When work is done by customer	.25
When work is done by NARS	.35

(f) Sound recordings.

Reel to reel (per minute; minimum order, $6)	$0.60
Cassette (per minute; minimum order, $6)	.50
Film-to-tape sound transfer—16mm sprocketed tape (per minute; minimum order, $17)	3.00
Film-to-tape sound transfer—¼ inch tape (per minute; minimum order, $8)	1.40

(g) Video recordings.

Film to tape:	
10 min	$46.00
20 min	64.00
30 min	79.00
40 min	101.00
50 min	116.00
60 min	131.00
Tape to tape:	
10 min	39.00
20 min	51.00
30 min	60.00
40 min	74.00
50 min	82.00
60 min	91.00

(h) Machine-readable records.

Tape-to-tape copying (per reel)	$86.00
Tape-to-tape printout copying (computer processing time per hour; minimum order, $57)	172.00

Tape-to-printout extract (computer processing time per hour; minimum order $287)	172.00
Tape-to-extract (per output reel)	75.00
(Computer processing time per hour)	172.00
Card-to-card (per card; minimum order, $11)	.02
Tape-to-card (per card; minimum order, $11)	.02

(i) Motion pictures. (minimum order, $17.00)

	35 mm	16mm	16mm from 35mm
Black and white (per foot):			
Master positive	$0.24	$0.21	$0.30
Duplicate negative	.32	.26	.38
Projection print	.21	.17	.29
Work print	.17	.15	.24
Answer print	.23	.23	
Reversal print		.24	.35
Sound track	.20	.16	.28
Composite, add	.01	.01	.03
Color (per foot):			
Master positive		.36	
Duplicate negative		.41	
Projection print		.20	
Reversal print		.29	
Reversal internegative		.48	

(j) Technical services.

	Regular	Overtime
Motion picture preparation (per hour)	$29.00	$33.00
Photographer (per hour)	28.00	32.00
Microfilm preparation (per hour)	20.00	23.00
Sound and video recordings (per hour)	32.00	39.00

* * * * *

5. Section 105–61.5207 and 105–61.5208 are revised as follows:

§ 105–61.5207 Payment of fees.

Fees may be paid in cash or by check, or by money order made payable to the National Archives Trust Fund. Remittances from outside the United States must be made by international money order payable in U.S. dollars, or check drawn on a U.S. bank. Checks for prepaid orders over $200 must be certified. Fees must be paid in advance except when the appropriate director approves a request for handling them on an account receivable basis. Purchasers with special billing requirements must state them when placing orders and must complete special forms for NARS approval ahead of time.

§ 105–61.5208 Effective date.

The fees in § 105–61.5206 are effective upon publication in the **Federal Register.**

(Sec. 205(c), 63 Stat. 390; 40 U.S.C 486(c))

Dated: July 14, 1981.

Robert M. Warner,

Archivist of the United States.

[FR Doc. 81–21490 Filed 7–21–81; 8:45 am]

BILLING CODE 6820–26–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6116]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585 or EDS Toll Free Line 800–638–6620 for Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Alabama: Jefferson County	Bessemer, city of	010115	750513 emergency, 810601 regular	740628
California:				
Sonoma County	Rohnert Park, city of	060380	750211 emergency, 810601 regular	741129
Santa Barbara County	Santa Maria, city of	060336	740115 emergency, 810601 regular	740517
Connecticut				
Tolland County	Bolton, town of	090109	750904 emergency, 810601 regular	740607
Hartford County	Burlington, town of	090145	750414 emergency, 810601 regular	740719

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Delaware: Sussex County	Dagsboro, town of	100033	750709 emergency, 810601 regular	740628
Florida:				
Manatee County	Bradenton, city of	120155	750605 emergency, 810601 regular	740301
Pinellas County	Seminole, city of	120257	740528 emergency, 810601 regular	741129
Georgia: Gwinnett County	Suwanee, city of	130328	800922 emergency, 810601 regular	750404
Hawaii: Maui County	Maui County[1]	150003	700918 emergency, 810601 regular	771206
Illinois:				
Cook County	Burnham, village of	170070	750304 emergency, 810601 regular	740322
Cook County	Inverness, village of	170111	741127 emergency, 810601 regular	740322
Cook County	Lansing, village of	170116	750113 emergency, 810601 regular	740201
Indiana: Morgan County	Morgan County[1]	180176	810527 emergency, 810601 regular	741220
Louisiana: Acadia Parish	Eunice, city of	220168	750605 emergency, 810601 regular	740531
Massachusetts:				
Hampden County	Monson, town of	250145	750501 emergency, 810601 regular	740823
Hampshire County	Williamsburg, town of	250174	750926 emergency, 810601 regular	740913
North Carolina: Mecklenburg County	Mecklenburg County[1]	370158	730517 emergency, 810601 regular	781022
New Jersey:				
Burlington County	Medford Lakes, borough of	340103	750103 emergency, 810601 regular	740531
Morris County	Morris Plains, borough of	340351	750723 emergency, 810601 regular	740628
Morris County	Morris, township of	340350	750521 emergency, 810601 regular	740531
New York:				
Erie County	Alden, town of	360225	731226 emergency, 810601 regular	740531
Livingston County	Caledonia, town of	361411	750707 emergency, 810601 regular	750110
Livingston County	Caledonia, village of	360381	750707 emergency, 810601 regular	750207
Oklahoma: Craig County	Vinita, city of	400050	750618 emergency, 810601 regular	740524
Oregon: Jackson County	Ashland, city of	410090	740809 emergency, 810601 regular	740607
Pennsylvania: Lycoming County	Fairfield, township of	420972	730925 emergency, 810601 regular	740301
South Carolina: Florence County	Lake City, city of	450079	740806 emergency, 810601 regular	740531
Tennessee: Fayette County	Rossville, city of	470050	760212 emergency, 810601 regular	740719
Texas:				
Maverick County	Eagle Pass, city of	480471	740923 emergency, 810601 regular	740524
Bell County	Nolanville, city of	480032	750908 emergency, 810601 regular	740524
Cameron County	Rio Hondo, town of	480112	750403 emergency, 810601 regular	740510
Bell County	Troy, city of	480709	770720 emergency, 810601 regular	761112
Vermont: Chittenden County	Jericho, town of	500037	750716 emergency, 810601 regular	740614
Washington:				
King County	Auburn, city of	530073	740529 emergency, 810601 regular	740524
Cowlitz County	Kalama, town of	530269	800708 emergency, 810601 regular	750711
Wisconsin:				
Dodge County	Mayville, city of	550103	750721 emergency, 810601 regular	731130
Buffalo County	Mondovi, city of	550031	740528 emergency, 810601 regular	740108
Nebraska: Colfax County	Howells, village of	310380	780522 emergency, 810602 regular	750117
Montana: Powell County	Powell County[1]	300059	81063 emergency, 810603 regular	800918
Indiana: St. Joseph County	Indian Village, town of	180225	810611 emergency, 810611 regular	741018
Alabama:				
Shelby County	Alabaster, city of	010192	741213 emergency, 810615 regular	740524
Walker County	Jasper, city of	010206	750121 emergency, 810615 regular	740123
Shelby County	Pelham, town of	010193	750113 emergency, 810615 regular	740621
Arkansas:				
Craighead County	Jonesboro, city of	050048	740620 emergency, 810615 regular	731026
Washington County	Springdale, city of	050219	740926 emergency, 810615 regular	760305
Connecticut: New London County	East Lyme, town of	090096	731023 emergency, 810615 regular	740913
Florida:				
Martin County	Martin County[1]	120161	720519 emergency, 810615 regular	770729
Martin County	Ocean Breeze Park, Town of	120163	760415 emergency, 810615 regular	740802
Georgia:				
De Kalb County	Clarkston, city of	130067	750607 emergency 810615 regular	750221
De Kalb County	Pine Lake, city of	130070	750227 emergency, 810615 regular	740412
Iowa:				
Story County	Cambridge, city of	190255	740729 emergency, 810615 regular	740816
Lee County	Lee County[1]	190182	780911 emergency, 810615 regular	770621
Illinois:				
Whiteside County	Albany, village of	170688	740401 emergency, 810615 regular	740405
Lake County	Antioch, village of	170358	750512 emergency, 810615 regular	740405
Cook county	Bartlett, village of	170059	741015 emergency, 810615 regular	740412
Cook County	Des Plaines, city of	170081	721013 emergency, 810615 regular	730504
Greene County	Eldred, village of	170251	810615 emergency, 810615 regular	731217
St. Clair County	Fayetteville, village of	170628	760512 emergency, 810615 regular	740222
Fulton County	Liverpool, village of	170762	741210 emergency, 810615 regular	731228
St. Clair County	Mascoutah, city of	170630	740501 emergency, 810615 regular	740301
Lake County	Waukegan, city of	170397	740312 emergency, 810615 regular	740510
Indiana: Vermillion County	Newport, town of	180262	810326 emergency, 810615 regular	740531
Kentucky: Bourbon County	Paris, city of	210015	740723 emergency, 810615 regular	740116
Louisiana:				
Lincoln Parish	Ruston, city of	220347	750219 emergency, 810615 regular	761224
Webster Parish	Springhill, city of	220238	750312 emergency, 810615 regular	740315
Massachusetts:				
Worcester County	East Brookfield, town of	250303	750918 emergency, 810615 regular	740607
Berkshire County	Monterey, town of	250030	750707 emergency, 810615 regular	740315
Maryland:				
Somerset County	Crisfield, city of	240062	750428 emergency, 810615 regular	760123
somerset County	Somerset County[1]	240061	750508 emergency, 810615 regular	750425
Michigan:				
Barry county	Hastings, township of	260648	751119 emergency, 810615 regular	771216
Washtenaw County	Ypsilanti, township of	260542	780320 emergency, 810615 regular	770408
Minnesota:				
Morrison County	Morrison County[1]	270617	740320 emergency, 810615 regular	780421
Mille Lacs County	Princeton, city of	270292	740702 emergency, 810615 regular	740510
Goodhue County	Wanamingo, city of	270147	810324 emergency, 810615 regular	740510
Missouri:				
Pemiscot County	Hayti Heights, city of	290277	750320 emergency, 810615 regular	760423
Adair County	Novinger, city of	290003	750604 emergency, 810615 regular	740607

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
St. Louis County	Peerless Park, village of	290378	731001 emergency, 810615 regular	750103
Franklin County	Sullivan, city of	290136	740808 emergency, 810615 regular	740329
New Jersey:				
Burlington County	Fieldsboro, borough of	340543	740501 emergency, 810615 regular	741129
Bergen County	Montvale, borough of	340052	750502 emergency, 810615 regular	740906
New York:				
Steuben County	Addison, village of	360762	740109 emergency, 810615 regular	730723
Onondaga County	Cammillus, town of	360570	750723 emergency, 810615 regular	740906
Yates County	Dresden, village of	360956	800306 emergency, 810615 regular	760220
Yates County	Penn Yan, village of	360962	750618 emergency, 810615 regular	740531
Monroe County	Riga, town of	360430	750605 emergency, 810615 regular	740308
Chemung County	Wellsburg, village of	360157	730316 emergency, 810615 regular	730601
Ohio:				
Cuyahoga County	Bratenahl, village of	390734	750609 emergency, 810615 regular	750711
Cuyahoga County	Brooklyn Heights, village of	390101	750516 emergency, 810615 regular	740206
Cuyahoga County	Cuyahoga Heights, village of	390654	760618 emergency, 810615 regular	740329
Montgomery County	Miamisburg, city of	390413	740801 emergency, 810615 regular	740301
Cuyahoga County	Shaker Heights, city of	390129	751028 emergency, 810615 regular	750801
Oklahoma: Tulsa County	Sand Springs, city of	400211	740805 emergency, 810615 regular	740726
Pennsylvania:				
Allegheny County	Bethel Park, borough of	420012	740903 emergency, 810615 regular	761210
Berks County	Brecknock, township of	421053	751124 emergency, 810615 regular	740913
Washington County	California, borough of	420648	740705 emergency, 810615 regular	761006
Washington County	Centerville, borough of	422552	760322 emergency, 810615 regular	750228
Beaver County	Center, township of	422310	760811 emergency, 810615 regular	750117
Clinton County	Colebrook, township of	420324	730725 emergency, 810615 regular	740322
Luzerne County	Dupont, borough of	422250	740729 emergency, 810615 regular	750214
Beaver County	Economy, borough of	420109	770228 emergency, 810615 regular	740405
Erie County	Edinboro, borough of	420448	750121 emergency, 810615 regular	740607
Blair County	Frankstown, township of	421387	740816 emergency, 810615 regular	741213
Allegheny County	Heidelburg, borough of	420043	750221 emergency, 810615 regular	740201
Lackawanna County	Lehigh, township of	422459	760311 emergency, 810615 regular	750228
Cumberland County	Middlesex, township of	420363	730126 emergency, 810615 regular	740208
Allegheny County	Penn Hills, township of	421092	740724 emergency, 810615 regular	740920
Luzerne County	Pittston, township of	421834	741114 emergency, 810615 regular	750124
Adams County	Reading, township of	420004	730126 emergency, 810615 regular	740123
Bucks County	Richland, township of	421095	740515 emergency, 810615 regular	741025
Beaver County	Rochester, township of	421822	750311 emergency, 810615 regular	741227
York County	West Manchester, township of	422233	740822 emergency, 810615 regular	741115
South Carolina:				
Berkeley County	Hanahan, city of	450030	731025 emergency, 810615 regular	740628
Lexington County	Lexington County [1]	450129	740906 emergency, 810615 regular	740906
Dorchester County	Summerville, town of	450073	731105 emergency, 810615 regular	740614
Tennessee:				
Shelby County	Bartlett, city of	470175	731226 emergency, 810615 regular	740222
Davidson County	Goodlettsville, city of	470287	750421 emergency, 810615 regular	751010
Texas:				
Atascosa County	Atascosa County [1]	480014	740805 emergency, 810615 regular	750117
Bexar County	Converse, city of	480038	740326 emergency, 810615 regular	740201
Waller County	Hempstead, town of	481045	810527 emergency, 810615 regular	760730
Hidalgo County	McAllen, city of	480343	730905 emergency, 810615 regular	761203
Dallas County	Seagoville, city of	480187	750625 emergency, 810615 regular	740201
Virginia: Giles County	Giles County [1]	510067	731024 emergency, 810615 regular	740802
Washington: King County	Kirland, city of	530081	740419 emergency, 810615 regular	740628
Wisconsin:				
Calumet County	Brillion, city of	550036	750422 emergency, 810615 regular	740306
Outagamie County	Combined Locks, village of	550304	750327 emergency, 810615 regular	740621
Dodge County	Dodge County [1]	550094	730718 emergency, 810615 regular	750103
Outagamie County	Little Chute, village of	550307	750529 emergency, 810615 regular	740614
Total is: 128.				

[1] Unincorporated areas.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 14, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81–21392 Filed 7–21–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 64

[Docket No. FEMA 6117]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, National Flood Insurance Program, (202) 755–5581 or EDS Toll Free Line 800–638–6620 for the Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, Room 5270, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In

return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Office of Federal Insurance and Hazard Mitigation's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Georgia: Ware	Waycross, city of	130166B	Jan. 10, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	May 24, 1974 and Apr. 9, 1976.	Aug. 3, 1981.
Illinois: Cook	Lynwood, village of	170119C	Jan. 30, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Apr. 12 1974, and May 7, 1976, and Apr. 21, 1978.	do.
Kane	Geneva, city of	170325B	Sept. 26, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Aug. 9, 1974, and Jan. 23, 1976.	Do.
Indiana: Adams	Unincorporated areas	180424C	Aug. 25, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Aug. 26, 1977, and May 12, 1978.	Do.
Cass	Unincorporated areas	180022B	June 12, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Jan. 10, 1975, and June 2, 1978.	Do.
Howard	Kokomo, city of	180093B	Feb. 19, 1975, emergency; Aug. 3, 1981, regular; Aug. 1961, suspended.	Dec. 17, 1973, and Jan. 3, 1976.	Do.

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Iowa:					
Story	Nevada, city of	190258B	Nov. 25, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	June 28, 1974, and Jan. 16, 1976.	Do.
Pottawattamie.	Oakland, city of	190237B	May 30, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Jan 9, 1974 and Apr. 23, 1976.	Do.
Montgomery.	Red Oak, city of	190210B	Aug. 22, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	June 28, 1974, and Jan. 16, 1976.	Do.
Kansas: Wyandotte.	Kansas City, city of	200363A	Dec. 10, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Nov. 1, 1974	Do.
Kentucky: Greenup.	South Shore, city of	210091B	Sept. 8, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Feb. 1, 1974, and Nov. 21, 1975.	Do.
Louisiana:					
Vermilion	Abbeville, city of	220264B	July 1, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Mar. 15, 1974, and July 2, 1976.	Do.
St. Landry Parish.	Opelousa, city of	220173B	Dec. 12, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	June 14, 1974, and Oct. 17, 1975.	Do.
Michigan:					
Lapeer	Almont, village of	260311B	Aug. 14, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	May 10, 1974, and Nov. 28, 1975.	Do.

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Macomb	Sterling Heights, city of	260128E	Jan. 12, 1973, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	June 29, 1973, and Apr. 12, 1974, and Sept. 10 1976, and Feb. 10, 1978, and Sept. 7, 1979.	Do.
Missouri: New Madrid.	Matthews, city of	290254B	Apr. 14, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	May 17, 1974, and Dec. 12, 1975.	Do.
Do	North Lilburn, village of	290257A	Apr. 21, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Feb. 6, 1976	Do.
Do	Tallapoosa, city of	290262B	Aug. 1, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Apr. 15, 1977	Do.
Nebraska: Madison.	Madison, city of	310240B	Sept. 6, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Sept. 6, 1974, and Dec. 19, 1975.	Do.
New Jersey: Monmouth.	Altantic Highlands, borough of	340266B	June 19, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Dec. 21, 1975, and Feb. 20, 1976.	Do.
Hunterdon.	Califon, borough of	340232B	Sept. 18, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Sept. 13, 1974, and Feb. 27, 1976.	Do.
Do	Franklin, township of	340507B	March 22, 1976, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	July 26, 1974, and July 9, 1976.	Do.

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
New York:					
Onondaga.	Camillus, village of	360571A	July 23, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	July 30, 1976	Do.
Monroe	Churchville, village of	360999C	Aug. 1, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	June 28, 1974, and June 11, 1976, and May 9, 1980.	Do.
Steuben	Corning, town of	360773B	Mar. 23, 1973, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Sept. 14, 1973, and Oct. 8, 1976.	Do.
Onondaga.	East Syracuse, village of	360574B	July 23, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Apr. 12, 1974, and Oct 24, 1975.	Do.
Broome	Fenton, town of	360046B	June 12, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	May 3, 1974, and Feb. 7, 1975.	Do.
Chenango.	Greene, town of	361087B	Jan. 9, 1976, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Dec. 27, 1974, and Jan. 9, 1976.	Do.
Do	Greene, village of	360159C	Mar. 4, 1977, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Feb. 20, 1976, and May 21, 1976, and Jan. 19, 1979.	Do.
Monroe	Hilton, village of	360420B	Nov. 15, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Mar. 8, 1974, and Oct. 24, 1975.	Do.

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Genesee	Leroy, village of	360281B	Oct. 9, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Mar. 8, 1974	Do.
Rockland	Piermont, village of	360667B	Nov. 8, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Mar. 15, 1974, and Sept. 17, 1976.	Do.
Seneca	Seneca Falls, village of	360757B	May 30, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Apr. 12, 1974, and Jan. 9, 1976.	Do.
Do	Seneca Falls, town of	360758B	June 20, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Apr. 12, 1974, and Jan. 9, 1976.	Do.
Rensselaer	Stephentown, town of	361170A	May 13, 1977, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Dec. 20, 1974	Do.
Cayuga	Sterling, town of	360126B	Nov. 26, 1976, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	July 26, 1974, and July 9, 1976.	Do.
Seneca	Waterloo, village of	360760B	July 24, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	July 19, 1974, and July 1, 1977.	Do.
Wyoming	Wyoming, village of	360952B	July 21, 1976 emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	May 17, 1974, and June 25, 1976.	Do.

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
North Carolina:					
Edgecombe	Unincorporated areas	370087B	Aug. 6, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Nov. 29, 1974, and Mar. 24, 1978.	Do.
Catawba	Hickory, city of	370054B	Sept. 23, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Sept. 13, 1974, and Jan. 23, 1976.	Do.
Pennsylvania:					
Adams	Bonneauville, borough of	422294A	Aug. 5, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Dec. 27, 1974	Do.
Do	Hamilton, township of	420062B	Feb. 9, 1973, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	July 20, 1973, and June 25, 1976.	Do.
South Carolina: Cherokee	Gaffney, city of	450046C	Feb. 11, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	June 28, 1974, and Apr. 23, 1976, and June 3, 1977.	Do.
Tennessee: Sumner	Gallatin, city of	470185B	May 27, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Aug. 16, 1974, and July 16, 1976.	Do.
Texas:					
Cameron	Harlingen, city of	485477B	June 23, 1972, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	July 13, 1972, and July 1, 1974, and Oct. 17, 1975.	Do.
Bell	Killeen, city of	480031B	Dec. 10, 1974, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Nov. 1, 1974, and July 4, 1978.	Do.

State and county	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date certain Federal assistance no longer available in special flood hazard area
Utah: Davis	West Bountiful, city of	490052B	July 2, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Dec. 26, 1973, and Nov. 5, 1976.	Do.
Washington: King	Tukwila, city of	530091B	Apr. 2, 1975, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	May 24, 1974, and Sept. 13, 1977.	Do.
Wisconsin: Brown	Pulaski, village of	550024B	May 28, 1976, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	May 24, 1974, and May 28,1976.	Do.
Monroe	Sparta, city of	550290B	Apr. 15, 1976, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Jan. 9, 1974, and June 25, 1976.	Do.
Marathon	Unincorporated areas	550245B	Apr. 9, 1971, emergency; Feb. 1, 1979, regular; Aug. 3, 1981, suspended.	Feb. 1, 1979	Do.
Oconto	Oconto, city of	550297B	Sept. 17, 1973, emergency; Aug. 3, 1981, regular; Aug. 3, 1981, suspended.	Dec. 28, 1973, and Aug. 8, 1975.	Do.
Minnesota: McLeod	Unicorporated areas	270616B	Mar. 4, 1974, emergency; Feb. 4, 1981, regular; Aug. 3, 1981, suspended.	June 3, 1977	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969) 33 FR 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: July 14, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21393 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

[Docket No. FEMA 6108]

44 CFR Part 65

Changes in Special Flood Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATES: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table.

Send comments to that address also.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, 451 Seventh Street, S.W., Washington, D.C. 20410 (202) 755–5585.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations of the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community were the modified base (100-year) flood elevation determinations are available for inspection. Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Pub. L.

93–234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 65.4 (Presently appearing at its former Section 24 CFR 1915).

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures required by § 60.3 (presently appearing at its former § 1910.3) 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 changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4. (Presently appearing at its former Section 24 CFR Part 1915.4):

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
California: Sacramento	Unincorporated area	Sacramento Union, Apr. 20, 1981, Apr. 21, 1981.	Mr. Brian Richter, Sacramento County Executive, 700 H. Street, Room 7650A, Sacramento, Calif. 95814.	Apr. 21, 1981	060262B.
Colorado: Boulder	City of Boulder	Daily Camera, May 5, 1981, May 6, 1981.	Honorable Ruth Correll, Mayor, City of Boulder, 1777 Broadway, P.O. Box 791, Boulder, Colo. 80306.	Apr. 17, 1981	080024C.
Florida: Broward	City of Coral Springs	Sun Sentinel, May 15, 1981, May 22, 1981.	Mr. Dodd H. Southern, City Manager, 9551 West Sample Road, Coral Springs, Fla. 33065.	Apr. 17, 1981 (66B)	120033A.
Illinois: Cook	Village of Western Springs	Surburban Trib, May 15, 1981, May 22, 1981.	Arthur H. Jens, Village President, Village of Western Springs, 740 Hillgrove Avenue, Western Springs, Ill. 60558.	Apr. 27, 1981 (66B)	170171C.
Illinois: Winnebago	Unincorporated area	Register Star, Apr. 24, 1981, May 1, 1981.	Paul Schiever, County Administrator, Winnebago County, 400 West State Street, Rockford, Ill.	Apr. 13, 1981 (66B)	170720B.
New York: Westchester	City of Rye	Rye Channels, May 14, 1981, May 21, 1981.	Honorable John Corey, Mayor, City of Rye, City Hall, Rye, N.Y. 10580.	Apr. 28, 1981 (66B)	360931B.
North Carolina: Carteret	Unincorporated area	Carteret County News Times, May 14, 1981, May 21, 1981.	Honorable Mary Sue Noe, County Commissioner, Carteret County Courthouse, P.O. Drawer 630, Beaufort, N.C. 28516.	Apr. 28, 1981	370043A.
Tennessee: Hamilton	City of Chattanooga	Chattanooga Times, Apr. 17, 1981, Apr. 24, 1981.	Honorable Charles H. Rose, Mayor, City of Chattanooga, City Hall, East 11th Street, Chattanooga, Tenn. 37402.	Apr. 13, 1981	470072A.
Texas: Harris, Fort	City of Houston	Houston Chronicle, Houston Post, May 11, 1981, May 17, 1981.	Honorable Jim McConn, Mayor, City of Houston, 900 Brazos, P.O. Box 1562, Houston, Tex. 77001.	Apr. 23, 1981 (66B)	480296.
West Virginia:					
Logan	Town of Chapmanville	Logan Banner, Apr. 24, 1981, May 1, 1981.	Honorable Chester G. Browning, Town of Chapmanville, P.O. Box 426, Chapmanville, W. Va.	Apr. 9, 1981 (66B)	540092B.
Do	City of Logan	Logan Banner, Apr. 24, 1981, May 1, 1981.	Honorable Robert L. Wright, City of Logan, Logan, W. Va. 25601.	Apr. 13, 1981 (66B)	545535B.
Do	Town of Mitchell Heights	do	Honorable Melvin Tido, Town of Mitchell Heights, 305 Central Avenue.	Apr. 13, 1981 (66B)	540095.
Do	Town of Man	Logan Banner, Apr. 24, 1981, May 1, 1981.	Honorable Melvil Perry, Town of Man, P.O. Box 70, Man, W. Va. 25635.	Apr. 13, 1981 (66B)	545537A.
Do	Unincorporated area	Logan Banner, Apr. 24, 1981, May 1, 1981.	Mr. Ott H. Dameron, County Administrator, Logan County, Logan County Courthouse, Logan, W. Va. 25601.	Apr. 13, 1981 (66B)	545536A.
Do	Town of West Logan	do	Honorable Steve Toth, Town of West Logan, P.O. Box 260, West Logan, W. Va. 25601.	Apr. 13, 1981 (66B)	545539C.

(National Flood Insurance Act of 1968 (Title XIII of Housing Urban Development Act 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 40014128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator)

Issued: June 22, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–21214 Filed 7–21–81; 8:45 am]

BILLING CODE 6718–03–M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection 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 Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood

elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

The Federal Insurance Administrator gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection 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 Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Kansas	(C) Topeka Shawnee County (Docket No. FEMA-6000)	Kansas River	At downstream corporate limits	*876
			Just upstream of Sardou Avenue	*882
			Just upstream of Topeka Avenue	*886
			About 1.2 miles upstream of U.S. Highway 75	*894
		Shunganunga Creek	About 600 feet downstream of confluence of Deer Creek.	*877
			Just upstream of Atchison, Topeka and Santa Fe Railway.	*895
			Just upstream of Van Buren Street	*900
			Just upstream of Washburn Avenue	*906
			About 2,400 feet downstream of Gage Boulevard	*920
			About 300 feet upsteam of Gage Boulevard	*924
			Just downstream of Fairlawn Road	*935
			About 0.9 mile upstream of West 29th Street	*951
		Deer Creek	At confluence with Shunganunga Creek	*878
			About 1,750 feet downstream of East 6th Street	*883
			Just upstream of East 6th Street	*891
			Just downstream of Interstate 70	*895
			Just downstream of 21st Street	*900
			At the upstream corporate limits	*914
		Butcher Creek	Mouth at Shunganunga Creek	*898
			Just downstream of East 25th Street	*908
			Just upstream of East 25th Street	*912
			Just downstream of East 29th Street	*923
			About 1800 feet upstream of East 29th Street	*924
			Just downstream of East 37th Street	*952
			Just downstream of Interstate 470	*970
		South Branch Shunganunga Creek	At confluence with Shunganunga Creek	*913
			About 450 feet upstream of West 37th Street	*927
		Indian Creek	About 725 feet upstream confluence with Soldier Creek.	*879
			At upstream corporate limits	*882
		West Fork Butcher Creek	Mouth at Butcher Creek	*944
			Just downstream of Interstate 470	*968
Maps available for inspection at the City-County Planning Commission, 820 Southeast Quincy, Suite 512, Topeka, Kansas.				
Missouri	(C) Columbia Boone County (Docket No. FEMA-6005)	Bear Creek	Downstream corporate limit	*605
			Just upstream of Creasy Springs Road	*619
			About 100 feet downstream of Garth Avenue	*639
			Just upstream of Garth Avenue	*645
			Just upstream of U.S. Highway 63	*661
			Upstream corporate limit	*707
		Unnamed Tributary No. 1	About 200 feet downstream of Oakland Gravel Road	*703
			Just upstream of Brown Station Road	*762
		Unnamed Tributary No. 2	About 1,700 feet upstream of Starke Avenue	*742
			Upstream corporate limits	*779
		Harmony Branch	Downstream corporate limits	*600
			About 650 feet upstream of private drive located 2,400 feet upstream of Interstate 70 Drive southwest.	*638
		County House Branch	At confluence with Hinkson Creek	*590
			About 1,400 feet upstream of West Boulevard South	*598
			Just downstream of Stadium Boulevard	*621
		Mill Creek	Downstream corporate limit	*620
			Just upstream of Sinclair Street	*637
			Just downstream of Bethel Street	*697
		Hinkson Creek	Downstream corporate limits	*586
			Just upstream of Old Providence Road	*607

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Rock Quarry Road	*618
			Just downstream of Rock Wall Ruins	*655
			Just upstream of Rock Wall Ruins	*666
			About 100 feet upstream of Clark Lane	*680
			Just upstream of Mexico Gravel Road	*698
			Just upstream of Hinkson Creek Road	*723
			About 6,700 feet upstream of Hinkson Creek Road	*741
		Hominy Branch	Confluence with Hinkson Creek	*650
			Just upstream of spillway	*654
			About 150 feet upstream of East Broadway	*672
			Just upstream of Interstate 70	*730
			At upstream corporate limit	*747
		Grindstone Creek	Confluence with Hinkson Creek	*620
			Just downstream of U.S. Highway 63 (Business Route)	*634
			About 650 feet upstream of U.S. Highway 63	*662
		Flat Branch	At confluence with Hinkson Creek	*598
			Just upstream of Stadium Boulevard	*636
			About 1,900 feet downstream of Stewart Road	*660
			Just downstream of West Broadway	*703
Maps available for inspection at the City Hall, Planning & Public Works, P.O. Box N, Columbia, Missouri.				
Pennsylvania	Millbourne, Borough Delaware County (Docket No. FEMA-6012).	Cobbs Creek	Downstream Corporate Limits	*70
			Upstream side of Dam	*80
			Upstream Corporate Limits	*85
Maps available for inspection at the Office of the Borough Solicitor, Mr. George Koudelis, 7104 Chestnut Street, Upper Darby, Pennsylvania.				
Pennsylvania	Reading (City) Berks County FEMA-5947	Schuylkill River	Confluence with Angelica Creek	*199
			Centerline of Buttonwood Street	*212
			200 feet upstream from centerline of Schuylkill Street	*215
			100 feet downstream from centerline of Warren Street Bypass.	*224
		Angelica Creek	250 feet downstream from centerline of Morgantown Road.	*200
			100 feet upstream from centerline of Morgantown Road.	*222
		Wyomissing Creek	Centerline of Museum Road	*211
			Centerline of West Shore Bypass	*209
		Tulpehocken Creek	500 feet downstream from centerline of Conrail	*214
			Centerline of Warren Street	*215
Maps available for inspection at City Hall, Eighth & Washington Streets, Reading, Pennsylvania.				

(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 Federal Insurance Administrator)

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21212 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Adminstrator gives notice of the final determinations of flood elevations for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection 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 Part 67. An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts

flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet -(NGVD)
Florida	Unincorporated Areas of Orange County (FEMA-5845)	St. Johns River	Just upstream of State Road 50	*13
			Just downstream of State Road 520	*18
		Econlockhatchee River	Just downstream of Chaney Highway	*44
			Just upstream of State Road 528	*80
		Little Econlockhatchee River	Just downstream of Buck Road	*54
		Wekiva River	Just upstream of Miami Springs Drive	*16
		Boggy Creek-East Branch Boggy Creek.	Just upstream of State Road 527A	*74
			Just upstream of State Road 528	*89
		West Branch Boggy Creek	Just upstream of Seaboard Cost Line Railroad Spur B	*90
			Just upstream of State Road 528	*98
		Shingle Creek	Just upstream of State Road 528	*84
			Just upstream of Florida's Turnpike	*89
			Just upstream of McLeod Road	*98
		Little Wekiva River	Just upstream of Egret Way	*68
			Approximately 100 feet upstream of 2,150' long arch pipe.	*71
			Just upstream of Road 424	*87
		Howell Creek	Downstream of Temple Drive	*64
			Just downstream of Horatio Drive	*68
		Cypress Creek	At confluence with Little Fish Lake	*102
		Lake Apopka	Entire Shoreline	*89
		Lake Barton	Entire Shoreline	*96
		Little Lake Barton	Entire Shoreline	*96
		Bay Lake	Entire Shoreline	*93
		Lake Beauclair	Entire Shoreline	*66
		Lake Bell	Entire Shoreline	*92
		Lake Bennet	Entire Shoreline	*118
		Lake Bessie	Intersection of Lee St. & Conror Road	*103
		Black Lake	Entire Shoreline	*101
		Lake Blance	Entire Shoreline	*102
		Lake Bosse	Entire Shoreline	*65
		Lake Bryen	Entire Shoreline	*100
		Lake Burkett	Entire Shoreline	*56
		Lake Butler	Entire Shoreline	*102
		Lake Cane	Entire Shoreline	*100
		Lake Carlton	Entire Shoreline	*66
		Lake Catherine	Entire Shoreline	*94
		Lake Charity	Entire Shoreline	*73
		Lake Chase	Entire Shoreline	*102
		Clear Lake	Entire Shoreline	*97
		Little Lake Conway	Entire Shoreline	*89
		Lake Conway	Entire Shoreline	*89
		Lake Cora Lee	Entire Shoreline	*76
		Crooked Lake	Entire Shoreline	*80
		Cypress Lake	Entire Shoreline	*102
		Lake Destiny	Entire Shoreline	*91
		Upper Doe Lake	Entire Shoreline	*70
		Lake Dora	Entire Shoreline	*66
		Lake Down	Entire Shoreline	*102
		Lake Fairview	Entire Shoreline	*91
		Lake Faith	Entire Shoreline	*73
		Fischer Lake	Entire Shoreline	*94
		Little Fish Lake	Entire Shoreline	*102
		Lake Fuller	Entire Shoreline	*70
		Lake Gandy	Entire Shoreline	*76
		Lake Gatlin	Entire Shoreline	*89
		Lake Georgia	Entire Shoreline	*62
		Lake Hart	Entire Shoreline	*66
		Lake Herrick	Entire Shoreline	*82
		Lake Hiawassa	Entire Shoreline	*83
		Lake Holden	Entire Shoreline	*93
		Lake Hope	Entire Shoreline	*74
		Lake Irma	Entire Shoreline	*57
		Lake Jennie Jewel	Entire Shoreline	*92
		Lake Jessamine	Entire Shoreline	*94
		Johns Lake	Entire Shoreline	*101
		Lake Killarney	Entire Shoreline	*85
		Lawne Lake	Entire Shoreline	*90
		Lake Lenore	Entire Shoreline	*76
		Lake Lockhart	Entire Shoreline	*76
		Long Lake	Entire Shoreline	*76
		Lake Louisa	Entire Shoreline	*130
		Lake Louise	Entire Shoreline	*102
		Lake Mabel	Entire Shoreline	*97
		Lake Maitland	Entire Shoreline	*70
		Lake Mann	Entire Shoreline	*95
		Lake Marion	Entire Shoreline	*66
		Marshall Lake	Entire Shoreline	*70
		Lake Mary	Entire Shoreline	*95

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Lake Mary Jane	Entire Shoreline	*66
		Lake McCoy	Entire Shoreline	*65
		Lake Meadow	Entire Shoreline	*90
		Lake Minnehaha	Entire Shoreline	*70
		Lake Mira	Entire Shoreline	*61
		Lake Ola	Entire Shoreline	*74
		Lake Olympia	Entire Shoreline	*101
		Lake Orlando	West and southeast from U.S. Highway 441 Bridge over Little Wekiva River.	*88
		Lake Palmer	Entire Shoreline	*102
		Lake Phillips	Entire Shoreline	*66
		Pike Lake	Entire Shoreline	*67
		Lake Pinelock	Entire Shoreline	*96
		Lake Pleasant	Entire Shoreline	*83
		Pocket Lake	Entire Shoreline	*102
		Prairie Lake	Entire Shoreline	*90
		Lake Rose	Entire Shoreline	*89
		Lake Rowena	Entire Shoreline	*75
		Lake Ruby	Entire Shoreline	*118
		Big Sand Lake	Entire Shoreline	*101
		Little Sand Lake	Entire Shoreline	*102
		Lake Shadow	Entire Shoreline	*85
		Lake Sheen	Entire Shoreline	*102
		Lake Sherwood	Entire Shoreline	*90
		Lake Sidney	Entire Shoreline	*90
		Lake Sims	Entire Shoreline	*86
		South Lake	Entire Shoreline	*97
		Lake Spier	Entire Shoreline	*95
		Spring Lake (near Ocoee)	Entire Shoreline	*121
		Spring Lake (near Little Sand Lake).	Entire Shoreline	*102
		Starke Lake	Entire Shoreline	*101
		Lake Steer	Entire Shoreline	*88
		Lake Sue	Entire Shoreline	*75
		Lake Susannah	Entire Shoreline	*99
		Lake Telfer	Entire Shoreline	*61
		Lake Tibet	Entire Shoreline	*102
		Trout Lake	Entire Shoreline	*76
		Turkey Lake	Entire Shoreline	*98
		Lake Warren	Entire Shoreline	*89
		Lake Waunatta	Entire Shoreline	*64
		Lake Willis	Entire Shoreline	*108
	Maps available for inspection at Orange County Public Works Office, 2450 33rd Street, Orlando, Florida 32808.			
Pennsylvania	Lehigh, Township Northampton County (Docket No. FEMA-5841).	Lehigh River	Downstream Corporate Limits	*323
			Downstream of State Route 145 Bridge	*330
			Downstream side of Treichler's Dam	*335
			Upstream side of Treichler's Dam	*345
			Downstream Corporate Limits of the Borough of Walnutport.	*357
			Upstream Corporate Limits of the Borough of Walnutport.	*366
			Downstream of State Route 873 Bridge	*385
			Upstream Corporate Limits	*387
	Maps available for inspection at the Lehigh Township Building, 1069 Municipal Road, Walnutport, Pennsylvania.			
Virginia	Prince William County (Docket No. FEMA-5841)	Broad Run	Confluence with Occoquan River	*169
			Upsteam of Brenstville Road	*170
			Upstream of Lucasville Road	*173
			Upstream of Southern Railway	*181
		Bull Run	Southern Railway	*160
			Centerville Road	*167
			Confluence w/Bull Run Tributary D	*170
			Downstream of Vandor Lane	*176
			Downstream State Route 29/211	*180
			Confluence with Little Bull Run	*196
			Upstream State Route 659 (Gum Spring Road)	*210
			Downstream State Route 705 (Sanders Lane)	*253
			Upstream State Route 705 (Sanders Lane)	*257
		Bull Run Tributary A	Confluence with Bull Run	*164
			Downstream Oak Street	*175
			Upstream Oak Street	*179
			Downstream Brown's Lane (Extended)	*212
		Bull Run Tributary B	Confluence with Bull Run	*165
			Downstream Centerville Road	*176
			Upstream Centerville Road	*183
			Downstream Well Street	*184
			Upstream Well Street	*188
			Downstream Howard Street	*198
			Upstream Howard Street	*201
			Downstream Spruce Street	*215
			Upstream Spruce Street	*221
			Downstream Maplewood Drive	*250
		Bull Run Tributary C	Confluence with Bull Run	*168
			Upstream Parkland Street	*173
			Downstream Yorkshire Lane	*196

Final Base (100-year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)
			Upstream Yorkshire Lane	*201
			Approximately 250' downstream of West Rugby Road	*208
		Bull Run Tributary D	Confluence with Bull Run	*170
			Downstream Todd Place (Extended)	*174
			Downstream Sudley Road	*211
		Cannon Branch	Confluence with Broad Run	*176
			Downstream Southern Railway	*163
			Upstream Southern Railway	*167
			Downstream Nokesville Road	*188
			Upstream Nokesville Road	*193
		Catharpin Creek	Confluence with Little Bull Run	*262
			Upstream State Route 676	*279
			Downstream State Route 685 (Lightner Road)	*306
		Cedar Run	State Route 619 (Bristow Road)	*169
			Upstream Izaak Walton Drive (Extended)	*174
		Cow Branch	Confluence with Neabsco Creek	*8
			Upstream State Route 638 (Blackburn Road)	*26
			Downstream Jefferson Davis Highway	*31
			Upstream Jefferson Davis Highway	*39
			Upstream Optiz Boulevard	*60
			Upstream Montgomery Avenue	*76
			Longview Drive	*111
			Downstream Interstate 95	*127
			Upstream Old Telegraph Road	*136
		Farm Creek	Confluence with Potomac River	*8
			Upstream Richmond, Fredericksburg and Potomac Railroad.	*10
			Approximately 200' downstream of Featherstone Road	*17
		Flat Branch	Confluence with Bull Run	*170
			Lomond Drive	*175
			Confluence with Flat Branch Tributary C	*180
			Downstream State Route 234 (Sudley Road)	*194
			Upstream State Route 234 (Sudley Road)	*196
			Downstream Rixlew Lane	*209
			Upstream Rixlew Lane	*214
		Flat Branch Tributary A	Lomond Drive	*173
			County Boundary	*189
		Flat Branch Tributary B	Confluence with Flat Branch	*170
		Flat Branch Tributary C	Confluence with Flat Branch	*180
			Upstream State Route 234 (Sudley Road)	*193
			Downstream of Dam	*196
			Upstream of Dam	*199
		Tributary 1 to Flat Branch Tributary C.	Confluence with Flat Branch Tributary C	*196
			Corporate Limits	*201
		Hooes Run	Confluence with Occoquan River	*130
			Upstream State Route 641 (Old Bridge Road)	*130
			Downstream Lake Ornisol Dam	*156
			Upstream Lake Ornisol Dam	*174
		Kettle Run	Upstream State Route 619 (Bristow Road)	*175
		Little Bull Run	Confluence with Bull Run	*196
			Upstream Robin Drive	*205
			Upstream State Route 705 (Pageland Lane)	*250
			Upstream State Route 704 (Artemus Road)	*255
			Approximately 400' upstream from confluence w/Catharpin Creek.	*263
			Upstream Catharpin Road	*281
			Downstream State Route 625 (Old Carolina Road)	*300
			Downstream U.S. Route 15 (James Madison Highway)	*304
		Little Creek	Confluence with Quantico Creek	*8
			Upstream Little Road	*13
			Upstream Geiger Road	*18
			Upstream Liversedge Road (Extended)	*31
			Upstream Windsor Road	*40
			Upstream Mockingbird Heights Road (Extended)	*57
			Downstream Perry Street (Extended)	*62
			Downstream Purvis Road (Extended)	*69
			Downstream Lionsfield Road (Extended)	*75
			Upstream Mason Drive (Extended)	*81
			Courtney Drive (Extended)	*89
			Upstream Fuller Heights Road	*101
			Upstream Creek Road	*116
			Upstream Inn Road	*134
		Marumsco Creek	Confluence with Potomac River	*8
			Downstream Richmond, Fredericksburg and Potomac Railroad.	*13
			Upstream Richmond, Fredericksburg and Potomac Railroad.	*22
			Easy Street	*25
			Upstream Congress Street (Extended)	*36
			Upstream D Street (Extended)	*43
			Downstream E Street (Extended)	*47
			Upstream Horner Road	*55
			Downstream Margaret Street (Extended)	*69
			Upstream Hylton Avenue	*81
			Upstream Willow Lane (Extended)	*107
		Marumsco Creek Tributary A	Confluence with Marumsco Creek	*25
			Downstream Lynn Drive Culvert	*54

	Upstream Lynn Drive Culvert	*61
	Downstream Longview Drive	*71
	Downstream Church Hill Drive	*76
	Upstream Botts Avenue (Extended)	*87
Marumsco Creek Tributary B	Downstream Richmond, Fredericksburg and Potomac Railroad.	*9
	Upstream Richmond, Fredericksburg and Potomac Railroad.	*15
	Downstream Longview Drive	*21
	Upstream Longview Drive	*35
	Downstream Colchester Road	*39
	Upstream Colchester Road	*46
Tributary 1 to Marumsco Creek Tributary B.	Confluence with Marumsco Creek Tributary B	*15
	Aiden Drive (Extended)	*19
	Upstream Robinson Court (Extended)	*41
	Upstream Longview Drive	*56
	Downstream Jefferson Davis Highway (Route 1)	*74
Neabsco Creek	Richmond, Fredericksburg and Potomac Railroad	*8
	Downstream U.S. Route 1	*17
	Upstream U.S. Route 1	*19
	Downstream Interstate 95	*30
	Upstream Interstate 95	*35
	Approximately 7,600 feet upstream of Interstate 95	*69
	Upstream Calexico Lane (Extended)	*102
	Upstream Daley Lane (Extended)	*144
	Downstream Darbydale Avenue	*154
	Upstream Darbydale Avenue	*165
	Downstream Minnieville Road	*177
	Upstream Minnieville Road	*186
	Downstream Delaney Road	*195
Neabsco Creek (Tributary A)	Confluence with Neabsco Creek	*187
	Downstream Korvette Drive (Extended)	*214
	Downstream Kilbane Road (Extended)	*220
	Upstream State Route 784 (Dale Boulevard)	*228
	Upstream Kingswell Drive (Extended)	*264
	Approximately 9,500 feet upstream of State Route 784 (Dale Boulevard).	*334
Occoquan River	Devils Reach Road Extended	*11
	Upstream of Town of Occoquan Corporate Limits	*12
	Downstream Lower Occoquan Dam	*44
	Upstream Lower Occoquan Dam	*60
	Downstream Upper Occoquan Dam	*76
	Upstream Upper Occoquan Dam	*130
	Upstream Ryan's Dam	*132
	Upstream State Route 663 (Davis Ford Road)	*136
	Downstream Lake Jackson Dam	*148
	Upstream Lake Jackson Dam	*161
	Confluence of Cedar Run and Broad Run	*169
Powells Creek	Upstream U.S. Route 1	*27
	Downstream Interstate 95	*55
	Upstream Interstate 95	*63
	Downstream Northgate Drive	*101
	Upstream Northgate Drive	*112
	Downstream Waterway Drive	*132
	Upstream Waterway Drive	*146

Maps available for inspection at the Department of Public Works, 9258 Lee Avenue, Manassas, Virginia.

(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 Federal Insurance Administrator)

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21203 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FIA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection 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 Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a

local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Attalla, Etowah County (FEMA-6005)	Big Wills Creek	Just upstream of Southeastern corporate limits	*529
			Just upstream of U.S. Highway 11 (3rd St. S.W.)	*543
		Little Wills Creek	Just upstream of Cleveland & Forrest Ave. S.E.	*532
			Just upstream of Southern Railway	*535
	Maps available for inspection at City Hall, 612 North Fourth Street, Attalla, Alabama 35954.			
Alabama	City of Bay Minette, Baldwin County (FEMA-6005)	Hollinger Creek	Just upstream of Old Pensacola Road	*236
			Just upstream of Louisville and Nashville Railroad	*243
	Maps available for inspection at City Hall, Bay Minette, Alabama 36507.			
Alabama	City of Glencoe, Etowah County (FEMA-6005)	Little Drive Creek	Just upstream of Rabbit Town Road	*526
			Just downstream of College Street	*535
			Just upstream of Keysburg Road (First crossing located near Debbie Drive).	*554
			Approximately 200 feet at downstream of Louisville and Nashville Railroad (2nd crossing located at upstream of Keysburg Road).	*569
		Macon Drive Creek	Just downstream of Fourth Ave. (extended)	*641
		Coosa River	At River Cliff Road extended	*517
	Maps available for inspection at City Hall, 119 Lonesome Ben Road, Glencoe, Alabama 35999.			
Alabama	Town of Loxley, Baldwin County (FEMA-6005)	Corn Branch	Just upstream of County Highway 49 (Magnolia Street)	*163
			At confluence of Corn Branch Tributary	*169
			At Union Avenue	*170
		Corn Branch Tributary	Just downstream of U.S. Highway 90	*169
	Maps available for inspection at City Hall, Rellham Drive, Loxley, Alabama 36551.			
Alabama	City of Robertsdale, Baldwin County (FEMA-6005)	Rock Creek	Just upstream of County Road 71 (College Avenue)	*112
			Just upstream of U.S. Highway 90	*127
		Tributary B	Just upstream of County Road 52 (Alabama Street)	*113
			Just upstream of State Highway 104	*117
		Tributary C	Just upstream of County Road 71 (College Avenue)	*121
		Tributary D	Mobile Street (extended)	*117
	Maps available for inspection at City Hall, Racine Street, Robertsdale, Alabama 36567.			
Arkansas	City of Benton, Saline County (FEMA 6015)	Salt Creek	Just downstream of Misty Drive	*313
			Just upstream of State Highway 5	*330
		McNeil Creek	Just downstream of Interstate Highway 30 (U.S. Highway 70).	*323
			Just upstream of State Highway 5	*363
		Willow Depot Creek	Approximately 110' upstream of Neeley Street	*313
			Just upstream of Gray Drive	*364
		Upper Depot Creek	Just upstream of Gaitin Road	*340
		Saline River	Just upstream of Interstate Highway 30 (U.S. Highway 70).	*286
			Just upstream of Old State Highway 67	*289
	Maps available for inspection at City Hall, 222 West South Street, Benton, Arkansas 72015.			
Colorado	Fruita (Town), Mesa County FEMA-6000	Little Salt Wash	Intersection of Washington Place and U.S. Highways 6 and 50.	*4484
			Intersection of Ottley Avenue with the channel	*4496
			Intersection of Mesa Street with the channel	*4501
			Intersection of Maple Street with the channel	*4509
	Maps available for inspection at Town Hall, Fruita, Colorado.			
Colorado	La Plata County (Unincorporated Areas), FI-4088	Animas River	Along Denver and Rio Grande Western Railroad (River side of Railroad) approximately 0.2 mile north along U.S. Route 550 from Hospital in Durango.	*6553
			Durango Corporate Limits at Station 66.26 upstream side.	*6547
			Durango Corporate Limits at Station 62.4 downstream side.	*6465
			La Posta Road (New Bridge) upstream side	*6454
			100 feet downstream of La Posta Road (Old Bridge)	*6450
		Junction Creek	Private Drive No. 3 Bridge downstream side	*6776
			Private Drive No. 2 Bridge upstream side	*6767
			Private Drive No. 1 Bridge upstream side	*6754
		Dry Gulch Creek	On Creek side of Dirt Road 0.8 mile north along Dirt Road from Y intersection in Durango (Dirt Road is parallel to Dry Gulch Creek).	*6890
			Corporate Limits at Station 3750 upstream side	*6690
		Lightner Creek	Bridge No. 11 downstream side	*7160
			Bridge No. 10 upstream side	*8906

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Bridge No. 9 upstream side	*6856
			Bridge No. 8 downstream side	*6711
			Bridge No. 4 upstream side	*6585
			Bridge No. 3 upstream side	*6546
		Vallecito Creek	Upper County Road Bridge upstream side	*7835
			Upper County Road Bridge downstream side	*7833
			Lower County Road Bridge upstream side	*7690
			Lower County Road Bridge downstream side	*7689
			50 feet downstream of Lower County Road Bridge	*7688
		Los Pinos River at Bayfield	U.S. Highway 160 Bridge upstream side	*6888
			Downstream of Bayfield Corporate Limits approximately 1300 feet downstream of U.S. Highway 160 (Alternate) Bridge.	*6654
		Grimes Creek	400 feet downstream of Upper County Road	*7775
			Lower County Road Bridge upstream side	*7693
			Lower County Road Bridge downstream side	*7691
	Maps available for inspection at La Plata County Courthouse, 1060 Second Avenue, Durango, Colorado.			
Connecticut	Ashford, Town, Windham County (Docket No. FEMA-6005)	Mount Hope River	Downstream Corporate Limits	*340
			Approximately 3,050' upstream of the downstream crossing of State Route 89.	*350
			Approximately 4,950' upstream of the downstream crossing of State Route 89.	*360
			Approximately 80' downstream of State Route 44	*383
			Approximately 100' upstream of upstream crossing of State Route 89.	*391
			Approximately 2,150' downstream of Mosley Road	*400
			Mosley Road	*420
	Maps available for inspection at the Office of the Town Clerk, Town Hall, Ashford, Connecticut.			
Connecticut	Franklin, Town, New London County (Docket No. FEMA-6012).	Susquetonscut River	Upstream of State Route 87	*126
			Upstream of Murphy Road	*140
			Approximately 1,680' upstream of Murphy Road	*146
			Approximately 3,175' downstream of Meet House Hill Road.	*161
			Approximately 1,050' downstream of Meeting House Hill Road.	*181
			Downstream of Meeting House Hill Road	*206
		Yantic River	Approximately 430' downstream of Franklin Road	*117
			Approximately 140' upstream of Franklin Road	*117
	Maps available for inspection at the Office of the Planning Board, Town Hall, Meetinghouse Road, Franklin, Connecticut.			
Illinois	(V) Albany, Whiteside County (Docket No. FEMA-6000)	Mississippi River	At downstream corporate limits	*587
			At upstream corporate limits	*588
	Maps available for inspection at the Village Hall, Lime Street, Albany, Illinois.			
Illinois	(V) Cordova, Rock Island County (Docket No. FEMA-6000)	Mississippi River	At downstream corporate limits	*583
			At upstream corporate limits	*584
	Maps available for inspection at the Village Hall, P.O. Box 6, Cordova, Illinois			
Illinois	(V) Pecatonica, Winnebago County (Docket No. FEMA-6005).	Pecatonica River	Approximately 2700 feet downstream of Pecatonica Road.	*743
			Approximately 3500 feet upstream of Pecatonica Road	*744
		Unnamed Tributary to Pecatonica River.	Just downstream of Jackson Street	*746
			At upstream corporate limits	*771
	Maps available for inspection at the Village Hall, 111 W. Third Street, Pecatonica, Illinois			
Illinois	(V) Riverton Sangamon County (Docket No. FEMA-6005)	Sangamon River	About 5,500 feet downstream of the Norfolk and Western Railroad.	*535
			About 800 feet upstream of U.S. Route 36	*537
	Maps available for inspection at the Village Hall, 313 East Jefferson, Riverton, Illinois			
Illinois	(Uninc.) St. Clair County (Docket No. FEMA-6005)	Richland Creek	At the downsteam county boundary	*417
			Just upstream of U.S. Route 460	*468
			About 400 feet upstream of State Route 161	*506
			Just upstream of St. Clair Township Line Road	*530
		West Fork Richland Creek	At the confluence with Richland Creek	*424
			Just upstream of Knab Road	*452
			About 100 feet upstream of State Route 841	*512
		Douglas Creek	At the confluence with Richland Creek	*433
			About 1600 feet upstream of County Road 47	*456
		Wolf Branch	At the confluence with Richland Creek	*500
			Just downstream of State Route 161	*500
		Kaskaskia River	At the southernmost downstream county boundary	*395
			About 2.2 miles upstream of U.S. Route 460	*400
			At the upstream county boundary	*402
		Silver Creek	At the mouth	*396
			About 9000 feet downstream of U.S. Route 460	*401
			About 9000 feet downstream of County Road 65	*421
			Just upstream of State Route 161	*425
			About 2000 feet upstream of U.S. Route 50	*441
			At the northern county boundary	*454
		Hog River	At the mouth	*422

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 4100 feet upstream of Grodeon Road	*422
		Loop Creek	At the mouth	*422
			Just upstream of State Route 177 (downstream crossing).	*429
			Just downstream of County Road 89	*469
			Just downstream of State Route 161	*495
			About 3600 feet upstream of State Route 161	*503
		Ash Creek	At the mouth	*425
			Just upstream of State Route 161	*431
			About 4000 feet upstream of State Route 161	*442
		Little Silver Creek	At the mouth	*432
			About 500 feet upstream of State Route 4	*435
			Just upstream of Midgley Neiss Road	*451
			At the county boundary	*466
		Ogles Creek	At the mouth	*451
			Just upstream of County Road 61	*461
			Just upstream of County Road 45	*491
			About 14,100 feet upstream of Milburn School Road	*545
		Schoenberger Creek	Just upstream of 85th Street	*437
			About 1500 feet upstream of State Route 161	*462
		Mississippi River	At the downstream county boundry	*421
			About 6.8 miles upstream of the confluence of Prairie Du Pont Diversion Channel.	*428
		Prairie Du Pont Diversion Channel	At the mouth	*423
			At the confluence of Canal No. 1	*423
		Canteen Creek	About 3.1 miles downstream of Lakeside Drive	*421
			Just upstream of Lakeside Drive	*453
			At the upstream county boundary	*466
		Shallow Flooding	Area just east of the Village of East Carondelet and west of the Village of Dupo.	*403
			Area just east of the Village of Dupo	*404
			Area just northeast of the Village of East Carondelet	*406
			Area just east of the Missouri Pacific Railroad and north of Prairie Du Pont Diversion Channel.	*406
			Area just south of the Village of Cahokia	*406
			Area just southeast of southeast Village of Sauget Corporate limit.	*406
			Area just north of Pocket Road	*410
			Area just east of the Village of Washington Park and north of Bunkum Road.	*411
			Area just south of the City of East St. Louis and northest of the Village of Sauget.	*411
			Area just east of the Village of Washington Park and south of Forest Boulevard.	*415
			Area just east of the Village of Fairmont City, bounded by northern county boundary, County Road 33, Conrail, and the Alton and Southern Railway.	*416
			Area along Canal No. 1	*418
			Area just east of Harding Ditch and north of Interstate 64.	*419
			Area just east of the Village of Fairmont City	*421
			Area just east of County Road 33 and north of the Village of Caseyville.	*421
			Area just east of Harding Ditch and south of Interstate 64.	*423
		Engle Creek	About 1370 feet downstream of the Illinois Terminal Railroad.	*510
			About 400 feet downstream of the Illinois Terminal Railroad.	*514
	Maps available for inspection at the Intergovernment Grants Department, Community Development Division, St. Clair County Courthouse, 10 Public Square, Belleville, Illinois.			
Illinois	(V) Swansea, St. Clair County (Docket No. FEMA-6000)	Richland Creek	About 800 feet downstream of Louisville and Nashville Railroad.	*500
			Just downstream of State Route 161	*500
			About 300 feet upstream of State Route 161	*506
			About 2,600 feet upstream of State Route 161	*507
		Wolf Branch	Just downstream of State Route 161	*500
			Just upstream of State Route 161	*507
			Just downstream of Smelting Works Road	*510
			Just upstream of Smelting Works Road	*516
	Maps available for inspection at the Swansea Village Hall, 1209 North Illinois, Belleville, Illinois.			
Illinois	(V) Wauconda, Lake County (Docket No. FEMA-6000)	Bangs Lake Drain	About 800 feet downstream of U.S. Route 12	*763
			Just upstream of Main Street	*776
			At confluence of Garland Road Tributary	*776
		Kimball Avenue Tributary	Within corporate limits	*776
		Willow Road Creek	About 1,400 feet above mouth	*766
			About 3,700 feet above mouth	*774
		Garland Road Tributary	About 900 feet upstream of Neil Avenue	*776
	Maps available for inspection at the Village Hall, 101 North Main Street, Wauconda, Illinois.			
Illinois	(V) Wayne, Du Page County (Docket No. FEMA-6005)	Norton Creek	About 1,900 feet downstream of White Thorn Road	*723
			About 500 feet upstream of White Thorn Road	*727
			Just upstream of Dunham Road	*741
			About 5,700 feet upstream of farm road	*745
		Norton Creek Tributary	At the mouth	*741

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			About 2,000 feet upstream of the Chicago and North Western Railroad.	*746
	Maps available for inspection at the Village Hall, Wayne, Illinois.			
Illinois	(V) West Dundee, Kane County (Docket No. FEMA-5920)	Fox River	At downstream corporate limit	*717
			At upstream corporate limit	*720
		Sleepy Creek	Confluence with Fox River	*717
			About 100 feet downstream Illinois Route 31	*727
			About 100 feet upstream of Market Loop	*732
			About 1,100 feet upstream of Market Loop	*733
	Maps available for inspection at the Village Clerk's Office, Village Hall, 102 South Second Street, Dundee, Illinois.			
Indiana	(C) Terre Haute, Vigo County (Docket No. FEMA-6000)	Wabash River	About 2.3, miles downstream of Interstate 70	*468
			About 0.5 mile upstream Interstate 70	*470
			Upstream corporate limit	*476
		Thompson Ditch	Just upstream Margaret Avenue	*500
			Just upstream Wallace Road	*506
			Just downstream Reservoir Dam	*515
		Lost Creek	Mouth at Wabash River	*476
			Upstream Louisville and Nashville Railroad	*491
			Just downstream Maple Avenue	*498
			Just upstream Fruitridge Avenue	*505
			Upstream corporate limit	*509
		East Branch Lost Creek	At mouth	*495
			Just upstream Conrail	*497
			Just upstream Chicago, Milwaukee, St. Paul and Pacific Railroad.	*497
		Lost Creek Tributary	Just upstream Beech Street	*506
			0.34 mile upstream of Beech Street	*508
		Little Lost Creek	At mouth	*509
			0.4 mile upstream from mouth	*513
			0.7 mile upstream from mouth	*515
	Maps available for inspection at the Executive Director's Office, Courthouse Annex, 120 S. 7th Street, Terre Haute, Indiana.			
Indiana	(T) Zionsville, Boone County (Docket No. FEMA-5978)	Eagle Creek	At the downstream corporate limits (near Interstate 465).	*820
			Approximately 100 feet downstream of Zionsville Road	*829
			Approximately 200 feet upstream of Zionsville Road	*833
			Just downstream of State Route 334	*835
			Approximately 200 feet upstream of Willow Avenue	*838
	Maps available for inspection at the Office of the Clerk Treasurer, Town Hall, 110 South 4th Street, Zionsville, Indiana.			
Louisiana	City of Hammond, Tangipahoa Parish (FEMA-5973)	Ponchatoula Creek	Just upstream of U.S. Highway 190 Westbound Lane	*39
			Just upstream of North Cherry Street	*43
		Yellow Water River Canal	Just upstream of Cherie Drive extended	*45
		Shallow Flooding Area	At intersection of Pecan Street and Western Avenue	*44
	Maps available for inspection at City Hall, 303 East Thomas, Hammond, Louisiana 70404.			
Massachusetts	Warren, Town, Worcester County (Docket No. FEMA-5966).	Quaboag River	Downstream Corporate Limits	*396
			Approximately 4,910' upstream of Corporate Limits	*419
			Approximately 3,880' downstream of most downstream Conrail bridge.	*436
			Approximately 970' downstream of most downstream Conrail bridge.	*468
			Most downstream Conrail bridge (Downstream side)	*476
			Most downstream Conrail bridge (Upstream side)	*484
			Gilbert Road (Upstream side)	*498
			South Street (Upstream side)	*522
			Upstream of Wright Fabric Company Dam	*538
			Downstream Breached Dam (Downstream side)	*544
			Downstream Breached Dam (Upstream side)	*550
			Valley Road	*563
			Bridge Street (Upstream side)	*583
			State Route 67 (Upstream side)	*592
			River Street (Upstream side)	*597
			Approximately 3,036' upstream of River Street	*601
	Maps available for inspection at the Planning Board, Town Hall, Warren, Massachusetts.			
Michigan	(C) Flat Rock, Wayne County (Docket No. FEMA-6005)	Huron River	About 0.2 miles downstream of the downstream corporate limits.	*587
			Just downstream of Telegraph Road	*592
			Upsteam corporate limits	*596
		Silver Creek	Downstream corporate limits	*587
			Just upstream of Gibraltar Road	*591
			Just downstream of Detroit Toledo and Ironton Railroad.	*596
			Upstream corporate limits (about 2,300 feet upstream of Telegraph Road.	*602
		Cook and Gladding Drain	Just upstream of Gibraltar Road	*591
			Just downstream of Detroit Toledo and Ironton Railroad.	*592
			Just upstream of Detroit Toledo and Ironton Railroad	*598
			Just downstream of Inkster Road	*598

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Silver Creek Diversion to Smith Creek.	Divergence from Silver Creek	*600
			About 1,100 feet upstream of Smith Creek	*600
	Maps available for inspection at the Clerk's Office, City Hall, 25500 Gibraltar Road, Flat Rock, Michigan.			
Michigan	(V) Franklin, Oakland County (Docket No. FEMA-6005)	Franklin Branch-River Rouge	Downstream corporate limits	*712
			Just downstream 14 mile road	*760
	Maps available for inspection at the Clerk's Office, Village Hall, 32325 Franklin Road, Franklin, Michigan.			
Minnesota	(C) Eyota, Olmsted County (Docket No. FEMA-6005)	South Fork Whitewater River	Downstream corporate limits	*1,220
			About 1,110 feet downstream of Center Street	*1,230
			Upstream corporate limits	*1,235
	Maps available for inspection at the City Hall, P.O. Box 328, Eyota, Minnesota.			
Minnesota	(C) Mazeppa, Wabash County (Docket No. FEMA-6005)	North Fork Zumbro River	About 1.1 mile downstream of 1st Street	*893
			Just downstream of Maple Street	*913
			Just upstream of Maple Street	*930
			About 0.54 mile upstream of dam	*932
	Maps available for inspection at the City Hall, Mazeppa, Minnesota.			
Minnesota	(C) Pine City, Pine County (Docket No. FEMA-6000)	Cross Lake	Shoreline	*939
		Snake River	Mouth at Cross Lake	*939
			About 2,300 feet upstream of north-bound Interstate 35.	*943
	Maps available for inspection at the City Hall, 3rd Avenue and 5th Street, Pine City, Minnesota.			
Missouri	(Uninc.) Cole County (Docket No. FEMA-6012)	Missouri River	At eastern county boundary	*547
			At confluence of Moreau River	*552
			At western corporate limit of City of Jefferson	*559
			At confluence of Moniteau Creek	*568
			At upstream county boundary (with Moniteau County)	*573
		Osage River	At eastern county boundary	*545
			At U.S. Highway 50-63	*545
		Moreau River	Approximately 920 feet downstream of Bald Hill Road	*558
			Approximately 1,280 feet upstream of Bald Hill Road	*559
			Approximately 2,650 feet downstream of County Route B.	*567
			Just upstream of County Route B	*568
		Wears Creek (Frog Hollow)	At western Jefferson City corporate limits	*583
			Approximately 2,050 feet upstream of Jefferson City corporate limits.	*586
			Approximately 1.8 mile upstream of Jefferson City corporate limits.	*637
		Frog Hollow Tributary	At confluence with Wears Creek	*614
			Approximately 2,580 feet upstream of confluence with Wears Creek (Frog Hollow.	*644
		Dickerson Creek	Approximately 1,300 feet downstream of U.S. Highway 50.	*646
			Just upstream of U.S. Highway 50	*650
			Approximately 150 feet upstream of Apache Trail	*685
			Approximately 0.8 mile upstream of Apache Trail	*728
		Dickerson Creek Tributary No. 1	At confluence with Dickerson Creek	*647
			Just upstream of U.S. Highway 50	*647
			Approximately 630 feet upstream of U.S. Highway 50	*652
		Dickerson Creek Tributary No. 2	At confluence with Dickerson Creek	*699
			Approximately 570 feet upstream of confluence with Dickerson Creek.	*704
			Approximately 3,250 feet upstream of confluence with Dickerson Creek.	*739
	Maps available for inspection at the Public Works Department, Cole County Courthouse, Jefferson City, Missouri.			
New Jersey	Bethlehem, Township, Hunterdon County (Docket No. FEMA-6012).	Musconetcong River	Most downstream Corporate Limits	*257
			Corporate Limits 4,300' downstream of Person Road	*280
			Person Road	*287
			2,200' downstream of Valley Station Road	*297
			Approximately 700' upstream of Valley Station Road	*303
			2,500' downstream of Main Street	*315
			Just upstream of Dam	*327
			Most upstream Corporate Limits	*334
		Spruce Run	Downstream Corporate Limits	*313
			1,215' upstream of Corporate Limits at Private Drive	*325
			2,000' upstream of Corporate Limits	*335
			1,310' downstream of State Route 31	*345
			State Route 31 at upstream Corporate Limits	*365
	Maps available for inspection at the Municipal Building, Office of the Township Clerk, Mine Road, Asbury, New Jersey.			
New Jersey	Bloomsbury, Borough, Hunterdon County (Docket No. FEMA-6005).	Musconetcong River	Downstream Corporate Limits 80' upstream of Conrail at downstream crossing in Township of Bethlehem.	*258
			Just upstream of Conrail at upstream crossing	*268
			Approximately 820' upstream of Church Street	*274
			Just upstream of State Route 22	*278
			Just upstream of Interstate 78	*279
			Upstream Corporate Limits	*280

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Office of the Bloomsbury Borough Clerk, East Street, Bloomsbury, New Jersey.				
New Jersey	Camden, City, Camden County (Docket No. FEMA-6005)	Cooper River	Confluence of Delaware River Back Channel	*10
			Upstream Tidal Dam	*12
			Upstream Corporate Limits	*13
		Delaware River Back Channel	Entire Shoreline	*10
		Newton Creek	Entire Shoreline	*10
		North Branch Newton Creek	Entire Shoreline	*10
Maps available for inspection at the Camden City Hall, Sixth and Market Streets, Camden, New Jersey.				
New Jersey	Cresskill, Borough, Bergen County (Docket No. FEMA-6005).	Tenakill Brook	Downstream Corporate Limits	*37
			Upstream Corporate Limits	*39
		Demarest Brook	Confluence with Tenakill Brook	*39
			Upstream Corporate Limits	*40
		Cresskill Brook	Confluence with Tenakill Brook	*39
			Downstream intersection of Park Avenue and Piermont Road.	*41
			Upstream Corporate Limits	*43
Maps available for inspection at the Office of the Borough Clerk, 67 Union Avenue, Cresskill, New Jersey.				
New Jersey	Hillsdale (Borough) Bergen County (FEMA-5825)	Hillsdale Brook	60 feet upstream from center of Everdell Avenue	*48
			Intersection of Hillsdale Brook and the upstream corporate limits.	*74
		Holdrum Brook	185 feet southeast of intersection of Baylor Avenue and Kent Road.	*56
		Musquapsink Brook	250 feet west of intersection of Hillsdale Court and Ell Road.	*108
			20 feet upstream from center of Hillsdale Avenue	*122
			Intersection of Musquapsink Brook and center of Wiermus Lane.	*157
		Pascack Brook	70 feet southeast of intersecton of Bueno Vista Avenue and Carlyle Place.	*43
			25 feet downstream from center of Patterson Street	*58
			Intersection of Pascack Brook and Church Road	*100
		Tandy Brook	80 feet upstream from center of Saddlewood Drive	*71
			Intersection of Tandy Brook and center of Pascack Road.	*98
		Township Brook	60 feet upstream from center of Maple Avenue	*69
Maps available at Borough Hall, 380 Hillsdale Avenue, Hillsdale, New Jersey.				
New Jersey	Mahwah, Township, Bergen County (Docket No. FEMA-6012).	Hohokus Brook	Confluence with Valentine Brook	*292
			Upstream of Access Road	*306
			Upstream Corporate Limits	*312
		Mahwah River	Confluence with Ramapo River	*272
			Confluence of Masonicus Brook	*275
			Upstream Corporate Limits	*277
		Masonicus Brook	Confluence with Mahwah River	*275
			Upstream of abandoned railroad siding	*283
			Upstream State Route 17 (2nd upstream crossing)	*292
			Upstream State Route 17 (3rd upstream crossing)	*298
			Upstream North Central Avenue	*306
			Approximately 230' upstream North Central Avenue	*318
			Approximately 70' upstream Constantine Drive	*324
		Ramapo River	Downstream Corporate Limits	*239
			Upstream Dam	*248
			Upstream Private Drive	*259
			Upstream State Route 17	*268
			Confluence of Mahwah River	*272
			Upstream Corporate Limits	*276
		Valentine Brook	Confluence of Hohokus Brook	*292
			Upstream Forest Road	*310
			Upstream Corporate Limits	*322
Maps available for inspection at the Town Hall, 211 Franklin Turnpike, Mahwah, New Jersey.				
New Jersey	Raritan, Borough, Somerset County (Docket No. FEMA-6012).	Raritan River	Upstream of downstream Corporate Limits	*51
			Downstream of upstream Corporate Limits	*54
Maps available for inspection at the Borough Clerk's Office, 22 First Street, Raritan, New Jersey.				
New Jersey	Spring Lake Heights, Borough, Monmouth County (Docket No. FEMA-6012).	Wreck Pond Brook	Downstream Corporate Limits	*10
			Upstream Corporate Limits	*14
Maps available for inspection at the Office of the Borough Clerk, 557 Brighton Avenue, Spring Lake Heights, New Jersey.				
New Jersey	Washington, Township, Burlington County (Docket No. FEMA-6012).	Great Bay	Mullica River entire shoreline within community	*9
Maps available for inspection at the residence of the Township Clerk, River Road, Lower Bank, New Jersey.				
New Jersey	(BOR) West Paterson, Passaic County (FEMA-6012)	Passaic River	Intersection of Passaic River and center of Hillery Street.	*128
			Intersection of Passaic River and center of Lackawanna Avenue.	*132
		Peckman River	Intersection of Peckman River and upstream corporate limit.	*134
		Dowling Brook	Intersection of Dowling Brook and center of Lackawanna Avenue.	*259
			200 feet north-northwest along Andrews Drive from intersection with Browertown Road.	#2

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Pearl Brook	60 feet upstream from center of McBride Avenue	*130
			360 feet east-southeast along Woodrow Avenue from intersection with Garden Avenue.	#3
		Slippery Rock Brook	30 feet upstream from center of Glover Avenue	*162
			intersection of Squirrelwood Road and center of Slippery Rock Brook.	*265
			40 feet upstream from center of Rifle Lamp Park Road	*382
		Great Notch Brook	105 feet upstream from center of Lower Notch Road	*255
	Maps available for inspection at McBride Avenue and Brophy Lane, West Paterson, New Jersey.			
New Jersey	Woodlynne, Borough, Camden County (Docket No. FEMA-6005).	North Branch Newton Creek	Downstream Corporate Limits	*10
			Upstream Conrail Bridge	*10
			Downstream Dwight Avenue	*10
	Maps available for inspection at the Woodlynne Borough Hall, 200 Cooper Avenue, Woodlynne, New Jersey.			
New York	Lancaster, Town, Erie County (Docket No. FEMA-6005)	Ellicott Creek	Upstream side of Transit Road	*700
			Upstream side of Genesee Street	*703
			Upstream side of Harris Hill Road	*709
			Downstream side of Stony Road	*721
		Scajaquada Creek	Downstream Corporate Limits	*686
			Upstream side of Central Avenue	*692
			Upstream of Seneca Place	*696
			2,400' upstream of Seneca Place	*700
		Plum Bottom Creek	Downstream Corporate Limits	*680
			Upstream side of Steinfeldt	*685
			Downstream of 1st cemetery access road	*690
			Upstream side of cemetery access road	*695
			Upstream side of Cemetery Road	*700
		North Branch Plum Bottom Creek	Confluence with Plum Bottom Creek	*683
			Downstream side of Erie Road	*685
			Upstream side of Conrail	*695
			670' upstream of Cemetery Road	*698
		North Branch Slate Bottom Creek	Confluence with South Branch Slate Bottom Creek	*668
			Upstream of Aurora Avenue	*678
			1,200' upstream of Aurora Avenue	*679
		South Branch Slate Bottom Creek	1st Corporate Limits	*668
			2nd Corporate Limits	*674
			3rd Corporate Limits	*682
			7,200' upstream of 3rd Corporate Limits	*692
	Maps available for inspection at Lancaster Town Clerk's Office, Lancaster Town Hall, 21 Central Avenue, Lancaster, New York.			
New York	Monroe, Town, Orange County (Docket No. FEMA-6012)	Ramapo Creek	Downstream Corporate Limits	*620
			Downstream of Third Dam	*626
			Upstream Corporate Limits	*632
		Ramapo Creek (Downstream of Freeland Street).	Upstream of Village of Harriman, Village of Monroe Corporate Limits.	*565
		Tributary No. 25	Downstream Corporate Limits	*565
			Downstream of footbridge	*570
			80' upstream of Spring Street	*578
			380' upstream of Spring Street	*585
			1,170' upstream of Spring Street	*598
		Orchard Hill Brook	Downstream Corporate Limits	*552
			500' upstream of Corporate Limits	*562
			1,150' upstream of Corporate Limits	*589
			1,610' upstream of Corporate Limits	*599
			1,850' upstream of Corporate Limits	*605
			2,270' upstream of Corporate Limits	*630
			2,585' upstream of Corporate Limits	*642
			2,950' upstream of Corporate Limits	*654
			3,335' upstream of Corporate Limits	*662
	Maps available for inspection at the Office of the Town Engineer, Monroe Town Hall, 11-13 Stage Road, Monroe, New York.			
New York	Union Springs, Village, Cayuga County (Docket No. FEMA-6000).	Cayuga Lake	Entire shoreline within village	*386
		Tributary No. 2	Confluence with Cayuga Lake	*386
			Factory Street, 700' below State Route 90 (Upstream)	*390
			Just below outlet of culvert for State Route 90 (Downstream).	*406
			At inlet of culvert for State Route 90 (Upstream)	*419
	Maps available for inspection at the Village Hall, Factory Street, Union Springs, New York.			
North Carolina	Unincorporated Areas of Alamance County (FEMA-6005)	Haw River	100 feet downstream of State Highway 1005 (Greensboro-Chapel Hill Road).	*424
			Just upstream of State Highway 2158	*484
			Just upstream of State Highway 1561	*601
		Haw Creek	Just downstream of State Highway 2153	*487
			Just downstream of State Highway 2131	*535
			Just downstream of State Highway 1007	*577
		Tributary A to Haw Creek	Just upstream of State Highway 3121	*552
		Big Alamance Creek	Just downstream of State Highway 87	*488
			100 feet upstream of State Highway 49	*501
			400 feet upstream of Dam above State Highway 62	*512
		Little Alamance Creek	Just downstream of State Highway 49	*530
		Stinking Quarter Creek	At State Highway 1136 (Bellemont-Mt. Hermon Road)	*497

Final Base (100-Year) Flood Elevations—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Rock Creek	Approximately 400 feet downstream of State Highway 1130.	*537
		Gunn Creek	Just downstream of Burlington Extraterritorial Limits	*518
		West Back Creek	100 feet downstream of State Highway 1149	*530
			Just downstream of Interstate Highway 85	*567
		West Back Creek Tributary	Just upstream of Quarry Haul Road	*555
		East Back Creek	100 feet upstream of State Highway 1926	*498
			Just downstream of U.S. Highway 70	*516
			Just downstream of State Highway 1921	*526
		McAdams Creek	100 feet downstream of State Highway 1940	*558
		Mill Creek	Just upstream of State Highway 1920	*545
		Boyds Creek	Approximately 100 feet downstream of Dam	*548
		Stony Creek	Just upstream of State Highway 1001	*554
		Dry Creek	Just upstream of State Highway 1529 (Ossipee Road)	*576
		Travis Creek	Just upstream of State Highway 87	*586
			50 feet downstream of State Highway 1500	*612
		Tickle Creek	50 feet downstream of State Highway 1504	*602
		Tributary A to Travis Creek	Just downstream of Guilford County Line	*623
		Reedy Fork	Just upstream of State Highway 87	*599
	Maps available for inspection at Alamance County Planning Department, County Courthouse, 124 West Elm Street, Graham, North Carolina 27253.			
North Carolina	City of Albemarle, Stanly County (FEMA 6000)	Long Creek	275 feet upstream from Charlotte Highway	*426
			100 feet upstream from West Main Street	*435
		Little Long Creek	75 feet upstream of U.S. 73	*430
			At U.S. 52	*450
		Poplin Creek	Just downstream of Winston Salem Southbound Railroad.	*427
			125 feet upstream of Norwood Hwy (US 52-NC 73)	*433
		Town Creek	80 feet upstream of Snuggs Street	*454
		Melchor Branch	100 feet downsteam of North Second Street	*455
			100 feet downstream of Smith Street	*505
	Maps available for inspection at City Hall, 144 North 2nd Street, Albemarle, North Carolina 28001.			
North Carolina	Unincorporated areas of Lincoln County (FEMA 6000)	South Fork Catawba	Just downstream of State Route 1242	*720
			Just upstream of State Route 1242	*720
			Just downstream of State Route 1248	*745
			Just upstream of State Route 1248	*746
			Just downstream of State Route 1252	*750
			Just upstream of State Route 1252	*751
			Just downstream of State Route 1470	*764
			Just upstream of State Route 1470	*764
			Just downstream of State Route 1008	*770
			Just upstream of State Route 1008	*771
		Indian Creek	Just downstream of State Route 1250	*751
			Just upstream of State Route 1252	*752
			Just downstream of State Route 1175	*763
			Just upstream of State Route 1175	*764
			Just downstream of State Highway 150	*768
			Just upstream of State Highway 150	*769
			Just downstream of State Route 1177	*770
			Just upstream of State Route 1177	*771
			Just downstream of State Route 1169	*775
			Just upstream of State Route 1169	*777
		Clark Creek	Just downstream of State Route 1008	*765
			Just upstream of State Route 1008	*765
			Just downstream of State Route 1282	*772
			Just upstream of State Route 1282	*774
		Walker Branch	Just downstream of U.S. Highway 321A	*765
			Just upstream of U.S. Highway 321A	*767
			Just downstream of U.S. Highway 321 (State Highway 150).	*790
			Just upstream of U.S. Highway 321 (State Highway 150).	*792
		Lithia Inn	Just downstream of a point which is 1500 feet upstream of U.S. Highway 321A.	*777
			Just upstream of a point 1500 feet upstream of U.S. Highway 321A.	*779
	Maps available for inspection at Lincoln County Courthouse, Lincolnton, North Carolina 28092.			
North Carolina	City of Lincolnton, Lincoln County (FEMA 6000)	Lithia Inn Branch	Just upstream of Laboratory Road	*760
			Approximately 140 feet upstream of U.S. Highway 321A.	*770
		Walker Branch	Just upstream of U.S. Highway 321A	*766
			Approximately 50 feet downstream of North Flint Street.	*777
		Clark Creek	At North Grove Street	*765
		South Fork Catawba River	Approximately 140 feet upstream of Madison Street	*762
			Approximately 300 feet at upstream of Riverine Road	*764
	Maps available for inspection at City Hall, West Sycamore Street, Lincolnton, North Carolina 28092.			
North Carolina	Town of Mount Airy, Surry County (FEMA 6000)	Ararat River	Just upstream Pine Street (State Highway 103)	*1015
			Just upstream Linville Road (State Road 1727)	*1028
		Lovills Creek	Just upstream of U.S. Highway 601	*997
			Just upstream of U.S. Highway 52 Business	*1,039

Maps available for inspection at Town Hall, 300 South Main Street, Mount Airy, North Carolina 27030.

North Carolina	Unincorporated areas of Stanly County (FEMA 6000)	Long Creek	At State Highway 24-27	*418
			Just downstream of State Highway 1401	*478
		Little Long Creek	100 feet downstream of Morgan Road	*414
			50 feet upstream of State Highway 1524	*524
		Rock Creek	Approximately 2300 upstream of confluence with Poplin Creek.	*430
		Town Creek	Just downstream of State Highway 1421	*487
		Melchor Branch	Approximately 100 feet downstream of Ridge Street	*515

Maps available for inspection at Stanly County Courthouse, 201 South Second Street, Albemarle, North Carolina 28001.

North Carolina	Unincorporated areas of Surry County (FEMA 6000)	Ararat River	Just upstream of U.S. highway 52 Bypass	*993
			Just upstream of U.S. Highway 52 Business	*1,003
			Just upstream State Highway 103 (Pine Street)	*1,015
			Just upstream Linville Road (SR 1727)	*1,028
			Just upstream State Highway 104	*1,090
		Lovills Creek	Just upstream of State Road 1371	*1,003
			Just upstream State Road 1841 (Independence Boulevard).	*1,018
			Just upstream Greenville Road (SR 1700)	*1,084
		Stewart Creek	Just upstream of State Road 2000	*992
			Just upstream State Road 2258	*1002
			Just upstream U.S. Highway 601	*1006
			Just upstream State Road 1350	*1043
			Just upstream State Highway 89	*1060
			Just upstream State Road 1621	*1,125
		Pauls Creek	Just upstream of Pipers Gap Road (State Road 1624)	*1,109

Maps available for inspection at Surry County Courthouse, Commissioner's Office Dobson, North Carolina 27017.

North Carolina	Town of Wingate, Union County (FEMA-6000)	Meadow Branch	Just upstream of Jeffry Circle extended	*524
			Just downstream of East Wilson Street	*529
		Meadow Branch West	Just downstream of East Wilson Street	*530

Maps available for inspection at Town Hall, U.S. Highway 74 West, Wingate, North Carolina 28174.

Ohio	(Uninc.) Montgomery County (Docket No. FEMA-6012)	Dry Run Creek	At the downstream county boundary	*700
			About 1160 feet upstream of downstream county boundary.	*706
		Great Miami River	At the downstream county boundary	*689
			About 0.25 mile upstream of Interstate Route 75	*750
			About 690 feet downstream of Taylorsville Dam	*777
		Holes Creek	Just upstream of Springboro Pike in City of Moraine	*727
			Just downstream of Alexandersville-Bellbrook Road (downstream most crossing).	*753
			Just upstream of Alexandersville-Bellbrook Road (downstream most crossing).	*757
			About 2.0 miles upstream of State Route 725	*910
		Lilly Creek	About 340 feet downstream of Smithville Road	*766
			Just downstream of Harshman Road	*787
		Little Twin Creek	At Germantown corporate limits	*726
			About 1530 feet upstream of Germantown corporate limits.	*731
		Stillwater River	About 1.3 miles downstream of Shoup Mill Road	*750
			About 950 feet downstream of Englewood Dam	*782
		West tributary Great Miami River	At convergence with Great Miami River	*762
			At divergence with Great Miami River	*768
		Sugar Creek	At Centerville corporate limits	*860
			At upstream county boundary	*994
		Wolf Creek	At Dayton corporate limits, just upstream of Gettysburg Avenue.	*772
			About 0.7 mile upstream of Airhill Road	*987
		Twin Creek	At downstream county boundary	*669
			About 1700 feet downstream of Germantown Dam	*729
		Shallow flooding (overflow from Holes Creek).	At intersection of Student Street and Jassamine Drive	*723
			At intersection of Student and Palm Drive	*723
		Shallow flooding (overflow from Great Miami River near Carlisle).	At Carlisle corporate limit	*690
			At intersection of Farmington Road and Chautauqua Road.	*694

Maps available for inspection at the Office of the County Planner, 451 West Third Street, P.O. Box 972, Dayton, Ohio.

Ohio	(V) Riverside, Montgomery County (Docket No. FEMA-5979).	Lilly Creek	Just downstream of Byesville Boulevard	*767
			About 900 feet upstream of Byesville Boulevard	*771

Maps available for inspection at the Village Clerk's Office, Riverside Village Hall, 1119 Harshman Road, Dayton, Ohio.

Oregon	Amity (City), Yamhill County FEMA-6000	Salt Creek	Approximately 300 feet west of intersection of 2nd Street and Enos Street.	*135
			Approximately 150 feet west of intersection of Roth Street and Getchell Street.	*136

Maps available for inspection at City Hall, Trade and Maddox, Amity, Oregon.

Oregon	Lyons (City), Linn County FEMA-6015	North Santiam River	Upstream side of the intersection of State Highway 26 and the channel.	*619
			Approximately 400 feet north of the intersection of North 14th Street and East Dogwood Street.	*635

Maps available for inspection at the City Hall, 449 5th Street, Lyons, Oregon.

Pennsylvania	Export, borough, Westmoreland County (Docket No. FEMA-6012).	Turtle Creek	Downstream Corporate limits	*955
			Abandoned concrete bridge	*969
			Confluence of tributary No. 1	*980
			2nd Conrail crossing (upstream side)	*993
			Approximately 175' upstream of Jefferson Street	*996
		Tributary No. 1	Confluence with Turtle Creek	*980
			Access road	*993

			Approximately 1,000' upstream of confluence with Turtle Creek.	*1,005
			Approximately 1,600' upstream of confluence with Turtle Creek.	*1,025
			Upstream corporate limits	*1,037
		Tributary No. 2	Confluence with Turtle Creek	*995
			Approximately 70' upstream of corporate limits	*997
Maps available for inspection at the Borough Hall, Export, Pennsylvania.				
Pennsylvania	Manchester Township, York County (Docket No. FEMA-6000).	Codorus Creek	Downstream corporate limits	*347
			Emig Road (upstream)	*351
			Conrail (upstream)	*360
			Upstream corporate limits	*363
		Little Conewago Creek	Downstream corporate limits	*330
			Approximately 6,850' upstream of corporate limits	*335
		Tributary 1	Approximately 400' upstream of confluence with Little Conewago Creek.	*367
			Private drive approximately 670' upstream of confluence with Little Conewago Creek (upstream).	*371
			Private drive approximately 3,000' upstream of confluence with Little Conewago Creek (upstream).	*396
			Greenbriar Road (downstream)	*442
			Greenbriar Road (upstream)	*447
		Tributary 2	Confluence with Codorus Creek	*347
			Emig Road approximately 2,180' upstream of confluence with Codorus Creek (upstream).	*354
			Emig Road approximately 4,380' upstream of confluence with Codorus Creek (upstream).	*362
			Conrail (downstream)	*378
			Conrail (upstream)	*380
			Church Road (upstream)	*383
			Approximately 9,140' upstream of confluence with Codorus Creek.	*408
		Tributary 3	Confluence with tributary 2	*355
			Conrail Culvert (upstream)	*364
			Private drive approximately 2,970' upstream of confluence with tributary 2 (upstream).	*374
		Tributary 4	Confluence with Codorus Creek	*361
			Interstate 83 (upstream)	*369
			South George Street (upstream)	*375
			Private drive approximately 7,300' upstream of confluence with Codorus Creek (upstream).	*382
			Private drive approximately 9,000' upstream of confluence with Codorus Creek (upstream).	*391
			Susquehanna Trail (upstream)	*403
			Approximately 75' upstream of Susquehanna Trail	*404
Maps available for inspection at the Township Building, R.D. 22, Manchester, Pennsylvania.				
Pennsylvania	Moscow Borough, Lackawanna County (Docket No. FEMA-6005).	Langan Creek	Confluence with Roaring Brook	*1,479
			Upstream Brook Street	*1,498
			Downstream New Street	*1,521
			Confluence of Van Brunt Creek	*1,541
		Van Brunt Creek	0.15 mile downstream of Van Brunt Street	*1,574
			Downstream of Van Brunt Street	*1,602
			Approximately 0.58 mile upstream of Van Brunt Street	*1,668
			Downstream of State Route 690	*1,689
Maps available for inspection at the Borough Building, Moscow, Pennsylvania.				
Pennsylvania	Mt. Pleasant Township, Adams County (Docket No. FEMA-6005).	South branch Conewago Creek	Approximately 2,400' downstream of Spangler Road (extended).	*456
			Approximately 2,340' downstream of Fleshman Mill Run.	*467
			Downstream of Chessie System	*475
			Downstream side of Kohler Mill Road	*486
			Approximately 1,140' downstream of Storms Shore Road.	*496
			Upstream of downstream crossing of L.R. 01060	*504
			Upstream of L.R. 01005 bridge	*518
			Upstream corporate limits	*524
		South branch tributary 1	Confluence with south branch Conewago Creek	*498
			Approximately 150' upstream of Hill Road	*506
			Approximately 850' downstream of L.R. 01005	*515
			Approximately 50' downstream of L.R. 01005	*521
		White Run	Downstream corporate limits	*475
			Approximately 1,800' upstream of White Run Road	*486
			Approximately 70' upstream of State Route 116	*493
		Chicken Run	Approximately 300' upstream from confluence with White Run.	*493
			Downstream of downstream corporate limits	*506
			Approximately 60' upstream of upstream crossing of S.R. 116.	*520
			Downstream of upstream corporate limits	*532
		Plum Run	Just upstream of corporate limits	*483
			Approximately 970' upstream of S.R. 116	*490
			Approximately 2,050' upstream of S.R. 116	*501
			Approximately 3,120' upstream of S.R. 116	*510
			Approximately 3,960' upstream of S.R. 116	*520
			Approximately 4,740' upstream of S.R. 116	*528
Maps available for inspection at the Township Municipal Building, Mt. Pleasant, Pennsylvania.				
Pennsylvania	New Stanton Borough, Westmoreland County (Docket No. FEMA-6012).	Sewickley Creek	Downstream corporate limits	*937
			Upstream of Center Avenue	*940
			Upstream of Conrail	*942
			Upstream corporate limits	*950

Pennsylvania	Oxford Township, Adams County (Docket No. FEMA-6005)..	South branch Conewago Creek	Approximately 250' downstream of downstream corporate limits.	*459
			Downstream corporate limits	*460
			Approximately 4,700' upstream of corporate limits	*466
			Upstream side of Fleshman Road	*470
			Upstream side of Chessie System	*475
			Upstream side of State Route 30	*480
			Confluence of tributary 2	*484
			Upstream side of Kohler Mill Road	*486
			Upstream side of Storm Store Road	*496
			Downstream of Fish and Game Road	*502
			Upstream corporate limits	*509
			Approximately 2,020' upstream of upstream of corporate limits.	*510
		Tributary 1	Downstream corporate limits	*507
			Approximately 1,680' upstream of downstream corporate limits.	*514
			Downstream of Legislative Route 01003	*522
			Upstream of Legislative Route 01003	*526
			Approximately 2,100' upstream of Legislative Route 01003.	*535
		Tributary 2	Confluence with south branch Conewago Creek	*484
			Upstream side of Poplar Road	*494
			Approximately 1,760' upstream of Poplar Road	*505
			Approximately 315' downstream of Farm Lane	*515
			Approximately 230' upstream of Farm Lane	*521
	Maps available for inspection at the Oxford Township Municipal Building, New Oxford, Pennsylvania.			
Pennsylvania	Pittsburgh City, Allegheny County (Docket No. FEMA-5813).	Ohio River	Downstream corporate limits	*724
		Monongahela River	Confluence with Monongahela and Allegheny Rivers	*730
		Confluence w/Ohio and Allegheny Rivers.	*730	
			Tenth Street Bridge Downstream	*730
			Monongahela connecting railroad bridge downstream	*732
			Glenwood Bridge upstream	*735
			Upstream corporate limit	*737
		Allegheny River	Confluence with Monongahela and Ohio Rivers	*730
			Sixteenth Street Bridge upstream	*731
			31st Street Bridge upstream	*732
			51st Street (extended)	*734
			Lock and Dam No. 2 upstream	*738
			Upstream corporate limit	*739
		Chartiers Creek	Pittsburgh and Lake Erie Railroad (upstream)	*730
			Wind Gap Bridge downstream	*733
			Round House Bridge downstream	*736
			Scully Bridge downstream	*738
			Thornburg Bridge	*748
			Turner Road upstream	*758
			Corporate limits	*763
		Saw Mill Run	Westend by-pass upstream	*740
			Independence Street upstream	*745
			Pittsburgh and West Virginia Railroad upstream	*751
			Shaler Street downstream	*760
			Shaler Street upstream	*764
			Penn Lincoln Parkway downstream	*773
			Penn Lincoln Parkway upstream	*778
			Pittsburgh and West Virginia Railroad Bridge (downstream of Watkins Lane Bridge) upstream.	*802
			Watkins Lane Bridge upstream	*808
			Private Bridge upstream	*827
			Crane Avenue upstream	*838
			Liberty Tunnels upstream	*854
			Armory Bridge upstream	*869
			Interval Street upstream	*874
			Edgebrook Avenue upstream	*888
			Railroad company bridge	*907
			Midwood Street downstream	*910
			Footbridge upstream (3rd crossing)	*925
			Footbridge downstream (4th crossing)	*938
			State Road 88 and Saw Mill Run Boulevard upstream	*942
			State Route 88	*955
			Corporate limit	*967
	Maps available for inspection at the City Planning Department, City County Building, Pittsburgh, Pennsylvania.			
Pennsylvania	South Lebanon Township, Lebanon County (Docket No. FEMA-6014).	Hazel Dyke Creek	Downstream corporate limits	*479
			Upstream Klein Avenue	*482
			Upstream Fonderwhite Road (downstream crossing)	*494
			Downstream Fonderwhite Road (upstream crossing)	*503
			Upstream East Evergreen Road	*511
			Downstream Legislative Route 38016	*521
			Downstream Conrail	*537
			Upstream Conrail	*543
			Approximately 460' downstream of private drive	*552
			Downstream of private drive	*559
			Approximately 100' upstream of Legislative Route 38016.	*564
			Upstream of first access road	*581
			Upstream of second access road	*585
			Upstream Pa Route 419	*597
			Upstream wagon patch	*615
			Upstream corporate limits	*632
		Tributary 1	Confluence with Hazle Dyke Creek	*499

			Approximately 1,340' upstream of East Evergreen Road.	*505
Maps available for inspection at the Township Municipal Building, South Lebanon, Pennsylvania.				
Pennsylvania	Swatara Township, Lebanon County (Docket No. FEMA-6000).	Swatara Creek	Downstream corporate limits	*400
			Approximately 2,200' upstream side of State Route 72	*409
			Approximately 1,000' downstream side of State Route 22.	*412
			Confluence of Oil Creek	*419
			Upstream side of Legislative Route 140	*426
			Upstream side of Legislative Route 38049	*434
			Upstream side of Township Route 575	*443
			Approximately 1,290' upstream of upstream Interstate 81 crossing.	*449
		Little Swatara Creek	Confluence with Swatara Creek	*409
			Approximately 4,600 upstream of South Lancaster Street.	*410
		Monroe Creek	Confluence with Swatara Creek	*432
			Approximately 0.83 mile upstream of second driveway crossing.	*443
			Upstream corporate limits	*452
Maps available for inspection at the Township Municipal Building, Swatara, Pennsylvania.				
Pennsylvania	Upper Burrell Township; Westmoreland County (Docket No. FEMA-6012).	Pucketa Creek	Downstream corporate limits	*794
			Approximately 1,300' upstream from downstream corporate limits.	*804
			Approximately 570' upstream from Alta Drive	*813
			Approximately 300' downstream from Myers Drive	*823
			Upstream from Myers Drive	*828
			Approximately 2,000' upstream from Myers Drive	*837
			Approximately 3,570' upstream from Myers Drive	*847
			Approximately 760' downstream from Merwin Road	*857
			Approximately 450' upstream from Merwin Road	*870
			Upstream from downstream crossing of State Route 366.	*884
			Approximately 2,330' upstream from downstream State Route 366.	*895
			Approximately 1,380' downstream from Plan Road	*906
			Upstream from Plan Road	*916
			Upstream corporate limits	*919
		Tributary No. 1	Confluence with Pucketa Creek	*867
			Approximately 1,240' upstream from confluence with Pucketa Creek.	*883
			Approximately 2,240' upstream from confluence with Pucketa Creek.	*901
			Approximately 2,320' upstream from Merwin Road	*911
			Approximately 3,200' upstream from Merwin Road	*926
		Tributary No. 2	Upstream from State Route 366	*892
			Approximately 960' upstream from State Route 366	*904
			Approximately 1,375' upstream from State Route 366	*912
			Approximately 2,230' upstream from State Route 366	*925
		Little Pucketa Creek	Downstream corporate limits	*909
			Approximately 1,700' upstream from corporate limits	*923
			Downstream Briar Lane	*937
			Approximately 1,060' upstream from Briar Lane	*945
			Approximately 500' upstream from Milligantown Road	*958
			Approximately 1,430' upstream from Milligantown Road.	*968
			Downstream Township Route 644/Baxter Drive	*979
			Approximately 1,520' upstream from Township Route 644/Baxter Drive.	*999
			Upstream Rich Hill Road	*1,012
			Approximately 1,000 upstream from Rich Hill Road	*1,017
Maps available for inspection at the Township Building, Upper Burrell, Pennsylvania.				
Pennsylvania	Waterford Borough, Erie County (Docket No. FEMA-6012)	LeBoeuf Creek	Downstream corporate limits	*1,178
			Upstream corporate limits	*1,180
		Trout Run	Confluence with LeBoeuf Creek	*1,178
			0.18 mile downstream of West Third Street	*1,178
Maps available for inspection at the Waterford Borough Municipal Building, Waterford, Pennsylvania.				
Pennsylvania	Youngwood Borough, Westmoreland County (Docket No. FEMA-6012).	Jacks Run	Downstream corporate limits	*951
			Upstream of Conrail crossing	*951
			Upstream of Depot Street	*952
			Upstream corporate limits	*958
Maps available for inspection at the Borough Hall, Youngwood, Pennsylvania.				
South Carolina	City of Florence, Florence County (FEMA-6000)	Jefferies Creek	Just upstream of South Irby Street (U.S. Highways 52 and 301).	*89
			Just downstream of Deberry Boulevard	*93
			Just upstream of West Palmetto Street	*100
		Pye Creek	Just upstream of East Pine Street	*111
		Beaverdam Creek	Just downstream of northern most crossing of corporate limits.	*102
Maps available for inspection at City-County Complex, Development Division, Florence, South Carolina 29501.				
South Dakota	Pennington County (unincorporated areas) FEMA-5701	Box Elder Creek (at Blackhawk)	70 feet upstream from center of State Highway 79	*3,463
		Spring Creek (in Hill City)	At downstream limit of detailed study	*4,946
		Spring Creek (at Hill City)	60 feet upstream from center of Poplar Street	*4,996
		Rapid Creek (east of Rapid City)	Intersection of creek and center of County Road 255	*2,969
			Intersection of County Road 210 and Willow Drive	*3,025
			Intersection of Valley Drive and Orchard Lane	*3,120
			Intersection of Valley Drive and Long Acres Lane	*3,137

		Rapid Creek (east of Rapid City) overflow.	Area at overflow from Rapid Creek	*3,098
		Unnamed tributary	70 feet upstream from center of Jolly Lane County Road 274 (East 39th Street).	*3,099
		Unnamed tributary	60 feet upstream from center of Interstate 90 access road.	*3,159
		Rapid Creek (in Rapid City)	130 feet downstream from center of Park Canyon Road County Road 2334 (at most upstream Rapid City corporate limits).	*3,456
		Rapid Creek (in Dark Canyon)	Intersection of Creek and center of Dark Canyon Approach Road.	*3,579
		Rapid Creek (Hisega to Pactola	Intersection of Creek and center of Thunder Falls Road County Road 200 (approximately 600 feet south from the intersection of County Road 200 and State Highway 44).	*4,171
		Deer Creek	70 feet upstream from center of an unnamed road (approximately 650 feet upstream from the confluence with Rapid Creek).	*4,323
		Cleghorn Canyon	40 feet upstream from center of Harris Approach Road.	*3,421
		Red Rock Canyon	Intersection of Red Rock Canyon and center of Rapid City corporate limits.	*3,423
		Robbinsdale drain	Area south of Rapid City corporate limits, approximately 1200 feet upstream from center of State Highway 79.	*3,205
	Maps available for inspection at Pennington County Courthouse, Rapid City, South Dakota.			
Vermont	Fletcher Town, Franklin County (Docket No. FEMA-6005)	Lamoille River	Downstream corporate limits	*442
			Upstream corporate limits	*446
	Maps available for inspection at the office of the Town Clerk, Fletcher, Vermont.			
Vermont	Hyde Park Village, Lamoille County (Docket No. FEMA-6012).	Lamoille River	Upstream corporate limits	*540
			Downstream corporate limits	*541
	Maps available for inspection at the Village Offices, Hyde Park, Vermont.			
Virginia	Onancock Town, Accomack County (Docket No. FEMA-6012).	Chesapeake Bay	Onancock Creek shoreline	*5
	Maps available for inspection at the Municipal Building, Onancock, Virginia.			
Washington	Island County (unincorporated areas) FEMA-6000	Puget Sound	At Useless Bay—approximately 2,000 feet northeast along Shore Avenue from its intersection with Double Bluff Road.	*7
			At Mutiny Bay—at the intersection of South Mutiny Bay Road and Fish Road.	*8
			At Mutiny Bay West—approximately 2,000 feet west along Adams Road from its intersection with Grigware Road.	*9
			At Lagoon Point—at the intersection of Steelhead Drive and Salmon Street.	*9
			At Maxwelton—intersection of Maxwelton Road and Swede Hill Road.	*9
			At Admiralty Bay—along Keystone Road where it parallels the shoreline of the bay.	*11
		Strait of Juan de Fuca	At Swantown—along the western side of West Beach Road where it parallels the shoreline of the strait for approximately 4,000 feet south of Whidbey Island Naval Reservation.	*10
		Port Susan	At Sunny Shore Avenue—approximately 1,800 feet north of the intersection of East Camano Drive and Beach Way.	*9
			At Driftwood Shores	*11
		Saratoga Passage	At Rodena Beach—approximately 5,100 feet north of the intersection of State Highway 20 and Morris Road.	*9
			At East Point—approximately 3,800 feet east of the intersection of Baby Island Road and Fox Spit Road.	*11
		Holmes Harbor	At Dines Point—approximately 5,000 feet north of the intersection of Classic Road and Resort Road.	*9
		Dugualla Bay	Approximately 2,000 feet north along State Highway 20 from its intersection with Frostad Road.	*2
	Maps available for inspection at Island County Courthouse, N.E. 6th & Main Street, Coupeville, Washington.			
Washington	South Prairie (town), Pierce County FEMA-6014	South Prairie Creek	200 feet upstream from center of State Route 162	*437
			Intersection of stream and eastern corporate limits	*447
	Maps available for inspection at City Hall, South Prairie, Washington.			
Washington	Yakima (city), Yakima County FEMA-6015	Yakima River	Intersection of Interstate Highway 82 and Burlington Northern Railroad.	*1,049
		Wide Hollow Creek	40 feet downstream from center of South 24th Avenue	*1,065
		Bachelor Creek	20 feet downstream from center of Airport Road south access.	*1,063
		Spring Creek 1	At upstream end of culvert under north/south runway of Yakima Municipal Airport.	*1,050
		Spring Creek 1 tributary 1	At confluence with Spring Creek	*1,078
		Spring Creek 1 tributary 2	50 feet upstream from center of West Washington Avenue.	*1,105
	Maps available for inspection at Planning Department, City Hall, 129 N. 2nd Street, Yakima, Washington.			
Wisconsin	(C) Columbus, Columbia County (Docket No. FEMA-6005)	Crawfish River	About 500 feet downstream Mill Pond dam	*826
			Just upstream Mill Pond dam	*831
			At upstream corporate limit (near northern corporate limit).	*833
		Robbins Creek	At downstream corporate limit	*840
			Just downstream U.S. Highway 151 bypass	*848
		2nd Ward Creek	About 300 feet upstream of James Street	*833

		Just upstream Farnham Street	*837
		About 0.7 mile downstream of corporate limit	*846
		At upstream corporate limit	*851
	2nd Ward Creek tributary	At mouth at 2nd Ward Creek	*834
		Just upstream of Fuller Street	*840
		At upstream corporate limit	*846

Maps available for inspection at the Office of City Clerk, City Hall, P.O. Box 127, Columbus, Wisconsin.

Wisconsin	(V) Mazomanie, Dane County (Docket No. FEMA-6000)	Black Earth Creek	About 2800 feet downstream of Bridge Road (at westernmost corporate limit).	*764
			Just downstream of State Street	*771
			About 300 feet downstream of Hudson Street	*775
			About 100 feet upstream of Crescent Street	*778

Maps available for inspection at the Office of the Village Clerk, Village Hall, Mazomanie, Wisconsin.

(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 Federal Insurance Administrator)

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21213 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

California et al.; National Flood Insurance Program; Final Flood Elevation Determinations

Correction

In FR Doc. 81–14035, appearing at page 26322 in the issue for Tuesday, May 12, 1981 please make the following correction:

On page 26332, in the flood elevation table, in the middle block of entries, beginning "Chipewa River" (under "source of flooding") and ending "Elk Creek", the following "State" and "City/town/county (Docket No.)" items were left out:

"Wisconsin . . . . . (Unic.) Dunn County (Docket No. FEMA–5978)".

BILLING CODE 1505-01-M

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment For the City of Scottsdale, Ariz.; Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Scottsdale, Arizona. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Scottsdale, Arizona, 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570.

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.

§ 70.7 [Amended]

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

Map No. H & I 045012A Panel 20, published on October 6, 1980, in 45 FR 66116, indicates that Lot 76, Casa del Mar Subdivision, Scottsdale, Arizona, as recorded in Book 187, Page 27, in the Office of the Recorder, Maricopa County, Arizona, is within the Special Flood Hazard Area.

Map No. H & I 045012A Panel 20 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on January 9, 1976. This lot is in Zone B.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21363 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the City of Phoenix, Arizona, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Phoenix, Arizona. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Phoenix, Arizona, 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570.

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 (NFIT) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

§ 70.7 [Amended]

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

Map No. H & I 040051 Panel 0055B, published on October 6, 1980, in 45 FR 66116, indicates that Lots 6 through 26 and Lots 37 through 47, Eagle's Eyre III, Phase One, and Eagle's Eyre III, Phase Two, as recorded in Book 206, Page 11, and Book 224, Page 37, respectively, in the Office of the Recorder, Maricopa County, Arizona, are within the Special Flood Hazard Area.

Map No. H & I 040051 Panel 0055B is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on December 4, 1979. These lots are in Zone B.

(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 Federal Insurance Administrator)

Issued: July 8, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21364 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Phoenix, Arizona, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Phoenix, Arizona. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Phoenix, Arizona, 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570.

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.

§ 70.7 [Amended]

The map amendments listed below are in accordance with § 707.7(b):

Map No. H & I 040051 Panel 0050B, published on October 6, 1980, in 45 FR 66116, indicates that Lot 725, Moon Valley II, Phoenix, Arizona, recorded as Instrument No. 106793 in Docket No. 15132, Page 505, in the Office of the Recorder, Maricopa County, Arizona, is within the Special Flood Hazard Area.

Map No. H & I 040051 Panel 0050B is hereby corrected to reflect that the existing structure located on the above mentioned property is not within the Special Flood Hazard Area identified on December 4, 1979. This structure is in Zone C.

(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 Federal Insurance Administrator)

Issued: July 8, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 21365 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA 5909]

Letter of Map Amendment for the Village of Tinley Park, Illinois Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Village of Tinley Park, Illinois. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Village of Tinley Park, Illinois, 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570.

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.

§ 70.7 [Amended]

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

Map No. 170169, Panel No. 0005B, published on October 6, 1980, in 45 FR 66075, indicates that Lots Nos. 7 through 18, Lots Nos. 34 through 51, Lots Nos. 69 through, 73, Lots Nos. 75 through 82, Lots Nos. 87 through 102 and Lots Nos. 107 and 108, Bremen Towne Estates Unit 1, Village of Tinley Park, Cook County, Illinois, recorded as Document No. 20749473, in the Office of the Recorder of Cook County, Illinois are located within the Special Flood Hazard Area.

Map No. 170169, Panel No. 0005B, is hereby corrected to reflect that the residential structures located on the above-mentioned property are not within the Special Flood Hazard Area identified on December 4, 1979. The residential structures located on Lots Nos. 95 and 96 are in Zone B. The residential structures located on Lots Nos. 7 through 18, Lots Nos. 34 through 51, Lots Nos. 69 through 73, Lots Nos. 75 through 82, Lots Nos. 87 through 94, Lots Nos. 97 through 102 and Lots Nos. 107 and 108 are in Zone C.

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

Issued: July 8, 1981.

Robert G. Chappell, P. E.,

Acting Assistant Administrator Federal Insurance Administration.

[FR Doc. 81-21372 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the Village of Tinley Park, Illinois Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas. This list included the Village of Tinley Park, Illinois. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Village of Tinley Park, Illinois, 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570.

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 toll free.

§ 70.7 [Amended]

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

Map No. 170169, Panel 0005B, published on October 6, 1980, in 45 FR 66075, indicates that Lots Nos. 627 through 676, Lots Nos. 678 through 691, Lots Nos. 695 through 697, Lots Nos. 701 through 719 and Lots Nos. 724 through 726, Bremen Towne Estates Unit 6, Phase 1, Village of Tinley Park, Cook County, Illinois, recorded as Document No. 21558166, in the Office of the Recorder of Cook County, Illinois, are located within the Special Flood Hazard Area.

Map No. 170169, Panel 0005B, is hereby corrected to reflect that the existing residential structures located on the above-mentioned property are not within the Special Flood Hazard Area identified on December 4, 1979. The residential structures located on Lots Nos. 680, 681, 691, 695, 719 and Lots Nos. 724 through 726 are in Zone B. The residential structures located on Lots Nos. 627 through 676, Lots Nos. 678, 679, Lots Nos. 682 through 690, Lots Nos. 696, 697 and Lots Nos. 701 through 718 are in Zone C.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator Federal Insurance Administration.

[FR Doc. 81-21373 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for East Baton Rouge Parish, Louisiana, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included East Baton Rouge Parish, Louisiana. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further

technical review of the Flood Insurance Rate Map for East Baton Rouge Parish, Louisiana, 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570.

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.

§ 70.7 [Amended]

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

Map No. H & I 220058 Panel 0100A, published on October 6, 1980, in 45 FR 66092, indicates that Lot 7, Shenandoah Acres, East Baton Rouge Parish, Louisiana, as recorded in Conveyance Book 2699, Folios 870 and 871, in the Office of the Deputy Clerk and Recorder, East Baton Rouge Parish, Louisiana, is within the Special Flood Hazard Area.

Map No. H & I 220058 Panel 0100A is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on July 2, 1979. This lot is in Zone C.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81362 Filed 7–21–81; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the City of Blaine, Minnesota Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Blaine, Minnesota. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Blaine, Minnesota, 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, DC 20410, (202) 755–6570.

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.

§ 70.7 [Amended]

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

Map No. 270007, Panel No. 0005B, published on October 6, 1980, in 45 FR 66082, indicates that Lot No. 17, Block 2, Lunds Meadowbrook, City of Blaine, Anoka County, Minnesota, as recorded in Book 9, Page 5, in the Office of the Registrar of Titles of Anoka, Minnesota, is located within the Special Flood Hazard Area.

Map No. 270007, Panel No. 0005B, is hereby corrected to reflect that the existing structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on November 15, 1979. The structure is in Zone C.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81362 Filed 7–21–81; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for St. Charles County, Missouri, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included St. Charles County, Missouri. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for St. Charles County, Missouri, 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570.

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.

§ 70.7 [Amended]

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

Map No. H & I 290315 Panel 0250A, published on October 6, 1980, in 45 FR 66107, indicates that Lot 27, Southgate Plat One, St. Charles County, Missouri, as recorded in Book 20, Pages 47 and 48, in the Office of the Rocorder, St. Charles County, Missouri, is within the Special Flood Hazard Area.

Map No. H & I 290315 Panel 0250A is hereby corrected to reflect that the existing structure on the above mentioned lot is not within the Spccial Flood Hazard Area identified on September 15, 1978. This structure is in Zonc C.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21383 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Borough of Florham Park, New Jersey Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Borough of Florham Park, New Jersey. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Borough of Florham Park, New Jersey 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 for purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570.

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 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.

§ 70.7 [Amended]

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

Map No. H & I 340342, Panel 0005B, published on October 6, 1980, in 45 FR 66028, indicates that Lots 2 and 28, Block 65–C, and Lot 246, Block 65, all in Section Number 2, Lots 19 and 26, Block 65–C and Lots 238 and 239, Block 65, all in Section Number 3, and Lot 237, Block 65, Section Number 4, Paragon at Lakeside, as recorded on Maps 3800, 3866, and 3914, respectively, in the Office of the Clerk of Morris County, Florida, are within the Special Flood Hazard Area.

Map No. H & I 340342, Panel 0005B, is hereby corrected to reflect that the above-mentioned lots are not within the Special Flood Hazard Area identified on September 14, 1979. These lots are partially within zone B and partially within Zone C.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21384 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the Township of Livingston, N.J., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the Township of Livingston, New Jersey. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Township of Livingston, New Jersey, 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570.

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 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 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.

§ 70.7 [Amended]

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

Map Number H & I 340185, Panel 0004C published on October 6, 1980, in 45 FR 66028 indicates that a parcel of land located in the Township of Livingston, New Jersey, as recorded in the Deed Book 4642, Pages 198, 199, and 200, in the Office of the County Register, Essex County, New Jersey is within the Special Flood Hazard Area. This property is also known as Lots 17 and 18, Block 254, as shown on the Tax Map for the Township of Livingston, New Jersey.

Map Number H & I 340185, Panel 0004C is hereby corrected to reflect that the topographic survey for the Twin Oaks Subdivision, dated July 9, 1979, prepared by Harold J. Hamilton Associates, accurately reflects the 100-year and 500-year flood limit on the above-mentioned property. The area between the 100-year flood limit and the 500-year flood limit on the topographic survey is in Zone B, and the area of the property which is outside both the 100-year flood limit and the 500-year flood limit on the topographic survey is in Zone C.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21385 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Salem, Oreg., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Salem, Oregon. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Salem, Oregon, 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570.

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.

§ 70.7 [Amended]

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

Map No. H & I 410167 Panel 0005B, published on October 6, 1980, in 45 FR 66124, indicates that Lots 6 and 19, Block 9, Battlecreek Estates No. 3, Salem, Oregon, as recorded in Volume 32 of Town Plats, Page 29, in the Office of the Recorder, Marion County, Oregon, are within the Special Flood Hazard Area.

Map No. H & I 410167 Panel 0005B is hereby corrected to reflect that the existing structure located on Lot 19 is not within the Special Flood Hazard Area identified on June 15, 1979. This structure is in Zone C.

Map No. H & I 410167 Panel 0005B is also corrected to reflect that Lot 6 is not within the Special Flood Hazard Area identified on June 15, 1979. This lot is in Zone C.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21381 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Garland, Tex., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Garland, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Garland, 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570.

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.

§ 70.7 [Amended]

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

Map No. H & I 485471 Panel 0020B, published on October 6, 1980, in 45 FR 66098, indicates that Lots 1 through 7, Block 6, Northlake Estates No. 10, Garland, Texas, as recorded in Volume 78067, Page 1136, in the Office of the Clerk, Dallas County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 485471 Panel 0020B is hereby corrected to reflect that Lots 1 through 5 of the above mentioned property are not within the Special Flood Hazard Area identified on November 1, 1979. These lots are in Zone B.

Map No. H & I 485471 Panel 0020B is also corrected to reflect that Lots 6 and 7 of the above mentioned property are not within the Special Flood Hazard Area identified on November 1, 1979. These lots are in Zone C.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P. E.,
Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–21356 Filed 7–21–81; 8:45 am]
BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5909]

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

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the Village of Tinley Park, Illinois. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Village of Tinley Park, Illinois, that certain property is and certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is and is not within the Special Flood Hazard Area, removes or 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570.

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 in 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.

§ 70.7 [Amended]

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

Map No. 170169, Panel No. 0005B, published on October 6, 1980 in 45 FR 66075, indicates that the residential structures located on Lots Nos. 245 through 254, Lots Nos. 268, 269, 286 and 320 and Lots Nos. 354 through 371, Brementowne Estates Unit 3, Village of Tinley Park, Cook County, Illinois, recorded as Document No. 21009282, in the Office of the Recorder of Cook County, Illinois, are located within the Special Flood Hazard Area.

In addition, the above-mentioned Map and Panel Number indicates that the residential structure located on Lot No. 353, of the above-mentioned property is located in Zone B and that the residential structures located on Lots Nos. 377 through 379 are in Zone C.

Map No. 170169, Panel No. 0005B, is hereby corrected to reflect that the residential structures located on Lots Nos. 245 through 254, Lots Nos. 268, 269, 286 and 320 and Lots Nos. 354 through 371, are not within the Special Flood Hazard Area identified on December 4, 1979. The residential structures located on Lots Nos. 254, 286, 320, 370 and 371 are in Zone B. The residential structures located on Lots Nos. 245 through 253, Lots Nos. 268 and 269 and Lots Nos. 354 through 369 are in Zone C.

Furthermore, the above-mentioned Map and Panel Number is hereby corrected to reflect that the residential structure located on Lot No. 353, is in Zone A and the residential structures located on Lots Nos. 377 through 379 are in Zone B.

(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 Federal Insurance Administrator)

Issued: July 8, 1981.

Robert G. Chappell, P.E.,
Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81–21370 Filed 7–21–81; 8:45 am]
BILLING CODE 6718–03–M

44 CFR Part 70

[Docket No. FEMA 5909]

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

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were publised identifying Special Flood Hazard Areas. This list included the Village of Tinley Park, Illinois. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Village of Tinley Park, Illinois, 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570.

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.

§ 70.7 [Amended]

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

Map No. 170169, Panel No. 0005B, published on October 6, 1980, in 45 FR 66075, indicates that Lots Nos. 615, 618 and Lots Nos. 623 through 626, Bremen Towne Estates Unit 5, Village of Tinley Park, Cook County, Illinois, recorded as Document No. 21457731, in the Office of the Recorder of Cook County, Illinois, are located within the Special Flood Hazard Area.

Map No. 170169, Panel No. 0005B, is hereby corrected to reflect that the residential structures located on the above-mentioned property are not within the Special Flood Hazard Area identified on December 4, 1979. The residential structures are in Zone C.

(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 Federal Insurance Administrator)

Issued: July 8, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator Federal Insurance Administration.

[FR Doc. 81-21371 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA 5712]

The City of Coral Springs, Florida; Letter of Map Amendment Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Coral Springs, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Coral Springs, 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–6570.

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 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.

§ 70.7 [Amended]

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

Map Number H & I 120033, Panel 0001A, published on October 6, 1980 in 45 FR 66058, indicates that 1840 NW 107th Terrace, also known as Lot 10, Block DD of Cypress Run, a subdivision in Sections 29, 30 and 32, Township 48 South, Range 41 East and recorded in Plat Book 93, Page 16 of the Broward County Register's Office, is within the Special Flood Hazard Area.

Map Number H & I 120033, Panel 0001A, is hereby corrected to reflect that the above-mentioned property is not within the Special Flood Hazard Area identified on January 17, 1978. This lot is in Zone C.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21351 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA 5712]

Escambia County, Florida; Letter of Map Amendment Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Escambia County, Florida. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Escambia County, 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW, Washington, D.C. 20410 (202) 755–6570.

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 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.

§ 70.7 [Amended]

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

Map Number H & I 120080, Panel 0011A, published on October 6, 1980 in 45 FR 66058, indicates that Lots 4, 5, 10, 11, 16, 17, 19, 20, 25, 26 and 27, 29 through 34, 38, 39 and 40, 45, 56 and 59, Block B, Lake Charlene Subdivision, as recorded in Plat Book 9, Pages 53A, 53B, 53C and 53D, in the Office of the Controller of Escambia County, Florida, are located within the Special Flood Hazard Area.

Map Number H & I 120080, Panel 0011A, is hereby corrected to reflect that the existing structures on the above-mentioned lots are not within the Special Flood Hazard Area identified on September 30, 1977. These structures are in Zone C.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21352 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA 5909]

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

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Arlington, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Arlington, 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570.

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.

§ 70.7 [Amended]

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

Map No. H & I 485454 Panel 0010B, published on October 6, 1980, in 45 FR 66097, indicates that the Mobile Home Sites on Lots 1 through 55, 61 through 86, 118, 133, 134, 149, 150, 165, 166, 181, 182, 197, 198, 213, 214, 229, 230, 244, and 245, as shown on the Grading Plan for Arlington Mobile Home Park by Carter and Burgess, Inc., and being an unplatted subdivision of Lot 1, Block A, Mobile Housing Environments Addition, Arlington, Texas, as recorded in Plat Record Volume 388–78, Page 37, in the Office of the Clerk, Tarrant County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 485454 Panel 0010B is hereby corrected to reflect that the Mobile Home Sites on Lots 1 through 4 of the above mentioned property are not within the Special Flood Hazard Area identified on June 20, 1980. These Sites are in Zone C.

Map No. H & I 485454 Panel 0010B is hereby corrected to reflect that Lots 61 through 77, with the exception of the 25–foot Setback Requirement as shown on the Grading Plan cited above; and Lots 5 through 55, 78 through 86, 118, 133, 134, 149, 150, 165, 166, 181, 182, 197, 198, 213, 214, 229, 230, 244, and 245 of the above mentioned property are not within the Special Flood Hazard Area identified on June 20, 1980. These lots are in Zone B.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21353 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA 5909]

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

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Bedford, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Bedford, 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: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410 (202) 755–6570.

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.

§ 70.7 [Amended]

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

Map No. H & I 480585A Panel 01, published on October 6, 1980, in 45 FR 66097, indicates that Lots 7 through 10, Block 5, Whisperwood, Section One; and Lots 24 through 28, Block 5, Whisperwood, Section Two, Bedford, Texas, as recorded in Volume 388–123, Page 1, and Volume 388–123, Page 2, respectively, in the Office of the Clerk, Tarrant County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480585A Panel 01 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 July 18, 1977. These structures are in Zone C.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21354 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA 5909]

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

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Bedford, Texas. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Bedford, 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 condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–6570.

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.

§ 70.7 [Amended]

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

Map No. H & I 480585A Panel 01, published on October 6, 1980 in 45 FR 66097, indicates that Lots 13 and 14, Block 5, Whisperwood, Section One; and Lots 22 and 23, Block 5, Whisperwood, Section Two, Bedford, Texas, as recorded in Volume 388–123, Page 1, and Volume 388–123, Page 2, respectively, in the Office of Clerk, Tarrant County, Texas, are within the Special Flood Hazard Area.

Map No. H & I 480585A Panel 01 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 July 18, 1977. These structures are in Zone C.

(National Flood Insurance Act of 1968 [Title XIII of Housing and Uban 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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell, P.E.,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21355 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

Maritime Administration

46 CFR Part 310

Merchant Marine Training; Regulations and Minimum Standards for State, Territorial or Regional Maritime Academies and Colleges

AGENCY: Maritime Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Maritime Administration (MarAd) is adopting, with two substantive changes and various language refinements, its proposed regulations relative to merchant marine training at the State maritime academies to conform the regulations to the provisions of the recently enacted Maritime Education and Training Act of 1980 (P.L. 96-453) and to revise the form of the agreement between MarAd and the State maritime academies and colleges. The notice of proposed rulemaking (46 FR 30507 June 9, 1981) discusses each amendment to Subpart A of 46 CFR, Part 310.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Erich J. Bernhardt, Academies Program Officer, Maritime Administration, Office of Maritime Labor and Training, Washington, D.C. 20230, (202) 377-1170.

SUPPLEMENTARY INFORMATION: On June 9, 1981, MarAd published in the **Federal Register**, as proposed rulemaking with opportunity for comment, a revision of Subpart A of 46 CFR, Part 310. We received comments from three of the six State academies. The following is a summary of the comments:

1. *Comment: Two week comment period*—One Commentator objected that the two week comment period for the proposed regulations is not sufficient for proper analysis and comment.

Disposition: MarAd had no alternative but to opt for a two week comment period. As stated in the notice of proposed rulemaking, the standard agreement between MarAd and each of the six State maritime academies, to be executed on or before July 1, 1981, provides that it is subject to the provisions of the regulations. Accordingly, an abbreviated comment period was required.

2. *Comment:* Section 310.4 *Training Ship*—One commentator suggested deleting, in the introductory paragraph of Section 310.4, the sentence, "If a training ship is not available, adequate cruising facilities shall be the responsibility of the State and its School."

Disposition: We are not in a position to make this change. This is merely a statement of the existing situation and should be read in light of paragraph (b) of this section which gives MarAd discretion to act in the event it terminates use of a training ship by a State academy. Paragraph (b) makes provision for various alternatives if a training ship is removed from service. MarAd intends to continue, as it has in the past, to exercise the discretion authorized in paragraph (b) wherever possible and practicable.

3. *Comment:* Section 310.4 *Training Ship*—Two commentators suggested that Section 310.4 be revised to state that it is the Federal Government's responsibility to provide sea time on board merchant vessels when a training ship is not available.

Disposition: There is no statutory obligation for MarAd to assume this responsibility. However, once it assumes the responsibility it incurs an obligation to provide for travel expenses. Paragraph 1304(c)(3) of the Maritime Education and Training Act of 1980 (P.L. 96-453) specifically provides that "While traveling under orders for purposes of receiving training under this paragraph on ships other than training ships, any individual who is attending a State academy shall receive from the Secretary allowances for transportation (including reimbursement of traveling expenses) in accordance with any regulations promulgated by the Secretary." MarAd cannot assume this responsibility without assurance that sufficient appropriated funds will be available for this purpose. Therefore, we are not in a position to make this change.

4. *Comment:* Paragraph 310.4(e) *Training Ship*—One commentator suggested that we revise paragraph 310.4(e) to indicate that MarAd will supply all consumables that are equipment apparel for the training ships.

Disposition: Again, MarAd cannot assume the financial obligation without assurance that appropriated funds will be available.

5. *Comment:* Paragraph 310.4(f) *Training Ship*—One commentator suggested that paragraph 310.4(f) be revised to permit the academies to make their own arrangements with Navy for visits of their training ships to naval stations or naval bases.

Disposition: We agree and have made the necessary revision.

6. *Comment:* Section 310.6 *Entrance Requirements*—All three commentators urged that paragraph (a)(3) be revised by deleting the proposed requirement under which a school would not issue a graduation certificate until the United States Coast Guard examination is passed. The academies contend that this is an infringement upon the prerogatives of the State, the institution and the Board of Trustees to issue a degree.

Disposition: This provision has been deleted.

7. *Comment:* Section 310.7 *Federal Student Allowance Payments*—One commentator suggested that MarAd delete the requirement which calls for the submission of the lists of freshmen who are to receive student allowance payments by the close of business October 31, 1981.

Disposition: The deadline for identifying freshmen who are entitled to receive student allowance payments is necessary to insure the availability of sufficient appropriated funds for FY 1982. Delaying the submission of these lists in the past created a steady increase in the cost of the program.

8. *Comment:* Section 310.10 *Discipline and dismissal*—One commentator suggests that paragraph (c), which indicates that cadets may be listed as not in good standing for not in excess of six (6) months, should be clarified as to whether this applies to any single period or to the total over the full course of training.

Disposition: The wording of paragraph (c) is quite specific and self explanatory. The meaning of ". . . *for any period* not to exceed six (6) months for the purpose of Section 310.7(4)" is clear.

9. *Comment:* Article 8 *Regulations*—One academy has indicated that the wording which would bind a school to future amendments of Subpart A, 46 CFR, Part 310 is unacceptable.

Disposition: This Article merely indicates what has been past practice. Also, it should be noted that under the Administrative Procedure Act (5 U.S.C. 553) and Executive Order 12291 substantive amendments to the regulations will be subject to public comment and review by the Office of Management and Budget.

10. *Comment:* Article 14 *Assignment Prohibited*—One academy maintains that the wording should be bilateral and not unilateral, as currently worded, where only the school agrees that assignment is prohibited.

Disposition: MarAd cannot accede to this request. The Federal Government is offering the agreement.

The Assistant Secretary of Commerce for Maritime Affairs has made a determination, pursuant to the provisions of Executive Order 12291, that the preparation of a regulatory

impact analysis is not required. The regulation is not considered a major rule under Executive Order 12291. The regulation concerns maritime training, would have no impact on U.S. commerce, and does not require preparation of a regulatory flexibility analysis, pursuant to the regulatory Flexibility Act of 1980 (P.L. 96-354). The reporting requirement imposed on six (6) State academies under section 310.7(b)(6) is exempt from the provisions of the Paperwork Reduction Act of 1980 (P.L. 96-511). MarAd will develop specific reporting requirements for State academy graduates, which are subject to approval by the Office of Management and Budget.

Accordingly, Subpart A of 46 CFR, Part 310 is revised to read as follows:

PART 310—MERCHANT MARINE TRAINING

Subpart A—Regulations and Minimum Standards for State, Territorial or Regional Maritime Academies and Colleges

Sec

310.1 Definitions.
310.2 Federal assistance.
310.3 Schools and courses.
310.4 Training ship.
310.5 Personnel.
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310.7 Federal student subsistence allowances and student incentive payments.
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Subpart A—Regulations and Minimum Standards for State, Territorial or Regional Maritime Academies and Colleges

§ 310.1 Definitions.

For purposes of this Subpart A:

(a) "The 1958 Act" means the Maritime Academy Act of 1958, Public Law 85-672.

(b) "Act" means the Maritime Education and Training Act of 1980, Public Law 96-453.

(c) "Administration" means the Maritime Administration, United States Department of Commerce.

(d) "Agreement" means an agreement between a State, or Territorial or Regional maritime academy or college and the Assistant Secretary of Commerce for Maritime Affairs as authorized by the 1958 Act or the Act and set forth in § 310.13 of this part.

(e) "Secretary" means Secretary of Commerce.

(f) "Assistant Secretary" means the Assistant Secretary of Commerce for Maritime Affairs.

(g) "Cadet" means cadet enrolled in the United States Maritime Service and in good standing at a State or Territorial or Regional maritime academy or college meeting the requirements of the 1958 Act.

(h) "Commanding Officer" means the Commanding Officer of a training ship furnished by the Administration.

(i) "Deputy" means the Deputy Assistant Secretary of Commerce for Maritime Affairs.

(j) "Maritime Service" means the United States Maritime service.

(k) "Officers" means all officers and faculty employed by a State maritime academy or college.

(l) "Region Director" means the Director of the Administration's region office in which a School is located or in which a training ship is located.

(m) "School" means State or Territorial or Regional maritime academy or college meeting the requirements of the Act.

(n) "Superintendent" means the superintendent or president of a School.

(o) "Supervisor" means the employee of the Administration designated to supervise the Federal Government's interest in a School under the provisions of the Act, an agreement, and this subpart.

(p) "Training ship" means a vessel used for training by a school and furnished by the Administration to a State or Territory, and includes the ship itself and all its equipment, apparel, appliances, machinery boilers, spare and replacement parts and other property contained in it.

(q) "Midshipman" means a student in good standing at a State maritime academy or college who has accepted midshipman status in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve) under the Act.

§ 310.2 Federal assistance.

(a) The Assistant Secretary may enter into agreements with the present or later established schools (not more than one such school in each State or Territory) meeting the requirements of the Act to make annual payments, for not in excess of four (4) years in the case of each such agreement, to be used for the maintenance and support of such Schools. The amount of each such annual payment shall be not less than the amount furnished to such School for its maintenance and support by the State or Territory in which such academy is located or, in the case of a Regional maritime academy an amount equal to the amount furnished to such academy for its maintenance and support by all States or Territories, or both, cooperating to support such School, but shall not exceed $100,000. However, the amount shall not exceed $25,000, if such academy does not meet the requirements of subsection 1304(f)(2) of the Act.

(b) Pursuant to the provisions of section 1304(c) of the Act, The Assistant Secretary, may furnish to any State or Territory of the United States for use as a Training Ship by a school any suitable vessel that is under his or her jurisdiction, obtain such vessel from any department or agency of the United States, or may construct and furnish a suitable vessel, if such vessel is not available.

(c) The Assistant Secretary may pay to any School the amount of the costs of all fuel consumed by a Training Ship furnished under the provisions of section 1304(c)(1) of the Act while such vessel is being used for training purposes by such a School, if such funds have been appropriated and are available for that purpose.

(d) As a condition to receiving any payments or the use of any Training Ship under the provisions of the Act, the school shall comply with the requirements of the Act and this subpart and shall agree in writing to conform to such requirements.

(e) As a further condition to receiving any payments or the use of any Training Ship, a School shall agree that, with respect to the training program for merchant marine officers, consistent with provisions of the Act, the 1958 Act, and the Agreement, it will comply with the following provisions of law and implementing regulations duly promulgated thereunder, to the extent applicable, including, but not limited to: Title VI, Civil Rights Act, 1964 (42 USC 2000d); the Age Discrimination Act of 1975 (42 USC 6101); the Vocational Rehabilitation Act—Section 504 (29 USC 794); and 15 CFR Part 8. Each school shall give assurances that it will take any and all measures necessary to effectuate compliance.

§ 310.3 Schools and Courses.

(a) *Schools with Federal aid.* The following schools are presently operating with Federal aid under the 1958 Act or the Act:

California Maritime Academy
Maine Maritime Academy
Massachusetts Maritime Academy
State University of New York Maritime College
Texas Maritime College of the Texas A&M University at Galveston

The Great Lakes Maritime Academy

(b) *General rules for operation of a School.* (1) The Schools shall maintain adequate berthing, messing and classroom instruction facilities ashore, or have plans to establish same at the earliest possible time, unless prevented from doing so by conditions beyond the control of the School. During a period a school is implementing an approved plan, Cadets may be housed and instructed on a Training Ship. However, the approved plan may include the ongoing use of the training ship as an instructional and laboratory facility and for the berthing of entering class cadets for a period not to exceed six months for purposes of shipboard indoctrination.

(2) The School shall arrange for the Cadet or Midshipman to take the United States Coast Guard original licensing examination prior to the date of graduation.

(3) As a condition to receiving payments of any amount allowable by the 1958 Act and the Act in excess of $25,000 for any year, a School shall agree to admit student residents of other States to the extent of at least ten percent (10%) of each entering class, if such out-of-State students apply for admission and are otherwise qualified for such admission. The calculation of residents of other States shall exclude residents of foreign countries, but shall include residents of Territories and possessions of the United States (including the Commonwealth of Puerto Rico).

(4) Upon the request of the Administration a school shall furnish such reports and estimates as may be required in the preparation of Federal Budget estimates.

(5) State authorities shall prescribe and administer rules and regulations for the internal organization and administration of each School.

(6) The Administration shall have the right to inspect shore base facilities at all reasonable times.

(7) Records pertaining to a School, its officers, crew, Cadets, the Training Ship, and shore base, shall be maintained by each School and shall be available to the Supervisor upon request. A detailed record of applications for admissions, enrollments, reenrollments, absences with or without leave, hospitalizations, determinations of students not in good standing, disenrollments, graduations, and other data concerning cadets and Midshipmen shall be kept by each school for the period of enrollment plus one year. Copies of these records shall be furnished to the Supervisor upon request.

(8) The Administration may include in any pamphlets, brochures or other public information materials an adequate description of each School giving the reader knowledge of the existence of the School, its purposes and where to obtain application forms and further information.

(c) *Curriculum.* (1) The minimum period of training shall be three (3) years. For the Cadets and Midshipmen at the schools located in California, Maine, Massachusetts, New York and Texas at least six (6) months of the total time must be aboard a Training Ship in cruise status. A maximum of two (2) months of training time aboard commercial vessels of not less than 2,500 horsepower may be substituted for two (2) months of the specified cruise time. For the cadets at the Great Lakes Maritime Academy, six (6) months of the time shall be aboard Great Lakes commercial vessels and an additional three (3) months shall be aboard either a Training Ship in a cruise status or Great Lakes commercial vessels while underway. Cadets in training status aboard commercial vessels shall sign on board as cadets and shall pursue their training within the framework of formal sea projects prepared and monitored by their respective Schools.

(2) State authorities shall prescribe and be responsible for the courses of instruction and general system of training and the addition of such reasonable maritime courses as may be prescribed by Federal authorities, subject to approval by the Assistant Secretary. The curriculum as a composite shall, as a minimum, meet the requirements set out in the Federal Curriculum Standards for Merchant Marine Officers Training Program.

(3) Copies of the Federal Curriculum Standards for Merchant Marine Officers Training Program at the State maritime academies may be obtained from the Maritime Administration, Office of Maritime Labor and Training, Main Commerce Building, Washington, D.C. 20230.

§ 310.4 Training Ship.

The Administration may furnish a Training Ship, if such is available, to any School. Training Ships which may be designated for use by a School will be delivered to the School at a location determined by the Administration, in condition found to be in class by the American Bureau of Shipping and certificated by the U.S. Coast Guard. If a Training Ship is not available, adequate cruising facilities shall be the responsibility of the State and its School. The furnishing of a Training Ship shall be subject to the following terms and conditions:

(a) *General provisions.* (1) The State, acting through the School shall exercise reasonable care to safeguard the interests of the Administration and avoid (i) injury to any person aboard the Training Ship, and (ii) loss and damage of every nature with respect to the Training Ship. Also, the school shall have reasonable layup procedures during noncruise status of the Training Ship.

(2) Excerpts from log books and reports shall be submitted as directed by the Supervisor.

(3) Initial telegraphic or telephonic reports shall be made promptly to the Supervisor and the appropriate Region Director in the event of an accident causing (i) serious injury to any person, or to the Training Ship, or (ii) damage inflicted by the Training Ship upon any other ship or other property. Such reports shall be followed by complete written details of the occurrence.

(4) The Supervisor shall determine whether or not the berth of the Training Ship at the base in its home port is suitable from the standpoint of safe mooring. When the Training Ship is not on cruise, the Commanding Officer or Superintendent shall keep the Supervisor informed of the location of the Training Ship and any contemplated change of berth.

(5) The following notice shall be posted conspicuously aboard each Training Ship furnished to a State for use by a School:

This training ship is the property of the United States of America. It is furnished to the State of ———— by the Department of Commerce, Maritime Administration, for the purpose of training young men and women to become officers in the merchant marine of the United States. Neither the State, the Commanding Officer, nor any other person has any right, power or authority to create, incur or permit to be imposed upon this vessel, any lien whatever.

(6) No changes requiring U.S. Coast Guard approval shall be made to the Training Ship without the written approval of the Administration.

(7) In the event of the termination of the use of a Training Ship by the State or by the Assistant Secretary, the State shall return to the State base port, the Training Ship and all property whatsoever owned by the Administration. Title to all additions, replacements, and renewals made by the State shall vest in the Administration without charge.

(b) *Termination of use.* The Assistant Secretary may terminate the use of a

Training Ship upon such reasonable notice to the State as the circumstances may permit in the judgment of the Assistant Secretary. If use of the Training Ship is terminated by the Assistant Secretary, the Assistant Secretary may:

(1) Substitute another Training Ship;

(2) Require the sharing of a Training Ship by two or more Schools; or

(3) Cooperate with the School in arranging for training time aboard commercial vessels for its Cadets and Midshipmen.

(c) *Property aboard the Training Ship.* The State shall have the complete use of a Training Ship as defined, subject to the following terms and conditions:

(1) All property, or its equivalent furnished by the Administration, shall be returned to the Administration when use of the Training Ship is terminated. The only exceptions are: spare and replacement parts consumed; and losses due to ordinary wear and tear, unavoidable accident and perils of the sea. All other property otherwise lost or destroyed shall be replaced at the expense of the State.

(2) Administration property shall not be permanently removed from the Training Ship to the shore base without the prior written approval of the Supervisor.

(3) The administration shall take inventories of State and Federal property aboard the Training Ship at such times as it deems necessary. The school, at its expense, shall furnish such assistance as may be necessary in taking such inventories.

(d) *Condition Surveys.* Before a Training Ship is released to a School and manned by officers under State control, a condition survey shall be made by duly authorized representatives of the School and the Administration. If the Training Ship is found in order, the School representative shall sign a receipt for the Training Ship. Subsequently, after due notice to the State authorities, a condition survey may be made of the Training Ship whenever deemed advisable by the Administration, and, in any event, upon redelivery of the Training Ship by the State to the Administration.

(e) *Maintenance and repairs.* (1) *Administration payment.* A Training Ship shall be maintained in good repair by the Secretary as provided by the 1958 Act and the Act. Expenses for repairs, changes and alterations, repairs to equipage and replacements of equipage in accordance with the Administration's approved allowance lists for the Training Ship (i.e. authorized under the Act and to the extent that funds are available), shall be borne by the Administration under the following terms and conditions:

(i) When it is necessary to repair or drydock the Training Ship because of damage (except in an emergency, when on foreign cruise), the Commanding Officer or Superintendent shall notify the Supervisor and appropriate Region Director by telephone or telegraph in order to enable a representative of the Region Director, if available, to be present, when the survey of the damage is made.

(ii) Repairs which need not be carried out during the annual overhaul period shall be made by the Cadets or Midshipmen, if possible, under the supervision of the officers. When repair material is required for this purpose, the Commanding Officer or Superintendent shall forward to the Supervisor a list of such material and estimated costs, and a description of the repairs to be carried out by the Cadets or Midshipmen. The Supervisor shall promptly advise the Commanding Officer or Superintendent whether or not such work comes under the heading of repairs, and if procurement of the material is authorized.

(iii) Requisitions covering repairs, renewals, and betterments shall be prepared in quintuplicate by the heads of departments of the Training Ship and submitted by the Commanding Officer or Superintendent to the Supervisor at least forty–five (45) days before the date of the annual overhaul, with one copy to the Region Director.

(iv) The State is authorized to expend not to exceed $5,000 for emergency repairs which become necessary while the Training Ship is on foreign cruise. The Adminstration shall reimburse the State upon submission of vouchers to, and approval by, the Assistant Secretary. To obtain reimbursement for emergency repairs estimated to cost in excess of $5,000, authorization must be obtained by the State from the Supervisor prior to undertaking such repairs. The Commanding Officer shall be responsible for all necessary filings with the United States Customs Service to avoid duties upon all emergency repairs performed outside the United States. If penalties are imposed, for non-filing or improper filing, they shall be solely the responsibility of the State.

(2) *State payment.* Except as otherwise provided in this section, the State shall, at its own expense, accomplish the following:

(i) Undertake usual preventive maintenance of the Training Ship, adhere to minimum levels of preventive maintenance as prescribed by the Administration, and keep the Training Ship clean and painted, above the waterline according to good maritime practices.

(ii) Cause the Training Ship to be fumigated if required by the Administration and forward to the Supervisor a copy of the fumigation certificate.

(iii) Pay for all consumable stores, freshwater and costs incidental to the operation of the Training Ship.

(iv) Pay for fuel of the training ship except that the Administration may assist in paying the cost of fuel consumed on the Training Ship while being used for training purposes if funds are appropriated and available for such purposes.

(f) *Cruises.* The school shall submit the cruise itinerary of the Training Ship including a listing of foreign ports to be visited, for approval of the Supervisor at least sixty (60) days in advance of the date such cruise is scheduled to begin. The Supervisor shall arrange with the Department of State for clearance of the Training Ship to visit foreign ports.

(g) *Hospitalization.* The School shall be responsible for all medical treatment and hospitalization of all persons aboard the Training Ship at all times, including officers and Cadets and Midshipmen. If available, facilities of the United States Public Health Service should be utilized.

(h) *Repatriation and return to home port.* The School shall be responsible for the return to the home port of the Training Ship of all persons, including officers and Cadets and Midshipmen, who originally embarked on a training cruise from a Continental United States port and who are left behind, after the departure of the Training Ship from any port, foreign or domestic, or are to be brought home from the ship at any time or for any reason. The School shall be solely responsible for all expenses of repatriation and return to home port.

§ 310.5 Personnel.

(a) *Selection and appointment of Superintendent and faculty by State authorities.*

(1) The State shall select and appoint the Superintendent of a School in accordance with qualifications established by appropriate State authorities. The State shall notify the Assistant Secretary whenever a new Superintendent is appointed and furnished with appropriate background information on the appointee for informational purposes.

(2) The State shall appoint faculty members in disciplines other than engineering and navigation on the basis of the same criteria used in the

employment of such personnel in State-supported colleges and universities throughout the State. Faculty members in navigation and engineering courses, including steam and diesel, shall meet appropriate academic and practical experience standards adopted by the school and approved by the Administration.

(b) *Personnel for Training Ships.* (1) *Commanding Officer.* The Commanding Officer shall hold a valid Master's Ocean, Unlimited Tonnage license, including Radar Observer endorsement issued by the United States Coast Guard and must have served at least two (2) years within the last five (5) years as Master, Chief Officer, Commanding Officer, or Executive Officer either (i) on oceangoing vessels under the authority of said Master's Ocean, Unlimited Tonnage license, or (ii) in the case of sea service as a member of the Uniformed Services of the United States, on ships accepted by the United States Coast Guard as equivalent for qualifying service for issue of a Master's Ocean, Unlimited Tonnage license.

(2) *Chief Engineer.* The Chief Engineer must hold a valid Chief Engineer's (Steam) Ocean, Unlimited Horsepower license, issued by the United States Coast Guard and have served as Chief Engineer of an oceangoing steamship of comparable horsepower to that of the particular Training Ship.

(3) *Watch Officers.* Both Deck and Engineer Watch Officers in charge of a watch, underway, shall hold valid Ocean, Unlimited Tonnage licenses, issued by the United States Coast Guard, in their particular field.

(4) *Radio Officers.* During each training cruise the Training Ship shall have assigned one or more radio officers holding a valid license issued by the United States Coast Guard, in accordance with its regulations.

(5) *Licensed Engineer.* When a Training Ship boiler is in operation, there shall be a Licensed Engineer qualified to stand the watch aboard at all times.

(c) *Insignia for officers and other School personnel.* The State may furnish insignia for officers and other school personnel, other than officers of the United States Navy, United States Naval Reserve, United States Maritime Service and United States Coast Guard.

§ 310.6 Entrance requirements.

(a) *Enrollment prior to April 1, 1982.* A candidate for admission to a school who wishes to be considered for Federal student subsistence payments shall:

(1) Be a citizen of the United States.

(2) Agree in writing before enrollment to (i) complete the Naval Science curriculum (ii) take all necessary and positive steps to obtain a commission as ensign in the United States Naval Reserve, (iii) apply before graduation for such commission, and (iv) accept such commission if offered. A breach of this agreement will result in termination of cadet status and of Federal student subsistence payments, and may lead to legal action for recovery of all past such payments. The requirements of this paragraph shall not apply at The Great Lakes Maritime Academy.

(3) Agree in writing before enrollment to sit for the appropriate licensing examination of the United States Coast Guard. A breach of this agreement will result in termination of cadet status and of Federal student subsistence payments, and may lead to legal action for recovery of all past such payments.

(4) Meet the physical standards specified by the United States Coast Guard for original licensing as a merchant marine officer. The written certification of the Superintendent of the school, based on a physical examination by a doctor, the results of which are on record at the school, that a candidate meets these requirements, will be acceptable to the Administration.

(5) Possess a secondary school education or equivalent, satisfactory for admission as an undergraduate, to colleges or universities under control of the State in which the school is located.

(6) Meet requirements established by the school in regard to such criteria as the individual's secondary school grades, rank in graduating class, aptitude, achievement, and qualities of leadership.

(b) *Enrollment on or after April 1, 1982.* A candidate for admission to a school who wishes to be considered for the Federal student incentive payments shall:

(1) meet the requirements of subdivisions (1), (4), (5) and (6) of paragraph (a) of this section.

(2) be at least seventeen (17) years of age and not have passed the twenty-fifth (25th) birthday on the day of enrollment at a School.

(3) apply for, be offered, and have accepted midshipman status in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve) and simultaneously have applied and been accepted for Enlisted Reserve status.

§ 310.7 Federal student subsistence allowances and student incentive payments.

(a) *Subsistence allowances.* (1) *Selection and allocation.* In accordance with the Administration's established freshmen subsidy allocation for each School, the school shall select the individuals in its new entering class who will be enrolled in the United States Maritime Service as cadets and start to receive Federal student subsistence payments for uniforms, textbooks and subsistence as provided in the 1958 Act. The freshmen subsidy allocations for each School are as follows: California Maritime Academy 110; Maine Maritime Academy 150; Massachusetts Maritime Academy 77; State University of New York Maritime College 251; Great Lakes Maritime Academy 50; and the Texas Maritime College 35. Each student who meets the entrance requirements in § 310.6(a) and applies for enrollment in the United States Maritime Service shall be entitled to consideration for a student subsistence payment at a rate and under the conditions in the 1958 Act. The list identifying the selected students shall be forwarded to the Administration on or before October 31, 1981. The Federal student subsistence payments will be paid to the School while a cadet is in attendance but not in excess of four (4) academic years for any one student.

(2) *Resignation or disenrollment.* There will be no substitution for students removed or dropped from the list of those originally receiving Federal student subsistence payments. Subsidized students who resign or are disenrolled from a school shall not, on subsequent reenrollment, be in a position to reclaim their subsidy status.

(3) *Selection criteria; rate of payment.* The selection of the students to receive such payments shall be made by the School in accordance with criteria established by the School, with the prior approval of the Administration. The rate of Federal student subsistence payments will be determined by the Administration according to the 1958 Act or the Act.

(4) *NROTC enrollment.* Subsidized Cadets who make a commitment to the Naval Reserve Officer Training Corps will be removed from the Administration subsidy rolls effective on the date they receive funds from the United States Navy. Should they leave the Navy program for any reason they may not reclaim the Maritime Administration subsidy as a Cadet.

(5) *Payment procedure.* The Administration shall make the Federal student subsistence payments no more frequently than monthly, directly to the School upon the presentation of a statement containing the names of each Cadet selected by the Academy (within the quotas furnished pursuant to paragraph (a) of this section) to be enrolled in the Maritime Service and to

receive the Federal student subsistence payments. For newly selected Cadets in a new entering class, the statement supporting the first voucher for payment shall certify that the cadets have met the entrance requirements in § 310.6.

(6) *Certification procedure.* All vouchers submitted for payment shall contain a certification by the Superintendent that the payment will be used to assist in defraying the cost of the uniforms, textbooks, and subsistence of each Cadet on the basis of the amount to which the cadet is entitled, as reflected by the attached Daily Attendance Report. No cadet shall receive a federal student subsistence payment for any time during which he or she is absent without leave or for absence due to a condition not in line of duty, or when determined by the School to be not in good standing.

(7) *Insufficient appropriations.* If it appears that the amount appropriated by Congress under the Act shall not be sufficient to make payments at the maximum rate, not in excess of $1,200 per academic year per cadet, the Assistant Secretary, after consultation with the Schools, may determine the exact rate to be paid at each School for the remainder of the fiscal year.

(b) *Federal student incentive payments.* (1) *General provisions.* In accordance with the Administration's established subsidy quotas for new entering classes entering after April of 1982, each School will identify to the Administration; the students who are to be considered for the student incentive payment authorized by the Act. The students so identified must meet the requirements of § 310.6(b). The Administration shall provide the school with the necessary service obligation agreements. The agreements will be signed by the designated students and returned by the School to the Supervisor and shall become effective when signed by the Supervisor or his or her designee. A copy shall be returned to the School for transmittal to the student. Payments will be issued to these midshipmen in amounts equaling $1,200 for each academic year of attendance. Payments shall commence to accrue on the day each such midshipman begins his or her first term of work at the School. Such payments shall be made quarterly to the midshipman until the completion of his or her course of instruction but in no event for more than four (4) academic years. The School shall submit a monthly certified Daily Attendance Report listing the names of all designated midshipmen who are entitled to student incentive payments.

(2) *Temporary reallocation of Federal student incentive payments.* If a School does not have a sufficient number of eligible freshmen to utilize all of its alloted payments, then the unused subsidies may be reallocated on a need basis to academies with eligible students. In the next academic year, each School's subsidy quota for entering students will revert to its original level.

(3) *Form of the Service Obligation Agreement.* The service obligation agreeement shall obligate the midshipman to—

(i) use the student incentive payment to defray the cost of uniforms, books and subsistence;

(ii) complete the course of instruction at the School unless sooner separated by the school;

(iii) take the examination for a license as an officer in the merchant marine of the United States on or before the date of graduation from a School and to fulfill the requirements for such license not later than three (3) months after graduation;

(iv) maintain a license as an officer in the merchant marine of the United States for at least six (6) years following graduation from a School;

(v) apply for an appointment as, accept if tendered, and serve as a commissioned officer in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve), the United States Coast Guard Reserve, or any other Reserve unit of an armed force of the United States, for at least six (6) years following graduation from a School; and

(vi) serve in the foreign or domestic commerce or both, and the national defense of the United States for at least three (3) years following graduation from a School—

(A) as a merchant marine officer serving on vessels documented under the laws of the United States or on vessels owned and operated by the United States or by any State or Territory of the United States;

(B) as an employee in a United States maritime-related industry, profession, or marine science (as determined by the Assistant Secretary), if the Assistant Secretary determines that service under paragraph (A) is not available to such individual;

(C) as a commissioned officer on active duty in an armed force of the United States or in the National Oceanic and Atmospheric Administration; or

(D) by combining the services specified in subdivisions (A), (B) and (C).

(4) *Marine-related employment.* (i) graduates who intend to claim employment in a United States maritime-related industry, profession of marine science as meeting all or part of the service obligation under paragraph (b)(3)(vi) of this section, shall submit evidence to the Supervisor that they have conscientiously sought employment as a merchant marine officer, and that such employment is not available. Such evidence and other information available, shall be considered in any finding. In view of current and projected employment opportunites, afloat, the Assistant Secretary will grant the shoreside employment option infrequently and only on the basis of comprehensive evidence.

(ii) The Assistant Secretary may consider the positions of operational, management and administrative responsibility in the following marine-related categories under the provisions of paragraph (b)(3)(vi) of this section: civilian employment in Federal and State agencies related to maritime affairs, steamship companies, stevedoring companies, vessel chartering and operations, cargo terminal operations, naval architecture, shipbuilding and repair, municipal and state port authorities, port development, marine engineering, and tug and barge companies. The above list is not all inclusive and is only intended to serve as a general guide.

(5) *Afloat employment year.* For purposes of the service obligation, a satisfactory year of afloat employment, shall be a number of days employed afloat that is at least equal to the median number of days of seafaring employment under Articles achieved by deck or engine officers in the most recent calendar year for which statistics are available.

(6) *Reporting requirement.* The schools shall promptly submit copies of all resignation forms (containing the name, reason, address and telephone number) of juniors and seniors to the Supervisor, to be used for monitoring and enforcement purposes. Each graduate shall submit an employment report form to the Supervisor on or before July 1 of each year following their year of graduation, for three years. In case a deferment has been granted to engage in a graduate course of study, semi-annual reports must be submitted for any extension of the three (3) year obligation period resulting from such deferments. Reporting forms will be distributed by the school and the Supervisor. The reporting requirement for graduates will not become effective until there are State academy graduates subject to this provision, not earlier than 1985. The specific form to be developed by the Maritime Administration shall be

subject to approval by the Office of Management and Budget.

(7) *Breach of Agreement.*

(i) If the Administration determines that any midshipman who has attended a school for not less than 2 years has failed to complete the course of instruction at a school, the Secretary of the Navy may order that midshipman to active duty in the United States Navy, to serve for a period of time not to exceed 2 years. The Supervisor shall submit the list of those who have breached their agreement to the Chief of Naval Education and Training, Pensacola, Florida 32508.

(ii) If the Administration determines, that a graduate of a school has broken his or her agreement under paragraph (3), the Secretary of the Navy may order that individual to active duty to serve a period of time not less than 2 years and not more than the unexpired portion of the service required. The Assistant Secretary for Maritime Affairs, in consultation with the Secretaries of Defense and Transportation, shall determine in which service the graduate shall serve such period of time.

(8) *Waivers*—Waivers may be granted in cases where there would be undue hardship or impossibility of performance of the provisions of the agreement due to accident, illness or other justifiable reason. Applications for waiver will be submitted to the Supervisor.

(9) *Deferments*—In exceptional cases the Administration may grant a deferment of all or part of the service commitment under clauses (3)(ii)—(vi) for a period not to exceed two years, only for graduates considered to have superior academic and conduct records while at the school, for the purpose of their entry after graduation into a marine-or maritime-related graduate course of study at an accredited graduate school. However, the Secretary of the department (including the Secretary of the department in which the U.S. Coast Guard is operating and the Secretary of Commerce with respect to the National Oceanic and Atmospheric Administration) which has jurisdiction over such service shall approve any deferment of service as a commissioned officer. Applications for such deferment shall be made through the Superintendent of Midshipman's school, who shall forward each application together with the Superintendent's recommendation for approval or disapproval and an evaluation of the applicant's academic and conduct records, to the Supervisor for appropriate action.

(10) *Determination of Compliance with Service Agreement, Appeals and Review Procedures*—

(i) An official of the Administration designated by the Supervisor shall:

(A) render determinations of whether a student or graduate has breached his or her service agreement;

(B) grant or deny a deferment of the service obligation under subparagraph (b)(9) of this section, except obligations otherwise a part of the graduate Reserve officer status;

(C) grant or deny a waiver of the requirements of the service agreement in hardship cases.

(ii) A four-person Appeals Review Panel consisting of the Supervisor serving as Chairman, and representatives of the Department of the Navy, the NOAA Corps, and the U.S. Coast Guard, decisions of which shall be final, shall:

(A) consider appeals of the decisions of the designated official pertaining to a breached agreement in hardship cases;

(B) consider appeals from denial of deferral by the designated official; and

(C) consider any issues of procedure or of the merits of cases referred to it by the designated official.

(iii) The procedures for processing determinations of compliance with the service agreement shall be developed by the Supervisor and approved by the Assistant Secretary. Actual notice of such procedures will be given to each student at the time of enrollment in the program.

§ 310.8 Leave.

Cadet and Midshipman leave without loss of Federal student subsistence or incentive payments shall be as follows, with the specific periods to be set at the discretion of the Superintendent on an academic year basis:

(a) If transferred to a hospital, or sick at home, or in the sick bay, not to exceed four (4) months.

(b) For an emergency due to the serious illness, injury or death of a very near relative, not to exceed seven (7) days.

(c) Annual leave not to exceed thirty (30) days.

(d) Christmas and Easter not to exceed a total of twelve (12) days. Plus all legal holidays—Federal and State. This leave is in addition to that granted in paragraph (c) of this section.

(e) Leave in addition to that provided in paragraphs (c) and (d) of this section, may be granted only if approved in advance by the Supervisor upon direct request by the Superintendent.

§ 310.9 Medical attention and injury claims.

(a) *Medical attention and hospitalization.* The school shall be responsible for arranging that a medical officer shall be attached or on call to the school. During the cruise, the School shall assign a medical officer to the Training Ship.

(b) *Compensation claims of cadets or midshipmen.* Compensation claims for personal injuries or death sustained by a Cadet or Midshipman in the performance of official duty shall be forwarded to the Supervisor for transmission to the Office of Workers' Compensation Programs. The Supervisor shall furnish necessary forms.

(c) *Medical care and compensation for Officers and other personnel.* Officers and other personnel of the School, and of the Training Ship may avail themselves of any medical facilities furnished by the State or Federal Government for which they qualify. See, for example, 42 CFR Part 32. Such persons who are not Federal employees shall look to the State alone for pay, allowances, compensation and other benefits during injury or illness.

§ 310.10 Discipline and dismissal.

(a) Each School shall establish and publish rules and regulations governing Cadet and Midshipman discipline and providing for a demerit system for infractions of these rules and regulations. Serious or excessive violations of the rules and regulations by a Cadet or Midshipman may be considered as evidence of inaptitude for the demanding career of a merchant marine officer and warrant dismissal by the school.

(b) Each Cadet or Midshipman shall, upon admission to the School, be furnished a copy of the School's rules and regulations.

(c) Any Cadet or Midshipman placed on probation for failure to meet the conduct requirements of the school may, at the discretion of the Superintendent, be listed as not in good standing for any period not to exceed six (6) months for the purpose of § 310.7(a)(5).

§ 310.11 Cadet uniforms.

Cadet uniforms shall be supplied at the school in accordance with the uniform regulations of the School. Those regulations shall prescribe a distinctive insignia or device approved by the Assistant Secretary.

§ 310.12 Scope and effect.

(a) If any provisions of this Subpart conflict with laws and regulations of the State, the appropriate State authorities

shall notify the Assistant Secretary in writing of such conflict and pertinent circumstances. The Assistant Secretary, as a matter of discretion, shall take, or not take, any action determined appropriate under the 1958 Act or the Act.

(b) The Assistant Secretary may, after consultation with the Superintendents of the schools issue binding executive instructions supplementing this subpart.

§ 310.13 Form of agreement.

(a) The form of agreement between the Assistant Secretary and a school for annual maintenance and support payments, Federal student subsistence and incentive payments and fuel assistance under the 1958 Act and the Act is set forth below. The form of agreement may be augmented by special, additional articles if requested by the State and if agreed to by the Assistant Secretary. Agreement by the Assistant Secretary will be rare and will occur only if (1) the State presents good cause (e.g. explicit requirement of State law) and (2) the requested addition is not inconsistent with the 1958 Act or the Act and this subpart.

United States of America, Department of Commerce, Maritime Administration

State Maritime Academy or College Agreement

This Agreement, entered into as of the 1st day of July 1981, by and between the United States of America, acting through the Department of Commerce, Maritime Administration (hereinafter called the "Administration") and the State of ———— (hereinafter called the "State"), acting through the ———— Maritime Academy (hereinafter called the "School").

Witnesseth

Whereas:

1. The Agreement is effective July 1, 1981. A number of its provisions will become effective October 1, 1981, or later, and are so indicated;

2. "The Maritime Education and Training Act of 1980," Public Law 96-453 (hereinafter called the "Act"), effective October 1, 1981, and its predecessor statute "The Maritime Academy Act of 1958," Public Law 85-672 (hereinafter called the "1958 Act"), provide for payments to State, Regional, and Territory maritime academies and colleges (hereinafter called "schools") for the maintenance and support of such schools;

3. The 1958 Act provides for payments to the schools for students in attendance at such schools commencing with the day such students begin their first term of work at such schools until the completion of the course of instruction, but in no event for more than four academic years;

4. The Act authorizes the Administration to make payments to students entering into a service obligation agreement with the Administration;

5. The Act authorizes the Administration to pay for the cost of all fuel consumed by a training ship furnished by the Administration while such vessel is being used for training purposes;

6. The Act and the 1958 Act provide for certain requirements regarding courses of instruction and educational standards which any such schools must meet in order to receive said payments referred to in paragraph 2 above; and,

7. The Administration has determined that the School has met or by virtue of this Agreement meets all the requirements referred to in paragraph 6 above.

Now, therefore, in consideration of the premises and of the mutual promises hereinafter set forth, the parties hereto agree as follows:

Article 1. *Assistance Payments.*

The Administration, subject to the provisions of Article 5 of this Agreement, agrees to make annual payments to the school for not in excess of four years if the school has a four-year course and not in excess of three years if the school has a three-year course under this Agreement to be used for the maintenance and support of the school. The amount of each such annual payment shall be not less than the amount furnished to the school for its maintenance and support by the State but shall not exceed $25,000, or $100,000 if the school meets the requirements of Article 5(b) of this Agreement.

Article 2. *Subsistence Payments.*

The Administration, subject to the provisions of Article 5 of this Agreement, agrees to make payments for each student enrolled in a subsidized status before April 1, 1982, at a rate not in excess of $1,200 for each academic year. These payments shall be made to the school for the account of each such subsidized student who is attending the school. The school agrees that such payments shall be used by the student to assist in defraying the cost of his or her uniforms, textbooks, and subsistence. It is further agreed that the payments under this Article 2 shall commence to accrue on the day each such subsidized student begins his or her first term of work at the school and that such payments shall be paid to the school in such installments as the Administration shall prescribe while such student is in attendance and until the completion of his or her course of instruction, but in no event for more than the normal period required, by the school, to complete the prescribed course.

Article 3. *Student Incentive Payments.*

The Administration, subject to the provisions of Article 5 of this Agreement, agrees to provide the school with service obligation agreement forms for a specified number of students beginning the first term of work at the school on or after April 1, 1982. The service obligation agreement forms shall be signed by the designated students and returned by the school to the Administration which agrees to issue payments to these students in amounts equaling $1,200 for each academic year to assist them in paying the cost of uniforms, books and subsistence. It is further agreed that under Article 3 payments shall commence to accrue on the day each such subsidized student begins his or her first term of work at the school and that such payments shall be paid in such installments as the Administration shall prescribe while the student is in attendance and until the completion of his or her course of instruction, but in no event for more than the normal period required, by the school, to complete the prescribed course.

Article 4. *Fuel Payments.*

If funds are appropriated in any given fiscal year and are made available for expenditure by the Administration for fuel consumed by Government-owned training ships furnished to the schools, the allocation of such funds may be as determined in the discretion of the Administration.

Article 5. *Requirements.*

(a) In consideration of the payments to be made to the school pursuant to Articles 1, 2 and 4 of this Agreement, and of the payments to designated students enrolled in the school pursuant to Article 3 of this Agreement, the school shall, and as a condition of this Agreement agrees to,

(1) Provide courses of instruction in navigation, marine engineering (including steam and diesel propulsion), the operation and maintenance of vessels and equipment, and innovations being introduced to the merchant marine of the United States; and,

(2) Conform to such standards in such courses, in training facilities, in entrance requirements, and in instructors, as are established by the Administration after consultation with the Superintendents of schools.

(b) In addition to the condition provided in paragraph (a) of this Article 5 and as an express condition to receiving payments of any amount in excess of $25,000 for any one year under Article 1 of this Agreement, the school hereby agrees to admit to its courses of instruction otherwise qualified students resident in any other State or Territory in such numbers as the Administration shall prescribe, except that the number so prescribed shall not, at any time, exceed one third of the total number of students attending the school.

(c)(1) The school agrees that, with respect to the training program for merchant marine officers under the Act and the 1958 Act, and this Agreement, it will, to the extent applicable, comply with the following provisions of law and implementing regulations duly promulgated thereunder (including, but not limited to 15 CFR Part 8): Title VI, Civil Rights Act, 1964 (42 USC 2000d); Age Discrimination Act of 1975 (42 USC 6101); and Vocational Rehabilitation Section 504 (29 USC 794). The school further agrees that it will immediately take any measures necessary to effectuate this subparagraph (c)(1).

(2) It is agreed that these assurances are given in consideration of and for the purpose of obtaining and continuing in effect any financial assistance extended after the date hereof to the school by the Administration including any payments to be rendered pursuant to agreements extending financial assistance which were approved prior to such date, and any violation by the school of any of the provisions of this assurance of nondiscrimination shall constitute a breach

of this Agreement and of each of such prior agreements.

(3) The school further recognizes and agrees that such financial assistance will be extended by the Administration in reliance upon the representations and agreements made in this assurance of nondiscrimination, and that the United States shall have the right (in addition to any of its other rights under its agreements with the school) to seek judicial enforcement of these assurances. These assurances are binding on the school, its principals, officers, employees, agents, successors, transferees, and assignees.

(d) The Administration is hereby authorized to examine and audit the books, records and accounts of the school whenever it is deemed necessary or desirable. Further, the school agrees to permit the making of photostatic or other copies of any such books, records, papers, memoranda or other documents and to furnish without charge, adequate office space and other facilities reasonably required by such auditors of the Administration or other persons designated by the Administration in the performance of their duties in administering the provisions of the payments provided under this Agreement. This provision complies with Federal Management Circular 73-6 providing for a single audit for educational institutions and assigning one Federal agency with the audit responsibility for schools receiving Federal aid.

Article 6. *Methods of Payment.*

(a) *Assistance Payments.* The school shall submit to the Administration annually, at the time and in the form approved by the Administration, a voucher for the assistance payment provided in Article 1 of this Agreement. Each voucher for an assistance payment whether under the Act or the 1958 Act, shall be supported by certified statements of operating expenses for the preceding year, of an estimate of operating expenses for the year with respect to which the voucher is submitted, of amounts furnished by the State to the school for maintenance and support, and of evidence of compliance with the requirements of paragraph (b) of Article 5 of this Agreement. Upon approval of such voucher by the Administration, payment shall be made by the Administration to the school.

(b) *Subsistence Payments.* The school shall submit a monthly voucher, in form approved by the Administration, for the subsistence payments provided in Article 2 of this Agreement. Each voucher for subsistence payments shall be supported by a certified Daily Attendance Report listing the names of all subsidized students and the number of days each was in attendance at the school and is entitled to payment as stated on such voucher. Upon approval of such voucher by the Administration, payment shall be made by the Administration to the school.

(c) *Student Incentive Payments.* The school shall submit a monthly certified Daily Attendance Report listing the names of all designated students who are entitled to the student incentive payments provided in Article 3 of this Agreement and the number of days each was in attendance at the school and is entitled to payment. The Administration shall issue quarterly payments directly to such students.

(d) *Fuel Payments.* Upon notice from the Administration that appropriated funds are available for fuel payments provided in Article 4 of this Agreement, the school will submit a statement of the fuel consumed by the Government-owned training ship supported by copies of all billings representing fuel purchases, a statement of fuel consumed while such ship was being used for training purposes, copies of appropriate fuel consumption entries in the engineering log, and such other information as the Administration may require. The Administration will prepare the necessary voucher and make payment to the school.

Article 7. *Public Information.*

It is agreed that the school shall include in its curriculum catalogue, student information pamphlets, brochures, and other public information materials, a detail description of the assistance available to the school and its students under the Act, the 1958 Act and this Agreement, including the service obligations of student and graduates who first enter the school on or after April 1, 1982.

Article 8. *Regulations.*

This Agreement is subject to all the provisions of Part 310, Subpart A, Title 46, Code of Federal Regulations, and the school hereby agrees to conform to said provisions as they may be amended from time-to-time during the period this Agreement is in effect.

Article 9. *Officials not to Benefit or be Employed.*

No member of or delegate to Congress, nor Resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this Agreement if made with a corporation for its general benefit.

Article 10. *Disputes.*

Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement shall be decided by the Director, Office of Maritime Labor and Training who shall reduce his or her decision to writing and mail or otherwise furnish a copy thereof to the school, which decision shall be final and conclusive unless within thirty (30) days from the date of receipt of such copy, the school appeals by mailing or otherwise furnishing said Director, Office of Maritime Labor and Training, a written appeal addressed to the Assistant Secretary for Maritime Affairs. The decision of the Assistant Secretary for Maritime Affairs, or his or her duly authorized representative, shall be final and conclusive. In connection with any appeal, the school shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the school shall proceed diligently with performance of the Agreement in accordance with the decision of the Director, Office of Maritime Labor and Training.

Article 11. *Duration of Agreement.*

This Agreement is effective as of the day and year first set forth hereinabove and shall remain in full force and effect for a period of —— years after said date, unless sooner terminated by either party as herein provided.

Article 12. *Termination of Agreement.*

This Agreement may be terminated by either party upon sixty (60) days written notice to the other party, *provided, however,* that notwithstanding any such termination the parties hereto shall continue to be responsible for the faithful performance of all of the terms and provisions of this Agreement through the effective date of such termination. Termination or expiration of this Agreement shall neither affect nor relieve either party of any liability or obligation that may have arisen or accrued prior thereto.

Article 13. *Renewal of Agreement.*

Unless terminated by notice, as provided for herein under Article 12 of this Agreement, the rights and privileges granted to, and the obligations assumed by, the parties together with all other provisions of this Agreement shall continue in full force and effect and shall be renewed from year-to-year for an additional period of one (1) year from the expiration date herein, unless either party shall at least three (3) months prior to the date of expiration of any additional one (1) year period notify the other party in writing that it does not desire the Agreement to be extended for such additional one (1) year period. This Agreement, as extended year-to-year as aforesaid, may be amended, modified or supplemented in writing at any time by the mutual consent of the parties hereto.

Article 14. *Assignment Prohibited.*

It is hereby agreed by the school that the Agreement, or any interest herein, shall not be assigned to any other person without the prior written consent of the Administration, which consent may be subject to such terms and conditions as the Administration deems appropriate.

Article 15. *Availability of Funds.*

It is understood and agreed by and between the parties hereto that the obligations under this Agreement shall be deemed executory to the extent of the monies available to said parties for the purpose thereof and no liability on account thereof shall be incurred beyond such available monies by either of said parties.

Article 16. *Prior Agreement.*

It is hereby understood and agreed by and between the parties hereto that the agreement in effect between the parties on the date prior to the effective date of this Agreement is superseded by this Agreement but only as to obligations not incurred prior to the expiration date of said prior agreement under the provisions of said prior agreement.

In witness whereof, the UNITED STATES OF AMERICA, represented as aforesaid, has caused this Agreement to be executed on its behalf in three counterparts as of the day and year first written hereinabove and actually on the —— day of ——— 19—.

Attest:

United States of America, Department of Commerce, Maritime Administration.

Secretary. _____

By: _____

_____

Assistant Secretary of Maritime Affairs.

[Seal]

Attest:

State of _____

————Maritime Academy

By: _____
[Seal]
Approved as to form:

General Counsel, Maritime Administration.

(Public Law 85-672, 72 Stat. 622 (46 U.S.C. 1381-1388) and Public Law 96-453, 94 Stat. 1997; Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Public Law 91-469 (84 Stat. 1036); Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973))

(Catalog of Federal Domestic Assistance Program No. 11-506 State marine schools)

Dated: June 30, 1981.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-21314 Filed 7-21-81; 8:45 am]

BILLING CODE 3510-15-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1002

[Ex Parte No. 404]

Changes in the Fee Schedule

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: On May 6, 1981 [46 FR 25326], the Commission published in the **Federal Register** the Notice of Proposed Rulemaking in the proceeding relating to changes in the fee schedule. At that time we explained the purpose of an increase in fees for copying and certifying certain records and documents in the Secretary's Office, as well as certain technical changes in the fee schedule. Since we have not received any comments regarding this proposed measure, we intend to adopt the proposed rules as final.

DATE: This action is effective upon publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT:
Joseph Ross, (202) 275-0993
or
Kathleen King, (202) 275-0956.

SUPPLEMENTARY INFORMATION: This action will not significantly alter the quality of the human environment or conservation of energy resources.

These rules will not have a significant effect on small businesses.

Accordingly, we adopt the amendment set forth in the appendix.

Issued under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Dated: July 16, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha Mergenovich,

Secretary.

Appendix

1. Title 49 CFR 1002.2(d), Schedule of Filing Fees, is amended by removing 49 CFR 1002.2(d)(12) and reserving it for future use and by removing 49 CFR 1002.2(d)(42) and reserving it for future use.

2. Title 49 CFR 1002.1 is amended by revising paragraphs (a), (e), and (f) (1), (2) and (3) as follows:

§ 1002.1 Fees for record search, copying, certification, and services in connection therewith.

* * * * *

(a) Certificate of the Secretary, $2.50.

* * * * *

(e) Electrostatic copies of tariffs, reports, and other public documents, at the rate of $0.25 per letter size or legal size exposure. A minimum charge of $2.50 will be made for this service.

(f) * * *

(1) The search fee shall be $4.00 per hour for services performed by clerical personnel, and $12.00 per hour for services performed by supervisory and professional personnel. A fee of $25.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

(2) The fee for electrostatic copies shall be $0.25 per letter size or legal size exposure, with a minimum charge of $2.50 for this service.

(3) The fees for searches requiring the use of computers shall be $0.30 per port minute on the NDC system and $0.12 per port minute on the Compu Serve System. Printing shall be charged at a rate of $0.10 per page of computer generated output with a minimum charge of $25.00. A charge of $25.00 per reel of magnetic tape will be made if the tape is to be permanently retained by the requestor.

* * * * *

[FR Doc. 81-21421 Filed 7-21-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1120A

[Finance Docket No. 28990F]

Common Carrier Status of States, State Agencies and Instrumentalities, and Political Subdivisions; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Modification of rules.

SUMMARY: The Commission is clarifying the rules codified at 49 CFR 1120A which provide for a modified certificate of public convenience and necessity for operation of rail lines abandoned or authorized for abandonment and acquired by a State. Specifically, we recognize that lines for which an abandonment application was filed prior to January 1, 1979 are eligible for Federal rehabilitation assistance under 49 U.S.C. 1654(k)(3)(C) regardless of whether the application was approved. The rules are also modified to require the notice to include information about the abandonment.

DATES: This decision will be effective on July 16, 1981.

FOR FURTHER INFORMATION CONTACT:
Ellen D. Hanson, (202) 275-7245
or
Elaine Sehrt, (202) 275-7899.

SUPPLEMENTARY INFORMATION: Patrick W. Simmons, Illinois Legislative Director for United Transportation Union (UTU), the State of Michigan Department of Transportation (Michigan DOT), the United States Department of Transportation (U.S. DOT) and the New York State Department of Transportation (New York DOT) separately ask us to reconsider our decision in Finance Docket No. 28990F, *Common Carrier Status of States, State Agencies,* 363 I.C.C. 132 (1980) (*States' Exemption*). Final rules in that decision were published at 45 FR 53827, August 13, 1980, corrected at 45 FR 55205, August 19, 1980, and the effective date clarified at 45 FR 57129, August 29, 1980.

Modified Certificate and Local Rail Assistance

Michigan DOT contends that we did not correctly interpret section 107 of the Local Rail Service Assistance Act of 1978, 92 Stat. 3059, which amended section 5(k) of the Department of Transportation Act, 49 U.S.C. 1654(k). At page 139 of the decision, we stated:

> Since all the rail lines that will be covered by this exemption would have been abandoned pursuant to our regular procedures but for this exemption, we conclude that they would not be eligible for rehabilitation assistance. If a carrier wishes to take advantage of Federal rehabilitation assistance programs, it will have to apply for a full-fledged certificate of public convenience and necessity pursuant to section 10901 of the Act.

Because lines for which an abandonment application was filed before January 1, 1979, are eligible for rehabilitation funds under section 1654(k)(3)(C) (until September 30, 1981), Michigan DOT requests that the decision be modified to reflect this fact. U.S. DOT supports this request.

Because U.S. DOT supports the interpretation of a program administered by one of its subsidiary agencies, the Federal Railroad Administration (FRA), we will adopt Michigan DOT's request. Lines for which an abandonment application were filed prior to January 1, 1979, are eligible for rehabilitation funds until September 30, 1981, *whether or not the application has been granted.* In the event that an abandonment application in such cases is granted, the lines would also be eligible for a modified certificate under our regulations.

Adequacy of the Notice and Lawfulness of the Modified Certification Procedure

In its petition to reopen the proceeding, UTU questions our authority to exempt States and their operators from the requirements of 49 U.S.C. 10901 (acquisition and operation) and 10903 (abandonment), and our authority to set up a *modified* certification procedure. Initially, UTU asserts that our final rules go beyond the scope of the notice of the proceeding published at 45 FR 19585 on March 26, 1980. It points to the statement of proposed rule 1120A.2 in the notice that when a State acquires an abandoned rail line and operates the line itself or contracts with an operator to provide service, both the State and the operator become carriers. This is compared to the final rule 1120A.2, which provides that a State would be considered a common carrier only if it operates the line.

We believe that the March 26 notice fully informed the public of the possible scope of this proceeding. The Commission's consideration of exempting both the States and operators from common carrier obligations is clearly set forth in the notice which stated, "We have, however, exempted States and operators of abandoned rail lines from the statutory and regulatory requirements applicable to common carriers, that govern the acquisition of these lines and the start up and abandonment of operations over them." See 45 Fed. Reg. 19585, rule 1120A.2. Moreover, the March 26 notice contained a compendium of frequently-asked questions regarding the implications of the proceedings on operations over abandoned lines. In answer to question 9, we indicated that ownership of a line that has been abandoned or approved for abandonment would not *per se* impose a common carrier obligation. The submission of a proposed rule for comment does not of necessity bind an agency to undertake a new round of notice and comment before it adopts a rule which is different—even substantially different—from the proposed rule. * * * the adequacy of the notice must be tested by determining whether it would fairly apprise interested persons of the "subjects and issues" before the Agency. *American Iron & Steel Inst.* v. *Envir. Prot. Agency*, 568 F. 2d 284 (3rd Cir. 1977). * * * The initial Notice of Proposed Rulemaking included in this record demonstrates that it fairly apprised interested persons of the "subjects and issues" before the ICC. *Bonney Motor Exp., Inc.* v. *United States*, 640 F. 2d 646, 650 (5th Cir. 1981). In light of the information provided, we believe UTU's claim of inadequate notice is without merit.

UTU also contends that a *modified* certification procedure is unlawful, arguing that we must either subject the States to the requirements of 49 U.S.C. 10901 and 10903 or exempt them entirely from our regulation. Petitioner is incorrect in its assertion. Under section 10505(d), we may revoke an exemption to the extent necessary to carry out the rail transportation policy of section 10101a. We see no functional difference between a partial revocation of an exemption under subsection (d) and a partial initial grant of an exemption. Additionally, the statute authorizes us to exempt "a transaction" but does not require us to exempt fully every transaction. This view is reinforced by the legislative history of the Staggers Rail Act of 1980 (Staggers Act), Rep. No. 96-1430, 96th Cong. 2d Sess., which states, "[t]he conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemptions from remaining regulation." Thus, in establishing less vigorous licensing requirements and in partially exempting certain operations, we are implementing the intent of Congress.

Labor Protective Conditions

UTU also objects to the use of the section 10505 exemption authority as a means of relieving States and their operators from mandatory labor protective conditions under 49 U.S.C. 10903(b)(2). However, the 1120A rules apply only to lines that have been abandoned or authorized for abandonment. Thus, conditions will generally have already been imposed on the abandoning carrier to protect *existing* railway employees. As for *new* employees hired by the new operator, we see no need for protection. As these people accept employment with an exempt operator with knowledge of the exempt character of the operation and with no expectation of protection. Further, these lines generally would not be in operation but for the State's involvement and the existence of the exemption. These are lines which the private sector will no longer sponsor. Therefore, the new employees of these operators are not disadvantaged by this exemption. To the contrary, they would otherwise not be employed in this operation.

We recognize that the Staggers Act modified and limited our exemption authority so that we may not exercise that authority in the future in such a way as "to relieve a carrier of its obligation to protect the interests of employees as required by [the Interstate Commerce Act]." See 49 U.S.C. 10505(g)(2). However, we do not believe that Congress intended these modified certificate operators to be subject to mandatory labor protective conditions. The *States' Exemption* was issued, and the rules became final, months before the passage of the Staggers Act. Clearly, Congress was aware of this exemption. It could have required labor protection for new employees of modified certificate operators, but chose not to do so. The decision not to require labor protection in this area is consistent with Congressional actions in a similar area—the feeder railroad development program of section 10910.

Under the newly established feeder development program, Congress set forth a procedure by which shippers and communities could ensure the preservation of adequate rail service by purchasing certain rail lines from rail carriers even if the carriers did not wish to sell. Significantly, Congress provided that persons acquiring lines under this program could elect to be exempt from any provisions of Title 49 except those dealing with joint rates. Thus, an applicant under this program could elect to be exempt from the labor protection provisions of Title 49. Furthermore, under section 10910(g)(2), any financially responsible person acquiring any line abandoned during the 18-month period prior to passage of the Staggers Act is afforded the same exemption election.

Congress' action in establishing a feeder development program with such broad exemption provisions evidences an intent that where a choice must be made between automatic labor protection and continued service to the community, continued service prevails. The modified certification procedure is analogous. When State participation is necessary to insure continued rail service, we will not impose mandatory labor protective conditions. We believe that this approach is consistent with the will of Congress.

Preferential Treatment of States

UTU asserts that the effect of the *States' Exemption* decision is to give States and their operators preferential treatment *vis-a-vis* privately operated enterprises. It is the intent of Congress, as set forth in the Regional Rail Reorganization Act of 1973 (3R Act) and the Railroad Revitalization and Regulatory Reform Act of 1976 (4R Act), that the States take an active role in maintaining rail service. *States' Exemption*, at 139. This intent was also expressed in section 401 of the Staggers Act, the feeder railroad development program (49 U.S.C. 10910). UTU argues that that decision will permit certain private sector concerns to obtain unfair advantages over their competitors by contributing qualifying funds to a State to acquire additional Federal funds. We disagree. Instances of such conduct are likely to be very limited. In addition, all business entities will have similar opportunities to assist in preserving transportation service that is important to them. Most importantly, we believe that each State is best-suited to assess transportation needs within its boundaries and in allocating its own (as well as *any* additional) funds available for service continuation programs.

Moreover, the purpose of the modified certification procedure is to reduce regulatory barriers so as to encourage the continuation of rail service which might otherwise be ended. There is a need to reduce regulatory burdens for States especially as many State constitutions prohibit the assumption of common carrier status. Thus, our decision is intended to remedy otherwise insurmountable problems for States wishing to preserve rail service. Private concerns do not face barriers of this magnitude. It is well established that remedial action, in addressing only certain facets of a particular problem and in neglecting others, is neither a violation of equal protection nor due process. *Williamson* v. *Lee Optical of Okla.*, 348 U.S. 483, 487–488 (1955); and *A. F. of L.* v. *American Sash Co.*, 335 U.S. 538, 541–542 (1949). Thus, UTU's final contention is without merit.

Commission Jurisdiction Over States

New York DOT alleges that we erred in not granting its previously filed motion to dismiss the proceeding for lack of jurisdiction.[1] It believes that Congress, in enacting both the 3R Act and the 4R Act, intended that States be exempt from regulation in this area.

We considered the issue of our jurisdiction over States in both the March 26 notice and the *States' Exemption* decision. We found that where a State acquires a line of railroad which has been abandoned, the transaction is outside the scope of our jurisdiction. We also found that where a State acquires a line authorized for abandonment, but over which service is still being provided, the transaction is subject to our regulation. In the latter instance, the State would succeed to the common carrier obligations required of the former owner. Cf. *Pittsburgh & W. Va. R—Pur.—Pittsburgh & W. Va. Ry. Co.*, 330 I.C.C. 593, 596–597 (1967), and *Leelanau Transit Co. Abandonment, North Port Branch*, 307 I.C.C. 95, 101 (1959). However, in view of the substantial burdens on the States which common carrier status would occasion, we granted an exemption where the State would not actually operate the line. Thus, the burden of ownership on the State has been minimized to the greatest extent consistent with our statutory obligations.

Other Matters

New York DOT requests that we clarify the status of lines that have not been abandoned and over which operations have continued through subsidy. If the line has not been authorized for abandonment, then the modified certification procedures would not apply. But, a State could use the feeder line development program mentioned above to acquire the line and elect to be exempt from regulation (except with respect to joint rate provisions) under 49 U.S.C. 10910(g)(1).[2]

A need for clarification of these rules also arose in Finance Docket No. 29636, *Modified Certificate Notice by the Delaware and Hudson Railway Company* (not printed), decided May 5, 1981. There, the Delaware and Hudson Railway Company sought a modified certificate to operate a rail line which it had been operating as a designated Operator (D–OP).[3] The rail line was recently purchased by the Tioga County Industrial Development Agency, removing it from D–OP eligibility. This is a proper use of these modified certification regulations. A rail line which was approved for abandonment under the Final System Plan (FSP)[4] but over which operations were continued by a D–OP, comes within the meaning of "abandoned or authorized for abandonment", as required by 1120A.

In another recent proceeding, *Delaware and Hudson Ry Co.—Modified Cert. of PC&N*, 363 I.C.C. 808 (1981), a notice for a modified certificate was rejected. There, no operations had been conducted over the line for several years. That proposal involved service to a new shipper, a service which differed significantly from the abandoned service. We reiterated that the 1120A procedures were designed to facilitate *continuation* of rail service over marginal lines where service would be discontinued but for the role of the State (363 I.C.C. at 810). We noted that the *States' Exemption* procedures would apply only to recently abandoned lines, (363 I.C.C. at 809).

Use of the 1120A procedures has also revealed a need for specific information about the abandonment. Accordingly, section 1120A.3 will be modified to require that the notice filed by the operator include information about the abandonment, including docket number, status and date of the first decision approving the abandonment.

Energy and Environmental Impact

All of the rail lines subject to the modified certification procedures will already have been authorized for abandonment. Thus, specific energy and environmental findings will have been made in the individual abandonment proceedings. We note, in addition, that the preservation or reinstitution of rail service will have a salutary impact in these areas. Use of existing rail facilities will decrease motor traffic and extend roadway life. It will result in decreased fuel consumption and preservation of other natural resources.

This action does not significantly affect the quality of the human

[1] New York DOT moves that we permit it to submit a late-tendered petition to reopen on the grounds that it never received notice of the Commission's decision and learned of it only after being served with the responses of other parties. Receipt into evidence of New York DOT's petition to reopen and our consideration of the issues it raises will not prejudice the interests of any party. Accordingly, its motion will be granted.

[2] We believe the situations described by New York DOT would be limited. Unless and until authorized by the Commission (unless the line is subject to a legal embargo), a carrier must fulfill its common carrier obligation to provide service on its trackage. There would be no need for a State or private entity to furnish a subsidy to assure itself of service unless a certificate of abandonment is issued.

[3] A D–OP operates under a special certification procedure adopted in response to the 3–R Act as amended by the 4–R Act. Rail lines in the Northeast which were not transferred to the Consolidated Rail Corporation (ConRail), but still owned by the estate of former northeastern carriers, were made available for subsidy. Operations over these lines, conducted by a "D–OP", could be abandoned after termination of the rail service continuation payment.

[4] The FSP, developed pursuant to the 3R Act, included only the most viable of the northeastern lines for transfer to the Consolidated Rail Corporation. Lines not included in the FSP could be abandoned, pursuant to the 3–R Act, without Commission approval.

environment or conservation of energy resources.

It is ordered:

(1) The motion of New York Department of Transportation to file its late-tendered petition to reopen is granted.

(2) The petition to reopen submitted by Patrick W. Simmons, Illinois Legislative Director for United Transportation Union and the petition for administrative review filed by the State of Michigan, Department of Transportation are granted, in part.

(3) The petition to reopen for reargument and reconsideration filed by New York Department of Transportation is denied.

(4) The regulations pertaining to the modified certification procedure codified at 49 CFR 1120A *et seq.* are modified to the extent set forth in the Appendix.

(5) This decision will be effective on July 16, 1981.

Dated: July 13, 1981.

By the Commission, Chairman Taylor, Commissioners Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix

§ 1120A [Amended]

49 CFR 1120A.3 is amended as follows:

1. Existing paragraphs (b) (2) through (5) are redesignated as (b) (3) through (6).

2. Paragraph (b)(2) is added to read as follows:

* * * * *

(b) * * *

(2) Information about the prior abandonment, including docket number, status and date of the first decision approving the abandonment.

[FR Doc. 81-21422 Filed 7-23-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries off the Coasts of California, Oregon, and Washington

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

ACTION: Emergency rule: correction, extension of effective date and comment period.

SUMMARY: Emergency regulations in effect through July 20, 1981, implement the 1981 amendment to the Fishery Management Plan for the Commercial and Recreational Salmon Fisheries off the Coasts of California, Oregon, and Washington (FMP). NOAA extends the effective date of these emergency regulations for another 45 days through September 3, 1981, to maintain effective regulations for the fishery. NOAA publishes two corrections and extends the comment period for another fifteen days.

DATES: Effective date from July 20, 1981 through September 3, 1981. Comments must be received by August 6, 1981.

ADDRESSES: Submit comments to: Office of the Regional Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109.

Copies of the 1981 FMP amendment, final supplemental environmental impact statement, regulatory impact review/regulatory flexibility analysis and NOAA analysis of issues contained in the minority report are available at the above address. Copies of the minority report and the emergency rulemaking are available at the above address and from the Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, Oregon 97201, telephone 503-221-6352.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, Regional Director, National Marine Fisheries Service, 206-442-7575.

SUPPLEMENTARY INFORMATION: Emergency regulations implementing the 1981 amendment to the FMP were published in the **Federal Register** on June 10, 1981 (46 FR 30633) and were effective for 45 days from June 5, 1981. NOAA reissues the emergency rules for 50 CFR Part 661 for another 45 days, and makes corrections in §§ 661.4 and 661.13 (a) and (b), to continue management until final regulations are in effect in 1981.

The first sentence of § 661.4, "Effective dates", is removed to delete reference to emergency regulation effective dates, and the second sentence is modified slightly to delete reference to subsequent "Final Regulations". In § 661.13 (a) and (b), the place "Sandy Point" is changed to the correct spelling "Sand Point." The regulations will read as they were intended in the plan amendment.

The amendment and the regulations are discussed thoroughly in the preamble to the emergency regulations. To save public expense and reduce the volume of matter printed, NOAA has considered the emergency regulations as proposed regulations without republishing them. Comments have been received on the emergency regulations, as well as on the plan amendment. The emergency rulemaking was reviewed by the Office of Management and Budget. Anyone interested in submitting additional comments is referred to the **Federal Register** notice of June 10, 1981 (46 FR 30633) for the text and public discussion of these rules. The preamble to the 45-day emergency rule requested public comment. NOAA is providing another 15 days for comment to allow the public more time before the final rulemaking.

Minority Report

On May 19, 1981, the Secretary of Commerce received a minority report from Mr. Guy R. McMinds, a member of the Pacific Council. In that report, Mr. McMinds criticized recent Council actions in developing and adopting the 1981 amendment to the ocean salmon plan. Mr. McMinds objected to the process by which the Council proposed the amendment; in particular, he objected to the method of handling scientific (biological) issues and data in a manner that allegedly affected adversely the fishing rights of treaty Indians. The minority report reflects concerns which representatives of the Quinault Indian Nation and the Hoh and Quileute Indian Tribes raised at an earlier date. Those concerns prompted NOAA to perform an independent analysis of the data and methodology which comprised the basis of the tribes' concerns. NOAA's analysis adequately demonstrates that those concerns (and the concerns expressed in Mr. McMinds' minority report) would not justify Secretarial disapproval or partial disapproval of the 1981 amendment to the ocean salmon plan.

Classification

A regulatory impact review/initial flexibility analysis (RIR/RFA) has been prepared for the 1981 amendment to the FMP and its availability was referred in the emergency rulemaking.

The draft RIR/RFA contains a detailed description of the problems addressed by the amendment and an economic analysis of alternatives to individual proposed regulations. The RIR/RFA supports the determination that the rulemaking is unlikely to result in an annual effect on the economy of $100 million or more; result in a major increase in costs or prices for consumers, the salmon industry, government agencies, or geographic regions; or have significant adverse effects on competition, employment,

investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. It also demonstrates that the regulations to implement the 1981 amendment comply with the requirements of Section 2 of E.O. 12291:

(a) The management measures specified in the 1981 amendment are based upon adequate information concerning the need for the consequences of regulating the salmon fisheries;

(b) The potential benefits to society from regulation of the salmon fisheries outweigh the potential costs to society;

(c) The chosen regulatory objectives maximize the net benefits and involve the least net costs to society.

The RIR/RFA analyzes the social and economic impacts of the alternative management measures considered by the Pacific Fishery Management Council when it developed the 1981 amendment to the salmon plan. The small business entities affected most directly by the salmon plan are the commercial salmon trollers (approximately 13,800 vessels) and the ocean charterboat (headboat) businesses (approximately 800 charterboats). Indirectly affected are treaty Indian fishermen (approximately 2,200) and their communities; commercial salmon net fishermen in Washington and Oregon; other sport and commercial fishermen (coastwide); fish processors, wholesalers, and distributers; marine trade industries (boatbuilders, shipfitters, and bait suppliers); and support industries (e.g., restaurants, bars, grocery stores, motels, campgrounds, gift shops, gas stations and banks). The number of entities in each of these indirectly affected categories is unknown.

The RIR/RFA discusses the costs and benefits of alternative incremental changes to the 1980 management regime. It is only the first step toward a complete analysis of the impacts of managing the ocean salmon fisheries. The RIR/RFA examines 14 socioeconomic questions. In summary, the management measures adopted by the Council for 1981, compared to 1980, are likely to result in substantially higher gross revenues to the troll fisheries south of Cape Falcon, Oregon, but significantly reduced revenues to the troll fisheries north of the Quinault River, Washington; continued low gross revenues for treaty-Indian and other commercial fisheries in the Columbia River; and reduced gross revenues for the Puget Sound net fisheries. The amended plan will not increase compliance requirements for small entities over the requirements imposed in 1980. All of these estimates of social and economic impacts discussed in the RIR/RFA are based on limited data and should be interpreted with care. The restrictions imposed on the fisheries, however, are necessary to prevent further deterioration to the salmon resource and the fisheries, and are intended to help the resource rebuild and, eventually, to improve the fisheries.

The Assistant Administrator for Fisheries, NOAA, has determined that the emergency situation described in the emergency rulemaking (46 FR 30633) continues to exist and he therefore extends the emergency regulations for another 45 days. The Assistant Administrator for Fisheries, NOAA, has determined that extending these emergency regulations is necessary and appropriate to the conservation of ocean salmon resources off California, Oregon, and Washington, and that the regulations are consistent with the national standards and other provisions of the Magnuson Fishery Conservation and Management Act, as well as with other applicable law.

The Acting Administrator, NOAA, determined that the regulations proposed to implement this amendment when the emergency regulations expire are nonmajor for the purposes of Executive Order 12291, but that they will have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, 5 U.S.C. 601–612.

This FMP amendment contains no Federal collection of information request, nor do the regulations contain a collection of information requirement, for the purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

The final supplemental environmental impact statement has been filed with the Environmental Protection Agency, and a notice of availability was published in the **Federal Register** on May 1, 1981 (46 FR 24674).

Dated: July 20, 1981.

Robert K. Crowell,

Acting Executive Director, National Marine Fisheries Service.

1. The authority for these regulations reads as follows:

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

2. For the reasons set out in the preamble, 50 CFR 661 is amended as set forth below:

a. 50 CFR 661.4 is revised to read as follows:

§ 661.4 Effective dates.

These regulations shall be effective until superceded or otherwise modified, except that those portions of §§ 661.10–661.12 relating to Sub-area C (the FCZ adjacent to California) shall remain in effect no longer than the 1981 fishing season, after which time those portions of §§ 661.10–661.12 of the 1980 ocean salmon fishing regulations (45 FR 50764) relating to the FCZ adjacent to California shall again become effective for that area unless superseded or otherwise modified.

§§ 661.13 [Corrected]

b. 50 CFR 661.13(a) and 661.13(b) are corrected by changing the parenthetical geographical reference point from "Sandy Point" to "Sand Point".

[FR Doc. 81-21619 Filed 7-20-81; 4:59 pm]

BILLING CODE 3510-22-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 301 and 331

Mediterranean Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule and notice of public hearing.

SUMMARY: Because of the occurrence of the Mediterranean fruit fly this document establishes a quarantine and regulations under the Plant Quarantine Act regarding the State of California for the purpose of restricting the interstate movement (movement from California into or through any other State, Territory or District of the United States) of articles designated as regulated articles from areas in California designated as

regulated areas. Portions of Alameda and Santa Clara Counties are designated as regulated areas based on a proposal, and the remaining portions of Alameda and Santa Clara Counties and all of San Mateo County are designated as regulated areas based on emergency circumstances. The establishment of the quarantine and regulations is necessary to prevent the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States. The effect of the document is to impose restrictions on the interstate movement of regulated articles from Alameda, San Mateo, and Santa Clara Counties in California.

DATES: Effective date of amendments July 20, 1981. Written comments concerning the emergency designation of portions of Alameda and Santa Clara Counties and all of San Mateo County in California as regulated areas must be received on or before September 14, 1981. A public hearing concerning these emergency designations will be held on August 13, 1981.

ADDRESSES: Written comments concerning the emergency designation of portions of Alameda and Santa Clara Counties and all of San Mateo County in California as regulated areas should be submitted to Thomas Lanier, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant health Inspection Service, U.S. Department of Agriculture, Room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. A public hearing concerning these emergency designations will be held at Medfly Project Headquarters, Ralph Berry School, 14855 Oka Road, Los Gatos, CA 95030.

FOR FURTHER INFORMATION CONTACT: Shannon Wilson, Emergency Programs Coordinator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 610, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–6365.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department it has been determined that the final rule will have an annual effect on the economy of less than $150,000; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause 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.

Emergency Action

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period. This situation concerns the emergency designation of portions of Alameda and Santa Clara Counties and all of San Mateo County as regulated areas. Due to the possibility that the Mediterranean fruit fly could be spread artifically to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this rule is impracticable and contrary to the public interest; and good cause is found for making this rule effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible. There is authority to establish emergency regulations without a public hearing only until a quarantine can be established under the Plant Quarantine Act, after a public hearing. At the time of the establishment of the emergency regulations it was assumed that the Mediterranean fruit fly would be eradicated before final regulations could be established after a public hearing. Although eradication measures are being taken, the Mediterranean fruit fly infestation in California has continued as discussed below. Therefore, it is necessary to make this final rule effective immediately in order to enable the Department to regulate the movement of articles from regulated areas of California on a uniform permanent basis under the Plant Quarantine Act. In addition, because of the need for immediate action, it is impracticable for the Department to follow the procedures established by Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Dr. 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. The provisions in the final rule restrict the interstate movement of specified articles from Alameda, San Mateo, and Santa Clara Counties in California. There are thousands of small entities that move such articles interstate from California and many more thousands of small entities that move such articles interstate from other States. However, based on information submitted by the California Department of Food and Agriculture, it has been determined that fewer than 45 entities move such articles interstate from Alameda, San Mateo, and Santa Clara Counties. Further, the overall economic impact from this action is estimated to be less than $150,000.

Background

The Mediterranean fruit fly, *Ceratitis capitata* (Wiedemann), has been found to occur in certain areas in California. It is one of the world's most destructive pests of numerous fruits and vegetables, especially citrus fruits. It can cause serious economic losses. Heavy infestations can cause complete loss of crops, and losses of 25 to 50 percent are not uncommon. Its short life cycle permits the rapid development of serious outbreaks.

Sections 8 and 9 of the Plant Quarantine Act (7 U.S.C. 161, 162) contain authority to quarantine any State, Territory, or District of the United

States, or any portion thereof, and to prohibit or restrict the interstate movement (movement from California into or through any other State, Territory, or District of the United States) of articles from areas within such quarantined areas when the Secretary of Agriculture or his delegate determines, after a public hearing, that it is necessary to prevent the spread of a dangerous plant disease or insect infestation, new to or not theretofore widely prevalent or distributed within and throughout the United States. Under sections 105 and 106 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ee) there is authority for similar action without a public hearing on an emergency basis until a quarantine can be established under the Plant Quarantine Act after a public hearing.

Because of infestations of the Mediterranean fruit fly found in areas in California, emergency Mediterranean fruit fly regulations were published in the **Federal Register** on July 29, 1980 (45 FR 50318–50324), and emergency amendments to the regulations were published in the **Federal Register** on August 15, 1980 (45 FR 54302–54304), September 12, 1980 (45 FR 60402–60403), December 12, 1980 (45 FR 81728–81731), March 20, 1981 (46 FR 17753–17754), and July 14, 1981 (46 FR 36138–36150). The regulations and the amendments thereto became effective on the dates of publication and were set forth in 7 CFR 331.1 through 331.1–9.

The emergency regulations were designed to restrict the interstate movement of regulated articles from regulated areas in California. Under these regulations certain movements of regulated articles were allowed to be made only pursuant to certificates or limited permits.

In a document published in the **Federal Register** on April 16, 1981 (46 FR 22197–22202) the Department proposed to remove the emergency regulations, and to establish a quarantine and regulations containing essentially the same provisions as were contained in the emergency regulations. It was proposed to restrict the interstate movement of regulated articles from portions of Alameda and Santa Clara Counties. The document of April 16, 1981, included a notice of a public hearing concerning the proposal. The public hearing was held on May 19, 1981, in San Francisco, California, and no comments were received at the public hearing. Six written comments were received in response to the proposal.

Based on the reasons set forth in the proposal, the provisions in the proposal have been adopted in the final rule as proposed except as otherwise explained below. Further, all of the comments submitted pursuant to the proposal have been carefully considered and are discussed below.

Of the six written comments, three were from representatives of State Departments of Agriculture, one was from a representative of a county farm bureau, one was from a representative of a farm bureau federation, and one was from a nurserymen's association. Five of the comments were generally in favor of the proposal. One comment indicated that the proposal was not stringent enough in certain respects.

Two commenters, who otherwise stated that they were generally in favor of the proposal, indicated that a major effort should be made to conduct research and establish better fumigation procedures relating to the issuance of certificates because current fumigation treatments tend to destroy the value of some crops. The commenters did not indicate which crops were of concern to them. No changes are made based on these comments. The government is currently conducting extensive research relating to fumigation and its effect on regulated articles. However, at this time it does not appear that there is a basis for changing the fumigation procedures.

The commenter who indicated that the proposal was not sufficiently stringent suggested that the proposed provisions be changed by restricting the movement of regulated articles from all of California and by amending certain provisions relating to criteria for allowing certain movements of regulated articles without certificates. This commenter further requested that certain comments made at public meetings held in Texas be considered in this rulemaking proceeding.

It was asserted in essence that it is necessary to designate all of California as a regulated area and thereby restrict the movement of all regulated articles moving interstate from California. In support of this assertion it was contended that the State quarantine enforcement program in California was inadequate to prevent the spread of the Mediterranean fruit fly into other parts of California. It was further contended that this was because there were no restrictions controlling the movement of regulated articles moving from the infested area in personal vehicles and because the State quarantine stations at the edge of infested areas were staffed only a few hours a day. It was suggested that, if the whole state of California were designated as a regulated area, Federal inspectors could be assigned to State border facilities to check vehicle traffic for compliance with the Federal requirements as they leave the State of California. No changes are made based on this comment. Initially, as further explained below, it should be noted that the regulated areas have been expanded to include all of Alameda, San Mateo, and Santa Clara Counties in California. Further, it should be noted that the movement of regulated articles from regulated areas is restricted within California under California law regardless of the means of transportation. Also, it appears that it is not necessary to designate all of California as a regulated area at this time. Inspections have been substantially increased at the edge of infested areas, and greatly increased eradication efforts are in effect to reduce the risk of artificial and natural spread of the flies.

The regulations, as proposed, provided that a regulated article may be moved interstate from any regulated area in the State of California without a certificate or limited permit, (1) if moved to Hawaii without moving through any nonregulated area; or (2)(i) if moved directly through any regulated area, (ii) if the article originated outside of any regulated area, and (iii) if the point of origin of the article is clearly indicated by shipping documents and its identity has been maintained. It was asserted that regulated articles should not be allowed to be moved without a certificate based only on compliance with criteria in subsection (2) (ii) and (iii), and that additional criteria such as that in subsection (2)(i) should also be required to be met. This was based on an incorrect assumption because under the provisions cited above regulated articles would be allowed to be moved pursuant to subsection (2) without a certificate or limited permit only if all of the criteria in subsection (2) (i), (ii), and (iii) were met. Further, it should be noted that these provisions are amended to include additional requirements as explained below.

Also, it was asserted that the term "directly through" in subsection (2)(i) cited above, should be defined as "moving through the regulated area without stopping except for traffic lights or stop signs." This was the general idea that was intended by the use of the term "directly through." Consistent with this concept the provisions are amended to explain that this term means "without stopping except under normal traffic conditions, such as for traffic lights or stop signs."

It was asserted that such regulated articles moving directly through a regulated area without a certificate or limited permit under subsection (2) cited

above should also be required to be covered or otherwise protected to prevent exposure to the Mediterranean fruit fly during movement through a regulated area. Based on Departmental expertise it has been determined that regulated articles moving through a regulated area in accordance with the criteria set forth in subsection (2) could present some risk of becoming infested with the Mediterranean fruit fly unless moved in an enclosed vehicle or otherwise completely enclosed by a covering adequate to prevent the introduction of the Mediterranean fruit fly, such as canvas, plastic, or closely woven cloth. Accordingly, the provisions are amended to include this criteria.

The regulations provide that a certificate shall be issued by an inspector for the movement of a regulated article if such inspector, among other things, determines based on inspection of the premises of origin that it is free from the Mediterranean fruit fly. Based on these provisions, it was asserted that certificates should not be allowed to be issued based on visual inspection of regulated articles. No changes are made based on this comment. The cited provisions were not intended to allow the issuance of a certificate based merely on the inspection of regulated articles. It would be virtually impossible to detect Mediterranean fruit fly eggs in regulated articles based solely on visual inspection. However, the criteria relate to inspection of the premises of origin and not merely to visual examination of regulated articles. In this connection, it should be noted that certain determinations relating to the issuance of certificates could be made under such criteria. For example, regulated articles grown in greenhouses adequate to prevent the introduction of the flies could be eligible for movement pursuant to a certificate under such criteria.

It was also requested that comments made by representatives of the Texas Department of Agriculture and by other persons at public meetings held in Texas in the Rio Grande Valley and San Antonio in 1981 be considered in this rulemaking proceeding. However, these comments were not submitted as part of the rulemaking record, and therefore it would be improper to consider them in this rulemaking proceeding.

It was proposed to designate as regulated areas the following portions of Alameda and Santa Clara Counties in California:

Alameda County

Those areas of Alameda County within the city limits of Fremont and within the city limits of Newark; and that portion of Alameda County beginning at the junction of Palomares Road, State Highway 84, and the Fremont city limit line; then westerly along the Fremont city limit line to its junction with the Alameda County Flood Control Channel; then westerly along said Channel to its junction with Dry Creek; then northerly along Dry Creek to its junction with Whipple Road; then easterly on Whipple Road to its junction with State Highway 238; then easterly from said junction along an imaginary line to its junction with the northernmost point of the Fremont city limits; then due east for three miles on an imaginary line; then due south along another imaginary line to its junction with State Highway 84; then westerly along State Highway 84 to the point of the beginning.

Santa Clara County

That portion of Santa Clara County bounded by a line beginning at the Junction of Metcalf Road and U.S. Highway 101; then southeasterly along U.S. Highway 101 to its junction with Bailey Avenue; then southwesterly along Bailey Avenue to its junction with McKean Road; then northwesterly along McKean Road to its junction with Almaden Road; then southerly along Almaden Road to its junction with Alimitos Road; then southerly along an imaginary line to the northern terminus of Loma Prieta Road; then southerly on Loma Prieta Road to its junction with the Santa Clara County line; then northwesterly, northerly, and easterly on the Santa Clara County line to its junction with Mt. Day Road (dirt road which is approximately 8 miles east of Interstate 680); then along an imaginary line projected southeast from such junction to the crest of Black Mountain; then southerly along an imaginary line projected from the crest of Black Mountain to the northernmost point of Joseph D. Grant County Park; then easterly and southerly along the boundaries of the Joseph D. Grant County Park to its junction with San Felipe Road No. 2; then along San Felipe Road No. 2 to its junction with Metcalf Road; then southerly and westerly along Metcalf Road to the point of beginning.

However, in a document published in the **Federal Register** on July 14, 1981, the emergency regulations were amended to include all of Alameda, San Mateo, and Santa Clara Counties in California as regulated areas. Heavy populations of Mediterranean fruit fly larvae recently have been found in San Mateo and Santa Clara Counties. As explained in the document of July 14, 1981, this indicates that a population explosion of Mediterranean fruit flies is occurring in the Santa Clara Valley area. It was further explained that because of the possibility of a rapid natural spread of the flies and because of the difficulty of preventing movements of regulated articles accompanied by the flies in the Santa Clara Valley commuting area, it was necessary to include all of Alameda, San Mateo, and Santa Clara Counties as resulted areas. Since this document establishes a quarantine, there is no longer a basis for the emergency regulations established without a quarantine, and, therefore, it is necessary to remove them, including the amendments set forth in the document of July 14, 1981. However, under the circumstances explained in the document of July 14, 1981, it is necessary on an emergency basis to amend the list of regulated areas as proposed by including all of Alameda, San Mateo, and Santa Clara Counties as regulated areas in this final rule. As noted above in the "DATES" and "ADDRESSES" portions of this document, interested persons are given until September 14, 1981, to submit written comments concerning the areas added to the list of regulated areas on an emergency basis. In addition, because of the public interest in the Medfly eradication program, a public hearing regarding this matter is scheduled for August 13, 1981, at Medfly Project Headquarters, Ralph Berry School, 14855 Oka Road, Los Gatos, California. These are the same dates and places that were set for the conclusion of the comment period and for a public hearing in the document of July 14, 1981, concerning the addition of these areas to the list of regulated areas in the emergency regulations. Under the circumstances referred to above, any comments submitted in response to the document of July 14, 1981, will be considered as part of this rulemaking proceeding.

Alternatives

Alternatives were considered in connection with the proposed quarantine and regulations.

Consideration was given concerning whether (1) to allow the unrestricted interstate movement of articles proposed to be designated as regulated articles, or (2) to establish a Federal quarantine and regulations with respect to the interstate movement of such articles. While alternative (1) might impose little private or public costs in the very short term, there is a high risk that the unrestricted interstate movement of such articles would cause further spread of the Mediterranean fruit

fly, possibly throughout the United States. If the fly became established throughout the United States, production losses could exceed one-half billion dollars in citrus and could be several times that amount in all host crops. Also, if the fly were to spread, it is likely that foreign nations would embargo United States exports of host commodities. California alone exports over $500 million of host commodities annually. Alternative (2) will impose costs on shippers of host commodities; cold storage treatment costs $20 per ton, and fumigation costs $200 per 40,000 pound load. However, the area designated as a regulated area is not a major commercial agricultural area. Few shippers move articles interstate from the regulated area; additional shippers move articles intrastate. Total compliance and enforcement costs relating to interstate movement are likely to be less than $150,000. Alternative (2) was chosen since these costs are far outweighed by the benefits of avoiding losses that would result if the fly were to spread.

Consideration was also given concerning whether (a) to prohibit the interstate movement of any such articles, or (b) to allow the interstate movement of such articles in accordance with the provisions set forth in section 301.78–4 of the final rule. Alternative (b) is adopted because it appears that the interstate movement of such articles in accordance with the provisions in section 301.78–4 would not present a significant risk of spread of the Mediterranean fruit fly. Total prohibition of the interstate movement of all articles would place an undue economic burden on growers in the regulated area.

Finally, consideration was given to the extent to which portions of the State should be included as regulated areas. Based upon monitoring conducted by the Department and the State of California, the Department has determined that it is necessary to designate only the three counties specified as "regulated areas" in order to prevent the artificial spread of Medfly to other areas. Inclusion of other areas would impose an unnecessary economic burden on producers of host commodities in the other areas and an undue burden on interstate commerce.

Text Of Final Rule

Under the circumstances referred to above, the Mediterranean Fruit Fly emergency regulations in 7 CFR 331.1 through 331.1–9 are removed, and a new "Subpart-Mediterranean Fruit Fly" is added to 7 CFR Part 301 to read as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Mediterranean Fruit Fly

Quarantine And Regulations

Sec.

301.78 Quarantine and regulations; restrictions on interstate movement of regulated articles.
301.78–1 Definitions.
301.78–2 Regulated articles.
301.78–3 Regulated areas.
301.78–4 Conditions governing the interstate movement of regulated articles from regulated areas in quarantined States.
301.78–5 Issuance and cancellation of certificates and limited permits.
301.78–6 Compliance agreement and cancellation thereof.
301.78–7 Assembly and inspection of regulated articles.
301.78–8 Attachment and disposition of certificates and limited permits.
301.78–9 Costs and charges.
301.78–10 Treatments.

Authority: Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); sections 105 and 106, 71 Stat. 32, 71 Stat. 33 (7 U.S.C. 150dd, 150ee); 37 FR 28464, 28477, as amended; 45 FR 8564, 8565.

§ 301.78 Quarantine and regulations; restrictions on interstate movement of regulated articles.[1] [2]

(a) *Quarantine and regulations.* The Secretary of Agriculture hereby quarantines the State of California in order to prevent the artificial spread of the Mediterranean fruit fly (*Ceratitis capitata* Wiedemann), a dangerous insect of fruits and vegetables and not heretofore widely prevalent or distributed within and throughout the United States; and hereby establishes regulations governing the interstate movement of regulated articles specified in § 301.78–2.

(b) *Restrictions on interstate movement of regulated articles.* No common carrier or other person shall move interstate from any regulated area any regulated article except in accordance with the conditions prescribed in this subpart.

§ 301.78–1 Definitions.

Terms used in the singular form in this subpart shall be construed as a plural and vice versa, as the case may demand. The following terms, when used in this subpart, shall be construed, respectively, to mean:

(a) *Certificate.* A document which is issued for a regulated article by an inspector or by a person operating under a compliance agreement, and which represents that such article is eligible for interstate movement in accordance with § 301.78–5(a).

(b) *Compliance agreement.* A written agreement between Plant Protection and Quarantine and a person engaged in the business of growing, handling, or moving regulated articles, wherein the person agrees to comply with the provisions of this subpart and any conditions imposed pursuant thereto.

(c) *Deputy Administrator.* The Deputy Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture for Plant Protection and Quarantine, or any officer or employee of the Department to whom authority to act in his/her stead has been or may hereafter be delegated.

(d) *Inspector.* Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator in accordance with law to enforce the provisions of the quarantine and regulations in this subpart.

(e) *Interstate.* From any State into or through any other State.

(f) *Limited permit.* A document which is issued for a regulated article by an inspector or by a person operating under a compliance agreement, and which represents that such regulated article is eligible for interstate movement in accordance with § 301.78–5(b).

(g) *Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any means. "Movement" and "move" shall be construed in accordance with this definition.

(h) *Person.* Any individual, partnership, corporation, company, society, association, or other organized group.

(i) *Plant Protection and Quarantine.* The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Plant Quarantine Act, the Federal Plant Pest Act, and related legislation, and quarantines and regulations promulgated thereunder.

(j) *Regulated area.* Any State, or any portion thereof, listed in § 301.78–3(c), or otherwise designated as a regulated area in accordance with § 301.78–3(b).

(k) *Regulated article.* Any article listed in § 301.78–2 (a) or (b) or

[1] Any properly identified inspector is authorized to stop and inspect persons and means of conveyance, and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).

[2] Regulations concerning the movement of live Mediterranean fruit flies in interstate or foreign commerce are contained in Part 330 of this chapter.

otherwise designated as a regulated article in accordance with § 301.78–2(c).

(l) *State.* Any State, Territory, or District of the United States, including Puerto Rico.

§ 301.78–2 Regulated articles.

(a) The following fruits, vegetables and berries:

Almond (*Prunus duleis* (*P. amygdalus*))
Apple (*Malus sylvestris*)
Apricot (*Prunus armeniaca*)
Avocado (*Persea americana*)
Calamondin orange (*Citrus mitis*)
Cherries (sweet and sour) (*Prunus avium, Prunus cerasus*)
Citrus citron (*Citrus medica*)
Date (*Phoenix dactylifera*)
Fig (*Ficus carica*)
Grape (*Vitis vinifera*)
Grapefruit (*Citrus paradisi*)
Guava (*Psidium guajava*)
Japanese persimmon (*Diospyros kaki*)
Kumquat (*Fortunella japonica*)
Lemon (*Citrus limon*)
Lime (*Citrus aurantiifolia*)
Loquat (*Eribotrya japonica*)
Mandarin orange (tangerine) (*Citrus reticulata*)
Mock orange (*Murraya exotica*)
Mountain apple (*Syzygium alaccense* (*Eugenia malaccensis*))
Natal plum (*Carissa macrocarpa* and *Terminalia chebula*)
Nectarine (*Prunus persica*)
Olive (*Olea europea*)
Opuntia cactus (*Opuntia* spp.)
Peach (*Prunus persica*)
Pear (*Pyrus communis*)
Pepper (*Capsicum annuum* and *Capsicum frutescens*)
Pineapple guava (*Feijoa sellowiana*)
Pummelo (shaddock) (*Citrus grandis*)
Pomiform guajava (*Psidium guajava pomiferum*)
Plum (*Prunus americana*)
Prune (*Prunus domestica*)
Pyriferm guajava (*Psidium guajava pyriferum*)
Quince (*Cydonia oblonga*)
Rose apple (*Syzygium jambos* (*Eugenia jambos*))
Sour orange (*Citrus aurantium*)
Spanish cherry (Brazilian plum) (*Eugenia dombeyi* (*E. brasiliensis*))
Strawberry guava (*Psidium cattleianum*)
Surinam cherry (*Eugenia uniflora*)
Sweet orange (*Citrus sinensis*)
Tomato (pink and red ripe) (*Lycopersicon esculentum*)
White sapote (*Casimiroa edulis*)
Yellow oleander (bestill) (*Thevetia peruviana*)

Except that the list does not include any fruits, vegetables, or berries which have been canned, or frozen below −17.8°C (0°F);

(b) Soil within the drip area of plants which produce the fruits, vegetables, or berries listed in paragraph (a) of this section, and

(c) Any other product, article, or means of conveyance, of any character whatsoever, not covered by paragraphs (a) or (b) of this section, when it is determined by an inspector that it presents a risk of spread of the Mediterranean fruit fly and the person in possession thereof has actual notice that the product, article or means of conveyance is subject to the restrictions of this section.

§ 301.78–3 Regulated areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Deputy Administrator shall list as a regulated area in paragraph (c) of this section, each quarantined State, or each portion thereof, in which the Mediterranean fruit fly has been found by an inspector or in which the Deputy Administrator has reason to believe that the Mediterranean fruit fly is present, or each portion of a quarantined State which the Deputy Administrator deems necessary to regulate because of its proximity to the Mediterranean fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Mediterranean fruit fly occurs. Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator determines that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the artificial interstate spread of the Mediterranean fruit fly.

(b) The Deputy Administrator or an inspector may temporarily designate any nonregulated area in a quarantined State as a regulated area in accordance with the criteria specified in paragraph (a) of this section for listing such area. Written notice of such designation shall be given to the owner or person in possession of such nonregulated area and, thereafter, the interstate movement of any regulated articles from such area shall be subject to the applicable provisions of this subpart. As soon as practicable, such area shall be added to the list in paragraph (c) of this section or such designation shall be terminated by the Deputy Administrator or an inspector, and notice thereof shall be given to the owner or person in possession of the area.

(c) The areas described below are designated as regulated areas:

California
Alameda County. The entire county.
San Mateo County. The entire county.
Santa Clara County. The entire county.

§ 301.78–4 Conditions governing the interstate movement of regulated articles from regulated areas in quarantined States.[3]

Any regulated article may be moved interstate from any regulated area in a quarantined State only if moved under the following conditions:

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.78–5 and 301.78–8; or

(b) Without a certificate or limited permit, if

(1) Moved to Hawaii without moving through any nonregulated area; or

(2)(i) Moved directly through (moved without stopping except under normal traffic conditions, such as for traffic lights or stop signs) any regulated area in an enclosed vehicle or completely enclosed by a covering adequate to prevent the introduction of the Mediterranean fruit fly (such as canvas, plastic, or closely woven cloth),

(ii) The article originated outside of any regulated area, and

(iii) The point of origin of the article is clearly indicated by shipping documents and its identity has been maintained.

§ 301.78–5 Issuance and cancellation of certificates and limited permits.

(a) A certificate shall be issued by an inspector for the movement of a regulated article if such inspector:

(1)(i) Determines that it has been treated under the direction of an inspector [4] in accordance with § 301.78–10; or

(ii) Determines based on inspection of the premises of origin that it is free from Mediterranean fruit fly; and

(2) Determines that it is to be moved in compliance with any additional emergency conditions necessary to prevent the spread of the Mediterranean fruit fly pursuant to § 105 of the Federal Plant Pest Act (7 U.S.C. 150dd); [5] and

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[3] Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.

[4] Treatments shall be monitored by inspectors in order to assure compliance with the requirements in this subpart.

[5] Section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) provides among other things, that the Secretary of Agriculture may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means or conveyance, which is moving into or through the United States or interstate, and which he has reason to believe is infested or infected by or contains any such plant pest.

(3) Determines that it is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to such article.

(b) A limited permit shall be issued by an inspector for the movement of a regulated article if such inspector:

(1) Determines, in consulation with the Deputy Administrator, that it is to be moved to a specified destination for specified handling, utilization, processing, or for treatment in accordance with §301.78–10 (such destination and other conditions to be specified on the limited permit), when, upon evaluation of all of the circumstances involved in each case, it is determined that such movement will not result in the spread of the Mediterranean fruit fly because life stages of the pest will be destroyed by such specified handling, utilization, processing, or treatment;

(2) Determines that it is to be moved in compliance with any additional emergency conditions necessary to prevent the spread of the Mediterranean fruit fly pursuant to § 105 of the Federal Plant Pest Act (7 U.S.C. 150dd); [5] and

(3) Determines that it is eligible for such movement under all other Federal domestic plant quarantines and regulations applicable to such article.

(c) Certificates and limited permits for use for shipments of regulated articles may be issued by an inspector or person engaged in the business of growing, handling, or moving regulated articles provided such person is operating under a compliance agreement. Any such person may execute and issue a certificate for the interstate movement of a regulated article if such person has treated such regulated article to destroy infestation in accordance with the provisions in §301.78–10 and the inspector has made the determination that such article is otherwise eligible for a certificate in accordance with paragraph (a) of this section; or if the inspector has made the determination that such article is eligible for a certficate in accordance with paragraph (a) of this section without such treatment. Any such person may execute and issue a limited permit for interstate movement of a regulated article when the inspector has made the determination that such article is eligible for a limited permit in accordance with paragraph (b) of this section.

(d) Any certificate or limited permit which has been issued or authorized may be withdrawn by an inspector if such inspector determines that the holder thereof has not complied with any condition under the regulations for the use of such document. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances permit. Any person whose certificate or limited permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within ten (10) days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the certificate or limited permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

§ 301.78–6 Compliance agreement and cancellation thereof.

(a) Any person engaged in the business of growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the movement of regulated articles under this subpart.[6] The compliance agreement shall be a written agreement between a person engaged in such a business and Plant Protection and Quarantine, wherein the person agrees to comply with the provisions of this subpart and any conditions imposed pursuant thereto.

(b) Any compliance agreement may be cancelled orally or in writing by the inspector who is supervising its enforcement whenever the inspector finds that such person has failed to comply with the provisions of this subpart or any conditions imposed pursuant thereto. If the cancellation is oral, the decision and the reasons therefore shall be confirmed in writing, as promptly as circumstances permit. Any person whose compliance agreement has been cancelled may appeal the decision, in writing, to the Deputy Administrator within ten (10) days after receiving written notification of the cancellation. The appeal shall state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully canceled. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

§ 301.78–7 Assembly and inspection of regulated articles.

(a) Any person (other than a person authorized to issue certificates or limited permits under §301.78–5(c)), who desires to move interstate a regulated article accompanied by a certificate or limited permit shall, as far in advance as possible (should be no less than 48 hours before the desired movement), request an inspector [7] to take any necessary action under this subpart prior to movement of the regulated article.

(b) Such article shall be assembled at such point and in such manner as the inspector designates as necessary to comply with the requirements of this subpart.

§ 301.78–8 Attachment and disposition of certificates and limited permits.

(a) A certificate or limited permit required for the interstate movement of a regulated article, at all times during such movement, shall be securely attached to the outside of the container containing the regulated article, securely attached to the article itself if not in a container, or securely attached to the consignee's copy of the accompanying waybill or other shipping document; *Provided however,* that the requirements of this section may be met by attaching the certificate or limited permit to the consignee's copy of the waybill or other shipping document only if the regulated article is sufficiently described on the certificate, limited permit, or shipping document to identify such article.

(b) The certificate or limited permit for the movement of a regulated article shall be furnished by the carrier to the consignee at the destination of the shipment.

§ 301.78–9 Costs and charges.

The services of the inspector shall be furnished without cost. The U.S. Department of Agriculture will not be responsible for any costs or charges incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

§ 301.78–10 Treatments.

Treatment for regulated articles shall be as follows:

[6] Compliance Agreement forms are available without charge from the Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Serivce, Federal Building, Hyattsville, MD 20782, and from local offices of the Plant Protection and Quarantines. (Local offices are listed in telephone directories.)

[7] Inspectors are assigned to local offices of Plant Protection and Quarantine which are listed in telephone directories. Information concerning such local offices may also be obtained from the Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, Federal Building, Hyattsville, MD 20782.

(a) Avocado:

Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ for 2½ hours at 21° C. (70° F.) or above, followed by refrigeration for 7 days at 7.22° C. (45° F.) or below. The 7 day period may include up to 24 hours precooling time. Time between fumigation and start of cooling not to exceed 24 hours, but must include at least 30 minutes aeration.

(b) Calamondin orange, citrus citron, grapefruit, kumquat, lemon, lime, mandarin orange (tangerine), orange, and pummelo.

Fumigation with ethylene dibromide (EDB) at normal atmospheric pressure.

Dosage as follows:

Fruit load in chamber	Dosage of EDB in g/m³ for 2 h (grams)	
	15.5°–20.5° C. (60°–69° F.)	21° C. or above (70° F. or above)
25% or less	10	8
More than 25% but less than 50%	12	10
50% or more	14	12

Required post-treatment aeration: Forced circulation in the fumigation chamber for ½ hour following treatment and then placed in a well ventilated area.

(c) Tomato:

Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ for 3½ hours at 21° C. (70° F.) or above.

(d) Bell pepper, tomato, and zucchini squash:

Heat the article by saturated water vapor at 44.44° C. (112° F.) until approximate center of article reaches 44.44° C. (112° F.), and maintain at 44.44° C. (112° F.) for 8¾ hours, then immediately cool.

Note.—Commodities should be tested by the shipper at the 44.44° C. (112° F.) temperature to determine each commodity's tolerance to the treatment before commercial treatments are attempted. Pretreatment conditioning is optional. Such conditioning is the responsibility of the shipper and would be conducted in accordance with procedures the shipper believes necessary. It is common to perform pretreatment conditioning. For example, it is the practice to condition eggplant at 43.3° C. (110° F.) at 40 percent relative humidity for 6 to 8 hours.

(e) Apple, apricot, cherry, grape, peach, pear, and plum:

Fumigation with 32 g/m³ methyl bromide at 21° C. (70° F.) or above (chamber load not to exceed 80 percent of volume), and at normal atmospheric pressure, followed by refrigeration, as set forth below.

Fumigation exposure time	Refrigeration
2 hours	4 days at 0.55°–2.7° C. (33°–37° F.); or 11 days at 3.33°–8.3° C. (38°–47° F.).
2½ hours	4 days at 1.11°–4.44° C. (38°–40° F.); or 6 days at 5.0°–8.33° C. (41°–47° F.); or 10 days at 8.88°–13.33° C. (48°–56° F.).
3 hours	3 days at 6.11°–8.33° C. (43°–47° F.); or 6 days at 8.88°–13.33° C. (48°–56° F.).

Minimum concentrations for above fumigations.

(25 g minimum gas concentration at first ½ hr.)

(18 g minimum gas concentration at 2 or 2½ hrs.)

(17 g minimum gas concentration at 3 hrs.)

Aerate all fruit at least 2 hours following fumigation. Time lapse between fumigation and start of cooling not to exceed 24 hours.

Note.—Some varieties of fruit may be injured by the 3-hour exposure. Shippers should test treat before making commercial shipments.

(f) Bell peppers:

Fumigation with methyl bromide at normal atmospheric pressure with 32 g/m³ for 3½ hours at 21° C (70° F) or above.

Note.—Bell peppers have been found marginally tolerant to methyl bromide fumigation. Shelf life after treatment is reduced to between 5 to 7 days. Injury may appear as pitting on the skin of the pepper, darkening of the seed and placental material, and internal decay resulting from killing of the stem and calyx.

(g) Apple, apricot, Calamondin orange, cherry, citrus citron, grape, grapefruit, mandarin orange, nectarine, peach, pear, plum, prune, sour orange and sweet orange:

Cold treat the article according to one of the following:

10 days at 0° C. (32° F.) or below
11 days at 0.55° C. (33° F.) or below
12 days at 1.11° C. (34° F.) or below
14 days at 1.66° C. (35° F.) or below
16 days at 2.22° C. (36° F.) or below

PART 331 [AMENDED]

Sections 331.1 through 331.1–9 are removed.

Done at Washington, D.C., this 20th day of July 1981.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81–21861 Filed 7–21–81; 10:46 am]

BILLING CODE 3410–34–M

Proposed Rules

Federal Register
Vol. 46, No. 140
Wednesday July 22, 1981

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

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 81-401]

Balloon Payment Mortgage Loans and Reverse Annuity Mortgage Loans

July 14, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board proposes to amend its regulation authorizing federally-chartered thrift institutions to make non-amortized and partially-amortized loans by permitting such loans to be made in an amount not exceeding 95% of the value of the property securing the loan. The Board also proposes to liberalize its regulation authorizing federally-chartered thrift institutions to make reverse-annuity mortgage loans.

DATE: Comment must be received by: August 21, 1981.

ADDRESS: Send comments to the Public Information Officer, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Hall, Office of General Counsel ((202) 377-6466), at the above address.

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board proposes to permit federally-chartered thrift institutions to make non-amortized and partially-amortized home loans in amounts not exceeding 95% of the value of the property securing the loan. Currently, institutions are permitted to make such loans for a period of up to five years and in an amount not exceeding 60% of the value of the security property, with interest payable at least semiannually (12 CFR 545.6-2(a)(4)(i)).

If adopted, the proposed amendment could have an impact on the manner in which homes are financed in the United States. The traditional means of financing homes has been through the use of long-term mortgage loans on which the monthly payment amounts have been sufficient to fully amortize the loan over the term of the loan. Borrowers have been assured of a fixed source of financing at a fixed interest rate for a period of time sufficiently long to enable them to pay off the entire amount of their debts.

In view of the changes that the financial markets have undergone in recent years, the Board believes that the long-term, fixed-rate mortgage is not responsive to all of the needs of borrowers for home-financing funds and of lenders for rate-sensitive assets. Since 1978, the Board has supplemented this traditional home-financing tool by authorizing federally-chartered thrift institutions to develop a number of alternative mortgage loan plans, including plans that permit adjustment of the loan interest rate during the term of a loan. For example, effective April 30, 1981, the Board authorized the issuance of adjustable mortgage loans, on which interest rate adjustments are not subject to regulatory constraints (FHLBB Res. No. 81-206; 46 FR 24148, April 30, 1981).

Short-term financing is similar to adjustable-rate financing in that the lender, at maturity of the short-term loan, has the opportunity to adjust the loan interest rate through a refinancing of the loan. Given the volatility interest rates have demonstrated in the recent past, the Board believes a federal savings and loan must have the power to adjust loan rates to match more closely and yield it receives on its loans with the amount it must pay to obtain savings deposits and other sources of loan funds. The more closely a lending institution can match its yield on assets with its payments on liabilities, the less likely it is to experience periods during which income is insufficient or only marginally sufficient to meet all of its obligations. Because savings and loan associations have not generally had this ability to match yields and terms, they are currently experiencing a severe earnings squeeze, which has been exacerbated by the large number of long-term, fixed-rate loans made at interest rates below what institutions currently must pay to attract savings deposits.

Balloon payment mortgage loans should also prove attractive to secondary mortgage market investors. Normally, the majority of long-term loans in a mortgage pool are paid off prior to maturity. This means that holders of mortgage pass-through certificates receive constantly declining payments. These payments eventually may become so small that the pool becomes expensive to administer. Because balloon payment mortgates have a shorter term to maturity than long-term loans, they are less likely to be paid off prior to maturity. This feature has three favorable implications for the secondary mortgage market. First, pass-through certificates should be more attractive to investors. Second, such a pool will be less costly on a per-loan basis to administer. Finally, balloon payment loans that are refinanced at maturity are less likely to be paid off prior to maturity. These loans can be repackaged and, because of the relative certainty of a low rate of prepayment, priced at a premium.

The chief advantages of short-term financing for borrowers are that they can obtain a fixed interest rate and payment amount for a fixed period of time, and the assurance that they will not be trapped with a long-term loan carrying a higher interest rate than is currently available in the market. While these are also features of long-term, adjustable-rate mortgages, there are significant differences for the borrower between the two types of financing. First, short-term loans have tended to provide borrowers with a longer period of fixed interest rates and fixed payment amounts than have adjustable-rate mortgages. The Board's adjustable mortgage loan (AML) regulation (12 CFR 545.6-4a), for example, places no limitation on the frequency of interest rate adjustments and permits the payment amount to be adjusted as often as monthly. In contrast, short-term financing is usually granted for a term of at least one year and, more often, for terms of three to five years. In addition, unlike rate adjustments on an AML, a change in the interest rate at maturity of a short-term loan would not be tied to any type of index, but would simply be the lender's current market rate.

The risk of short-term financing for both lenders and borrowers is the possibility that at the maturity of the short-term loan, the borrower will not be

able to afford to refinance the outstanding balance due, forcing the borrower to sell the security property or to default on the loan. Similarly, the lender risks not obtaining repayment of the entire amount of the loan proceeds, and thus might find itself involved in a greater number of borrower defaults and foreclosure proceedings. These risks would tend to be offset by a steady increase in the borrower's income, such as can be expected from an upwardly-mobile borrower. The borrower's equity is also likely to increase significantly as the market value of the security property increases with inflation, further reducing the risks of short-term financing.

The Board requests comment on all aspects of short-term financing, including the extent of market demand for such lending. In addition, the Board specifically requests comment on the following issues:

1. Should an authorization to make short-term loans also require lenders to give loan applicants a disclosure setting forth a general description of such loans and the specific terms of the type of loan offered to the applicant? Currently, such disclosures are required by the Board for adjustable mortgage loans (12 CFR 545.6–4a(f)), graduated payment mortgages (12 CFR 545.6–4(b)) and reverse-annuity mortgages (12 CFR 545.6–4(c)). As proposed, the regulation would require associations to affix a notice to a short-term loan contract that states the term of the loan, the fact that the association is under no obligation to refinance the loan at maturity, and the fact that prevailing market rates at maturity of the loan may be considerably higher than the current interest rate on the loan. This notice is identical to that required of national banks in regulations recently enacted by the Office of the Comptroller, of the Currency authorizing such banks to make adjustable-rate loans (12 CFR 29.8(c), published at 46 FR 18932, March 27, 1981). The Board requests comment on whether the proposed regulations should also provide, as does the Comptroller's regulation, that if the lender fails to give the required notice, the short-term loan will be characterized as a adjustable-rate loan and must conform to the appropriate disclosure and rate-adjustment provisions. The Board also requests comment on whether a disclosure requirement should contain mandatory language, as is the case under the Board's adjustable mortgage loan regulation, or whether a disclosure provision should merely describe what information must be given the borrower.

2. Should the proposed regulation impose a maximum permissible term on short-term loans? The proposal gives lenders maximum flexibility by permitting a term of up to 40 years. This permits lenders to make balloon payment loans for terms more closely matching the average life of a home loan. Currently, associations cannot make a 90% loan with a payment level based on an amortization period longer than the term of the loan. For example, it is not permitted (except pursuant to the leeway authority granted by 12 CFR 545.6–5(b)) to make a 15-year loan with the payment amount based on a 30-year amortization.

3. Should the maximum amount of a short-term loan be set at 90% of the value of the security property, or should lenders be permitted to lend up to 95% of value if the requirements of § 545.6–2(a)(2) are met? Permitting associations to lend to 95% of value would mean a borrower typically would have a larger balance due at maturity of the loan than if some lower loan-to-value limitation were imposed. However, it would also mean that more borrowers would be able to qualify for such loans, given the lower downpayment requirement. If associations are authorized to make short-term loans to 90% or 95% of value, is it appropriate to impose any special requirements, in addition to the Board's standard requirements for 95% home loans pertaining to owner-occupancy and escrows?

4. What provisions, if any, should be included in the regulation regarding refinancing?

5. Should the regulation permit adjustment of the interest rate on balloon payment loans made on the security of borrower-occupied homes? Currently, adjustment of the rate on a balloon loan on such security property in effect is not permitted because the Board's adjustable-rate mortgage regulations (12 CFR 545.6–4a, 545.6–4b) apply only to fully-amortizing loans.

6. Should the balloon-payment concept be extended to the Board's home-improvement loan regulation (12 CFR 545.6–3)? At present, home improvement loans, with or without security and with terms up to 20 years, must be paid in substantially equal installments or use a payment system complying with one of the Board's adjustable mortgage plans under 12 CFR 545.6–4 or 545.6–4a.

Reverse-Annuity Mortgage Loans

The Board proposes to amend its reverse-annuity mortgage (RAM) regulation (12 CFR 545.6–4(c)) by deleting the requirements that such plans be submitted to the Board for review and that lenders offer refinancing of such loans at maturity. The proposed changes would also permit adjustment of the interest rate on a reverse-annuity mortgage loan.

The Board believes that, based on its experience with RAM programs to date, the disclosure requirements imposed by the RAM regulation are sufficiently comprehensive to render Board review of such loan plans unnecessary. The Board also is of the view that retaining the refinancing requirement would be inappropriate if the Board determined to authorize balloon payment loans without such a requirement. Finally, given the broad authority provided to associations to make adjustable-rate mortgages, it appears consistent to provide a similar authorization for RAMs. The Board specifically requests comment on each of these three proposed changes. The Board also requests comment on whether the regulation should provide for a standardized disclosure form, as do the AML and GPAML regulations.

Regulatory Flexibility Analysis

The proposed amendments are being considered by the Board as a means of providing new tools for home financing, and to give home lenders additional flexibility in designing mortgage instruments. The proposal is being made pursuant to the Board's authority under section 5(c) of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464(c)), as amended, to prescribe regulations governing home lending by federally-chartered thrift institutions. The proposed regulations would apply to all federal savings and loan associations and federal mutual savings banks, regardless of size, and would impose no new reporting, recordkeeping or other compliance requirements. The proposed amendments do not duplicate, overlap or conflict with any existing federal regulations.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 545, Subchapter C, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Revise paragraph (a)(4)(i) of

§ 545.6–2 to read as follows:

§ 545.6–2 Other residential real estate loans.

(a) *Home loans.* * * *

(4) *Loans without full amortization.* (i) *General rule.* Nonamortized loans (loans on which no principal payments are made until the end of the term) and loans that are not fully amortized shall not exceed the loan-to-value limitations of subparagraphs (a)(1) and (a)(2) of this section. Interest on such loans shall be payable at least semiannually. A borrower may prepay all or part of such a loan at any time without penalty. An association making such loans must include the following notice in each loan application form and in each loan contract: "This loan is payable in full at the end of —— years. You must repay the entire principal balance of the loan and unpaid interest then due. The lender is under no obligation to refinance the loan at that time. You will therefore be required to make payment out of other assets you may own, or you will have to find a lender willing to lend you the money at then-prevailing market rates, which may be considerably higher than the interest rate on this loan."

* * * * *

2. Revise paragraph (c) of §545.6–4, to read as follows:

§ 545.6–4 Alternative mortgage instruments.

* * * * *

(c) *Reverse-annuity mortgage.*

(1) *Description.* This instrument provides periodic payments to homeowners based on accumulated equity; the payments are made directly by the lender or through purchase of an annuity from an insurance company. The loan becomes due either upon a specific date or when a specified event occurs, such as sale of the property or death of the borrower. The interest rate on this instrument may be fixed, or may be adjusted periodically, as provided in § 545.6–4a of this Part.

(2) *Requirements.*

(i) Loan applicants shall not be bound for seven days after the loan commitment is made.

(ii) Associations shall obtain a statement signed by the borrower acknowledging disclosure of all contractual contingencies which could force a sale of the home.

(iii) The instrument shall provide for prepayment without penalty at any time during the loan term.

(iv) If payments are to be made to the borrower through purchase of an annuity, the association shall use an insurance company authorized to engage in such business and supervised by the State in which it is incorporated.

(3) *Disclosures.*

Each prospective borrower shall receive written materials explaining the type of mortgage being offered and its specific terms, including:

(i) If refinancing is not guaranteed, a prominent notice indicating that a large payment (and the elements of which it is comprised) will be due at the end of the loan terms;

(ii) schedule and explanation of payments to the borrower and whether property taxes and insurance are to be deducted;

(iii) schedule of outstanding debt over time;

(iv) repayment date or event (such as sale of home or death of one or more mortgagors) which causes loan to become due;

(v) method of repayment and schedule, if any;

(vi) all contractual contingencies, including lack of home maintenance and other default provisions, which may result in forced sale of the home;

(vii) interest rate, annual percentage rate, and total interest payable on the loan;

(viii) effective interest rate and interest earned or expected to be earned on purchased annuities, based on standard mortality tables;

(ix) name and address of insurance company issuing a purchased annuity;

(x) initial loan fees and charges;

(xi) description of prepayment features and refinancing features, if any; and

(xii) inclusion of a statement that such mortgages have tax and estate-planning consequences and may affect levels of, or eligibility for, certain government benefits, grants, or pensions, and that applicants are advised to explore these matters with appropriate authorities.

If the Loan contract permits periodic adjustment of the loan interest rate, the disclosure provided the prospective borrower must parallel the disclosure required by § 545.6–4a(f) of this Part, and must include such of the information set out above as is possible to disclose prior to closing of the loan.

* * * * *

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947; 3 CFR, 1943–1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81–21501 Filed 7–21–81; 8:45 am]

BILLING CODE 6720–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 939

The St. Thomas National Marine Sanctuary

AGENCY: Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; correction.

SUMMARY: On Tuesday, June 30, 1981, the National Oceanic and Atmospheric Administration published proposed regulations for the proposed St. Thomas Marine Sanctuary (46 FR, page 33530). This document contained three errors that should be corrected. An incorrect Part number was assigned. The proposed regulation should be referenced as Part 939, not Part 937. The date for comments due is incorrect and should read August 30, 1981, not July 16, 1981. Finally, the second sentence under Public Review and Comment (page 33532, first column,) should read "A public hearing was held June 3, 1981 at the St. Thomas Hotel and Marina, St. Thomas, U.S. Virgin Islands, on the Draft Environmental Impact Statement for the proposed St. Thomas Marine Sanctuary."

DATE: Comments due August 30, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Edward Lindelof, Gulf and Caribbean Project Manager, Sancutary Programs Office, Office of Coastal Zone Management, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, telephone 202–634–4236.

(Federal Domestic Assistance Catalog No. 11.419; Coastal Zone Management Program Administrator)

Dated: July 9, 1981.

William Matuszeski,

Acting Deputy Assistant Administration for Coastal Zone Management.

[FR Doc. 81–21346 Filed 7–21–81; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 816

Surface Coal Mining; Use of Explosives; Availability of Draft Rule

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability of draft rule.

SUMMARY: The Office of Surface Mining has prepared a draft rule on the use of explosives in surface coal mining operations which is available for comment and recommendation.

DATES: Comments will be received until 5:00 p.m. August 14, 1981. This Draft Rule will serve as the basis in developing a proposed rulemaking to begin on or about October 23, 1981.

ADDRESSES: Copies of the draft rule and the schedule to be followed are available at the following location: Office of Surface Mining, Headquarters, Interior South Building, Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, 202–343–4728.

All comments received along with a copy of the draft rule will be available for inspection at the Office of Surface Mining, 1951 Constitution Avenue, N.W., Room 153, Interior South, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Russ Price, Civil Engineer, Technical Services Division, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. (202) 343–4022.

SUPPLEMENTARY INFORMATION: This draft rule governing the ue of explosives was developed by the Directorate of Technical Services and Research to meet the Administration's mandates on regulatory reform and to develop revised methodology for litigated portions of the existing regulations remanded by court decisions. The draft rule also reflects recommendations by commenters to the Secretary of the Interior's request on January 28, 1981 to identify burdensome, counterproductive and excessive regulations in the Office's Permanent Regulatory Program.

In addition, comments received during the public comment period for the rule proposed on January 22, 1981, 46 FR 6982, have been considered in this draft preamble. Many comments during the initial proposal provided constructive alternatives found beneficial in drafting this draft version for preproposed review. The initial proposal was withdrawn (46 FR 32445 June 23, 1981) from rulemaking after deciding that all rules governing the use of explosives should be considered for amendment. The office appreciates this opportunity to obtain comments and reaction to this draft rule, in the initial stage, and personnel will be available to discuss the contents at the office listed under Addresses or at any of the five regional offices: Charleston, WV; Indianapolis, IN; Kansas City, MO; Knoxville, TN, or Denver, CO.

Dated: July 16, 1981.

J. Steven Griles,

Acting Director.

[FR Doc. 81-21312 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

31 CFR Part 51

Revenue Sharing Regulations

AGENCY: Office of Revenue Sharing, Treasury.

ACTION: Proposed rule.

SUMMARY: The State and Local Fiscal Assistance Act Amendments of 1980 were enacted on December 28, 1980. The law amended the State and Local Fiscal Assistance Act of 1972, as amended. The proposed rule would implement the minor and technical changes made by the 1980 amendment.

DATES: Written comments must be received on or before August 21, 1981.

ADDRESSES: Send comments to: Chief Counsel for Revenue Sharing; Office of Revenue Sharing, Treasury Department, Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT: Richard S. Isen, Acting Chief Counsel, or Jacqueline L. Jackson, Attorney, Office of Chief Counsel for Revenue Sharing, Washington, DC 20226, Telephone: (202) 634–5182.

SUPPLEMENTARY INFORMATION:

Background

On December 28, 1980, the State and Local Fiscal Assistance Act Amendments of 1980 (Pub. L. 96–604) were enacted to amend the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92–512, the Revenue Sharing Act) which established the General Revenue Sharing Program. The Act was previously amended in 1976 by Pub. L. 94–488. The amendments in 1980 renewed the General Revenue Sharing Program for three years until the end of fiscal year 1983 (September 30, 1983). The amendments also eliminated entitlements to State governments, but authorized the appropriation of Revenue Sharing payments to State governments for fiscal years 1982 and 1983. Payments to State governments were not appropriated for fiscal year 1981. The 1980 Amendments also made certain technical changes to the formula, public participation and audit provisions in the Act.

The 1980 Amendments necessitate several revisions to the regulations contained in 31 CFR Part 51, which implement the Revenue Sharing Act. On December 31, 1979, the Office of Revenue Sharing published in the **Federal Register** a notice of proposed rulemaking to revise the whole of 31 CFR Part 51 (44 FR 77356). Final regulations implementing the revisions were delayed pending renewal of the program and determination of the changes that would result from the 1980 Amendments. The technical changes that are the subject of this proposed rule are made to the regulation in its December, 1979, proposed form. The following is a section-by-section analysis of the proposed revisions to the regulations.

Section 51.0 Scope and Application of Regulations

Paragraph (a) of this section describes the statutes which these regulations implement. The Director proposes to amend paragraph (a) to reference the 1980 Amendments.

Section 51.1 Establishment of Office of Revenue Sharing

This section reflects the establishment of the Office of Revenue Sharing (hereinafter referred to as the "ORS") and cites the implementing legislation. The proposed rule would update the cite with a reference to the 1980 Amendments.

Section 51.2 Definitions

The proposed rule would amend paragraph (a) which defines "Act" to include a reference to the 1980 Amendments.

The proposed rule would amend paragraph (f) "Entitlement period" to include the three additional entitlement periods created by the 1980 Amendments.

Section 51.13 Proposed Use Hearing; § 51.14 Budget Hearing

The proposed rule would amend § 51.13 entitled "Proposed use hearing" and § 51.14 entitled "Budget hearing" to add an additional waiver of the hearing and publication requirements. Because the Revenue Sharing Program was renewed several months after the scheduled expiration of the program on September 30, 1981, some recipient governments enacting budgets containing revenue sharing funds for fiscal year 1981, which encompasses entitlement period twelve, may have had to estimate the amount of funds they would receive during the coming fiscal year without the usual guidance from the ORS as to the amount of entitlement funds they might be expected to receive. For this reason,

Section 2(e) of the 1980 Amendments provides that a recipient government, which conducted hearings on the proposed uses of revenue sharing funds prior to December 28, 1980 (the enactment date of the 1980 Amendments) using reasonable projections as to the amount of those funds, would not be considered to have violated the provisions of the Act. The proposed rule would add new §§ 51.13(c)(3) and 51.14(f) to provide that where hearings have been held based upon reasonable estimates, additional hearings would not be required concerning the entitlement funds not subjected to the budget process for entitlement period twelve. This provision is in no way meant to exempt recipient governments from compliance with the public hearing requirements for subsequent entitlement periods. The proposed rule would further amend § 51.14 by the redesignation of paragraph (f) and (g) as (g) and (h).

Section 51.28 "Optional Formula"

The proposed rule would amend § 51.28 entitled "Optional formula" to update the time period within which a State may apply for use of an optional formula. The date in § 51.28(a)(3)(iii) is changed from September 30, 1980, to September 30, 1983, the end of the last entitlement period authorized by the 1980 Amendments.

Section 51.30 Adjustment of Maximum and Minimum per Capita Entitlement: 100 Percent Criterion

The proposed rule would amend paragraphs (a) and (b) of this section to eliminate the reference to inclusion of the States in the formula for determining constraints on allocations to local governments. The proposed rule would also add new subsections which set forth the methods by which the amounts described in this section, which some local governments cannot receive due to the formula constraints, would be reallocated within States to eligible local governments.

Section 51.31 Separate Law Enforcement Officers

The proposed rule would amend § 51.31 "Separate law enforcement officers" to set forth the source and percentage of direct funding for the separate law enforcement officers of the State of Louisiana during entitlement periods in which funds are not appropriated for State governments.

Section 51.32 Population

The proposed rule would add a new § 51.32 entitled "Population." Paragraph (a) restates the current definition of population. Paragraph (b) would implement the 1980 Amendment regarding the potential use of population undercount adjustments provided by the Bureau of the Census. Paragraph (c) would implement the 1980 Amendment regarding population adjustments due to legal immigrants entering the country within six months after the 1980 Census.

Paragraph (d) updates the definition of population for Indian tribes and Alaskan native villages and describes the population data of Oklahoma Indian governments. Oklahoma Indian governments, except the Osage Tribal Council, do not have current reservation boundaries within which population can be determined and the Bureau of the Census cannot determine the Indian population on Oklahoma Indian trust lands since they do not match the geography of Census enumeration districts. Since Oklahoma Indian tribes do not now have reservations, the Bureau of Indian Affairs has advised that it is unlikely that Indian governing bodies in Oklahoma would be providing governmental services to anyone but Indians identified with the tribe of that governing body. Therefore, the population of Oklahoma Indian tribes for revenue sharing purposes will include only Indians and their spouses and children identified with the tribe of the Indian governing body, who are living within the boundaries of the historic areas in those Oklahoma county areas where the tribe had a reservation at the time of the allotment of Oklahoma lands.

Section 51.43 Restriction on Expenditures by Indian Tribes and Alaskan Native Villages

Section 123(a)(7) of the Revenue Sharing Act and § 51.43 of the regulations require Indian tribes and Akaskan native villages to spend their revenue sharing funds to benefit members of the tribe living in the county area for which the funds are allocated. This provision presented a hardship on tribes and villages which were located in more than one county area. The 1980 Amendments eliminated Section 123(a)(7) from the Act. The proposed rule would, therefore, delete § 51.43. Sections 51.44 "Lobbying" and 51.45 "Use of entitlement funds for debt retirement" would be redesignated §§ 51.43 and 51.44 respectively.

Section 51.102 Auditing and Evaluation

A new subparagraph (a)(2) is proposed to be added to Section 102 to inform recipient governments when audits must be submitted to the Director.

Section 2(g) of the 1980 Amendments provided a special modification of the audit requirements for local governments within the State of Michigan. In this situation, the State agency had entered into an agreement with ORS to perform the required audits for county governments, but later found that it could not complete the audits. The affected counties are authorized to conduct the required audits in accordance with generally accepted auditing standards and only concerning fund accounts in which revenue sharing funds are placed. The proposed rule would add a new § 51.102(d) "Modification of audit requirement" to implement that special modification.

Since the 1980 Amendments merely authorized, but did not appropriate revenue sharing funds for the State governments, an amendment to the regulations was needed to clarify when, if ever, the States would be required to conduct independent audits required by the Act. The Department has determined that a State government will be required to conduct such audits only if it receives entitlement funds for three consecutive entitlement periods. The same approach was taken for local governments which receive less than $25,000 in entitlement funds. A new paragraph (f) is added to § 51.102 to clarify our interpretation of this provision.

Section 51.103 Waiver of Audit Requirement

Section 2(f) of the 1980 Amendments provides an additional waiver for the situation in which the accounts of units of local government are audited by a State audit agency which either does not follow generally accepted auditing standards or which is not independent. The State agency must be demonstrating progress towards meeting the audit standards or becoming independent. The proposed rule would revise proposed § 51.103 "Waiver of audit requirement" to include the new basis for granting a waiver and clarify the procedure by which the waiver will be granted.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (Pub. L. 96-354, hereinafter referred to as the RFA) requires that regulations with significant economic impact on a substantial number of "small entities" should undergo regulatory flexibility analyses. With respect to the General Revenue Sharing Program, small entities are defined as recipient governments with a population below 50,000.

The proposed regulations implement the 1980 Amendments to the Revenue

Sharing Act made by the State and Local Fiscal Assistance Act Amendments of 1980 (Pub. L. 96–604). The 1980 Amendments renewed the General Revenue Sharing Program for an additional three years, made technical and conforming changes to the statute, and modified or waived certain public participation and audit requirements that would have otherwise been unnecessarily burdensome for recipient governments.

The proposed regulations merely implement these statutory changes. The revenue effects of the proposed regulations, if any, flow directly from the statute, and the regulations impose no additional paperwork, compliance, or financial burdens on recipient governments. The proposed regulations are primarily interpretive, providing needed guidance to recipient governments with respect to the General Revenue Sharing Program. The proposed regulations are not expected to have a significant economic impact on small governmental units. Accordingly, the provisions of the RFA are not applicable to this regulatory project, and an initial regulatory flexibility analysis is not required.

Executive Order 12291—"Federal Regulation"

The proposed regulations do not constitute a "major rule" within the meaning of Section 1(b) of Executive Order 12291, entitled "Federal Regulation." A regulatory analysis is not required.

Authority

This proposed rule is issued under the authority of the State and Local Fiscal Assistance Act of 1972 (Pub. L. 92–512) as amended by the State and Local Fiscal Assistance Amendments of 1976 (Pub. L. 94–488), the State and Local Fiscal Assistance Act Amendments of 1980 (Pub. L. 96–604) and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342) as amended by Treasury Department Order No. 242 (Revision No. 2) dated May 17, 1977.

32 CFR Part 51 is therefore proposed to be amended in the manner set forth below:

Dated: July 17, 1981.

Kent Peterson,

Deputy Director, Administration and Operations, Office of Revenue Sharing.

Robert W. Rafuse, Jr.,

Deputy Assistant Secretary (State and Local Finance).

1. Section 51.0(a) is revised to read as follows:

§ 51.0 Scope and application of regulations.

(a) *In general.* The rules and regulations in this subpart are prescribed for carrying into effect the State and Local Fiscal Assistance Act of 1972 (Public Law 92–512) applicable to entitlement periods beginning January 1, 1972, and ending December 31, 1976, as amended by the State and Local Fiscal Assistance Amendments of 1976 (Public Law 94–488) applicable to entitlement periods beginning January 1, 1977, and ending September 30, 1980, and by the State and Local Fiscal Assistance Act Amendments of 1980 (Public Law 96–604) applicable to entitlement periods beginning on or after October 1, 1981, and ending September 30, 1983. Subpart A of this part sets forth general information and definitions of terms used in this part. Subpart B of this part prescribes the reporting, public hearing and publication requirements under this part. Subpart C of this part contains rules regarding the computation, allocation and adjustment of entitlements. Subpart D of this part prescribes prohibitions and restrictions on the use of funds. Subpart E of this part contains the nondiscrimination requirements applicable to programs and activities funded by recipient governments. Subpart F of this part prescribes fiscal procedures and auditing requirements. Subpart G of this part contains rules relating to procedure and practice requirements where a recipient government has failed to comply with any provision of this part.

* * * * *

2. Section 51.1 is revised to read as follows:

§ 51.1 Establishment of Office of Revenue Sharing.

There is established in the Office of the Secretary of the Treasury Department, the office of Revenue Sharing. The Office shall be headed by a Director who shall be appointed by the Secretary of the Treasury. The Director shall perform the functions, exercise the powers and carry out the duties vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972, Title I, (Public Law 92–512) as amended by the State and Local Fiscal Assistance Amendments of 1976 (Public Law 94–488) and the State and Local Fiscal Assistance Act Amendments of 1980 (Public Law 96–604). A reference to the individuals in the feminine or masculine gender shall not be construed to exclude either gender.

3. Section 51.2 (a) and (g) are revised to read as follows:

§ 51.2 Definitions.

(a) "Act" means the State and Local Fiscal Assistance Act of 1972 (Title I of Public Law 92–512) enacted October 20, 1972, as amended by the State and Local Fiscal Assistance Amendments of 1976 (Public Law 94–488) enacted October 13, 1976, and as amended by the State and Local Fiscal Assistance Act Amendments of 1980 (Public Law 96–604) enacted December 28, 1980 (31 U.S.C. 1221 *et seq.*).

* * * * *

(g) "Entitlement period" means one of the following periods of time:

(1) Entitlement Period One is the 6-month period beginning January 1, 1972, and ending June 30, 1972.

(2) Entitlement Period Two is the 6-month period beginning July 1, 1972, and ending December 31, 1972.

(3) Entitlement Period Three is the 6-month period beginning January 1, 1973, and ending June 30, 1973.

(4) Entitlement Period Four is the fiscal year beginning July 1, 1973, and ending June 30, 1974.

(5) Entitlement Period Five is the fiscal year beginning July 1, 1974, and ending June 30, 1975.

(6) Entitlement Period Six is the fiscal year beginning July 1, 1975, and ending June 30, 1976.

(7) Entitlement Period Seven is the 6-month period beginning July 1, 1976, and ending December 31, 1976.

(8) Entitlement Period Eight is the 9-month period beginning January 1, 1977, and ending September 30, 1977.

(9) Entitlement Period Nine is the fiscal year beginning October 1, 1977, and ending September 30, 1978.

(10) Entitlement Period Ten is the fiscal year beginning October 1, 1978, and ending September 30, 1979.

(11) Entitlement Period Eleven is the fiscal year beginning October 1, 1979, and ending September 30, 1980.

(12) Entitlement Period Twelve is the fiscal year beginning October 1, 1980, and ending September 30, 1981.

(13) Entitlement Period Thirteen is the fiscal year beginning October 1, 1981, and ending September 30, 1982.

(14) Entitlement Period Fourteen is the fiscal year beginning October 1, 1982, and ending September 30, 1983.

* * * * *

4. Secton 51.13(c) is amended by adding a new paragraph (3) to read as follows:

§ 51.13 Proposed use hearing.

* * * * *

(c) * * *

(3) *Waiver of proposed use hearing and publication requirements where*

hearing is based upon projections. A recipient government shall not be required to conduct an additional hearing under paragraph (a) of this section concerning entitlement funds appropriated for entitlement period twelve where:

(i) The hearing was held prior to December 28, 1980, and,

(ii) The recipient government used reasonable projections as to the amounts of entitlement funds received during entitlement period twelve to determine the amount of entitlement funds subject to the budget process.

5. Section 51.14 is amended by redesignating (f) and (g) as (g) and (h) and adding a new (f) to read as follows:

§ 51.14 Budget hearing.

* * * * *

(f) *Waiver of budget hearing and publication requirements where hearing is based upon projection.* A recipient government shall not be required to conduct an additional hearing under subsection (a) concerning entitlement funds appropriated for entitlement period twelve where:

(1) The hearing was held prior to December 28, 1980, and,

(2) The recipient government used reasonable projections as to the amounts of entitlement funds received during entitlement period twelve to determine the amount of entitlement funds subject to the budget process.

* * * * *

§ 51.28 Optional formula. [Amended]

6. Section 51.28(a)(3)(iii) is amended by removing "September 30, 1980" and inserting "September 30, 1983".

7. Section 51.30 (a)(1), (b), and (c) are revised and new paragraphs (d) and (e) are added as follows:

§ 51.30 Adjustment to entitlements; application of adjustments.

(a) *County area maximum and minimum per capita entitlement.* (1) *In general.* Pursuant to Section 108(b)(6) of the Act, the per capita amount allocated to any county area shall be not less than 20 percent, nor more than 145 percent, of the amount allocated to the State under section 106 of the Act, divided by the population of that State.

* * * * *

(b) *Local government (other than a county government, Indian tribe or Alaskan native village).* (1) *In general.* Except as provided below, the per capita amount allocated to any unit of local government (other than a county government, Indian tribe or Alaskan native village) shall be not less than 20 percent, nor more than 145 percent, of the amount allocated to the State under Section 106 of the Act, divided by the population of that State.

(2) *One hundred forty-five percent rule.* If a unit of local government is allocated an amount greater than the 145 percent limit, its allocation shall be reduced to that level.

(3) *Twenty-percent rule.* If a unit of local government is allocated an amount less than the 20 percent limit, its allocation shall be increased to the lower of either the 20 percent limit or 50 percent of the sum of that local government's adjusted taxes and intergovernmental transfers of revenue (other than entitlement funds).

(4) *Entitlement less than $200.* If a unit of local government below the level of a county government is allocated an amount less than $200 for an entitlement period, the amount of the entitlement of that local government for that entitlement period shall become a part of the entitlement of the county government of the county area in which the local government is located.

(c) *Fifty percent limitation.* (1) *In general.* The amount of entitlement funds allocated to any unit of local government under this section for any entitlement period shall not exceed 50 percent of the sum of that local government's adjusted taxes, plus its intergovernmental transfers of revenue (other than entitlement funds).

(2) *Reallocation of excess amounts due to the fifty percent limitation.* In any case in which the amount of entitlement funds allocated to a unit of local government other than a county government is reduced pursuant to paragraph (c)(1) of this section, the amount of the reduction of funds shall be reallocated as follows—

(i) The amount shall be added to the county government in which the local government is located, to the extent that the county government may receive funds after application of the provisions of paragraphs (a) and (c) of this section.

(ii) If the county government cannot receive such funds, the provisions of paragraphs (d) and (e) of this section shall be applied.

(d) *One hundred-percent criterion.* If the amounts allocated to units of local government within a State do not total 100 percent of the amount allocated to that State, due to application to the adjustments set forth in paragraphs (a), (b) and (c) of this section, the amount to be allocated to county areas shall be adjusted appropriately, and the allocation process shall be repeated until the amounts allocated to such units of local government total 100 percent of the amount allocated to that State.

(e) *Distribution of funds in excess entitlement funds resulting from adjustments.* Funds which are not distributed after application of paragraph (d) of this section shall be added on a pro rata basis to all units of local government within the State.

8. Section 51.31 is revised to read as follows:

§ 51.31 Separate law enforcement officers.

(a) *Entitlement of separate law enforcement officers.* (1) The Office of the separate law enforcement officer within any parish area in the State of Louisiana, other than the parishes of East Baton Rouge and Orleans, shall be entitled to receive for each entitlement period beginning on or after January 1, 1977, 15 percent of the entitlement of the government of the Parish government, unless entitlement funds are not appropriated to State governments, in which case the Office shall receive 13.5 percent of the entitlement.

(2) The Office of the separate law enforcement officer within the area of the government of the parish of East Baton Rouge shall be entitled to receive for each entitlement period, beginning on or after January 1, 1977, 7.5 percent of the entitlements of the governments of Baton Rouge, Baker and Zachary, Louisiana for each such entitlement period, unless entitlement funds are not appropriated to State governments, in which case the Office shall receive 6.75 percent of the entitlement of those governments.

(b) *Reduction of entitlement of parish government.* (1) The governments of each parish (other than East Baton Rouge, and Orleans, Louisiana) shall receive for an entitlement period entitlements reduced by one-half of the amount due the separate law enforcement officer for such parish, except that after October 1, 1981, the parish government entitlement shall be reduced by the full amount if entitlement funds are not appropriated to the State governments.

(2) The governments of Baton Rouge, Baker and Zachary, Louisiana shall receive, for an entitlement period, entitlements reduced by an amount equal to 3.75 percent of such government's normal entitlement, unless entitlement funds are not appropriated to State governments in which case the entitlements for the governments of Baton Rouge, Baker and Zachary shall be reduced by 6.75 percent.

(c) *Reduction of entitlement of State government.* The State government of Louisiana shall receive for an entitlement period an entitlement reduced by the same amount as the reduction to entitlement of the parishes

and the governments of Baton Rouge, Baker and Zachary. This subparagraph shall not apply for entitlement periods beginning after October 1, 1981, if entitlement funds are not appropriated to the government of the State of Louisiana.

(d) *Entitlement of the Parish of Orleans.* The provisions of paragraphs (a), (b) and (c) of this section shall not apply to the entitlements of the Parish of Orleans. The Parish of Orleans shall be entitled to receive for each entitlement period beginning on or after January 1, 1977, from the State government's entitlement, an additional amount equal to 7.5 percent of the amount it is otherwise entitled to receive. This subparagraph shall not apply for entitlement periods beginning after October 1, 1981, if entitlement funds are not appropriated to the State government of Louisiana.

9. Section 51.32 is added to read as follows:

§ 51.32 Population.

(a) *Population generally.* Population shall be determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes.

(b) *Undercount adjustment.* To adjust for any possible undercount during the 1980 census, the Director shall—

(1) As soon as practicable, request the Bureau of the Census to adjust the population data provided to include a reasonable estimate of the number of resident persons not counted in the 1980 census or subsequent revisions thereof.

(2) Estimates received from the Bureau of the Census shall be used to calculate allocations for entitlement periods beginning after receipt of such estimates.

(c) *Adjustment as result of legal immigrants.* The determination of population shall reflect any adjustments made pursuant to Section 118 of Pub. L. 96–369 conducted due to a major population change resulting from the movement of a large number of Cuban or Haitian legal immigrants into a jurisdiction within 6 months after the 1980 census. The adjustments to such population figures shall be reflected in entitlement periods beginning with fiscal year 1981 and shall continue to be used until the Bureau of the Census makes available 1981 population estimates.

(d) *Population of Indian tribes and Alaskan native villages.* (1) The population of an Indian tribe or Alaskan native village is the resident population as of April, 1980, defined as—

(i) For Indian tribes, American Indians living on a reservation, plus the number of American Indians living in Census Enumeration Districts (ED's) containing adjacent tribally owned trust lands of that tribe. Resident non-Indian members of families with an American Indian householder or spouse are also included in the population data.

(ii) The lands in each Oklahoma county which were part of one or more Indian reservations at the time of allotment will be treated jointly as the land of all the reservations located in that county. Therefore, within a given county, an Indian identified with a tribe whose historic reservation includes a portion of that county will be enumerated with that tribe regardless of whether they reside within their tribe's own historic reservation area or that of one of the other tribes. Areas inside cities and towns will be subtracted from the land of the tribes. Only an Indian identified with the tribe of the Indian governing body and their spouses and children living within the boundaries of the tribal area described above are to be included in the population data of Oklahoma Indian governments. The population of the Osage Tribal Council of Oklahoma is as defined in paragraph (d)(1)(i) of this section since this tribe has its own current reservation.

(iii) For Alaskan native villages, the number of American Indians, Eskimos and Aleuts living in the village on the April 1, 1980, Census date. Resident non-Alaskan native members of families with an Alaskan native householder or spouse are also included in the population data.

(2) The Director will request the Bureau of the Censes to provide updated population estimates for Indian tribes and Alaskan native villages when such estimates are provided for other local governments in the Revenue Sharing Program.

10. Section 51.43 is removed.

§ 51.43 Restriction on expenditures by Indian tribes and Alaskan native villages [Removed]

§ 51.44 Redesignated as § 51.43.

§ 51.45 Redesignated as § 51.44.

11. Section 51.44 is redesignated as § 51.43 and § 51.45 is redesignated as § 51.44.

12. Section 51.101 is amended by revising (a) and (d), redesignating (f) as (e) and (e) as (f), and revising (f) as follows:

§ 51.101 Auditing and evaluation.

(a) *Audit requirement.* (1) Each recipient government which expects to receive entitlement funds for entitlement periods beginning on or after January 1, 1977, shall have an independent audit of its financial statements conducted for the purpose of determining compliance with the provisions of the Act, in accordance with generally accepted auditing standards, not less often than once every three years. The financial and compliance aspects of the audit may be performed separately. However, the compliance audit must be performed for the same year in which the financial audit is performed on the funds into which revenue sharing entitlements are deposited.

(2) Audits conducted to comply with the provisions of this section shall be submitted to the Director within eight months from the end of the fiscal year audited.

* * * * *

(d) *Modification of audit requirement.* A unit of local government may conduct an audit required pursuant to paragraph (a) of this section solely on those funds of accounts in the financial activity into which entitlement funds have been deposited where:

(1) The State in which the unit of local government is located entered into an agreement on July 25, 1974, to conduct audits required by the Act on behalf of such units of local government, and

(2) The audits were not conducted as required for entitlement periods beginning after December 31, 1976, and before January 1, 1980.

(e) *Series of audits.* * * *

(f) *Audits by State governments; local governments receiving less than $25,000 in entitlement funds in one entitlement period.* (1) A State government which receives entitlement funds will be required to conduct audits described in paragraph (a) of this section only if such government receives entitlement funds for three consecutive entitlement periods. The required audit would then be conducted for any one of the three years in which entitlement funds were received.

(2) Units of local government which receive entitlement funds shall be required to conduct audits described in paragraph (a) of this section only when such governments received $25,000 or more entitlement funds for each of three consecutive entitlement periods. The required audit would then be conducted for any one of these three consecutive years in which $25,000 or more in entitlement funds were received.

13. Section 51.102 is revised as follows:

§ 51.102 Waiver of audit requirement.

(a) *Basis for granting waiver.* The Director may waive the provisions of § 51.102 of this subpart in whole or in part, for any local government which makes an application for such a waiver.

for any fiscal period upon determining that:

(1) The accounts of such government are not auditable and the government is making substantial progress towards making its accounts auditable; or

(2) The government has been audited by a State audit agency which does not follow generally accepted auditing standards or which is not independent as defined in §§ 51.100 (c) and (e) respectively, and which is demonstrating progress toward taking the necessary corrective action.

(b) *Procedure for requesting waiver.* (1) The chief executive officer of the recipient government shall apply to the Director in writing for the waiver and provide the following information:

(i) If the waiver is requested due to unauditability of government financial accounts, an assurance that in the course of determining compliance with § 51.102, the independent auditor rendered an opinion that some or all of the financial accounts are not auditable. The waiver request shall further clearly set forth the arrangements which have been made or steps taken toward making such financial accounts auditable.

(ii) If the waiver is requested pursuant to paragraph (a)(2) of this section, an assurance that the State audit agency is demonstrating progress toward performing audits in accordance with generally accepted auditing standards or becoming independent. The waiver request shall further clearly set forth the arrangements which have been made or steps taken toward establishing the use of generally accepted auditing standards or achieving independence. The Director shall determine whether the State audit agency is making sufficient progress.

(2) The Director shall determine whether the recipient government or the State agency is achieving substantial progress towards taking the necessary corrective action.

[FR Doc. 81-21438 Filed 7-17-81; 3:58 pm]
BILLING CODE 4810-28-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1880-5]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve the request of the Wisconsin Department of Natural Resources (DNR) for a revision of the Wisconsin State Implementation Plan (SIP). The proposed revision is a variance from Section NR 154.13(4)(g)4.a., Wisconsin Administrative Code, for the General Motors Assembly Division Janesville Plant located in Rock County, Wisconsin. Section NR 154.13(4)(g)4.a. requires the priming of light duty trucks to be done using an electrodeposition primer with not more than 2.2 pounds of volatile organic compounds (VOC) per gallon of coating, excluding water, after January 1, 1981 and until December 31, 1982. The purpose of this notice is to discuss EPA's evaluation of the variance and to solicit public comments on the SIP revision and EPA's proposed approval.

DATE: Written comments must be submitted on or before August 21, 1981. Please submit an original and four copies if possible.

ADDRESSES: Copies of the SIP revision, supporting data, and EPA's evaluation are available for inspection during normal business hours at the following addresses:

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

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, DC 20460

Copies of the submission are also available at: Wisconsin Department of Natural Resources, Bureau of Air Management, 101 S. Webster Street, Madison, Wisconsin 53707.

Comments should be addressed to: Mr. Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, (312) 886-6088.

SUPPLEMENTARY INFORMATION: Section 107 of the Clean Air Act (Act) requires EPA to designate those areas which have not attained the National Ambient Air Quality Standards (NAAQS) for various air pollutants. On March 3, 1978 (43 FR 8962), and October 5, 1978 (43 FR 45993), EPA designated certain areas of the State of Wisconsin as nonattainment areas for ozone. Rock County, Wisconsin, where the General Motors Assembly Division Janesville Plant is located, is classified as attainment/unclassifiable for ozone.

Part D of the Act requires the State to revise its SIP for all areas that have not attained the NAAQS. These SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions, the date may be extended to December 31, 1987 for ozone and/or carbon monoxide. Although Wisconsin was not required to revise its SIP for ozone for Rock County, since it is not a nonattainment area, the State elected to apply its VOC RACT regulations statewide.

An adequate Part D SIP for ozone is one which provides for control of VOC from stationary and mobile sources resulting in attainment of the NAAQS.

For stationary sources, EPA requires the application of reasonably available control technology (RACT) to those sources of VOC for which EPA had published a control techniques guideline (CTG) before January, 1978. Each CTG describes techniques available for reducing emissions of VOC from a category of sources and recommends levels of control. For further discussion of CTG's see **Federal Register** dated September 17, 1979 (44 FR 53761). EPA published a CTG for coating automobiles and light duty trucks in May 1977 (EPA-450/2-77-008).

On June 4, 1979, the State of Wisconsin submitted Sections NR 154.01 and NR 154.13 as revisions to the SIP. These revisions included new or additional controls from fifteen categories of stationary sources which emit VOC. These controls are a part of Wisconsin's strategy to attain the ozone standard. In EPA's January 11, 1980 final rulemaking (45 FR 2319), EPA approved these revisions as part of the Wisconsin ozone SIP.

The Wisconsin DNR has authority to grant source-specific variances from the SIP under Section NR 154.02(3), although such variances do not become effective until submitted to and approved by EPA. On July 28, 1980, the DNR received from the General Motors Assembly Division a request for a variance from Section NR 154.13(4)(g)4.a., Wisconsin Administrative Code, for its Janesville Plant, located in Rock County. NR 154.13(4)(g)4.a. requires the priming of light duty trucks to be done using an electrodeposition primer with not more than 2.2 pounds of VOC per gallon of coating excluding water, after January 1, 1981 and until December 31, 1982. DNR granted the requested variance and on January 15, 1981 submitted it to EPA as a SIP revision.

In support of this request General Motors submitted to Wisconsin DNR information which demonstrates that compliance with the requirements of

Section NR 154.13(4)(g)4.a., would cause the plant an unnecessary economic burden. To meet the requirements of Section 154.13(4)(g)4.a., General Motors would need to install a electrodeposition prime system (ELPO) by January 1, 1981. Currently, truck front end sheet metal is primed in a solvent based dip prime system. There are presently three ELPO systems in use at the Janesville plant. Two of the existing systems are being used in the automobile manufacturing operations with one used in the priming of bodies and the other for front end sheet metal. The other existing ELPO systems is used in the priming of truck cabs. General Motors has planned product modifications that by the end of 1982 will allow automobile bodies and front end sheet metal to be primed together on a single ELPO system. This modification will allow the ELPO system previously used for automobile front end sheet metal to become available for use on the truck line. Therefore, the installation of an additional ELPO system would only be necessary for a two year period.

In light of the proposed modifications, General Motors requested the variance from Wisconsin DNR. The request also includes an emission reduction strategy to be implemented during the period of the variance which will more than offset the increased VOC emissions resulting from variance.

The emission reductions proposed by General Motors are to be achieved by using a higher solids enamel for truck topcoat and by using an electrodeposition prime with a VOC content lower than presently required on the automobile body prime system. The higher solids enamel for the truck topcoat will apply to the following General Motors operations: the cab dulux, cab two tone, box dulux, and sheet metal spray operations and will lower the VOC content of the coating from 4.8 pounds per gallon, excluding water, as is presently being used, to 4.3 pounds per gallon, exluding water.

Based on a 12.5% increase in film buildup for the higher solids coating, the topcoat change will result in a 48.36 pound per hour reduction in emissions. The automobile body prime system is also required to meet a VOC limit of 2.2 pounds per gallon, excluding water, through December 31, 1982. To achieve an emission reduction, the automobile body electrodeposition prime will convert to a coating containing 1.2 pounds VOC per gallon, excluding water. This conversion will reduce VOC emissions by 30.34 pounds per hour. Although the variance allows General Motors to emit 66.20 pounds of VOC per hour more than is allowed under Section NR 154.13(4)(g)4.a., the other modifications proposed by General Motors will result in an emission reduction of 78.70 pounds per hour. Therefore, General Motors' emission reduction strategy will not only offset the variance but also will result in an additional emission reduction of 12.50 pounds per hour.

Based on EPA's review of this variance request and on the proposed emission reduction strategy, EPA has determined that approval of this revision will not interfere with the attainment and maintenance of the NAAQS and will result in a net decrease in VOC emissions. Therefore, EPA proposes to approve the variance from the provisions of Section NR 154.13(4)(g)4.a., Wisconsin Adminstrative Code, for the General Motors Assembly Division Janesville Plant located in Rock County as a revision to the Wisconsin ozone SIP. This proposed approval incorporates the following conditions specified by Wisconsin in the variance:

(1) This variance, as well as the requirements herein, shall be in effect from January 1, 1981 (or the approval date of this variance, whichever is later) through December 31, 1982.

(2) This variance can not delay General Motors from attaining compliance with Section NR 154.13(4)(g)4.b.

(3) General Motors shall maintain priming of truck front end sheet metal with a coating having a VOC content not to exceed 4.94 pounds per gallon, excluding water.

(4) After January 1, 1981, the automobile body electrodeposition prime coating VOC content shall not exceed 1.2 pounds per gallon, excluding water.

(5) Between January 1, 1981, and December 31, 1982 light duty truck topcoat (i.e. cab dulux, cab two tone, box dulux and sheet metal spray) VOC content shall not exceed 4.3 pounds per gallon, excluding water.

All interested persons are invited to comment on this revision to the Wisconsin SIP and on EPA's proposed action. Comments should be submitted to the address listed at the beginning of this notice. Public comments received on or before August 21, 1981 will be considered in EPA's final rulemaking.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator has certified (46 FR 8709) that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action merely approves a State action and, therefore, imposes no new requirements. In addition, this action applies to only one facility.

Under Executive Order 12291, EPA must determine whether a proposed regulation is a major rule and is therefore subject to the requirement of a regulatory impact analysis. I have reviewed this proposed rule and determined that it is not a major rule because EPA is merely approving a rule adopted by the State and is not imposing any new requirements. Moreover, the proposed rule will result in a more cost-effective control strategy for the source. This action was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

(Secs. 110, 172 and 301(a) of the Act as amended)

Dated: June 30, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21357 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL-1885-1]

Approval and Promulgation of Implementation Plans; Alabama: Prevention of Significant Deterioration Regulations

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On August 7, 1980 (45 FR 52676), EPA promulgated revised regulations for Prevention of Significant Air Quality Deterioration (PSD) and requirements for States to develop and submit revised regulations for PSD. The State of Alabama has responded and on January 30, 1981 submitted to EPA revised regulations meeting EPA's requirements. EPA is today proposing to approve the State of Alabama's revised PSD plan.

DATES: To be considered, comments must be submitted on or before August 21, 1981.

ADDRESSES: Written comments should be addressed to Archie Lee of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the materials submitted by Alabama may be examined during normal business hours at the following locations.

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 21460.

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

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

FOR FURTHER INFORMATION CONTACT: Archie Lee, EPA Region IV, Air Programs Branch, EPA Region IV at the above listed address and phone 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On December 5, 1974, EPA published regulations under the 1970 version of the Clean Air Act for the prevention of significant air quality deterioration (PSD). These regulations established a program for protecting areas with air quality cleaner than the national ambient air quality standards (NAAQS). Then, on August 7, 1977, the Clean Air Act Amendments of 1977 became law and changed the 1970 act and EPA's regulations in many respects, particularly with regard to PSD. In addition to mandating certain immediately effective changes to EPA's PSD regulations, the new Clean Air Act, in sections 160-169, contains comprehensive new PSD requirements. These new requirements are to be incorporated by States into their implementation plans. On June 19, 1978 (43 FR 26380), EPA promulgated further guidance. On August 7, 1980 (45 FR 52676) EPA promulgated the latest guidance to assist States in preparing State Implementation plan (SIP) revisions meeting the new requirements. The State has complied with these requirements and has adopted and submitted additional regulations to Chapter 16 of the Alabama Air Pollution Control Commission's *Rules and Regulations*. After thorough review by EPA, these regulations were determined to be equivalent to EPA's PSD regulations. In addition, the State has full delegation of authority under these same regulations to carry out the PSD program in Alabama.

Action

EPA has reviewed the submitted material and found it to be equivalent to present EPA requirements. Therefore, EPA is today proposing to approve the Alabama submittal as satisfying the requirements of an acceptable plan for imlementing PSD and is soliciting public comment on the regulations.

Pursuant to the provisions of 5 U.S.C. section 605(b) the Administrator has certified (46 FR 8709) (NMS) that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

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

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

(Sections 110 and 161 of the Clean Air Act (42 U.S.C. 7410 and 7471))

Dated: May 19, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-21499 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 81

[A-5-FRL 1884-7]

Designation of Areas for Air Quality Planning Purposes; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes to redesignate portions of Wayne County, Indiana from nonattainment of the National Ambient Air Quality Standards (NAAQS) to unclassified for total suspended particulates (TSP) pursuant to Section 107 of the Clean Air Act (CAA), as amended. The basis for this redesignation is that the monitors initially used to designate this area as nonattainment of the NAAQS for TSP have now been found to be gathering unrepresentative data or not meeting proper siting criteria. The purpose of this notice is to discuss EPA's evaluation of the redesignation and to solicit public comments on the redesignation and on EPA's proposed action.

DATE: Comments on this revision and on EPA's proposed action must be received by August 21, 1981.

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

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206.

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

And by appointment at: Air Programs Branch, Docket Room, 11th Floor, Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, 312-353-2211.

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

FOR FURTHER INFORMATION CONTACT: Susanne S. Karacki at 312-353-2211.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962) and on October 5, 1978 (43 FR 45993), pursuant to the requirements of Section 107 of the CAA, EPA designated Boston, Center, Wayne, and Webster Townships in Wayne County, Indiana, as primary nonattainment of the NAAQS for TSP. The remainder of Wayne County was designated as attainment of the standards. On November 20, 1980, the State petitioned EPA to revise the Wayne County TSP designation from primary nonattainment to attainment based on the EPA rural fugitive dust policy. Indiana's redesignation request was not accompanied by the correlated promulgation of changes in the Indiana Air Pollution Control Board Regulation 325 IAC 1.1-3 which designated the attainment status of geographical areas in Indiana.

An area can be designated attainment if it complies with several rural fugitive dust policy criteria. A rural area is defined as an area which has a population of less than 100,000-200,000 and which has no major industrial development as indicated by the absence of significant industrial particulate sources which emit 100 tons or more of TSP per year. The State submitted a technical support document to support its redesignation request based on the rural fugitive dust policy criteria. EPA has reviewed the technical information and has determined that Wayne County cannot be redesignated as attainment based on the rural fugitive dust policy because there are four major industrial sources emitting over 100 tons of TSP per year.

However, the technical support document and discussions with the State and the Richmond, Indiana Chamber of Commerce indicate that the two TSP ambient air quality monitors in the City of Richmond may have been inappropriately sited. The City Hall monitor, which showed secondary TSP violations in 1978, apparently has been unduly influenced by the construction of the County Court House which is located directly across the street. The fire station monitor does not meet EPA siting criteria. Accordingly, EPA recommends that the State relocate the

monitors to more representative sites.

Because of the uncertainty in monitored TSP data in Wayne County, EPA proposes to redesignate Boston, Center, Wayne, and Webster Townships from primary nonattainment to unclassified. The remainder of Wayne County is presently designated as attainment and will remain so designated. A detailed discussion of EPA's evaluation can be found in the Rationale for the Wayne County Redesignation which is on file at the addresses listed above.

This action, if promulgated, will remove the requirement for Indiana to develop a State Implementation Plan (SIP) for TSP in Wayne County pursuant to Part D of the CAA and will remove the restrictions on industrial growth contained in Section 110(a)(2)(I) of the CAA for TSP in Wayne County, Indiana.

Final promulgation of this proposed action will follow analysis of the comments received and will depend on consistency with Section 107 of the CAA.

Pursuant to the provisions of 5 U.S.C. Section 605(b), the Administrator has certified on January 27, 1981 (46 FR 8709) that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only changes the air quality designation and will, if promulgated, remove some regulatory requirements mandated by the CAA.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation because it only changes air quality designations and will, if promulgated, remove the requirement for the development of nonattainment SIP pursuant to Part D of the CAA. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the Regional EPA Office listed above.

This Notice of Proposed Rulemaking is issued under the authority of Section 107 of the Clean Air Act, as amended.

Dated: July 2, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21495 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-38-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3130

Oil and Gas Leasing—National Petroleum Reserve—Alaska; Proposed Rulemaking Authorizing Oil and Gas Leasing in the National Petroleum Reserve—Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would provide procedures for oil and gas leasing in the National Petroleum Reserve—Alaska in accordance with the provisions of the Department of the Interior Appropriations Act, Fiscal Year 1981. The proposed rulemaking would institute a competitive bidding procedure for awarding leases on lands determined suitable for oil and gas leasing.

DATE: Comments by September 8, 1981.

ADDRESS: Comments should be sent to: Director (650), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240. Comments will be available for public review in Room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Marcia E. Rohn (202) 343-7753; or Robert C. Bruce (202) 343-8735

SUPPLEMENTARY INFORMATION: The Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514) directed the Secretary of the Interior to conduct an expeditious program of competitive leasing of oil and gas in the National Petroleum Reserve—Alaska, appropriated funds for that and outlined procedures to be followed in issuing those leases. The Act required that the first lease sales be held within 20 months of its enactment. In order to carry out the requirements of the Act, procedures are needed for conducting the sale and issuing the oil and gas leases to the successful bidders. This proposed rulemaking will provide the necessary procedure for conducting oil and gas lease sales in the National Petroleum Reserve—Alaska.

The development of the oil and gas potential of the National Petroleum Reserve—Alaska will reduce the United States' dependence on foreign oil supplies. The proposed rulemaking is designed to expedite the exploration, development and production of oil and gas resources in the National Petroleum Reserve—Alaska. It will ensure that the United States receives a fair and equitable return on the oil and gas resources of the National Petroleum Reserve—Alaska, while involving the State of Alaska and its local governments as well as Native corporations in the decisionmaking process to ensure that decisions which relate to their economy, livelihood and lifestyles are fair and equitable. Finally, the proposed rulemaking is designed to balance energy development with environmental protection and subsistence values, especially in areas of critical wildlife habitat or subsistence use.

The procedures outlined in this proposed rulemaking are needed because the Solicitor, Department of the Interior, has determined that the Department of the Interior Appropriations Act, Fiscal Year 1981, provides new and independent authority for oil and gas leasing in the National Petroleum Reserve—Alaska and the provisions of the Mineral Leasing Act of 1920 (30 U.S.C. 188 et seq.) are not applicable to oil and gas leasing in the National Petroleum Reserve—Alaska.

Several of the provisions of the regulations for oil and gas leasing conducted under the Mineral Leasing Act of 1920 have been adopted in this proposed rulemaking. These provisions involve the Secretary of the Interior's discretionary authority in connection with the granting of oil and gas leases in the National Petroleum Reserve—Alaska. Among these provisions are: the requirement that only citizens and nationals of the United States, aliens lawfully admitted for permanent residence and private, public or municipal corporations, including associations, organized under the laws of the United States or of any State will be qualified to participate in the lease sale; a bonding requirement to assure the payment of rentals and royalties and compliance with all of the terms and conditions of the leases; and provision for termination of leases for the non-payment of full rental by the anniversary date of the leases.

In accordance with the provisions of the Appropriations Act, the proposed rulemaking contains requirements for two special lease stipulations. The first special stipulation requirement applies to the Reserve generally and provides that activities undertaken will include or provide for such conditions, restrictions and prohibitions as the Secretary of the Interior deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the Reserve. The second special stipulation requirement applies to the special areas provided for

in section 104(b) of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6504).

The principal author of this proposed rulemaking is Marcia E. Rohn, Division of Onshore Energy Resources, Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management, and the staff of the Office of the Solicitor, Department of the Interior.

The information collection requirements contained in this proposed rulemaking have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3507. The collection of this information will not be required until it has been approved by the Office of Management and Budget.

It is hereby determined that these rules do not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is a major rule under Executive Order 12291 and will have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (Pub. L. 96-354). The regulatory impact analysis and a small entities flexibility analysis are being combined into a single document.

The requirement of the Department of the Interior Appropriations Act, Fiscal Year 1981, that the first lease a sale within the National Petroleum Reserve—Alaska be held within 20-months of its enactment makes it impossible to comply with the schedule for preparation of a regulatory impact analysis according set forth in Executive Order 12291. In recognition of this fact, the Office of Management and Budget has agreed to the following schedule for preparation of the Preliminary and Final Regulatory Analyses which are required by Executive Order 12291.

A summary and notice of availability of the Preliminary Regulatory Impact Analysis will be published with the final rulemaking on November 9, 1981.

Upon completion of the Final Regulatory Impact Analysis, which is scheduled for March 1982, a summary and notice of availability will be published in the **Federal Register**.

Under the authority of the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514), it is proposed to amend Group 3100, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations by adding a new Part 3130 as set forth below:

PART 3130—OIL AND GAS LEASING—NATIONAL PETROLEUM RESERVE—ALASKA

Subpart 3130—Oil and Gas Leasing—National Petroleum Reserve—Alaska; General

Sec.

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3135.1-4 Effect of assignment of a particular tract.
3135.1-5 Extension of lease.
3135.2 Suspension of lease.

Subpart 3136—Relinquishments, Terminations and Cancellations of Leases

3136.1 Relinquishment of leases or parts of leases.
3136.2 Terminations.
3136.3 Cancellation of leases.

Authority: The Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514); 42 U.S.C. 6504; 43 U.S.C. 1701 et seq.

Subpart 3130—Oil and Gas Leasing—National Petroleum Reserve—Alaska; General

§ 3130.0-1 Purpose.

These regulations establish the procedures under which the Secretary of the Interior will exercise the authority granted to administer a competitive leasing program for oil and gas within the National Petroleum Reserve—Alaska.

§ 3130.0-2 Policy.

The oil and gas leasing program within the National Petroleum Reserve—Alaska shall be conducted in accordance with the purposes and policy directions provided by the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514), and other executive, legislative, judicial and Department of the Interior guidance.

§ 3130.0-3 Authority.

(a) The Department of the Interior Appropriations Act, Fiscal year 1981 (Pub. L. 96-514);

(b) The Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6504); and

(c) The Federal Lands Policy and Management act of 1976 (43 U.S.C. 1701 et seq.), except that sections 202 and 603 are not applicable.

§ 3130.0-5 Definitions.

As used in this part, the term:

(a) "The Act" means the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514).

(b) "Bureau" means the Bureau of Land Management.

(c) "Construction operations" means the exploring, testing, surveying or otherwise investigating the potential of a lease for oil and gas, the actual drilling or preparation for drilling of wells therefor, or any other actions directed toward the eventual production or attempted production of oil and gas from such lands.

(d) "NPR-A" means the area formerly within Naval Petroleum Reserve Numbered 4 Alaska which was redesignated as the National Petroleum Reserve—Alaska by the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6501).

(e) "Regional Conservation Manager" means the U.S. Geological Survey's Regional Conservation Manager stationed at Anchorage, Alaska.

(f) "Reworking operations" means all operations designed to secure, restore or improve production through some use of a hole previously drilled, including, but not limited to, mechanical or chemical treatment of any horizon, deepening to test deeper strata and plugging back to test higher strata.

(g) "Special Areas" means the Utokok River, the Teshekpuk Lake areas and other areas within NPR–A identified by the Secretary as having significant subsistence, recreational, fish and wildlife or historical or scenic value.

§ 3130.0–7 Cross references.

(a) 43 CFR 1821.1 Office hours; place of filing.

(b) 43 CFR 2361 Management and Protection of the National Petroleum Reserve in Alaska.

(c) 30 CFR Part 221 Oil and Gas Operating Regulations.

(d) 30 CFR Part 226 Unit or Cooperative Agreements.

(e) 40 CFR 1500—08 National Environmental Policy Act.

§ 3130.1 Attorney General review.

Prior to the issuance of a lease or the approval of an assignment or transfer, the Secretary shall consult with and give due consideration to the views of the Attorney General.

§ 3130.2 Limitation on time to institute suit to contest a Secretary's decision.

Any action seeking judicial review of the adequacy of any programmatic or site-specific environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) concerning oil and gas leasing in NPR–A shall be barred unless brought in the appropriate District Court within 60 days after notice of availability of such statement is published in the **Federal Register.**

§ 3130.3 Drainage

Upon a determination by the Director, U.S. Geological Survey, that lands owned by the United States within NPR–A are being drained, the regulations under § 3100.3 of this title shall apply.

§ 3130.4 Leasing—general.

§ 3130.4–1 Tract size.

A tract selected for leasing shall consist of a compact area of not more than 60,000 acreas.

§ 3130.4–2 Lease term.

Each lease shall be issued for an initial period of 10 years, unless a shorter term is provided in the notice of sale.

§ 3130.5 Leases within unit areas.

Before being issued an oil and gas lease for lands within an approved unit agreement, the lessee or successful bidder shall file evidence that he/she has entered into an agreement with the unit operator for the development and operation of the lands in his/her lease under and pursuant to the terms and provisions of the approved unit agreement, or a statement giving satisfactory reasons for the failure to enter into such agreement. If such statement is acceptable, he/she shall be permitted to operate independently but shall be required to conform to the terms and provisions of the agreement with respect to such operations.

§ 3130.6 Bona fide purchasers.

The provisions of § 3102.1–2 of this title shall apply to bona fide purchasers of leases within NPR–A.

§ 3130.7 Leasing maps and land descriptions.

§ 3130.7–1 Leasing maps.

The Bureau shall prepare leasing maps showing the parcels to be offered for lease sale.

§ 3130.7–2 Land descriptions.

(a) All parcels shall be composed of entire sections either surveyed or protracted, whichever is applicable, except that if the parcels are adjacent to water areas, they may be adjusted on the basis of subdivisional parts of the sections.

(b) Leased lands shall be described according to section, township and range in accordance with the official survey or protraction diagrams.

Subpart 3131—Leasing Program

§ 3131.1 Receipt and consideration of nominations; public notice and participation.

During preparation of a proposed leasing schedule, the Secretary shall invite and consider suggestions and relevant information for such program from the Governor of Alaska, local governments, Native corporations, industry, other Federal agencies, including the Attorney General in consultation with the Federal Trade Commission, and all interested parties, including the general public. This request for information shall be issued as a notice in the **Federal Register.**

§ 3131.2 Tentative tract selection.

(a) The State Director Alaska, Bureau of Land Management, shall issue calls for Nominations and Comments on tracts for leasing for oil and gas in specified areas. The call for Nominations and Comments shall be published in the **Federal Register** and may be published in other publications as desired by the State Director. Nominations and Comments on tracts shall be addressed to the State Director Alaska, Bureau of Land Management, with a copy to the Regional Conservation Manager, U.S. Geological Survey. The State Director shall also request comments on tracts which should receive special concern and analysis.

(b) The State Director, in consultation with the Regional Conservation Manager, shall select tracts to be offered for sale. In making the selection, the State Director shall consider available environmental information, multiple-use conflicts, resource potential, industry interest, information from appropriate Federal agencies and other available information. The State Director shall develop measures to mitigate adverse impacts, including lease stipulations and notices to lessees. These mitigating measures shall be made public in the notice of sale.

§ 3131.3 Special stipulations.

Special stipulations shall be developed to the extent the authorized officer deems necessary and appropriate for mitigating reasonably foreseeable and significant adverse impacts on the surface resources. Special Areas stipulations for exploration or production shall be developed in accordance with section 104 of the Naval Petroleum Reserves Production Act of 1976. These special stipulations shall be set forth in the notice of sale and shall be attached to and made a part of the lease, if issued.

§ 3131.4 Lease sales.

§ 3131.4–1 Notice of sale.

(a) The State Director Alaska, Bureau of Land Management, shall publish the notice of lease sale in the **Federal Register,** and may publish the notice in other publications if he/she deems it appropriate. The publication in the **Federal Register** shall be at least 30 days prior to the date of the sale. The notice shall state the place and time at which bids are to be filed, and the place, date and hour at which bids are to be opened.

(b) Parcels shall be offered for lease by competitive sealed bidding under conditions specified in the notice of lease sale and in accordance with all applicable laws and regulations. Bidding systems used in lease sales shall be based on bidding systems included in section (205)(a)(1) (A) through (H) of the Outer Continental Shelf Lands Act

Amendments of 1978 (43 U.S.C. 1801 et seq.).

(c) A detailed statement of the sale, including a description of the areas to be offered for lease, the lease terms, conditions and special stipulations and how and where to submit bids shall be made available to the public immediately after publication of the notice of lease sale.

Subpart 3132—Issuance of leases

§ 3132.1 Who may hold a lease.

Leases issued pursuant to this subpart may be held only by:

(a) Citizens and nationals of the United States;

(b) Aliens lawfully admitted for permanent residence in the United States as defined in 8 U.S.C. 1101(a)(20);

(c) Private, public or muncipal corporations organized under the laws of the United States or of any State or of the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa or any of its territories; or

(d) Associations of such citizens, nationals, resident aliens or private, public or municipal corporations.

§ 3132.2 Submission of bids.

(a) A separate sealed bid shall be submitted for each parcel in the manner prescribed. A bid shall not be submitted for less than an entire parcel.

(b) Each bidder shall submit with the bid a certified or cashier's check, bank draft, U.S. currency or any other form of payment approved by the Secretary for one-fifth of the amount of the cash bonus, unless stated otherwise in the notice of sale.

(c) Each bid shall be accompanied by statements of qualifications prepared in accordance with § 3132.4 of this title.

(d) Bidders are bound by the provisions of 18 U.S.C. 1860 prohibiting unlawful combination or intimidation of bidders.

§ 3132.3 Payments.

(a) Payments of bonuses, including deferred bonuses, first year's rental, other payments due upon lease issuance, filing charges and fees shall be made to the Alaska State Office, Bureau of Land Management. All payments shall be made by certified or cashier's check, bank draft, U.S. currency or any other form of payment approved by the Secretary. Payments shall be made payable to the Bureau of Land Management, unless otherwise directed.

(b) All other payments required by a lease or the regulations in this part shall be payable to the U.S. Geological Survey.

§ 3132.4 Qualifications statements.

(a) If the bidder is an individual, a statement of citizenship shall accompany the bid.

(b) If the bidder is an association (including a partnership), the bid shall be accompanied by a certified copy of the articles of association or appropriate reference to the serial number of the record and the office of the Bureau in which such copy has already been filed with a statement as to any amendments thereto.

(c) If the bidder is a corporation, the following information shall be submitted with the bid:

(1) A statement attesting to its authorization to conduct business in the State of Alaska, showing the State in which it is incorporated and that it is authorized to hold oil and has leases in NPR–A or appropriate reference to the serial number of the record and the office of the Bureau in which such statement has already been filed with a statement as to any amendments thereto.

(2) A statement attesting to the authority of the person who signed the bid to bind the corporation, including reference to the serial number of the record and the office of the Bureau in which a copy of such statement has already been filed with a statement as to any amendments to the authority.

§ 3132.5 Award of leases.

(a) Sealed bids received in response to the notice of lease sale shall be opened at the place, date and hour specified in the notice of sale. The opening of bids is for the sole purpose of publicly announcing and recording the bids received. No bids shall be accepted or rejected at that time.

(b) The United States reserves the right to reject any and all bids received for any tract, regardless of the amount offered.

(c) In the event the highest bids are tie bids, the tying bidders shall be allowed to submit additional oral bids to break the tie. The oral high bidder who has submitted the highest oral bid shall, at the close of the bidding, tender any additional amount necessary to bring the amount tendered with his/her bid to one-fifth of the oral bid.

(d) If the authorized officer fails to accept the highest bid for a lease within 90 days or a lesser period of time as specified in the notice of sale, the highest bid for that lease shall be considered rejected. This 90-day period or lesser period as specified in the notice of sale shall not include any period of time during which acceptance, rejection or other processing of bids and lease issuance by the Department of the Interior are enjoined or prohibited by court order.

(e) Written notice of the final decision on the bids shall be transmitted to those bidders whose deposits have been held in accordance with instructions set forth in the notice of sale. If a bid is accepted, 2 copies of the lease shall be transmitted with the notice of acceptance to the successful bidder. The bidder shall, not later than the 15th day after receipt of the lease, sign both copies of the lease and return them, together with the first year's rental and the balance of the bonus bid, unless deferred, and shall file a bond, if required to do so. Deposits shall be refunded on rejected bids.

(f) If the successful bidder fails to execute the lease within the prescribed time or otherwise to comply with the applicable regulations, the deposit shall be forfeited and disposed of as other receipts under the Act.

(g) If the awarded lease is executed by an agent acting on behalf of the bidder, the lease shall be accompanied by evidence that the bidder authorized the agent to execute the lease on his/her behalf.

(h) When the executed lease is returned to the authorized officer, he/she shall within 15 days of receipt of the material required by paragraph (e) of this section, execute the lease on behalf of the United States. A copy of the fully executed lease shall be transmitted to the lessee.

§ 3132.5–1 Forms.

Leases shall be issued on forms approved by the Director.

§ 3132.5–2 Dating of leases.

All leases issued under the regulations in this part shall become effective as of the first day of the month following the date they are signed on behalf of the United States. When prior written request is made, a lease may become effective as of the first day of the month within which it is signed on behalf of the United States.

Subpart 3133—Rentals and Royalties

§ 3133.1 Rentals.

(a) An annual rental shall be due and payable at the rate prescribed in the notice of sale and the lease, but in no event shall such rental be less than $3 per acre, or fraction thereof. Payment shall be made by the first day of each lease year prior to discovery of oil or gas on the lease.

(b) If there is no actual or allocated production on the portion of a lease that has been segregated from a producing lease, the owner of such segregated lease shall pay an annual rental for such

segregated portion at the rate per acre specified in the original lease. This rental shall be payable each lease year following the year in which the segregation became effective and prior to discovery of oil or gas on such segregated portion.

(c) Annual rental paid in any year shall be in addition to, and shall not be credited against, any royalties due from production.

§ 3133.2 Royalties.

Royalties on oil and gas shall be at the rate specified in the lease, unless the Secretary, in order to promote increased production on the leased area through direct, secondary or tertiary recovery means, reduces or eliminates any royalty set out in the lease.

§ 3133.2-1 Minimum royalties.

For leases which provide for minimum royalty payments, each lessee shall pay the minimum royalty specified in the lease at the end of each lease year beginning with the first lease year following a discovery on the lease.

§ 3133.3 Compensatory payments for drainage.

The provisions of §§ 3100.3–1 and .3–2 of this title shall apply to compensatory payments for drainage within the NPR–A.

Subpart 3134—Bonding—General

§ 3134.1 Bonding.

(a) Prior to issuance of an oil and gas lease, the successful bidder shall furnish the authorized officer a corporate surety bond in the sum of $100,000 conditioned on compliance with all the lease terms, including rentals and royalties, conditions and any special stipulations. The bond shall not be required if the bidder already maintains or furnishes a bond in the sum of $300,000 conditioned on compliance with the terms, conditions and special stipulations of all oil and gas leases held by the bidder within NPR–A.

(b) An operator's bond in the sum of $100,000 or $300,000 may be substituted at any time for the lessee's lease bond (provided there has been an approved designation of operator or agent or approved operating agreements). The operator's bond shall assume the responsibilites and obligations of the lessee for the entire leasehold in the same manner and to the extent as though he/she were the lessee.

(c) If as a result of a default, the surety on a $100,000 lease bond or a $300,000 NPR-A-wide bond makes payment to the United States of any indebtedness under a lease secured by the bond, the face amount of such bond and the surety's liability shall be reduced by the amount of such payment.

(d) A new $100,000 lease bond or $300,000 NPR-A-wide bond shall be posted within 6 months or such shorter period as the authorized officer may direct after a default. In lieu of a new NPR-A-wide bond, the lessee may substitute a separate $100,000 bond for each lease within the time period authorized. Failure to post a new bond shall, at the discretion of the authorized officer, be the basis of cancellation of all leases covered by the defaulted bond, except to the extent that a separate bond in lieu of a $300,000 NPR-A-wide bond has been filed within the time authorized.

(e) The bonds required by this section are in addition to any other bonds the successful bidder may have filed or be required to file under subparts 3104 and 3318 of this title.

§ 3134.1 Form of bond.

All bonds furnished by a lessee shall be on a form approved by the Director.

§ 3134.1–2 Additional bonds.

The authorized officer may require the lessee to supply additional security in the form of a supplemental bond or bonds or to increase the coverage of an exisitng bond if, after operations or production have begun, such additional security is deemed necessary to assure maximum protection of Special Areas.

Subpart 3135—Assignments, Transfers and Extenstions

§ 3135.1 Assignments, transfers and extensions, general.

§ 3135.1–1 Assignments.

(a) Subject to approval of the authorized officer, a lessee may assign his/her leases, or any undivided interest therein, or any legal subdivision, to anyone qualified under § 3132.4 of this title to hold a lease.

(b) Any approved assignment shall be deemed to be effective on the first day of the lease month following its filing in the proper BLM office, unless, at the request of the parties, an earlier date is specified in the approval.

(c) The assignor shall be liable for all obligations under the lease accruing prior to the approval of the assignment.

(d) The assignee shall be liable for all obligations under the lease subsequent to the effective date of an assignment, and shall comply with all regulations issued under the Act.

§ 3135.1–2 Requirements for filing of transfers.

(a) (1) All instruments of transfer of lease or of an interest therein, including operating rights, subleases and assignments or record-title shall be filed in triplicate for approval. Such instruments shall be filed within 90 days from the date of final execution. The instruments of transfer shall include a statement, over the transferee's own signature, with respect to citizenship and qualifications as required of a bidder under § 3132.4 of this title and shall contain all of the terms and conditions agreed upon by the parties thereto. Carried working interests, overriding royalty interests or payments out of production may be created or transferred without approval.

(2) An application for approval of any instrument required to be filed shall not be accepted unless accompanied by a nonrefundable fee determined by the Secretary. Any document not required to be filed by the regulations in this part but submitted for record purposes shall be accompanied by a nonrefundable fee as determined by the Secretary per each lease affected. Such documents may be rejected by the authorized officer.

(b) An attorney-in-fact, on behalf of the holder of a lease, operating rights or sublease, shall furnish evidence of authority to execute the assignment or application for approval and the statement required by § 3132.5(g) of this title.

(c) Where an assignment creates separate leases, a bond shall be furnished covering the assigned lands in the amount prescribed in § 3134.1 of this title. Where an assignment does not create separate leases, the assignee, if the assignment so provides and the surety consents, may become a joint principal on the bond with the assignor.

§ 3135.1–3 Separate filings for assignments.

A separate instrument of assignment shall be filed for each lease on an approved form. When transfers to the same person, association or corporation, involving more than 1 lease are filed at the same time for approval, 1 request for approval and 1 showing as to the qualifications of the assignee shall be sufficient.

§ 3135.1–4 Effect of assignment of a particular tract.

(a) When an assignment is made of all the record title to a portion of the acreage in a lease, the assigned and retained portions are divided into separate and distinct leases. Assignment shall not be made for less than 1 full section nor shall less than 1 full section be retained.

(b) Each segregated lease shall continue in full force and effect for the

primary term of the original lease and so long thereafter as oil or gas is produced in paying quantities from that segregated portion of the lease area or so long as drilling or well reworking operations, either actual or constructive, as approved by the Secretary, are conducted thereon.

§ 3135.1-5 Extension of lease.

(a) The term of a lease shall be extended beyond its primary term so long as oil or gas is produced from the lease in paying quantities or so long as drilling or reworking operations, actual or constructive, as approved by the Secretary, are conducted thereon.

(b) In accordance with an approved exploration plan or development and production plan, a lease may be maintained in force by directional wells drilled under the leased area from surface locations on adjacent or adjoining lands not covered by the lease. In such circumstances, drilling shall be considered to have commenced on the lease area when drilling is commenced on the adjacent or adjoining lands for the purpose of directional drilling under the leased area through any directional well surfaced on adjacent or adjoining lands. Production, drilling or reworking of any directional well shall be considered production or drilling or reworking operations on the lease area for all purposes of the lease.

§ 3135.2 Suspension of lease.

The provisions of § 3103.3-8 of this title shall be applicable to suspensions of leases in NPR-A.

Subpart 3136—Relinquishments, Terminations and Cancellations of Leases

§ 3136.1 Relinquishment of leases or parts of leases.

A lease may be surrendered in whole or in part by the record-title holder by filing a written relinquishment, in triplicate, with the Alaska State Office of the Bureau. No filing fee is required. In the case of partial relinquishments, neither the relinquished lands nor the retained lands shall be less than 1 full section. A relinquishment shall take effect on the date it is filed subject to the continued obligation of lessee and the surety to make all payments due, including any accrued rental, royalties and deferred bonuses and to abandon all wells, and condition or remove other facilities on the lands to be relinquished to the satisfaction of the Director, U.S. Geological Survey. A statement shall be furnished that all monies due and payable to workers employed on the leased premises have been paid.

§ 3136.2 Terminations.

Any lease on which there is no well capable of producing oil or gas in paying quantities shall terminate if the lessee fails to pay the annual rental in full on or before the anniversary date of such lease if such failure continues for more than 30 days after the notice of delinquent rental has been delivered by registered or certified mail to the lease owner's record post office address.

§ 3136.3 Cancellation of leases.

(a) Any nonproducing lease may be canceled by the authorized officer whenever the lessee fails to comply with any provisions of the Acts cited in § 3130.0-3 of this title, of the regulations issued thereunder or of the lease, if such failure to comply continues for 30-days after a notice thereof has been delivered by registered or certified mail to the lease owner's record post office address.

(b) Producing leases or leases known to contain valuable deposits of oil or gas may be canceled only by court order.

James G. Watt,

Secretary of the Interior.

July 1, 1981.

[FR Doc. 81-21407 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-5955]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations for Unincorporated Areas of Travis County, Texas

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the unincorporated areas of Travis County, Texas.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 46 F.R. 83286 on December 18, 1980, and in the *Austin-American Stateman* on November 13, and November 20, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a 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 flood elevations are available for inspection at Travis County Courthouse Annex, Eleventh and San Antonio Avenue, Austin, Texas 78767.

Send comments to: Judge Mike Renfro or Mr. Davis Preble, County Engineer, County Courthouse, Eleventh and San Antonio Avenue, Austin, Texas 78767.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E. National Flood Insurance Program, (202) 755-5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in Travis County in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4(A)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Texas	Unincorporated areas of Travis County	Apache Shores Creek	Just downstream of Running Deer Trail	*527
			Just upstream of Apache Lake Dam	*609
		Apache Shores Tributary	Just upstream of Geronimo Trail	*557
			Just upstream of Indain Creek Road	*612
		Barton Creek	Just downstream of Barton Springs Road	*447
			Just upstream of Loop 360	*536
		Bear Creek	Just downstream of Missouri Pacific Railroad	*620
			Just upstream of FM 1626	*663
		Bear Creek Tributary	Just downstream of Hewitt Road	*680
			Just upstream of Friate Baker Lane	*703
		Bee Creek	Just upstream of Road Runner Road	*618
		Big Sandy Creek	Just downstream of Highway 1431	*730
			Just upstream of Highway 1431	*739
			Just upstream of Round Mountain Road	*901
		Big Sandy Creek Tributary 1	Just upstream of Highway 1431	*727
		Big Sandy Creek Tributary 3	Just upstream of Round Mountain Road	*923
		Boggy Creek	Just downstream of Interstate Highway 35	*597
			Just upstream of Interstate Highway 35	*603
			Just upstream of Missouri Pacific Railroad	*699
		Bull Creek	Just upstream of Loop 360 (near confluence of Tributary 2).	*598
			Just upstream of Spicewood Springs Road (near confluence of Tributary 4).	*717
		Bull Creek Tributary 1	Just upstream of County-Limits	*522
		Bull Creek Tributary 2	Upstream of Loop 360	*629
		Bull Creek Tributary 3	Just upstream of a small dam at 800 feet above mouth.	*639
		Bull Creek Tributary 4	Just upstream of Spicewood Springs Road	*728
		Bull Creek Tributary 5	Just upstream of confluence of Tributary 6	*776
		Bull Creek West	Just upstream of West Frontage Road	*535
			Just upstream of FM 2222 near confluence of Tributary 1.	*535
		Carson Creek	Just upstream of Dalton Lane	*443
			Just upstream of Riverside Drive	*484
			Just upstream of Hoake Lane	*510
			Just upstream of Montopolis Drive	*548
		Colorado River	Just upstream of confluence with Gilleland Creek	*409
			Just upstream of State Highway 973	*420
			Just downstream of Bolm Road	*432
		Lake Travis	Shoreline	*716
		Cypress Creek	Just upstream of Highway 2769	*740
			Just upstream of Cypress Creek Tributary 1	*749
		Cypress Creek Tributary 1	Just upstream of confluence of Cypress Creek Tributary 2.	*764
		Cypress Creek Tributary 2	Just upstream of Highway 2769	*768
		Decker Creek	Just upstream of Taylor Lane	*415
			Just upstream of the confluence of Decker Creek Tributary 1.	*427
		Decker Creek Tributary 1	Just upstream of unpaved road	*447
			Just upstream of Earth Dam	*503
		Dry Creek	Just upstream of Bee Caves Road	*580
			Just upstream of Walsh Tarleton Drive	*642
			Just downstream of West Lake High Drive	*685
			Just upstream of West Lake High Drive	*710
		Dry Creek North	Approximately 300 feet upstream of Mt. Bonnell Road	*518
			Approximately 200 feet downstream of FM 2222	*578
		Dry Creek South	Just upstream of River Road	*405
			Just upstream of West Bound State Highway 71	*414
			Just upstream of FM 812	*497
			Just upstream of FM 973	*512
		Gilleland Creek	Just upstream of Taylor Lane	*419
			Just upstream of confluence of Gilleland Creek Tributary 1.	*447
		Hancock Branch	Just upstream of Shoal Creek Boulevard	*623
			Just upstream of Houston St	*651
			Just upstream of Koenig Lane	*666
			Just upstream of Justin Lane	*706
		Harris Branch	Just upstream of Dessau Road	*662
			Just upstream of Kansas Missouri and Texas Railroad	*676
		Hurst Creek	Just downstream of Lohman Crossing Road	*748
			Just upstream of World of Tennis Boulevard	*784
		Hurst Creek Tributary 1	Approximately 200 feet downstream of Carla Van Road.	*744
		Lime Creek	Just upstream of Lime Creek Tributary 2	*778
		Lime Creek Tributary 1	Just downstream of Trails End Road	*779
			Just upstream of Trails End Road	*782
		Lime Creek Tributary 2	Just upstream of Trails End Road	*808
		Little Barton Creek	Just upstream of Highway 71	*764
			Just upstream of confluence of Little Barton Tributary	*844
		Little Barton Tributary	Just downstream of Highway 71	*871
			Just upstream of Highway 71	*877
		Little Bear Creek	Just upstream of Travis/Hays Counties Lines	*847
		Onion Creek	Just upstream of Highway 71	*437
			Just downstream of Burleson Road	*463
			Just upstream of Highway 183	*477
			Just upstream of Old Lockhart Road	*560
			Just upstream of Interstate Highway I-35	*597
		Rinard Creek	Just upstream of Bradshaw Road	*573
		Slaughter Creek	Just upstream of I-35	*589

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Just upstream of Missouri Pacific Railroad	*660
			Just upstream of Brodie Lane	*735
			Just upstream of Wyldwood Road	*757
		Slaughter Creek Tributary 1	Just downstream of Slaughter Creek Drive	*666
			Just upstream of Missouri Pacific Railroad	*674
		Unnamed Tributary to Lake Austin	Approximately 2,000 feet upstream of West Lake Drive	*520
		Yaupon Creek	Just upstream of Duck Lake Drive	*748
			Just upstream of World of Tennis Boulevard	*776
			Just upstream of Rolling Green Drive	*807
			Just upstream of Lohmann Crossing Road	*866
		Walnut Creek	Just downstream of Manor Road	*502
			Just upstream of US Route 290	*518
			Just downstream of Cameron Road (Blue Goose Road).	*542
			Just upstream of Dessau Lane	*581
			Just downstream of North Lamar Boulevard	*624
			Just downstream of Burnet Road	*689
			Just upstream of Missouri Pacific Railroad	*792
		Walnut Creek Tributary 3	Just upstream of Manor Road	*511
			Just upstream of US Highway 290	*525
		Walnut Creek Tributary 4	Just downstream of Manor Road	*517
			Just downstream of Springdale Road	*536
		Walnut Creek Tributary 5	Just upstream of Springdale Road	*532
			Just upstream of Sansom Road	*546
		Walnut Creek Tributary 7	Just downstream of Duval Road	*773
		Walnut Creek Tributary 8	Just downstream of Missouri Pacific Railroad	*797
		Walnut Creek Tributary 9	Just downstream of McNeil Drive	*752
			Just upstream of Howard Lane	*774
		Walnut Creek Tributary 10	Just upstream of Delrobles Drive	*756
		Williamson Creek	Just upstream of confluence of Tributary 1	*500
			Just upstream of Brodie Lane	*706
			Just upstream of US Highway 290	*811
			Just upstream of Oakhill Bee Caves Road	*836
			Just downstream of Silvermile Drive	*892
		Williamson Creek Tributary	Just downstream of Nuckles Crossing Road	*562
			Just upstream of Nuckles Crossing Road	*570
		Dry Fork Branch	Just upstream of William Cannon Boulevard	*700
		Williamson Creek Tributary	Just upstream of State Highway 71	*857
			Just upstream of Oak Meadow Drive	*873
		Wells Branch	Just upstream of Parmer Lane	*668
			Just upstream of Howard Lane	*734

(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 of Federal Insurance Administrator)

Issued: June 17, 1981.

Richard W. Krimm,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21211 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6110]

National Flood Insurance Program; Proposed Corporate Limits, Base Flood Elevation, Zone Designations, and Floodways for the City of Albany, Ga.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed corporate limits, base flood elevations, zone designations, and floodways described below.

The proposed corporate limits, base flood elevations, zone designations, and floodways 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 corporate limits, base flood elevations, zone designations, and floodways are available for review at the Mayor's Office, City of Albany, Georgia.

Send comments to: The Honorable James H. Gray, Sr., Post Office Box 447, Albany, Georgia 31702.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410 (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed corporate limits, base flood elevations, zone designations, and floodways for the City of Albany, Georgia 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) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The proposed corporate limits, base flood elevation, zone designations, and floodways together with the floodplain 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 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 corporate limits, base flood elevations, zone designation, and floodways will also be used to calculate the appropriate flood insurance premium rate 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	Location	Elevation (feet)	Zone
Cooleewahee Creek	Southern corporate limits to Gillionville Road	182 to 191	A2.
Percosin Creek	Southern corporate limits to Gordon Avenue	182 to 184	A2.
Marine Corps Supply Center Drainage Canal	Eastern corporate limits to 2,000 feet west	181	A10.
	2,000 feet from eastern corporate limits to western corporate limits.	181	A14.
Flint River	From southern to confluence with Muckafoonee	181 to 192	A14.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21386 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6111]

National Flood Insurance Program; Proposed Base Flood Elevation, Zone Designation, and Floodway Fringe Designation for the City of Smyrna, Ga.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed elevation, zone designation and floodway fringe designation described below.

The proposed elevation, zone designation and floodway fringe designation 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 elevation, zone designation and floodway fringe designation are available for review at the Mayor's Office, Smyrna, Georgia.

Send comments to: The Honorable Frank B. Johnson, Mayor, City of Smyrna, P.O. Box 1226, Smyrna, Georgia 30081.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed elevation, zone designation and floodway fringe designation (100-year flood) for the City of Smyrna, Georgia 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) (Presently appearing at its former Section, 24 CFR 1917.4(a)).

The proposed elevation, zone designation and floodway fringe designation, together with the floodplain 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 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 elevation, zone designation and floodway fringe designation 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 of existing buildings and their contents.

The proposed 100-year flood elevation, zone designation and floodway fringe designation for selected locations are:

Source of flooding	Location	Elevation (feet)	Zone
Laurel Creek	Point approximately 1,000 feet upstream of Ashwood Drive.	902 (NGVD)	A3.
Area changed from floodway to floodway fringe:			
Poplar Creek	Upstream of Spring Road		

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21387 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6112]

National Flood Insurance Program; Proposed Zone Designations for the City of Woodstock, McHenry County, Ill.

AGENCY: Federal Insurance Administration, FEMA.

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 121 West Calhoun Street, Woodstock, Illinois.

Send comments to: Mr. Dennis Anderson, City Manager, City of Woodstock, P.O. Box 190, 121 West Calhoun Street, Woodstock, Illinois 60098.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zone designations for the City of Woodstock, McHenry County, Illinois, 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).

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 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 zone designations are:

Zone A and Zone C in portions of the area bounded by McConnell Road on the south and by the corporate limits on the north, east, and west; in portions of the area bounded on the north by a line parallel to and approximately 125 feet south of Westwood Trail, and on the south, east, and west by the corporate limits; in a portion of the area bounded on the south by a line parallel to and approximately 1250 feet north of Country Club Road, on the east by the corporate limits, on the west by a line parallel to and approximately 1300 feet east of Irving Avenue, and on the north by McHenry Avenue; and in portions of the area bounded on the east by Borden Street and by the semicircle of approximate radius 350 feet with center at the point on Borden Street which is approximately 1400 feet south of the intersection of Dane Street and Borden Street.

Zone A in a portion of the area bounded on the north by Hoy Avenue, Division Street, and Schryver Avenue from Division Street to Dean Street, on the west by Dean Street, on the east by Bunker Street, and on the south by a line parallel to and approximately 200 feet south of Kimball Avenue.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappel,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21388 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA 6113]

National Flood Insurance Program; Proposed Base Flood Elevation for the Town of Hooksett, New Hampshire

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevation described below.

The proposed base flood elevation 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 elevation are available for review at the Selectmen's Office, Hooksett, New Hampshire.

Send comments to: Mr. Lowell D. Apple, Chairman, Board of Selectmen, Municipal Building, 16 Main Street, Hooksett, New Hampshire 03106.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755-6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed base flood elevation (100-year flood) for the Town of Hooksett, New Hampshire, 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) (presently appearing at its former Section, 24 CFR 1917.4(a)).

The base flood elevation, together with the floodplain 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 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 elevation 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 elevation for selected locations are:

Source of flooding	Location	Elevation (feet)
Merrimack River	Bayside Airport	189 feet NGVD.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21389 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6114]

National Flood Insurance Program; Proposed Regulatory Floodway for the Township of Hanover, NJ.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed regulatory floodway described below.

The proposed regulatory floodway 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 flood-prone areas and the proposed regulatory floodway are available for review at the Administrator's Office, Whippany, New Jersey.

Send comments to: Mr. Harold Keenan, Township Administrator, Township of Hanover, Post Office Box 250, Whippany, New Jersey 07981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed regulatory floodway for the Township of Hanover, New Jersey 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 regulatory floodway, together with the floodplain 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 floodplain management requirement. 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 regulatory floodway 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 regulatory floodway for selected locations are:

Source of Flooding	Location of modified regulatory floodway
Whippany River	From confluence with Black Brook to a point approximately 6,000 feet upstream of this confluence.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21390 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6115]

National Flood Insurance Program; Proposed Zone and Base Flood Elevation Determinations for the City of Cheyenne, Laramie County, Wyo.

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zones and base flood elevations as described below.

The proposed zones and base flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in 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 zones and base flood elevations are available for review at the Planning Office, Cheyenne City Hall, 2101 O'Neil Avenue, Cheyenne, Wyoming.

Send comments to: The Honorable Don Erickson, Mayor, City of Cheyenne, City Hall, 2101 O'Neil Avenue, Cheyenne, Wyoming 82001.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, DC 20410, (202) 755–6570 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed zones and base flood elevations for the City of Cheyenne, Wyoming, 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 Part 67.

These zones and base flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. It 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 zones and base flood elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed zones and base flood elevations are as follows:

Source of flooding	Location	Elevation in feet (NGVD)	Zone designation
Crow Creek	In the area southwest of Lexington Avenue	5963	A3
	Upstream of Snyder Avenue	6042	A5
	Just upstream of the Union Pacific Railroad	6048	A5
	Upstream of Missile Drive	6064	A10
Dry Creek	Just upstream of Dell Range Boulevard	6002	A3
	Just upstream of Converse Avenue	6034	A2
	Just downstream of Powder House Road	6075	A2
	Just upstream of Prairie Avenue	6088	A2
Dry Creek	Upstream of Sunset Road Extended	6113	A1
	Just downstream of Education Drive	6130	A3
North Fork Dry Creek	At Bishop Boulevard	6147	A1
	At Deer Avenue	6154	A1

In addition, the Base flood elevations have been adjusted along Crow Creek and Dry Creek to coincide with the published profiles. All the remaining annexed areas are Zone B and Zone C. The floodway delineations have been added along the aforementioned reaches of Crow Creek, Dry Creek, and North Fork Dry Creek.

(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 Federal Insurance Administrator)

Issued: July 7, 1981.

Robert G. Chappell,

Acting Assistant Administrator, Federal Insurance Administration.

[FR Doc. 81-21391 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6079]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Unincorporated Areas of Riley County, Kansas, previously published at 45 FR 31684 on June 17, 1981.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Unincorporated Areas of Riley County, Kansas previously published at 45 FR 31684 on June 17, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added 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)).

Wildcat Creek BFE 1043 description was changed to "About 3,000 feet downstream of Fairman Road," and Little Kitten Creek BFE 1060 description was changed to "Just downstream of County Road 412." These changes were made so that they described points that are shown on the Flood Insurance Rate Map.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The listing appears correctly as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Kansas	(Unincorporated), Riley County	Wildcat Creek	About 3,000 feet downstream of Fairman Road	*1,043
		Little Kitten Creek	Just downstream of County Road 412	*1,060

(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 Federal Insurance Administrator)

Issued: July 9, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21374 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6109]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755-5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 and Section 206 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.

These elevations, 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.

These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Gulf Shores (town), Baldwin County.	Gulf of Mexico	Intersection of Each 3d Street and East Beach Boulevard.	*14
			Approximately 300 feet south of East Beach Boulevard along East 3d Street.	*15
Maps available for inspection at Town Hall, Town of Gulf Shores, P.O. Box 299, Gulf Shores, Alabama 36542.				
Send comments to the Honorable Thomas Norton, Mayor, Town of Gulf Shores, P.O. Box 299, Gulf Shores, Alabama 36542.				
Illinois	Downers Grove, village, DuPage County	East Branch DuPage River	Downstream corporate limits	*677
			Upstream corporate limits	*677
		Lacey Creek	Confluence with East Branch DuPage River	*677
			Approximately 1,960' above confluence with East Branch DuPage River.	*677
Maps available for inspection at the Village Hall, 801 Burlington Street, Downers Grove, Illinois.				
Send commends to Honorable Jon Council, Mayor of Downers Grove, Village Hall, 801 Burlington Street, Downers Grove, Illinois 60515.				
New York	Cato, town, Cayuga County	Cross Lake	Entire shoreline within community	*382
		Seneca River	Confluence with Cross Lake	*382
			Confluence of Muskrat Creek	*383
			Upstream corporate limits	*384
Maps available for inspection at the residence of the Town Clerk, Marilyn Cole, 13071 Bonta Bridge, Cato, New York.				
Send commends to Honorable Louis House, Town Supervisor of Cato, R.D. 1, Box 53, Jordan, New York 13081.				
New York	Evans, town, Erie County	Little Sister Creek	Confluence with Lake Erie	*580
			Upstream Dennis Road	*590
			Upstream private road	*602

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream State Route 5	*615
			Upstream Delameter Road	*643
		Tributary No. 2 to Little Sister Creek.	Confluence with Little Sister Creek	*604
			Upstream State Route 5	*615
			Downstream Church Road	*640
			Downstream Delameter Road	*660
			170' upstream Norfolk and Western Railway	*668
		Pike Creek	Confluence with Lake Erie	*580
			Upstream private drive	*595
			Approximately 1,820' upstream of private drive	*610
			Upstream Wisconsin Road	*640
			Upstream Delameter Road	*658
			Upstream Derby Road	*693
			Upstream Depot Street	*704
		Reisch Creek	Confluence with Lake Erie	*580
			Downstream private drive	*594
			Upstream Old Lake Shore Road	*612
			Downstream Seminary Access Road	*630
			Downstream Nettle Creek Drive	*641
			Upstream Prescott Drive	*661
			Upstream Hamilton Drive	*680
			Upstream Revere Drive	*683
		Fern Brook	Confluence with Lake Erie	*580
			Downstream Waterman Road	*585
			Upstream Madison Avenue	*598
			Approximately 1,000' upstream of Dawn Avenue	*601
Maps available for inspection at the office of the Building Inspector, Evans Town Hall, 42 North Main Street, Angola, New York.				
Send comments to Honorable Adella Cook, Town Supervisor of Evans, Town Hall, 42 North Main Street, Angola, New York 14006.				
Rhode Island	Pawtucket, City Providence County	Ten Mile River	Downstream corporate limits	*52
			Upstream side of Armistice Boulevard	*59
			Corporate limits downstream of Central Avenue	*64
			Upstream corporate limits	*68
		Moshassuck River	Downstream corporate limits	*34
			Upstream side Interstate 95	*37
			Upstream side of Mineral Spring Avenue	*45
			Upstream corporate limits	*52
		Blackstone River	Main Street Dam upstream side	*32
			Upstream Central Avenue	*39
			Upstream Pantex Dam	*45
			Upstream corporate limits	*48
		Seekonk River	Entire shoreline downstream of Main Street Dam	*16
Maps available for inspection at the City Engineer's Office, City Hall, Pawtucket, Rhode Island.				
Send comments to Honorable Dennis Lynch, Mayor of Pawtucket, City Hall, Pawtucket, Rhode Island 02860.				
Texas	City of Grand Prairie, Dallas and Tarrant Counties	West Fork of Trinity River	Just upstream of Gifford Hill Railroad Spur	*432
			Just upstream of Meyers Road	*436
			Just upstream of Belt Line Road	*442
			Approximately 500 feet upstream of N.W. 19th Street	*454
			Just downstream of State Highway 360	*461
		Bear Creek	Just downstream of Shady Grove Road	*455
			Just downstream of of Rock Island Road	*462
		Dry Creek	Just upstream of Shady Grove Road	*460
			Approximately 200 feet downstream of Thousand Oaks Boulevard.	*466
			Just downstream of Rock Island Road	*473
		Johnson Creek	Approximately 500 feet upstream of Carrier Parkway	*458
			Just upstream of Duncan-Perry Road	*471
			Approximately 100 feet upstream of Avenue J East	*507
		Stream 8B1	Just upstream of Carrier Parkway	*454
			Just downstream of Egyptian Way	*469
			Just downstream of Interstate Highway 30 (Dallas-Ft. Worth Turnpike).	*488
		Stream 8A4	Just upstream of W. Tarrant Road	*454
			Just downstream of Carrier Parkway	*466
		Mounain Creek	Just downstream of Interstate Highway 30 (Dallas-Ft. Worth Turnpike).	*431
			Just upstream of Texas and Pacific Railroad	*433
			Just upstream of U.S. Highway 80	*435
		Cottonwood Creek	Just downstream of S.E. 8th Street	*470
			Approximately 200 feet downstream of S.W. 3d Street	*480
			Just upstream of West Freeway-Robinson Road	*494
			Just downstream of Great Southwest Parkway	*528
		South Fork of Cottonwood Creek	Approximately 200 feet upstream of Carrier Parkway	*490
			Just downstream of West Freeway	*506
			Approximately 200 feet downstream of State Highway 303.	*537
		Stream 8D6	Just downstream of State Highway 303	*520
			Just upstream of State Highway 303	*526
		Stream 8D1	Approximately 400 feet downstream of Marshall Drive	*474
			Just downstream of Marshall Drive	*479
		Fish Creek	Approximately 200 feet upstream of Old Matthews Road.	*514
			Just upstream of Great Southwest Parkway	*535
			Just downstream of Northbound State Highway 360	*566

Proposed Base (100-Year) Flood Elevations—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Kirby Creek	Just upstream of New Bridge at County Club Park	*481
			Just downstream of Corn Valley Road	*491
			Just upstream of Belt Line Road	*527
		Stream 8C5	Just upstream of Corn Valley Road	*516
			Just upstream of Shady Trail	*526
		Stream 8C8	Just upstream of small dam	*490
			Approximately 100 feet downstream of Camp Wisdom Road.	*493

Maps available for inspection at City Hall, 317 West College Street, Grand Prairie, Texas 75050.

Send comments to Mayor James Weems or Mr. J. E. Powell, City Engineer, City Hall, P.O. Box 11, Grand Prairie, Texas 75050.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Develoment 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 Federal Insurance Administrator)

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21375 Filed 7-21-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 511 and 512

[Docket 81-46; General Orders, 5 and 11]

Financial Reports of Common Carriers by Water in the Domestic Offshore Trades

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: The financial reporting requirements applicable to vessel operating common carriers in the domestic offshore commerce of the United States are proposed to be amended to relieve certain requirements and to make certain housekeeping changes. The purpose of this action is to provide some relief of the regulatory burden imposed on carriers while maintaining the Commission's ability to discharge its responsibilities to the public.

DATES: Comments due on or before August 21, 1981.

ADDRESS: Comments (original and fifteen copies) and inquiries to: Secretary, Federal Maritime Commission, 1100 L Street, N.W., Washington, D.C. 20573 (202) 523–5725.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, (202) 523–5725.

SUPPLEMENTARY INFORMATION: The Federal Maritime Commission proposes to amend its regulations governing the financial reporting requirements promulgated in Parts 511 and 512 of Title 46 of the Code of Federal Regulations, General Order 5 and General Order 11, Revised, respectively.

The Commission's General Order 11, Revised, was published in the **Federal Register** on January 17, 1980 (45 FR 3272). Its purpose was to establish methodologies that the Commission would use in evaluating the reasonableness of rates in the domestic offshore trades filed by vessel operating common carriers and to provide for the orderly acquisition of data essential to this evaluation. In the intervening months, the Commission's staff has had the opportunity to appraise the operation of these regulations. With a view towards providing some relief from the regulatory burden imposed on carriers while continuing to carry out mandated regulatory responsibilities, certain amendments to General Order 11, Revised, are being proposed. While some of the proposed amendments are solely relief provisions, others require certain additional information or constitute housekeeping changes.

One amendment would eliminate the requirement that the carrier submit financial data when filing overall rate changes of less than 3 percent. Thus, the 50 percent rule as it applies to commodities would no longer be in effect. To preclude a carrier from submitting an inordinate number of 2.9 percent increases, a carrier would forego this relief if overall rate changes accumulated to 9 percent in a twelve-month period.

Another change would allow a carrier to use its annual financial data in lieu of historical data for general rate changes filed within six months rather than 150 days of the end of its fiscal year. A third change allows for the historical data period to begin up to 15 months prior to date of submission of the new rates. The former change extends the period during which a carrier can submit a general rate change without bearing the expense of preparing historical financial data. The latter provides the carrier with greater flexibility in the preparation of that data. A change is also proposed which would raise the monetary limit for a waiver of the annual reporting requirement from $5 million to $10 million.

Another change will eliminate the **Federal Register** notice of a carrier's request for permission to submit alternative data. This requirement was added to General Order 11 when the revised version was promulgated in early 1979. In the period since that date, we know of no instance where a carrier's request for such permission was protested as a result of the publication. Therefore, we see no benefit to be gained by continuing this practice.

Certain additions to the General Order are proposed. The first would require the submission of stockholder and certain ownership information, as well as a company-wide balance sheet and income statement. The information is requested in view of the proposed elimination of the Commission's General Order 5 (46 CFR Part 511) reports, which will result in a significant lessening of the reporting burden imposed on regulated carriers. The elimination of all references to General Order 5 or to its report designations has also been provided for. A second addition would incorporate the Commission's decision to eliminate from rate base those vessels withdrawn from service for reconstruction or renovation for the

entire period. In addition, any depreciation and profit included in related company transactions will be excluded from vessel operating expense. This is done to eliminate the impact of these items on the computation of working capital included in rate base.

The several housekeeping and wording changes include the address to which the statements are to be mailed and the identification of the non-contiguous areas for the purpose of consistency. We also changed the term "books and accounts" to "books of account", a more correct expression of what was intended. Finally, the means of identifying those items to be included in working capital, as well as the wording of a number of sections, will be changed for greater clarity.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission certifies that the proposed rulemaking will not, if adopted, have a significant economic impact on a substantial number of small entities.

Therefore, pursuant to 5 U.S.C. 553, section 18(a) and 43 of the Shipping Act, 1916, (46 U.S.C. 817, 841a) and section 2 of the Intercoastal Shipping Act, 1933, (46 U.S.C. 844) the Commission proposes to eliminate Part 511 and to amend Part 512 of Title 46 CFR in the manner set forth in the attached appendix.

By the Commission.

Francis C. Hurney,

Secretary.

Appendix

PART 512—FINANCIAL REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Proposed amendments to 46 CFR Part 512 are as follows:

§ 512.2 [Amended]

I. Section 512.2 *General Requirements* is amended as follows:

1. The filing address shown in paragraph (a) is to be amended to read: Federal Maritime Commission, Bureau of Tariffs, 1100 L Street, N.W., Washington, D.C. 20573.

2. Paragraph (b) is to be revised to read:

* * * * *

(b) Annual statements under this part shall be filed within 150 days after the close of the carrier's fiscal year and be accompanied by a company-wide balance sheet and income statement having a time period coinciding with that of the annual statements.

3. The last sentence of paragraph (d) is to be removed to eliminate the **Federal Register** notice of alternative data applications.

4. Paragraph (e) is to be amended to increase the waiver amount from $5,000,000 to $10,000,000.

5. The introductory text of paragraph (f) is to be amended to read:

* * * * *

(f) Whenever a carrier files with the Commission an increase or decrease in rates which would result in an increase or decrease of not less than 3 percent in the carrier's gross revenues in that particular Trade, it shall simultaneously file in duplicate: * * *

6. Paragraph (f)(1)(i) is to be amended to change "fourteen (14) months" to read "fifteen (15) months."

7. Paragraph (g) is to be amended to change "150 days" to read "six (6) months".

8. Paragraph (h) is to be amended to change the certification to read:

Certification

I, [type or print name of officer] of [name of reporting company] certify under the penalties of 18 U.S.C. 1001, that the proposed rate changes submitted herewith will result in an increase or decrease of less than 3 percent in the gross revenue in the Trade. I further certify that rate changes of less than 3 percent submitted within twelve months of the filing of the proposed rate changes will result in an increase or decrease in gross revenue in the Trade of less than 9 percent. Therefore, the proposed rate changes are not accompanied by the financial and operating data required by paragraphs (1) and (2) of § 512.2(f).

Signature: _____

Title: _____

Date: _____

9. Paragraph (l) is to be revised to read:

(l) With respect to the annual statements required by this part, all data shown must conform or be reconciled to the figures listed in the balance sheet and income statement filed therewith.

§ 512.3 [Amended]

II. Section *512.3 Certification* is amended as follows:

1. In the introductory test of § 512.3, the phrase "books, accounts and financial records" is to be amended to read "books of account and financial records".

2. In § 512.3(a) the phrase "books and accounts" is to be amended to read "books of account".

§ 512.5 [Amended]

III. Section 512.5 *Definitions* is amended as follows:

1. Paragraph (f)(2)(vii) is to be revised to read "Alaska".

2. Paragraph (f)(2)(viii) is to be revised to read "Hawaii".

Paragraph (o) is to be revised to read:

* * * * *

(o) *Vessel Operating Expense:* (1) For carriers required to file Form FMC–378: the total of Direct Vessel, Port, Terminal and Container/Barge Expenses, less Other Revenue.

(2) For carriers required to file Form FMC–377: the total of Direct Vessel and Other Shipping Operations Expenses, less Other Revenue.

* * * * *

4. Paragraphs (s), (t) and (u) are to be revised to read:

* * * * *

(s) *Trade Operating Expense*—The total of all expenses shown on Exhibit B (Income Account), including Federal income taxes and related company transactions.

(t) *Company Operating Expense*—The total of all expenses shown on the company-wide income statement, including Federal income taxes.

(u) *Operating Expense Relationship*—The ratio of Trade Operating Expense to Company Operating Expense.

§ 512.6 [Amended]

IV. Section 512.6 *Forms* is amended as follows:

1. Paragraph (a)(1), introductory text, is to be revised to read:

(a) * * *

(1) The submission required by this Part shall be in the prescribed format and shall include General Information regarding carrier ownership and stockholders, as well as the following schedules as applicable:

* * * * *

2. Paragraph (a)(2) is to be revised to read:

(a) * * *

(2) Statements containing the required exhibits and schedules are described in paragraphs (b), (c), (d), (e) and (f) of this section and are available upon request from the Commission. The required General Information, schedules and exhibits are contained in forms FMC–377 and FMC–378. For carriers required to file Form FMC–378, the statements are based on the Uniform System of Accounts for Maritime Carriers prescribed by the Maritime Administration and the Interstate Commerce Commission. For carriers required to file Form FMC–377, the statements are based on the accounts prescribed by the Interstate Commerce Commission for Carriers by Inland and Coastal Waterways. The schedules contained in these statements are distinguished from those contained in the Form FMC–378 statements by the suffix "A" (e.g., Schedule A–IV(A)).

* * * * *

3. The introductory text of paragraph (b)(1) is to be revised to read:

* * * * *

(b) * * *

(1) *Investment in Vessels (Schedules A–I and A–I(A)).* Each cargo vessel (excluding vessels chartered under leases which are not capitalized in accordance with section 512.6(b)(10)) actually employed during the period in the Service for which a statement is filed shall be listed by name, showing the original cost to the carrier or to any related company, *plus* the cost of improvements, conversions, and alterations, *less* the cost of any deductions. All additions and deductions made during the period shall be shown on a gross and *pro rata* basis, reflecting the number of days they were applicable during the period. The result of these computations shall be called Adjusted Cost.

4. Paragraph (b)(1)(i)(B) is to be revised to read:

* * * * *

(b) * * *
(1) * * *
(i) * * *

(B) For those cargo vessels employed in the Service for less than the entire period, the Adjusted Cost shall be prorated between voyages in the Service and voyages in Other Services. The total number of days of service excludes lay-up days and is therefore likely to be less than the number of days in the reporting period. Lay-up days of vessels in this category will normally be allocated to the respective Services on the same basis used in allocating the Adjusted Cost of such vessels, i.e., active days. However, if one or more of the vessels normally employed in the Service has been diverted temporarily to Other Services in lieu of incurring lay-up expense, no assignment of lay-up time to Other Services is required. If a vessel(s) is permanently withdrawn from the Service and laid-up pending disposition, the period of lay-up shall be assigned to other Services. Vessels withdrawn from the Service for the entire period for renovation or conversion shall be assigned to Other Services. That portion of the Adjusted Cost of the vessels not allocated to Other Services shall be included in the total to be allocated to the Trade.

* * * * *

5. Paragraph (b)(2)(i) is to be revised to read:

* * * * *

(b) * * *
(2) * * *

(i) Each cargo vessel (excluding vessels chartered under leases which are not capitalized in accordance with section 512.6(b)(10)) employed in the Service shall be listed separately, showing for each its depreciable life and residual value. For vessels owned the entire year, accumulated depreciation as of the beginning and the end of the year shall be reported and the arithmetic average computed. This amount shall be allocated to the Service and to the Trade in the same proportions as the cost of the vessel was allocated on Schedule A–I or A–I(A). If the depreciable life of any equipment installed on a vessel differs from the depreciable life of the vessel, the cost and the depreciation bases shall be set forth separately.

* * * * *

6. Paragraph (b)(4)(i) is to be amended to eliminate the reference to Forms FMC–63 and FMC–64.

7. Paragraph (b)(4)(iii) is to be removed.

8. Paragraphs (b) (5) and (6) are to be revised to read:

* * * * *

(b) * * *

(5) *Working Capital (Schedule A–VI).* Working Capital for vessel operators shall be determined as average voyage expense. Average voyage expense shall be calculated on the basis of the actual expenses of operating and maintaining the vessel(s) employed in the Service (excluding lay-up expenses) for a period represented by the average length of time of all voyages (excluding lay-up periods) during the period in which any cargo was carried in the Trade. Expenses for operating and maintaining the vessels employed in the Trade shall include: Direct Vessel Expense, Port Expense, Terminal Expense, Container/ Expense, Administrative and General Expense and Interest Expense allocated to the Trade as provided in § 512.6(c) (2), (4) and (5). For this purpose, if the average voyage, as determined above, is of less than 90 days duration, the expense of hull and machinery insurance and protection and indemnity insurance (accounts 730 and 732, respectively) shall be determined to be 90 days, provided that such allowance for insurance expense shall not, in the aggregate, exceed the total actual insurance expense for the period.

(6) *Working Capital (Schedule A–VI(A)).* Working Capital for tug and barge operators shall be determined as the average monthly expense. Average monthly expense shall be equal to one-twelfth of the expenses of the carrier during the relevant 12-month period, computed by adding gross Vessel Operating Expense, Administrative and General Expense-Net, Interest Expense and Inactive Vessel Expense, each as allocated to the Trade, and dividing the total by 12.

* * * * *

9. Paragraph (b)(7) is to be amended to eliminate the reference to Forms FMC–63 and FMC–64.

10. The introductory text of paragraph (c)(2) and paragraph (c)(3) are to be revised to read:

* * * * *

(c) * * *

(2) *Vessel Operating Expense (Schedule B–II).* A vessel operating expense summary for the period in which any cargo was carried in the Service shall be submitted. Depreciation and profit included in related company transactions shall be excluded from vessel expense. Allocations to the Trade shall be on the following basis:

(3) *Vessel Operating Expense (Schedule B–II(A)).* This schedule shall be submitted by tug and barge operators. Where multiple barge units are towed by a single tug, vessel expense shall be allocated on the basis of the cargo-cube relationship.

* * * * *

11. Paragraph (c)(9)(i) is to be amended to eliminate the reference to Forms FMC–63 and FMC–64.

12. Paragraphs (e)(2) and (f)(2) are to be amended to change "books, accounts and financial records" to read "books of account and financial records".

PART 511—REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES [REMOVED]

It is proposed that 46 CFR Part 511 be removed.

[FR Doc. 81-21454 Filed 7-21-81; 8:45 am]
BILLING CODE 6730-01-M

Notices

Federal Register
Vol. 46, No. 140
Wednesday, July 22, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Proposed Primary Standard Reference Methods for Moisture, Oil, and Protein Determinations in Soybeans and Sunflower

AGENCY: Federal Grain Inspection Service, USDA.
ACTION: Notice.

SUMMARY: The Federal Grain Inspection Service (FGIS) invites public comment on the standard reference methods which FGIS is using or proposing to use as its primary standard references for the calibration of instrumentation used in determining moisture, oil, and protein of soybeans and sunflower.

COMMENT DATE: Written comments must be submitted on or before September 21, 1981.

ADDRESS: Comments should be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127, Auditor's Building, 1400 Independence, SW., Washington, D.C. 20250, telephone (202) 447-3910, where they will be made available for public inspection during regular business hours [7 CFR 1.27].

FOR FURTHER INFORMATION CONTACT: Individual as indicated above.

SUPPLEMENTARY INFORMATION: Under the authority of the U.S. Grain Standards Act (7 U.S.C. 71 *et seq.* (Act)) and the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*) (AMA of 1946) FGIS is researching methods for quickly and accurately determining moisture, oil, and protein content in soybeans and sunflower. Several methods have been studied including near-infrared reflectance (NIR) and nuclear magnetic resonance (NMR). IN the determination of quality factors by these or other experimental methods, it is essential that instrument calibrations be based on primary standard reference methods which are consistent with market practice and custom and which will facilitate marketing. Soybeans are grain, as that term is defined in section 3(g) of the Act (7 U.S.C. 75(g)), for which standards have been established pursuant to section 4 of that Act (7 U.S.C. 76). Sunflower is not presently considered a grain under the Act nor an agricultural product under the AMA of 1946 (7 U.S.C. 1626). FGIS is presently conducting a study to determine if sunflower should be included under one of the above acts and official sunflower standards developed.

Moisture is currently one of the grading factors in soybeans. FGIS is researching the development of possible methods to determine new quality factors (oil and protein) for soybeans, while reviewing methods for more quickly and accurately determining moisture. Methods for determining moisture, oil, and protein in sunflower are being researched so that these quality factors could be included in any official standards that may be established in the future.

FGIS is presently using the following recognized standard reference method as its primary standard for:

Soybeans:

Moisture: Method GR Instruction 916–6. U.S. Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

FGIS proposes to use the following recognized standard reference methods as its primary standard reference for:

Soybeans:

Oil: AOCS Method Ac 3–44. Official and Tentative Methods of the American Oil Chemists Society, 508 South Sixth Street, Champaign, IL 41820, Third Edition.

Protein: AACC Method 46–11. Approved Methods of the American Association of Cereal Chemists, Inc., 3340 Pilot Knob Road, St. Paul, MN 55121.

Sunflower:

Moisture: Method GR Instruction 916–6. U.S. Department of Agriculture, Federal Grain Inspection Service, Washington, D.C. 20250.

Oil: AOCS Method Ai 3–75(T). Official and Tentative Methods of the American Oil Chemists Society, 508 South Sixth Street, Champaign, IL 41820, Third Edition.

Protein: AACC Method 46–11. Approved Methods of the American Association of Cereal Chemists, Inc., 3340 Pilot Knob Road, St. Paul, MN 55121.

FGIS invites all interested parties to submit comments on the existing and the proposed primary standard reference methods as mentioned above. FGIS will review its current primary standard reference methods for calibration of instruments to determine moisture in soybeans in light of comments received and allother information available to FGIS. Comments received as to the proposed standard reference methods for calibration of instruments to determine oil and protein content in soybeans and moisture, oil, and protein content in sunflower will be considered together with all other information available to FGIS, in the use of such FGIS primary standard reference methods. Data, documents, and other supportive information may be submitted with the comments.

(Secs. 203 and 205, Pub. L. 79–733, 60 Stat. 1087, 1090, and Sections 4 and 16, Pub. L. 90–487, 82 Stat. 762, 768, as amended by Sections 5 and 18, Pub. L. 94–582, 90 Stat. 2869, 2884 (7 U.S.C. 76 and 87e))

Dated: July 17, 1981.

D. R. Galliant,
Acting Administrator.

[FR Doc. 81-21437 Filed 7-21-81; 8:45 am]
BILLING CODE 3410-02-M

CIVIL AERONAUTICS BOARD

Order Concerning IATA Fare Constructions Rules

AGENCY: Civil Aeronautics Board.

ACTION: Summary Notice of Order 81–7–96, July 16, 1981, disapproving proposed IATA fare construction rules for international passenger service (Agreements C.A.B. 28155 and C.A.B. 28163, Docket 32660).

SUMMARY: The Board is disapproving the proposed "ticketed point" version of IATA Resolution 014a (the Construction Rule for Passenger Fares) and various supplementary fare construction provisions. Resolution 014a establishes a worldwide system of routing controls, circuity allowances, and excess-mileage surchargs for passenger service, and sets forth the basic procedures IATA

carriers must use to construct international through fares. The proposed fare construction rules included several major revisions in Resolution 014a and the accompanying resolutions.

The Board commended the proposed "ticketed point principle" as a libralization which would enhance competition on indirect through-plane routings. On the whole, however, the Board found that the proposed fare construction rules would reduce competition in international markets, be unduly prejudicial to U.S. carriers and U.S.-originating passengers, and adversely affect the public interest. The Board specifially cited: (1) the proposed 25 percent reduction in the circuity allowance, which would limit competition by carriers offering indirect connecting services (online or interline); (2) the proposed dual surcharge system, which would produce inequitable and markedly higher mileage surcharges for U.S.-originating passengers; and (3) the proposed intra-European circuity control, which would restrict transatlantic carriers' marketing freedom and subject passengers to an unwarranted fare recomputation en route. The Board also found that many of the proposed restrictions would be introduced on an arbitrary regional basis, disproportionately burdening U.S. carriers and U.S.-originating travelers.

FOR FURTHER INFORMATION CONTACT: Martha Langelan, Bureau of International Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., NW., Washington, D.C. 20428; 202-673-8070.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-96 is available from our Distribution Section, Room 516, 1825 Connecticut Ave., NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-7-96 to the Distribution Section, Civil Aeronautics Board 1825 Connecticut Ave., N.W., Washington, DC. 20428.

By the Civil Aeronautics Board: July 16, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-21445 Filed 7-21-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39285]

Texas International-Continental Acquisition Case; Recommended Decision; Comments and Hearing

Notice is hereby given that comments on the recommended decision of Administrative Law Judge William A. Kane, Jr., will be due by 1:00 p.m., Friday, July 24, 1981. Consistent with the Board's statement in Order 81-5-91, parties should not restate the arguments which they made in their briefs to the judge, but instead should direct their comments solely to the judge's findings and conclusions.

Notice is also given that the Board will hold oral argument on the judge's recommended decision at 10:00 a.m., Wednesday, July 29, 1981. Those wishing to participate in the oral argument should so advise the Board's Secretary by 4:30 p.m., Thursday, July 23, 1981.

Dated in Washington, D.C. on the 17th day of July 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-21444 Filed 7-21-81; 8:45 am]

BILLING CODE 6320-01-M

CIVIL RIGHTS COMMISSION

New Hampshire Advisory Committee; Rescheduled Meeting

Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the New Hampshire Advisory Committee of the Commission originally scheduled for July 16, 1981, at Manchester, N.H., (FR Doc. 81-19578 on page 34612) has been changed.

The meeting now will be held on July 23, 1981, beginning at 7:30 p.m. and will end at 9:30 p.m. at the Federal Building, 275 Chestnut Street, Manchester, N.H. 03101.

Dated at Washington, D.C., July 16, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-21517 Filed 7-21-81; 8:45 am]

BILLING CODE 6335-01-M

New York Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New York Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 10:00 p.m., on August 11, 1981, at the Holiday Inn, Blue Room, Yonkers, New York. The purpose of this meeting is to inverview community leaders.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Honorable Franklin H. Williams, Phelps Stokes Fund, 10 E. 87 Street, New York, N.Y. 10028, (212) 427-8100 or the Eastern Regional Office, 26 Federal Office Building, Room 1639, New York, N.Y. 10007, (212) 264-0543.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 17, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-21516 Filed 7-21-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-695]

American President Lines, Ltd.; et. al.; Applications for Amendment of Contractual Service Descriptions To Include Diego Garcia as a Privilege Port of Call; Show Cause Notice, Section 605(c) of the Merchant Marine Act, 1936, as Amended

Notice is hereby given that American President Lines, Ltd. (APL), by application dated April 7, 1981; Lykes Bros. Steamship Co., Inc. (Lykes), by application dated May 27, 1981; Waterman Steamship Corporation (Waterman), by application dated April 21, May 28 and June 3, 1981; Moore McCormack Lines, Incorporated (Mormac), by application dated June 17, 1981; and Farrell Lines Incorporated (Farrell)), by application dated June 18, 1981; request amendment of their operating-differential subsidy agreements to include Diego Garcia as a privilege port of call. Diego Garcia is a British atoll in the Indian Ocean located at 7.3 degrees south latitude and 72.4 degrees east longitude and is not included as part of any essential U.S. foreign trade route.

There is no U.S.-flag commerical service to or from Diego Garcia. Service is currently provided by vessels under the control of the Department of Defense which carry supplies from Subic Bay, Philippines. The Department of Defense plans to expand its facilities in Diego Garcia. The expansion will be undertaken by a U.S. construction firm which may also be responsible for arranging for U.S. commercial shipping to carry its construction materials and equipment to Diego Garcia. The Department of Defense has selected a construction contractor to undertake the planned construction program on Diego Garcia and is now in the final stages of contract negotiations. The first shipments are scheduled to move four to six weeks after the contract is signed.

APL requests amendment of its Operating-Differential Subsidy Agreement, Contract No. MA/MSB–417, to add Diego Garcia as a privilege port to its contractual service descriptions for both its Line A Extension service and its Line B Extension service. The Extension services are services that extend beyond APL's Line A (California/ Far East) and Line B (Washington-Oregon/Far East) and cover ports on TRs 17 and 28. APL is currently operating two extension services. One extension service calls at ports in both California and the Pacific Northwest. APL maintains this service with C6 containerships and sailings are provided about every two weeks to ports in the Far East (TR 29) and Indonesia, Malaysia and Singapore (TR 17). The second extension service provides about 17 sailings a year between the U.S. Pacific Northwest and ports in the Far East (TR 29), Indonesia, Malaysia, Singapore (TR 17) and Southeast and South Asia (TR 28). This is designated Line B Extension Service and operates with C5 breakbulk ships. In addition, APL maintains feeder service between Singapore and the Persian Gulf-South Asia areas with C8 containerships sailing about every two weeks. A second feeder service operates between Taiwan and the Philippines on a weekly sailing frequency utilizing a C6 containership.

Lykes requests amendment of its Operating-Differential Subsidy Agreement, Contract No. MA/MSB–451, to add Diego Garcia as a privilege port to its contractual service descriptions on TR 13 (Line C—Mediterranean Line), TR 22 (Line D—Orient Line), TR 15–B (Line E— African Line), TA 4 (Line G—Great Lakes/Mediterranean, India, Persian Gulf and Red Sea Service), TR 29 (Line J—North Pacific) and TR 17/29 (Line K—South Pacific). Lykes is currently providing about four sailings a month on its TR 13 service, about three sailings a month on its TR 22 service, about two sailings a month on its TR 15–B service, approximately monthly sailings during the navigation season on its TA 4 service, sailings about every three weeks on its TR 29 service, and sailings about every three weeks on its TR 29/17 service. Lykes employs C3, C4 and C5 conventional cargo vessels on all but one of these services (including one Seabee on TR 13). The exception is TR 29 where Lykes also operates two RO/RO vessels.

Waterman requests amendment of its Operating-Differential Subsidy Agreement, Contracts Nos. MA/MSB–115 and MA/MSB–378, to incorporate the privilege of calling at Diego Garcia in the contractual service descriptions. Contract No. MA/MSB–115 covers Waterman's service on TR 18/17 between U.S. Gulf and Atlantic ports and ports from Suez to Burma and ports in Indonesia, Malaysia and Singapore. Contract No. MA/MSB–378 covers Waterman's service on TR 12/22/17 between U.S. Atlantic and Gulf ports and ports in the Far East, Indonesia, Malaysia and Singapore.

Waterman is presently operating six C9 LASH vessels on its TR 18/17 service. A seventh vessel (RO/RO) is scheduled to enter service in late 1982. Waterman is providing approximately two to three sailings a month via the Suez Canal to ports on TR 18/17. On its TR 12/22/17 service, Waterman operates two C9 LASH vessels which provide approximately monthly service via the Panama Canal.

Mormac requests amendment of Operating-Differential Subsidy Agreement, Contract No. MA/MSB–338, to modify its contractual service description on TR 15–A to add Diego Garcia as a privilege port of call. Mormac is currently serving TR 15–A between U.S. Atlantic ports and South and East Africa with C4 breakbulk vessels at a frequency of two sailings a month.

Farrell requests amendment of its Operating-Differential Subsidy Agreement, Contract No. MA/MSB–482, to authorize the privilege of calling at Diego Garica in conjunction with its operations on TR 18. Farrell's vessels currently serve U.S. Atlantic ports but not the U.S. Gulf although Farrell has the privilege of doing so. Farrell currently serves TR 18 with monthly sailings from U.S. Atlantic ports utilizing two C5–S–78a type container vessels, but has the privilege to operate certain other of its vessels on the service.

The applicants propose to serve Diego Garcia in conjunction with existing subsidized services as described above. Except for Lykes TR 13 service which will not be amended, the Maritime Administration intends to find that these existing subsidized services, amended to include calls at Diego Garcia, remain essential under section 211 of the Merchant Marine Act, 1936, as amended (the Act), and to find section 605(c) of the Act is not a bar to the proposed amendment to include Diego Garcia.

The cargo that will move to Diego Garcia is military cargo and is required to be carried exclusively by U.S.-flag ships. Because of the variety of ways in which the applicants could serve Diego Garcia and in order to afford the applicants maximum flexibility and maximum opportunity to compete for this cargo, the proposed amendment of the applicants' contractual service description to include calls at Diego Garcia will provide that operating-differential subsidy shall be paid for not more than 3½ days of the total excess time (steaming and port time) required by reason of the call at Diego Garcia.

The Maritime Administration proposes to find that service to Diego Garcia is service in addition to the existing service because none of the applicants now provide service there and that the service already provided by U.S.-flag vessels is inadequate. The Maritime Administration also proposes to find that because of the importance of the expansion of facilities on Diego Garcia to the national defense, it is in the accomplishment of the purposes and policy of the Act to grant subsidy and to provide as much service potential as possible to allow maximum flexibility and service.

Interested parties are hereby given an opportunity to show cause why the Board should not find that section 605(c) of the Act is not a bar to the proposed amendment of the contractual services as described above, except for Lykes' TR 13 service which will not be amended. Any person, firm or corporation having an interest in the application who desires to submit such showing of cause is invited to file a written statement, in triplicate, with the Secretary, Maritime Subsidy Board, Room 3099–B, Department of Commerce building, 14th and E Streets, N.W., Washington, D.C. 20230 by the close of business on or before August 5, 1981.

All allegations of factual issues which a party wishes the Board to consider shall include: (1) a clear and concise statement of the issues raised; and (2) the grounds upon which such allegations rest in such detail as to permit the Board to determine the exact nature of the allegations.

The Board will consider the submissions of all interested parties and will determine the disposition to be made of the matters hereby noticed, including, at the discretion of the Board, the ordering of an evidentiary hearing or other administrative process.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidy (ODS))

By order of the Maritime Subsidy Board.

Dated: July 15, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81–21315 Filed 7–21–81; 8:45 am]

BILLING CODE 3510–15–M

[Docket S-694]

Amherst Shipping Co., Inc., et al.; Applications for ODS by Operators With Interest in Vessels Engaged in Domestic Service Under Section 805(a) of the Merchant Marine Act, 1936, as Amended

Notice is hereby given that Amherst Shipping Co., Inc. (Amherst), Ariadne Marine Company, L.P. (Ariadne), Bolton Shipping Co., Inc. (Bolton), Colby Shipping Co., Inc. (Colby) and Kingston Shipping Co., Inc. (Kingston), filed applications dated June 16, 1981 under the Merchant Marine Act, 1936, as amended (Act), for operating-differential subsidy (ODS) for their respective vessels to carry bulk raw and processed agricultural products from the United States to the Union of Soviet Socialist Republics.The companies and vessels are as follows:

Applicant	Vessel
Amherst	Scorpio (ex-Aries).
Ariadne	Charleston.
Bolton	Pisces.
Colby	Virgo.
Kingston	Capricorn.

The applicants are affiliates of the Berger Group of subsidized bulk operators, namely, Aeron Marine Shipping Company; American Shipping, Inc.; Aquarius Marine Company; Aries Marine Shipping Company; Atlas Marine Company; Pacific Shipping, Inc.; and Worth Oil Transport Company. By letter of counsel of June 22, 1981, it was requested that written permission under section 805(a) of the Act be granted to the applicants and to the companies of the Berger Group to be affiliated with any other operator having no subsidized operations of any kind. Counsel advises that the granting of this permission will avoid the need for repetitive applications under section 805(a). Counsel stresses that Berger Group is not thereby seeking advance section 805(a) permission for domestic operation pursuant to section 506 of the Act or even for an unsubsidized vessel owned by a subsidized operator.

By the letter of counsel of June 22, the applicants requested written permission under section 805(a) of the Act for their vessels to continue operations in the domestic trade while not engaged in the grain trade to the Soviet Union. Written permission for the domestic operation of these vessels, however, was previously granted under section 805(a) to the companies of the Berger Group. Inasmuch as the applicants are affiliates of the Berger Group, and in view of their request to be subsidized operators, it will be necessary to extend to the applicants the same written permission. It is as follows:

For the operation in the domestic coastwise or intercoastal service of the Pisces by Bolton Shipping Co., Inc.; the Virgo by Colby Shipping Co., Inc.; the Aries By Amherst Shipping Co., Inc.; the Capricorn by Kingston Shipping Co., Inc.; and the Charleston by Ariadne Marine Company, L.P.

Inasmuch as the Berger Group of companies has been granted written permissions under section 805(a) in addition to those mentioned above, it will be necessary to extend such additional permissions also to the applicants. The permissions to be extended are as follows:

1. For Judge Oil Transport, Inc. to continue operating a barge engaged principally in the transportation of oil in New York harbor, with occasional operation between points on the U.S. East Coast.

2. For Artemis Marine Company to operate one Gatug tanker in domestic trade, except between U.S. Pacific Coast ports and ports in the State of Hawaii.

3. For Archon Shipping, Inc. and Acturus Shipping, Inc. to be the bareboat charterers in the domestic trade of the TT Brooklyn and TT Williamsburgh, respectively, and for Anndep Steamship Corp. to be the operator of the two vessels in the domestic trade.

The applicants also requested written permission under section 805(a) of the Act for Andover Company, L.P. to be the prospective owner and operator of the SS Adonis which will be constructed from the burned-out hull of the SS Aikaterini. The 80,000-DWT Adonis will operate in the domestic trade as a crude oil carrier.

Because of the affiliation of the applicants with the companies of the Berger Group, it will be necessary to extend to the Berger Group the foregoing permission requested by the applicants for the Adonis.

Any person, firm, or corporation having any interest in such applications (within the meaning of section 805(a)) and desiring to submit comments concerning the applications must file written comments in triplicate with the Secretary, Maritime Administration, by close of business on Aug. 14, 1981, together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operations (a) will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By order of the Assistant Secretary for Maritime Affairs/Maritime Subsidy Board.

Dated: July 15, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-21317 Filed 7-21-81; 8:45 am]

BILLING CODE 3510-15-M

[Docket No. S-693]

Bolton Shipping Co. et. al.; Application

Notice is hereby given that Bolton Shipping Co., Inc., Colby Shipping Co., Inc., Amherst Shipping Co., Inc., Kingston Shipping Co., Inc., and Ariadne Shipping Company, L.P., Triad Office Center, 2001 Marcus Avenue, Lake Success, New York 11042, have filed applications dated June 16, 1981, with the Maritime Subsidy Board (the Board) pursuant to Title VI of the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy contracts, to expire December 31, 1981, unless extended, to operate the SSs Pisces, Virgo, Scorpio, Capricorn, and Charleston, respectively, in the carriage of bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.) from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Dry and liquid bulk cargoes may be carried from the U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R., or other permissible ports of discharge.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels,

appear in Title 46 of the Code of Federal Regulations, Part 294.

For purposes of section 605(c) of the Act, it should be assumed that should the Board grant the requested approval, the vessels named above will engage in the described trade, on a full-time basis, during the indicated time period. Under such approval, each voyage must be approved for subsidy assistance prior to its commencement, and the Board will act on such request(s) as an administrative matter for which there is no requirement for further section 605(c) notice(s).

Any person having an interest in the granting of the applications and who would contest a finding by the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes previously specified is inadequate, must on or before August 14, 1981 notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act, and, with as much specificity as possible, the facts that the intervenor would undertake to prove at such hearing.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to the subject applications, the purpose of such hearing will be to receive evidence relevant to (1) whether the applications herein described, with respect to the vessels to be operated in an essential service and served by citizens of the U.S., would be in addition to the existing service or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (OSDS))

Dated: July 15, 1981.

By order of the Maritime Subsidy Board, Maritime Administration.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-21316 Filed 7-21-81; 8:45 am]

BILLING CODE 3510-15-M

International Trade Administration

Viscose Rayon Staple Fiber From Finland; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on viscose rayon staple fiber from Finland. The review is limited to the only known exporter, Kemira Oy Sateri, and to the period March 1, 1980 through February 28, 1981. The review disclosed no shipments to the United States of this merchandise during this time period. There are no known unliquidated entries.

As a result of the review, the Department has preliminarily decided to require cash deposits equal to the calculated margin found on the last known shipments. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: J. Linnea Bucher, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2704).

SUPPLEMENTARY INFORMATION:

Procedural Background

On April 1, 1981 the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 19844-45) the final results of its first administrative review of the antidumping finding on viscose rayon staple fiber from Finland (44 FR 17156; March 21, 1979) and announced its intent to conduct the next administrative review by the end of March, 1982. As required by section 751 of the Tariff Act of 1930 ("the Tariff Act") the Department has now conducted that administrative review of the antidumping duty finding on viscose rayon staple fiber from Finland.

Scope of the Review

This review covers imports of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments). These fibers are currently classifiable under items 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated (TSUSA).

The only known Finnish exporter to the United States is Kemira Oy Sateri. The review covers the period March 1, 1980 through February 28, 1981. There are no known shipments to the United States during this time period and there are no known unliquidated entries.

Preliminary Results of the Review

As required by 353.48(b) of the Commerce Regulations, we preliminarily determine that a cash deposit of estimated duties of 3.9%, based on the weighted-average margin for the period January 1, 1979 through February 29, 1980, shall be required on all shipments of viscose rayon staple fiber from Finland entered, or withdrawn from warehouse, for consumption of or after the date of publication of the final results of this administrative review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments within 30 days from the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication of this notice. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

(Sec. 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53))

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 16, 1981.

[FR Doc. 81-21331 Filed 7-21-81; 8:45 am]

BILLING CODE 3510-25-M

Patent and Trademark Office

Current Membership of Performance Review Board

This notice announces the current membership of the Performance Review Board for the Patent and Trademark Office. The original membership was announced in the **Federal Register** of February 6, 1980 (45 FR 8083). Changes in membership were announced in the **Federal Register** of August 5, 1980 (45 FR 51867) and October 24, 1980 (45 FR 70537). Three of the persons whose

appointments were previously announced are no longer serving as members of the PRB and two new members have been appointed. The current membership, excluding the three persons who no longer are members and including the two new members, is as follows:

Rene D. Tegtmeyer, Member, Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—permanent.

Margaret M. Laurence, Member, Assistant Commissioner for Trademarks, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—permanent.

Richard J. Shakman, Member Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—permanent.

James O. Thomas, Jr., Member, Director, Patent Examing Group 140, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—expires January 31, 1983.

Herbert C. Wamsley, Member, Director, Trademark Examining Operation, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—expires January 31, 1983.

William Feldman, Member Deputy Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—expires January 31, 1982.

Jere W. Sears, Member, Deputy Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231. Term—expires January 31, 1982.

Richard J. Wieland, (Outside) Member, Assistant General Counsel for Litigation, HQ National Aeronautics and Space Administration, Washington, D.C. 20546 Term—expires July 12, 1984.

The three persons who are no longer members of the PRB are:

Mr. Lutrelle F. Parker, former Deputy Commissioner, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Mr. S. William Yost, former Assistant Commissioner for Finance and Planning, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Mr. James R. Wright, National Bureau of Standards, Washington, D.C. 20234.

The new members of the PRB who have been appointed are:

Mrs. Margaret M. Laurence, Assistant Commissioner for Trademarks, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Mr. Richard J. Wieland, Assistant General Counsel for Litigation, HQ, National Aeronautics and Space Administration, Washington, D.C. 20546.

Persons desiring any further information about the membership of the PRB may contact Mr. Aaron W. Deitch, Personnel Officer, U.S. Patent and Trademark Office, Washington, D.C. 20231. Telephone (703) 557–2662

Dated: July 16, 1981.

Gerald J. Mossinghoff,

Commissioner of Patents and Trademarks.

[FR Doc. 81-21515 Filed 7-21-81; 8:45 am]

BILLING CODE 3510-16-M

DEPARTMENT OF COMMERCE

Maritime Administration
National Oceanic and Atmospheric Administration

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Merchant Marine and Fisheries Capital Construction Fund; Notice of Applicable Rates of Interest on Nonqualified Withdrawals

Under the authority in section 607(h)(4) of the Merchant Marine Act, 1936, (46 U.S.C. 1101), as amended by section 21 of the Merchant Marine Act of 1970 (84 Stat. 1031), we hereby determine and announce that the applicable rate of interest on the amount of additional tax attributable to any nonqualified withdrawals from a capital construction fund established under section 607 of the Act shall be 12.41 percent, with respect to nonqualified withdrawals made in the taxable year beginning in 1981.

The determination of the applicable rate of interest with respect to nonqualified withdrawals was computed according to the joint regulations issued under the Act (46 CFR Part 391, § 391.7(e)(2)(ii)) by multiplying 8 percent by the ratio which (a) the average yield on 5-year Treasury securities for the calendar year immediately preceding the beginning of such taxable year, bears to (b) the average yield on 5-year Treasury securities for the calendar year 1970. The applicable rate so determined was computed to the nearest one hundredth of one percent.

Dated: July 13, 1981.

Samuel B. Nemirow,

Assistant Secretary for Maritime Affairs.

James P. Walsh,

Administrator, National Oceanic and Atmospheric Administration.

John E. Chapoton,

Assistant Secretary of the Treasury.

So ordered by: Assistant Secretary for Maritime Affairs, Administrator, National Oceanic and Atmospheric Administration, Assistant Secretary of the Treasury.

Robert J. Patton,

Secretary, Maritime Administration.

[FR Doc. 81-21320 Filed 7-21-81; 8:45 am]

BILLING CODE 3510-15-M

COMMODITY FUTURES TRADING COMMISSION

New York Futures Exchange Proposed Amendments to Its U.S. Treasury Bill and U.S. Treasury Bond Futures Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule amendments.

SUMMARY: The New York Futures Exchange ("NYFE") has submitted amendments to add four additional delivery months for trading in both the 90-day Treasury bill and the 20-year Treasury bond futures contracts. The additional four months would be March, June, September and December. The Commodity Futures Trading Commission ("Commission") has determined that the amendments are of major economic significance and that, accordingly, publication of the proposals is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exhange Act.

DATE: Comments must be received on or before [thirty days after publication].

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to NYFE Treasury Bill/ Bond Delivery Months.

FOR FURTHER INFORMATION CONTACT: Ronald Hobson, Division of Economics and Education, Commodity Futures Trading Commision, 2033 K Street, N.W., Washington, D.C. 20581, Telephone: (202) 254–7303; or George L. Garrow, Jr., Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W. Washington, D.C. 20581, Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: NYFE submitted the proposed amendments to its 90-day Treasury bill and 20-year Treasury bond futures contracts for Commission approval pursuant to Section 5a(12) of the Commodity Exchange Act (7 U.S.C. §7a(12) (Supp. III 1979)). The Commission has determined that these contract rule changes are of major economic significance. Accordingly, the text of the proposed amendments follows, with deletions in brackets and additions in italics:

Trading in 90-Day Treasury Bill Futures Contracts shall be conducted for delivery in [October, January, April and

July] *January, March, April, June, July, September, October and December.*

Rule 824

Trading in 20-year Treasury Bond Futures Contracts may be conducted for delivery in February, *March,* May, *June,* August, *September,* [and] November *and December.*

* * * * *

Other materials submitted by NYFE in support of its proposals may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. §552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953–4 (April 22, 1980)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts compliance staff of the Office of the Secretariat at the Commission's headquarters, in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments or with respect to other materials submitted by NYFE in support of the proposals should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by August 21, 1981. Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C. on July 17, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-21500 Filed 7-21-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Department of Army Performance Review Boards

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of the members of the Performance Review Boards for the Department of the Army for 1981.

EFFECTIVE DATE: July 27, 1981

FOR FURTHER INFORMATION CONTACT: Carol D. Smith, Senior Executive Service Office, Directorate of Civilian Personnel, Headquarters, Department of the Army, the Pentagon, Washington, D.C. 20310, (202) 697–2204.

SUPPLEMENTARY INFORMATION: Section 4314 (c)(1) through (5) of Tile 5 U.S.C., requires each agency to establish, in accordance with regulations prescribed by the Office of personnel Management, one or more performance review boards. The boards shall review and evaluate the initial appraisal of senior executives' performance by the supervisor and make recommendations to the appointing authority or rating official relative to the performance of the senior executives. Each board's review and recommendation will include only those senior executives' appraisals from their respective commands or activities. A consolidated board has been established for those commands who do not have enough senior executives to warrant the establishment of separate boards. Publication of this notice rescinds the notice published in 46 CFR, page 22421, dated April 17, 1981, to account for additions and deletions to the membership of those boards previously published.

The Members of the Performance Review Board for the Office, Secretary of the Army (OSA), their Field Operating and Joint DoD Activities are:

1. Mr. Milton H. Hamilton, Administrative Assistant to the Secretary of the Army, Office, Secretary of the Army—Alternate Chairperson.
2. Mr. Robert K. Dawson, Principal Deputy Assistant Secretary of the Army (Civil Works), Office, Assistant Secretary of the Army (Civil Works).
3. Mr. Isaac C. Hunt, Jr., Principal Deputy General Counsel, Office, General Counsel.
4. Ms. Amoretta M. Hoeber, Deputy Assistant Secretary of the Army (Research and Development), Office, Assistant Secretary of the Army (Research, Development and Acquisition).
5. Mr. John F. Wallace, Deputy for Management Systems, Office, Assistant Secretary of the Army (Installations, Logistics, and Financial Management).
6. Mr. Clayton N. Gompf, Deputy for Military Personnel Policy and Programs, Office, Assistant Secretary of the Army (Manpower and Reserve Affairs).
7. Brigadier General Johnnie H. Corns, Deputy Chief of Legislative Liaison, Office, Chief of Legislative Liaison.
8. Mr. Walter W. Hollis, Deputy Under Secretary of the Army (Operations Research), Office, Under Secretary of the Army.
9. Mr. Peter Stein, Deputy Administrative Assistant to the Secretary of the Army, Office, Secretary of the Army.
10. Mr. Darrell L. Peck, Deputy General Counsel (Military and Civil Affairs), Office, General Counsel.
11. Mr. George E. Dausman, Deputy for Materiel Acquisition Management, Office, Assistant Secretary of the Army (Research, Development and Acquisition).
12. Mr. Josepth L. Miller, Deputy for Resources Analysis, Office, Assistant Secretary of the Army (installations, Logistics and Financial Management).
13. Mr. Leon Kniaz, Deputy for Civilian Personnel Policy, Office, Assistant Secretary of the Army (Manpower and Reserve Affairs).

The Members of the Performance Review for the Office of the Chief of Staff, Army are:

1. Mr. Jack H. Kalish, Director, Ballistic MIssile Defense Program Office.
2. Mr. James D. Carlson, Ballistic Missile Defense Advance Technology Center.
3. Mr. Martin B. Zimmerman, Deputy Assistant Chief of Staff for Automation and Communication.
4. Brigadier General James E. Drummond, Deputy Director, Army Materiel Systems Analysis Activity, Aberdeen Proving Ground, Maryland.
5. Mr. Leonard F. Keenan, Deputy Director of the Army Budget, Office of the Comptroller of the Army.
6. Mr. Wayne M. Allen, Director of Cost Analysis, Office of the Comptroller of the Army.
7. Mr. Charles W. Weatherholt, Deputy Director of Civilian Personnel, Directorate of Civilian Personnel, Office of the Deputy Chief for Personnel.
8. Brigadier General Walter J. Mehl, Director of Personnel Plans and Systems, Office of the Deputy Chief of Staff for Personnel.
9. Mr. Edgar P. Vandiver III, Technical Director, Deputy Chief of Staff for Operations and Plans.
10. Mr. Joseph P. Cribbins, Special Assistant to the Deputy Chief of Staff for Logistics and Chief, Aviation Logistics Office.
11. Mr. Robert J. Heaston, Scientific Advisor to Director of Weapons Systems, Office of the Deputy Chief of Staff for Research, Development and Acquisition.
12. Mr. Charles H. Church, Assistant Director for Technology, Office of the Deputy Chief of Staff for Research, Development and Acquisition.
13. Brigadier General James E. Armstrong, Assistant Chief of Staff for Intelligence.
14. Major General Sampson H. Bass, Jr., Director of Supply and Maintenance, Office of the Deputy Chief of Staff for Logistics.
15. Major General Edward B. Atkeson, Commander, US Army Concepts Analysis Agency.
16. Mr. Harold L. Stugart, The Auditor General.
17. Mr. Michael A. Janoski, Deputy Auditor General.

18. Mr. Hunter M. Woodall, RDA Analysis Officer, Office of the Deputy Chief of Staff for Research and Development.

19. Mr. Charles N. Davidson, Technical Director, US Army Nuclear Agency.

20. Major General Niles J. Fulwyler, Director, Nuclear and Chemical Directorate, Deputy Chief of Staff for Operations.

21. Mr. Leroy E. Hoole, Jr., Deputy Director of the Army Budget for Budget Management, Comptroller of the Army.

22. Mr. Carroll A. Olson, Deputy Director for Operations and Maintenance, Comptroller of the Army.

23. Major General Clay T. Buckingham, Assistant Chief of Staff for Automation and Communications, Office of the Chief of Staff, Army.

24. Major General Robert L. Kirwan, Commanding General, US Army Operational Test and Evaluation Agency.

25. Major General Vincent M. Russo, Director of Plans, Force Structure, and Systems, Office of the Deputy Chief of Staff for Logistics.

The Members of the Performance Review Board for the US Army Corps of Engineers (COE) are:

1. Major General William R. Wray, Deputy Chief of Engineers.

2. Major General Hugh G. Robinson, Division Engineer, Southwestern Division.

3. Major General E. R. Heiberg, Director of Civil Works, Office, Chief of Engineers.

4. Brigadier General Mark J. Sisinyak, Deputy Director for Facilities Engineering, Directorate of Military Programs, Office, Chief of Engineers.

5. Brigadier General Henry J. Hatch, Division Engineer, Pacific Ocean Division.

6. Ms. Betty J. Farwell, Director of Real Estate, Office, Chief of Engineers.

7. Dr. L. R. Shaffer, Technical Director, Construction Engineering Research Lab.

8. Mr. Richard C. Armstrong, Chief, Engineering Division, Ohio River Division.

9. Mr. Lewis H. Blakey, Chief, Planning Division, Directorate of Civil Works, Office, Chief of Engineers.

10. Mr. Herbert Howard, Chief, Engineer Division, North Atlantic Division.

11. Mr. Rodney H. Resta, Chief, Engineer Division, Lower Mississippi Valley Division.

12. Mr. William N. McCormick, Jr., Chief, Engineer Division, South Atlantic Division.

13. Dr. James Chromokos, Jr., Chief, Research and Development, Office, Chief of Engineers.

14. Mr. Ralph Loschialpo, Chief, Office of Personnel, Office, Chief of Engineers.

15. Mr. Delbert E. Olson, Chief, Planning Division, North Pacific Division.

The Members of the Performance Review Board for the US Army Materiel Development and Readiness Command are:

1. Major General William H. Schneider, HQ US Army Materiel Development and Readiness Command.

2. Major General Stan R. Sheridan, Sr., HQ US Army Materiel Development and Readiness Command.

3. Major General Robert L. Herriford, Sr., HQ US Army Materiel Development and Readiness Command.

4. Major General Henry Doctor, Jr., HQ US Army Materiel Development and Readiness Command.

5. Major General Benjamin F. Register, Jr., HQ US Army Materiel Development and Readiness Command.

6. Brigadier General (P) Arthur H. Holmes, Jr., HQ US Army Materiel Development and Readiness Command.

7. Mr. Robert E. Bean, HQ US Army Materiel Development and Readiness Command.

8. Dr. Richard L. Haley, HQ US Army Materiel Development and Readiness Command.

9. Mr. Burton M. Blair, HQ US Army Materiel Development and Readiness Command.

10. Mr. Thomas J. Keenan, US Army Troop Support and Aviation Materiel Readiness Command.

11. Mr. Donald R. Lathrop, US Army Armament Materiel Readiness Command.

12. Mr. Richard B. Lewis II, US Army Aviation Research and Development Command.

13. Mr. Seymour J. Lorber, HQ US Army Materiel Development and Readiness Command.

14. Dr. William C. McCorkle, Jr., US Army Missile Command.

15. Dr. Herman Robl, US Army Research Office.

16. Mr. Barton J. Toohey, US Army Tank-Automotive Command.

17. Dr. Robert E. Weigle, US Army Armament Research and Development Command.

The Members of the Performance Review Board for the Office of the Surgeon General are:

1. Major General Enrique Mendez, Jr., M.D., Deputy Surgeon General.

2. Brigadier General Robert T. Cutting, M.D., Director of Health Care Operations.

3. Brigadier General Garrison Rapmund, M.D., Commander, US Army Medical Research and Development Command.

4. Dr. G. K. Bahr, M.D., Department of Cellular Pathology, Armed Forces Institute of Pathology.

5. Dr. W. R. Beisel, M.D., Deputy for Science, Walter Reed Army Institute of Research.

6. Mr. F. K. Mostofi, M.D., Chairman, Center for Advanced Pathology, Armed, Forces Institute of Pathology.

7. Dr. Lorenz E. Zimmerman, M.D., Associate Chairman, Center for Advanced Pathology, Armed Forces Institute of Pathology.

8. Dr. Samuel B. Formal, Ph.D., Chief, Department of Bacterial Diseases, Walter Reed Army Institute of Research.

9. Brigadier General Frank F. Ledford, M.D., Director of Professional Services, Office of the Surgeon General.

10. Dr. L. S. Baron, Ph.D., Chief, Department of Bacterial Immuniology, Walter Reed Army Institute of Research.

11. Dr. B. P. Doctor, Ph.D., Director, Division of Biochemistry, Walter Reed Army Institute of Research.

12. Dr. F. M. Enzinger, M. D., Associate Chairman, Center for Advanced Pathology, Armed Forces Institute of Pathology.

13. Dr. R. F. Goldman, Ph.D., Director, Military Ergonomics Laboratory, US Army Institute of Environmental Medicine.

14. Dr. E. D. Helwig, M.D., Chairman, Department of Skin and Gastrointestinal Patholgy, Armed Forces Institute of Pathology.

15. Dr. K. G. Ishak, M.D., Chairman, Department of Hepatic Pathology, Armed Forces Institute of Pathology.

16. Dr. F. N. Johnson, M.D., Chairman, Department of Chemical Pathology, Chief, Basic Science Division and Histochemistry Branch, Armed Forces Institute of Pathology.

17. Dr. A. D. Mason, Jr., M.D., Chief, Laboratory Division, US Army Institute of Surgical Research.

18. Dr. H. E. Noyes, Ph.D., Associate Director for Research Management, Walter Reed Army Institute of Research.

The Members of the Performance Review Board for the Consolidated Commands are:

1. Major General John S. Crosby, Deputy Chief of Staff for Personnel, US Army Forces Command.

2. Major General John B. Blount, Chief of Staff, US Army Training and Doctrine Command.

3. Dr. Wilbur B. Payne, Director, US Army Training and Doctrine Command, Systems Analysis Activity.

4. Brigadier General Charles H. Edmiston, USAF, Vice Commander, Headquarters Military Traffic Management Command.

5. Mr. Leonard J. Mabius, Technical Director, Chief, Engineer, US. Army Communications Command.

6. Brigadier General Walter C. Cousland, Deputy Chief of Staff for Personnel, Administration and Logistics, US Army Training and Doctrine Command.

7. Mr. Arthur C. Christman, Scientific Advisor, Office, Deputy Chief of Staff for Combat Development, US Army Training and Doctrine Command.

8. Dr. Marion R. Bryson, Scientific Advisor, Combined Arms Combat Development Activity, US Army Training and Doctrine Command.

9. Major General Charles C. Rogers, Deputy Chief of Staff for Personnel, Headquarters USAREUR/7th Army.

10. Mr. Phillip G. Hillen, Senior Transportation Advisor, Headquarters, Military Traffic Management Command.

11. Brigadier General William G. O'Leksy, Commander, 1st PERSCOM and AG, USAREUR.

12. Mr. Harry M. West III, Deputy Director of Manpower, Plans and Budget, Deputy Chief of Staff for Personnel.

13. Mr. Darell B. Harmon, Jr., Director, Radar Directorate, Ballistic Missile Defense Advance Technology Center.

John O. Roach II,

Department of the Army Liaison Officer With the Federal Register.

[FR Doc. 81-21542 Filed 7-21-81; 8:45 am]

BILLING CODE 3710-08-M

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for a Section 10 and Section 404 Permit To Construct a Hurricane Protection Levee in Jefferson Parish, Louisiana

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY:

1. Proposed Action. This statment will analyze work proposed in a permit application submitted by Jefferson Parish Council. This work would consist of a hurricane protection levee on the West Bank of Jefferson Parish to protect the residents of that area from storm driven tidal surges. Approximately 58,000 feet of levee would be constructed or rebuilt. A portion of the proposed alinement would follow existing levees which would be improved. Three gated water control structures would be installed in the levee. These control structures would allow water to flow into and out of the wetland areas which would be inclosed within the levee. In the event of a hurricane or similar emergency the gates could be closed, thus providing protection to the area within the levee.

2. Alternatives. Alternatives such as no action and alternative alinements, including a nonwetland alinement will be discussed in the DEIS.

3. Scoping Process.

a. The levee alinement now proposed by the applicant, which includes control structures, is the result of meetings with the U.S. Army Corps of Engineers and other State and Federal agencies.

b. Significant issues for the proposed hurricane protection levee to be discusssed in the DEIS include: flood protection, promotion of residential and commercial/industrial growth in wetlands, and the impacts to fishery and wildlife resources resulting from construction, operation, and maintenance.

c. No formal assignments are currently planned for input into the DEIS by other Federal and State agencies. Nonetheless informal meetings will be held and communications maintained throughout the EIS Process with all concerned agencies.

d. Periodic reviews will be held with various Federal, State, and local agencies; they will be kept apprised of the progress.

4. Scoping Meeting.

A public scoping meeting will be held at 1900 hours (7:00 p.m.) on Thursday, 13 August 1981, at the Helen Cox Middle School, in Harvey, Louisiana. The meeting will consist of an introduction and description of the proposed project, the EIS process, and scoping process; after which the attendees will be divided into workshop groups, allowing individuals more freedom to input their ideas and concerns. Comments made by individuals in the work shops will be recorded, compiled, and analyzed. A summary of the results will be forwarded to each registered participant.

5. Availability. The DEIS Is scheduled to be available to the public in December 1981.

ADDRESS: Questions concerning the proposed action and DEIS may be directed to either Ms. Laura Swilley at (504) 838-2272 or Mr. Michael Skougard at (504) 838-2259, both at the New Orleans District, U.S. Army Corps of Engineers, Regulatory Assessment Section (LMNOD-SA), P.O. Box 60267, New Orleans, Louisiana 70160.

Thomas A. Sands,

Colonel, CE, Commander and District Engineer.

[FR Doc. 81-21434 Filed 7-21-81; 8:45 am]

BILLING CODE 3710-84-M

Intent; To Prepare a Draft Environmental Impact Statement (DEIS) for the Roanoke River (South Boston and Vicinity), North Carolina and Virginia Study

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

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. The Dan River Basin is located in South Central Virginia and North Central North Carolina and is divided almost equally by the North Carolina-Virginia State Line. The Basin includes all or part of 6 counties in Virginia and 10 counties of North Carolina for a total land area of 3,855 square miles. Flooding along the Dan River, especially at and in the vicinity of South Boston, Danville, Martinsville, and Basset, Virginia and Madison, Mayodan, and Eden, North Carolina, were idenified as a major concern. Basin environmental studies revealed significant values related to potential national wild and scenic river segments, natural areas, fish and wildlife habitat, and cultural resources.

The proposed flood control features included removal of Union Street Dam in Danville, Virginia, the construction of a dike on the north side of the Dan River adjacent to the Danville Sewage Treatment facility and a diversion channel to handle flood flows on the Mayo River at Stuart, Virginia. The proposed dike would have a base width of 70 feet, and average height of 15 feet and a total length of 2,900 feet. The diversion channel dimensions are 100-foot bottom width, and a total length of 2,500 feet. The only environmental quality feature still being considered is removal of all four dams in Danville, Virginia to add several miles of the spawning routes for stripped bass along the Dan River.

2. Other water resource measures considerd during stage 3 of the basin study included reservoirs on the Dan and Mayo Rivers, evacuation at Riverdale, Virginia, re-regulation of Philpott Reservoir, linear park development along river corridors and wild and scenic river designation for a portion of the upper Dan River system.

3. a. A public involvement program was developed and initiated in 1976 by establishing a public advisory committee made up initially of representatives from cities and counties in the basin, North Carolina and Virginia State Water Resource representatives, planning commissions in the basin, and environmental group representatives from both North Carolina and Virginia. The first meeting was held in Danville, Virginia in December 1976 and the second was held in October 1978 in Wentworth, North Carolina.

All Federal and State agencies with an interest in this study have been notified and their reviews requested. Also, all county, city, and town governments have been contacted to determine needs and to coordinate solutions.

b. The significant issue related to the recommended actions is the historical significance of the Union Street Dam in the context of the Dan River mills complex.

c. The U.S. Fish and Wildlife Service will provide evaluations and recommendations in accordance with the provisions of the Fish and Wildlife Coordination Act (16 U.S.C. 661–666C).

d. Environmental review and consultation requirements include:

(1) National Environmental Act of 1969 (42 U.S.C. 4321–4347);

(2) the Fish and Wildlife Coordination Act (16 U.S.C. 661–666C);

(3) the National Historic Preservation Act of 1966 (80 Statute 915, 16 U.S.C. 470); and

(4) Clean Water Act of 1977 (Federal Water Pollution Control Act Amendments of 1972) 33 U.S.C. 1251 et seq.

4. Additional scoping input will be solicited through the public notice process.

5. The scheduled date for release of the Draft EIS to the public is December 1981.

ADDRESS: Richard Jackson, SAWEN–E, U.S. Army Engineers District, Wilmington, P.O. Box 1890, Wilmington, NC 28402.

John O. Roach II,

Department of the Army Liaison Officer With the Federal Register.

[FR Doc. 81–21543 Filed 7–21–81; 8:45 am]

BILLING CODE 3710–N–M

Office of the Secretary

Privacy Act of 1974; Deletion of a System Notice

AGENCY: Office of the Secretary, DOD.

ACTION: Deletion of a system notice.

SUMMARY: The Office of the Secretary of Defense proposes to delete the system notice for system of records DUSDP 01, "Telephone Directory", subject to the Privacy Act of 1974. It has been determined that this system of records is adequately covered by OPM/GOVT–1.

DATE: These deletions shall be effective July 22, 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) Public Law 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 16, 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. 81–11473 (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

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

July 17, 1981.

[FR Doc. 81–21498 Filed 7–21–81; 8:45 am]

BILLING CODE 3810–70–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Houston Oil & Minerals Corp.; Final Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of final action taken on a consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces final action of a Consent Order.

EFFECTIVE DATE: July 22, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Southwest District Enforcement, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235; Phone 214/767–7745.

SUPPLEMENTARY INFORMATION: On April 24, 1981 the Office of Enforcement of the ERA executed a Proposed Consent Order with Houston Oil & Minerals Corporation of Houston, Texas. Under 10 CFR 205.199I(c), a Proposed Consent Order becomes effective only after the ERA has published notice of its execution and solicits and considers public comments with respect to its terms. Therefore, the ERA published a Notice of Proposed Consent Order and invited interested persons to comment on the Proposed Order. At the conclusion of the thirty-day comment period, the ERA had received five notices of claims against the refund amount of the Consent Order and there were no objections received to the Consent Order. Accordingly, the ERA has concluded that the Consent Order as executed between the ERA and Houston Oil & Minerals Corporation is an appropriate resolution of the compliance proceeding which it described and it shall become final and effective as proposed, without modification, upon publication of this Notice. Procedures and requirements for documenting proof of claim are being developed. Refunded overcharges received, if any, will remain in a suitable government escrow account pending the determination of their proper disposition.

Issued in Dallas, Texas on the 1st day of July 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81–21326 Filed 7–21–81; 8:45 am]

BILLING CODE 6450–01–M

Houston Natural Gas Corp.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for comments.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on

potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: July 2, 1981. Comments by: August 27, 1981.

ADDRESS: Send comments to : Wayne I. Tucker, Southwest District Manager, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [Phone] 214/767–7745.

SUPPLEMENTARY INFORMATION: On July 2, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Houston Natural Gas Corporation, Houston, Texas. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. Consent Order

Houston Natural Gas Corporation, is a firm engaged in the processing of natural gas and sale of natural gas liquids, natural gas liquid products and certain condensate, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of natural gas liquids, natural gas liquid products and plant condensate, the Office of Enforcement, ERA, and Houston Natural Gas Corporation, entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the Consent Order was September 1973 through January 27, 1981, and it included all sales of natural gas liquids, natural gas liquid products and certain condensate which were made during that period. The Consent Order does not settle claims and disputes between the DOE and Houston Natural Gas Corporation concerning sales of crude oil and condensate included in the Proposed Remedial Order issued under DOE case number 610C00329.

2. Houston Natural Gas Corporation did not apply in a manner acceptable to the DOE the provisions of 6 CFR Part 150, Subpart L, and 10 CFR Part 212, Subparts D, E and K, when determining the prices to be charged for its natural gas liquid products and certain condensate; and, as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Houston Natural Gas Corporation have agreed to a settlement in the amount of $760,000, including interest, to be refunded on or before 30 days after the effective date of this Consent Order. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Houston Natural Gas Corporation.

4. the provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Houston Natural Gas Corporation agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I. 1. above, the sum of $750,000, including interest, in the manner specified in I. 3. above, plus $10,000 in penalty. Refunded overcharges will be in the form of certified checks made payable to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amount in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have been passed through as higher prices to subsequent purchasers. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants.* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments.* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send you comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767–7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Houston Natural Gas Corporation Consent Order." We will consider all comments we receive by 4:30 p.m., local time on August 21, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 2nd day of July 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-21324 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER81-95-000]

Alabama Power Co.; Order Granting Motion for Imposition of Interim Rates Pending Commission Action on Settlement Proposal

Issued July 15, 1981.

On June 16, 1981, Alabama Power Company (Alabama Power or the Company), the Municipal Intervenors, and the Cooperative Intervenors filed a joint motion seeking Commission authorization to impose interim rates in lieu of the rates originally filed in this docket pending the Commission's action on a settlement agreement also filed on June 16, 1981. The parties seek permission to collect, subject to refund, the reduced rates retroactive to June 5, 1981. They also request provision be made for a surcharge in the event of Commission rejection of the settlement. For the reasons stated below, we grant the joint motion.

The proceeding in this docket began on November 5, 1980. Alabama Power filed proposed tariff revisions governing its service to wholesale power customers. By order issued January 2, 1981, the Commission accepted the proposed rates for filing, provided for a hearing, and suspended the proposed tariff changes to June 5, 1981. Thereafter, the staff distributed its top sheets. Prehearing conferences were conducted by the Administrative Law Judge. The parties entered into extended negotiations that ultimately led to the execution of the Settlement Agreement filed on June 16, 1981. The Settlement Agreement includes the tariff sheets by which the settlement will be implemented.

In light of the facts surrounding Alabama Power and the intervenors' request and the lack of any opposition, we grant the motion. Rather than collect the higher rates to which Alabama Power is entitled, subject to refund, under its November 5, 1980 filing, Alabama Power should be granted permission to collect on an interim basis the lower rates that reflect the offer of settlement highlighted above. Further, Alabama Power's request that the lower interim rates be made effective retroactive to June 5, 1981 is also granted, along with any necessary waiver of our notice and filing requirements to permit such a retroactive reduction.

We are convinced that no matter the final result in this proceeding the customers will benefit by being charged the reduced interim rates while the Commission considers the concurrently filed settlement. In the event of Commission rejection of the settlement:

The originally filed rates will be made effective (subject to refund) on the date of issuance of the order rejecting the settlement, and

A surcharge will be added (subject to refund) to such originally filed rates to enable the Company to recover over a period of six months the difference between revenues collected under the interim rates and the revenues that would have been collected under the filed rates for the period of time when the interim rates were in effect, and

Interest on the surcharge amounts will be included at the rates provided for in Section 35.19a of the Commission's regulations.

The procedure requested in this joint motion is essentially the same as the procedure approved in *Western Power Division Central Telephone and Utilities Corp.*, Docket No. ER80-113, order issued August 22, 1980. The affected customers concur in this provision. Therefore, we shall permit the surcharge to operate in the event that the settlement is not approved.

Pursuant to Section 35.1(e) of the regulations, we find that good cause exists to permit the collection of the interim rates as of June 5, 1981, until such time as we may act on the settlement agreement filed by Alabama Power. This order shall be without prejudice to our subsequent determination on the merits of the proposed settlement.

The Commission orders:

(A) The joint motion filed on June 16, 1981 by Alabama Power, Municipal Intervenors, and the Cooperative Intervenors for approval to collect interim rates in lieu of the rates originally filed in this docket is hereby granted.

(B) Good cause having been shown, Alabama Power is hereby authorized, pursuant of Section 35.1(e) of the Commission's Rules, to collect, subject to refund, the proposed rates reflected in the motion and settlement from June 5, 1981, until the Commission acts on the settlement. Alabama Power's proposed surcharge as described in this order will operate in the event that the proposed settlement is not approved by the Commission, and the originally filed rates shall be reinstated on the date of an order rejecting settlement.

(C) The 60 day notice requirement of § 35.3 of the Commission's Rules is waived for good cause shown.

(D) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21455 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-593-000]

Appalachian Power Co.; Filing

July 20, 1981.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on July 9, 1981, tendered for filing on behalf of its affiliate, Appalachian Power Company (APCo.) Modification No. 7, dated June 1, 1981 to the Interconnection Agreement dated February 7, 1957 between APCo. and Carolina Power & Light Company designated APCo.'s Rate Schedule FPC No. 24.

The modification includes a new Service Schedule which provides for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from systems interconnected with the parties. The Service Schedule provides for transmission service charges of 1.7 and 2 mills per kilowatthour, plus adjustments for transmission losses, for deliveries of Fuel Conservation Energy, when such receiving companies are Carolina Power & Light Company and APCo., respectively, and for generation of (a) 6 mills per kilowatthour plus incremental energy costs, plus 2 mills when APCo. is the deliverying party and (b) 6 mills per kilowatthour plus incremental costs, plus 2 mills when Carolina is the deliverying party.

The filing parties have requested that these Schedules be permitted to become effective immediately should circumstances arise requiring their use.

Copies of the filing were served upon Carolina Power & Light Company, the State Corporation Commission of Virginia and the Public Service Commission of West Virginia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21470 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-48-000]

Baruch-Foster Corp.; Application for Staff Adjustment

July 20, 1981.

On July 1, 1981, Baruch-Foster Corporation (Applicant), 1160 One Energy Square, 4925 Greenville Avenue, Dallas, Texas 75206, filed an application for a Staff Adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3412(c) (Supp. II 1978), and § 1.41 of the Federal Energy Regulatory Commission (Commission) Rules of Practice and Procedure.

Applicant claims special hardship, inequity or unfair distribution of burdens and irreparable injury if unable to collect the difference between the collected section 109 rate and the section 102(c)(1)(C) rate, an amount of $151,531.59. Applicant drilled additional wells into a previously designated new onshore reservoir and commenced sales to the gas purchaser prior to the time a jurisdictional agency determination was filed. Applicant states it did not "focus on a requirement that it seek and secure a second jurisdictional agency determination before commencing sales from a second well in a reservoir already determined to be a new onshore reservoir." The gas purchaser has refused to make retroactive payments at the section 102(c)(1)(C) rate for the period prior to filing. Applicant requests an adjustment to section 273.204 allowing him to make retroactive collections prior to the date of filing for a determination.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR 1.41 (44 FR 18961, March 30, 1979). Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before August 6, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21456 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. G-19589-004, et al.]

Belco Petroleum Corp., et al.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

July 20, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 4, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.[3]	Pressure base
G-19589-004, D, June 24, 1981	Belco Petroleum Corporation, One Dag Hammarskjold Plaza, New York, New York 10017.	Northwest Pipeline Corporation, Big Piney Field, "P" Sand reservoir, Sections 25, 36 and the S/2 of Section 24, T28N, R113W, Sublette County, Wyoming.	(1)	
CI77-19-001, July 6, 1981 [2][4]	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Tennessee Gas Pipeline Company, Eugene Island Blocks 257 and 258, Offshore Louisiana.	(2)	15.025
CI77-782-001, C, July 6, 1981	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Tennessee Gas Pipeline Company and Columbia Gas Transmission Corporation, South Pass 78 Field, Offshore Louisiana.	(3)	14.73
CI81-220-001, July 2, 1981	Koch Industries, Inc., Post Office Box 2256, Wichita, Kansas 67201.	United Gas Pipe Line Company and Southern Natural Gas Company,[11] West Cameron Block 116 "A" Platform (OCS-G 2629 "A" platform), Offshore Louisiana.	(4)	15.025
CI81-431-000, A, July 9, 1981	FIN-OIL, Inc., P.O. Box 2159, Dallas, Texas 75221	United Gas Pipe Line Company, Block A-582, High Island Area, Offshore Texas.	(5)	14.65
CI81-397-000 (CI76-67), B, June 22, 1981.	Gulf Oil Corporation, Post Office Box 2100, Houston, Texas 77001.	Texas Gas Transmission Corporation, Bayou Pigeon Field, Iberia Parish, Louisiana.	(6)	
CI81-398-000, A, June 24, 1981	Chevron U.S.A. Inc., P.O. Box 7309, San Francisco, California 94120.	Columbia Gas Transmission Corporation, Mississippi Canyon Blocks 148, 192, and 193, Offshore Louisiana.	(7)	15.025
CI81-399-000, E, June 24, 1981 [2]	Southland Royalty Company (Succ. in Interest to Opubco Resources Inc. formerly Publishers Petroleum), 1000 Fort Worth Club Tower, Fort Worth, Texas 76102.	Panhandle Eastern Pipe Line Company, Gano No. 1-2, Gano No. 2-2 and Traylor No. 1 Wells and located in the N/2 of Section 2, Range 31 West, Township 33 South, Seward County, Kansas.	(8)	14.65
CI-400-000, E, June 24, 1981 [2]	...do	Cities Service Gas Company, Eakins C-1 Well Located in Section 22, Township 17 North, Range 25 West, Roger Mills County, Oklahoma.	(10)	14.65

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft.³	Pressure base
CI-401-000, E, June 24, 1981 [4]	do	Northern Natural Gas Company, Gas is produced from depths shallower than the base of the Mississippian System in the Nine No. 1, No. 2 and No. 3 Wells located in Section 15, Township 2 North, Range 26 East, Beaver County, Oklahoma.	[11]	14.65
CI81-402-000, E, June 24, 1981 [4]	do	Michigan Wisconsin Pipe Line Company Gas is produced from the Stinson Unit located in the SE/4 SW/4 of Section 22, Township 27 North, Range 25 West, Harper County, Oklahoma.	[12]	14.65
CI81-403-000, E, June 24, 1981 [4]	do	Arkansas Louisiana Gas Company, Gas is produced from the Government A-1 Well located in Section 7, Township 6 North Range 17 East, Pittsburg County, Oklahoma.	[13]	14.65
CI81-404-000, E, June 24, 1981 [4]	do	Northern Natural Gas Company, Gas is produced from the Johannsen No. 1 Well located in Section 29, Township 34 South, Range 27 West, Meade County, Kansas.	[14]	14.65
CI81-405-00, E, June 24, 1981 [4]	do	Colorado Interstate Gas Company, Gas is produced from the Adams 1-11, 2-11, 5-11 and 6-11 Wells located in Section 11, Township 35 South, Range 29 West, Meade County, Kansas.	[15]	14.65
CI81-406-000, June 26, 1981 [16]	Amoco Production Company, P.O. Box 50879, New Orleans, Louisiana 70150.	Florida Gas Transmission Company and Florida Power & Light Company, St. Landry Parish, Section 49, Township 6 South, Range 2 East, St. Landry Parish, Louisiana.		
CI81-407-000, A, June 26, 1981	Aminoil USA, Inc., 2800 North Loop West, P.O. Box 94193, Houston, Texas 77018.	Texas Eastern Transmission Corporation, Blocks 365 and 386, Vermilion Area, South Addition, Offshore Louisiana	[23]	15.025
CI81-408-000, A, June 29, 1981	Zapata Exploration Company, P.O. Box 4240, Houston, Texas 77001.	Tennessee Gas Company, a Division of Tenneco Inc., East Cameron Block 359, South Addition, Offshore Louisiana	[13]	15.025
CI81-409-000, A, June 29, 1981	do	Trunkline Gas Company, East Cameron Block 359, South Addition, Offshore Louisiana.	[24]	15.025
CI81-410-000, (G-14256), B, June 23, 1981.	Exxon Corporation, P.O. Box 2180, Houston, Texas 77001	Transcontinental Gas Pipe Line Corporation, South Intracoastal City Field, Vermilion Parish, Louisiana.	[25]	
CI81-411-000, (G-11739), B, June 23, 1981.	do	Northern Natural Gas Company, SE and SW Elmwood Fields, Beaver County, Oklahoma.	[26]	
CI81-412-000, (G-15893), B, June 23, 1981.	do	Arkansas Louisiana Gas Company, Colquitt Field, Claiborne Parish, Louisiana.	[26]	
CI81-413-000, (G-19416), B, June 23, 1981.	do	Columbia Gas Transmission Corporation, Calcasieu Pass Field, Cameron Parish, Louisiana.	[26]	
CI81-427-000, A, June 26, 1981	Amerada Hess Corporation, 1200 Milam Street, 6th Floor, Houston, Texas 77002.	Texas Eastern Transmission Corporation, Blocks 369 and 386, Vermilion Area, South Addition, Offshore Louisiana	[27]	15.025
CI81-428-000, A, July 1, 1981	Pan Eastern Exploration Company, P.O. Box 1642, Houston, Texas 77001.	Panhandle Eastern Pipe Line Company, East Cameron, South Addition, Block 359 Field, Offshore Louisiana.	[23]	15.025
CI81-429-000, A, July 2, 1981	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221.	Michigan Wisconsin Pipe Line Company, West Cameron Block 601, Offshore Louisiana.	[28]	15.025
CI81-430-000, A, June 29, 1981	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046.	Natural Gas Pipeline Company of America, West Cameron 265 Field, Federal Offshore Louisiana.	[13]	14.73

[1] To allow sale of nearly depleted reservoir to FMC Corporation for use as a gas storage field. All economically recoverable reserves in the reservoir dedicated to Northwest Pipeline Corporation will be produced and sold to Northwest prior to abandonment.
[2] Applicant is filing under Gas Purchase and Sales Agreement dated August 26, 1976, amended by Amendment dated May 27, 1981.
[3] Applicant is filing under Gas Sales Contract dated August 25, 1977, amended by Amendment dated April 20, 1981.
[4] Applicant is filing under Gas Purchase Contract dated January 29, 1981.
[5] Applicant is filing under Gas Purchase and Sales Agreement dated March 3, 1981.
[6] The leases in which Gulf acquired an interest, as successor to the Cenard Oil and Gas Company, expired and were released to landowner prior to the date of cancellation of the contract.
[7] Applicant is filing under Gas Purchase Contract dated April 28, 1981.
[8] Effective as February 1, 1979, Southland acquired all of Opubco's interest in said properties.
[9] Applicant is filing under Gas Purchase and Sales Agreement dated September 24, 1968.
[10] Applicant is filing under Gas Purchase Contract dated October 1, 1965.
[11] Applicant is filing under Gas Purchase Contract dated February 7, 1969.
[12] Applicant is filing under Rollover Contract dated April 24, 1979.
[13] Applicant is filing under Gas Purchase Contract dated May 3, 1971.
[14] Applicant is filing under Gas Purchase Contract dated March 31, 1967.
[15] Applicant is filing under Gas Purchase Contract dated July 7, 1966.
[16] Applicant proposes to construct and operate two compressors for the purpose of delivering gas to Florida Gas Transmission Company and Florida Power & Light Company in satisfaction of its warranty obligations to those companies.
[17] Koch Industries, Inc., amends Certificate of Public Convenience and Necessity in the subject docket to include Southern Natural Gas Company as additional buyer.
[18] Applicant agrees to accept an initial rate determined in accordance with the Natural Gas Policy of 1978, Part 271 Subpart B, Section 102(d).
[19] Applicant is filing under Gas Purchase Contract dated February 3, 1981.
[20] The available supply of gas is depleted, and the contract has expired.
[21] Applicant is filing under Gas Purchase Contract dated June 5, 1981.
[22] Applicant is filing under Gas Purchase Contract dated January 29, 1981.
[23] Applicant is filing under Gas Purchase Contract dated June 30, 1981.
[24] To include the additional delivery point on Eugene Island Block 257 "E" platform.
[25] Applicant is willing to accept a certificate for the sale proposed herein conditioned upon the maximum lawful price under Section 104 of the NGPA.
[26] Applicant is filing under Gas Purchase Contract dated February 12, 1981.

Filing Code: A—Initial Services. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Total Succession. F—Partial Succession.

[FR Doc. 81-21457 Filed 7-21-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4858-000]

Boise Project Board of Control, Idaho; Application for Exemption of Conduit Hydroelectric Facility

July 20, 1981.

Take notice that on June 10, 1981, the Boise Project Board of Control (Applicant) filed an application, under Section 30 of the Federal Power Act (Act) [16 U.S.C. 823(a)], for exemption of a proposed hydroelectric project from requirements of Part I of the Act. The proposed Arena Drop Hydroelectric Plant would be located at the junction of the Golden Gate Canal and the Arena Canal, part of the Applicant's Irrigation System in Canyon County, Idaho. Correspondence with the Applicant should be directed to: Mr. Willian Bienapfl, Chairman, Mr. Royse Van Curen, Project Manager, Boise Project Board of Control, 214 Broadway, Boise, Idaho 83702.

Project Description—The proposed project would consist of: (1) an intake structure within the Golden Gate Canal; (2) a 900-foot long, 42-inch diameter penstock; and (3) a powerhouse containing two generating units with a total rated capacity of 540 KW discharging into the Golden Gate Canal.

Agency Comments—The U.S. Fish and Wildlife Service and the Idaho Department of Fish and Game are requested, pursuant to Section 30 of the Federal Power Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. (A copy of the application may be obtained directly from the Applicant). Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Inervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in §1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before September 2, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21471 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2284-004]

Central Maine Power Co.; Application for Amendment of License

July 17, 1981.

Take notice that on June 30, 1981, Central Maine Power Company (Licensee) filed an application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for amendment of its license for the Brunswick Hydroelectric Project No. 2284 located on the Androscoggin River, in the Towns of Brunswick and Topsham, in Cumberland and Sagadahoc Counties, Maine. Correspondence with the Licensee should be addressed to: Mr. Jon S. Readnour, Central Maine Power Company, Edison Drive, Augusta, Maine 04336.

Licensee proposes that its project license be amended to authorize the addition of two turbine-generator units with a total rated capacity of 7.0 MW. The units would be located in an extension to the project powerhouse. The powerhouse is presently under construction. The turbine-generators would allow the production of an additional 15,000,000 kWh annually. The project would continue to be operated as a run-of-the-river facility.

Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before August 28, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21456 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4529-000]

City of Gillette, Wyoming; Application for Preliminary Permit

July 17, 1981.

Take notice that The City of Gillette, Wyoming (Applicant) filed on April 4, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4529 known as the Stateline Dam Project located on The East Fork of Smiths Fork River in Summit County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Paul G. Schamp, P.E., Post Office Box 3003, Gillette, Wyoming 82716.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Stateline Dam and would consist of: (1) A powerhouse containing one or more generating units having a rated capacity of 450 kWh; (2) a spillway; (3) a transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 1,640,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The proposed term of the preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $100,000.

Competing Applications—This application was filed as a competing application to the Stateline Dam Project No. 3847 filed on December 9, 1980 by Continental Hydro Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of the notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21447 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4836-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

July 17, 1981.

Take notice that the City of Rohnert Park, California (Applicant) filed on June 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4836 to be known as the Canyon Creek Power Project located on Canyon Creek in Nevada County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 5-foot high, 103-foot long concrete diversion structure; (2) a 4,000-foot long diversion conduit; (3) a 1,000-foot long steel penstock; (4) a powerhouse with a total rated capacity of 4,300 kW; and (5) a 4.5-mile long, 12.5-kV transmission line to connect to an existing Pacific Gas and Electric Company transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to study the feasibility of the project. No new road construction would be required to conduct the studies.

Competing Applications—This application was filed as a competing application to the Canyon Creek Project No. 4078 filed on January 12, 1981, by Consolidated Hydroelectric, Inc., under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 11, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4836. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21459 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4834-000]

City of Rohnert Park, Calif.; Application for Preliminary Permit

July 17, 1981.

Take notice that the City of Rohnert Park, California (Applicant) filed on June 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4834 to be known as the Fall River Below Nelson's Crossing Power Project located on Fall River in Butte County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert A. Lewis, City of Rohnert Park, 6750 Commerce Blvd., Rohnert Park, California 95427.

Project Description—The proposed project would consist of: (1) a 5-foot high diversion structure; (2) a 5,300-foot long diversion conduit or channel; (3) a 1,060-foot long steel penstock; (4) a powerhouse containing generating units with a total rated capacity of 2,045 kW; (5) a 5-mile long, 12.5-kV transmission line connecting the powerhouse to an existing Pacific Gas and Electronic transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to Consolidated Hydroelectric, Inc.'s Project No. 4084 filed on January 29, 1981, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accrodance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 11, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4834. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21460 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4520]

City of Seymour, Iowa; Application for Preliminary Permit

July 17, 1981.

Take notice that the City of Seymour (Applicant) filed on April 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4520 known as the Rathbun Dam Project located at the U.S. Army Corps of Engineers' Rathbun Dam on the Charlton River in Appanoose County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Harold Swan, Seymour Municipal Light & Water Works, P.O. Box 64, Seymour, Iowa 52590.

Project Description—The proposed project would utilize a U.S. Army Corps of Engineers's dam. The proposed project works would consist of: (1) a proposed powerhouse with an estimated installed capacity of 1.2 MW and an estimated average annual, generation of 5,256,000 kWh; (2) a proposed bypass structure; (3) a proposed tailrace channel; and (4) appurtenant facilities. The Applicant states that the most likely customer for the power produced would be the Applicant with any excess power sold to Iowa Southern Utilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time studies would be made to determine the technical, economic, and financial feasibility of the proposed project, taking into consideration its environmental impacts, in support of an application for license for the project. The cost of Applicant's studies are estimated to be in the range of $40,000 to $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before, August 31, 1981 either the competing application itself [See 18 C.F.R. 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than October 30, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21448 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4871-000]

City of Tacoma, Wash.; Application for Preliminary Permit

July 17, 1981.

Take notice that the City of Tacoma, Washington (Applicant) filed on June 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No 4817 to be known as the Elwha River Project located on the Elwha River in Clallam County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Paul J. Nolan, Director—City of Tacoma, Department of Public Utilities, P.O. Box 11007, Tacoma, Washington 98411.

Project Description—The proposed project would consist of: (1) a concrete diversion weir and intake structure; (2) an 18,000-foot long tunnel; (3) a surge tank; (4) a 10-foot diameter, 500-foot long steel penstock; (5) a powerhouse to contain one turbine-generating unit with a total rated capacity of 17 MW; (6) a 69–KV transmission tie line to connect with an existing Crown Zellerbach transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to study the feasibility of the project. No new road

construction would be required to conduct the studies.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 28, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21472 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4797-000]

Cogeneration, Inc.; Application for Preliminary Permit

July 17, 1981.

Take notice that Cogeneration, Inc. (Applicant) filed on June 5, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4797 known as the Auger Falls Hydroelectric Project located on Snake River in Twin Falls County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John J. Straubhar, Cogeneration, Inc., 2405 Spring Mountain Drive, Boise, Idaho 83702.

Project Description—The proposed project would consist of: (1) an inlet structure; (2) an approximately 2-mile long power canal; (3) a 10-foot diameter, 1,000-foot long steel penstock; (4) a powerhouse to contain two Francis-type, turbine-generating units, with a total rated capacity of 4.9 MW; (5) a tailrace channel; and (6) a 4-mile long transmission line to connect to an existing Idaho Power Company transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a 36-month preliminary permit to study the feasibility of the project. No new road construction would be required to conduct the studies.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 16, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 16, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21461 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-383-000]

Columbia Gas Transmission Corp.; Application

July 17, 1981.

Take notice that on June 18, 1981, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP81-383-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities located in Kanawha County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon Well No. 7100 in Coco B (X-52-B) Storage Field located in Kanawha County, West Virginia. Applicant explains that Well No. 7100 is an observation well which is not connected to the Coco B Storage Field pipline system. It is said that in order to avoid any future problems that may result from utilization of a church parking lot which has been constructed

in the immediate area of the well, Applicant seeks authorization herein to abandon Well No. 7100. Such abandonment, it is asserted, would not affect storage deliverability.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provide for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21462 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-219-002]

East Tennessee Natural Gas Co.; Amendment to Application

July 20, 1981.

Take notice that on July 6, 1981, East Tennessee Natural Gas Company (Applicant), P.O. Box 10245, Knoxville, Tennessee 37919, filed in Docket No. CP81-219-002 an amendment to its pending application filed in the instant docket on March 2, 1981, pursuant to Section 7(c) of the Natural Gas Act so as to reflect a change in its proposed sales, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that in its application it sought authorization to sell on an interruptible basis up to 50,000 Mcf of natural gas per day to Orange and Rockland Utilities, Inc. (Orange and Rockland) and 50,000 Mcf of natural gas per day to Public Service Electric and Gas Company (Public Service). Applicant asserts that the sales were proposed to occur during the period June 1, 1981, through October 31, 1982. Applicant explains that it additionally requested authorization to sell to customers other than Orange and Rockland and Public Service any portion of the 50,000 Mcf daily that each of these two customers were unable to purchase or which transporting pipelines were unable to deliver.

Applicant indicats that during June of 1981 there was a very small amount of available capacity to transport gas to Orange and Rockland and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) has advised Applicant that there appears to be no available capacity for such transportation in July of 1981.

Applicant has determined that it would not be able to sell sufficient volumes of gas in order to meet its minimum bill obligation because of the delay in Texas Eastern Transmission Corporation's (Texas Eastern) receiving authorization necessary to effectuate sales by Applicant to Public Service, the unavailability of capacity of Tennessee for transportation of the proposed sale to Orange and Rockland, the interruptible nature of the transportation service by Tennessee and Texas Eastern, the lack of market by Public Service on weekend days, and the limited number of days remaining in the month of July to meet the monthly minimum bill obligation. Applicant therefore states that it must make other off-system sales to avoid the minimum bill penalties from its supplier.

Applicant asserts that based on actual sales in July 1980 it must sell 1,266,804 Mcf off-system in July of 1981 to avoid the incurrence of minimum bill penalties.

Applicant states that Trans Louisiana Gas Company (Trans Louisiana) has expressed a need to purchase for its system supply up to 100,000 Mcf per day at the same price and subject to the same terms and conditions as the gas purchased by Public Service.

Applicant proposes herein to sell natural gas to Trans Louisiana. Applicant states that the gas would be transported from Applicant to Trans Louisiana by displacement by Tennessee to its interconnection with Louisiana Intrastate Gas Corporation (LIG) at Centerville, Louisiana, or other mutually agreeable points of interconnection and by LIG to its interconnection with Trans Louisiana.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21473 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4750-000]

Energenics Systems Inc.; Application for a Preliminary Permit

July 20, 1981.

Take notice that Energenics Systems Inc. (Applicant) filed on May 29, 1981 an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4750 known as the Eltopia Branch-Potholes East Canal Station 625+90 Hydroelectric Project located on the Eltopia Branch Canal in Franklin County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description—The proposed project would consist of: (1) a gated intake structure located at Station 625+50; (2) a check structure at Station 625+70; (3) a 62-inch diameter, 628-foot long surface penstock; (4) a power plant to contain one generating unit with a

rated capacity of 1,200 kW and (5) a short tailrace.

The average annual energy output is 4.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction.

The applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, environmental and economic feasibility studies and consult with Federal, State and local agencies to prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of the proposed feasibility studies and preparing an application for an FERC license is $30,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 23, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 23, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of the notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21474 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4749-000]

Energenics Systems, Inc.; Application for Preliminary Permit

July 20, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on May 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4749 known as the Portholes East Canal 19731000 Hydroelectric Project located on the Potholes East Canal in Franklin County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description—the proposed project would consist of: (1) a gated intake; (2) a 162–inch diameter, 98–foot long surface penstock; (3) a power plant to contain one generating unit with a rated capacity of 2,260 kW; and (4) a short tailrace. The average annual energy output is 8.6 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, environmental and economic feasibility studies and consult with Federal, State and local agencies to prepare an application for a FERC license. No new roads will be required to conduct these studies. The estimated cost of the proposed feasibility studies and preparing an application for an FERC license is $30,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 23, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 23, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS","NOTICE OF INTENT TO FILE COMPETING APPLICATION", COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21475 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4767-000]

Energenics Systems, Inc.; Application for Preliminary Permit

July 20, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on June 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4767 known as the Long Lake Dam Canal Hydroelectric Project located on Billy Clapp Lake Canal in Lincoln County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description—The proposed project would consist of: (1) a gated intake structure with trashracks; (2) a surface penstock; (3) a power plant to contain three generating units with a combined rated capacity of 67,610 kW; and (4) a short tailrace. The average annual energy output is 267.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic and environmental feasibility studies and consult with Federal, State, and local agencies to prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of the proposed feasibility studies and preparing an application for an FERC license is $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 28, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c)(1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intervene must be received on or before September 28, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21476 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER77-531]

Illinois Power Co.; Compliance Filing

July 20, 1981.

Take notice that on June 24, 1981, Illinois Power Company (Illinois Power) submitted for filing a compliance report in accordance with a Commission Order Affirming in Part and Reversing in Part Initial Decision dated April 10, 1981. According to Illinois Power, the compliance report reflects (1) the effect of the revised rate schedule on revenues to Illinois Power, (2) cost of service data and (3) that Illinois Power will issue a refund to Village of Ladd, City of Oglesby and Cedar Point Light and Water Company pursuant to Ordering Paragraph A of the Order Affirming in Part and Reversing in Part Initial Decision dated April 10, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before August 10, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21477 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4541-000]

John N. Webster; Application for Preliminary Permit

July 20, 1981.

Take notice that John N. Webster (Applicant) filed on an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4541 known as the Milton Leather Board Project located on Salmon Falls Rivers in Strafford County, New Hampshire and York County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John N. Webster, P.O. Box 1073, Dover, New Hampshire 03820.

Project Description—The proposed project would consist of the following existing works: (1) the Milton Leather Board Company Dam, a 28-foot high stone masonry and concrete gravity dam having a length of 350 feet; (2) a 3-acre reservoir having neglible storage capacity; (3) a powerhouse located approximately 600 feet downstream of the dam; and (4) appurtenant works. The dam and powerhouse associated with the proposed project are presently owned by the Milton Leather Bond Corporation. The existing structures would be refurbished, and a new penstock would be constructed leading from the dam to the powerhouse. The project would have an installed capacity of approximately 600 kW and an average annual net generation of 3,153,600 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with

an application for FERC license. Applicant estimates the cost of the studies under the permit would be $10,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 25, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than November 24, 1981.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petition to intevene must be received on or before September 25, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21449 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4664-000]

Long Lake Energy Corp.; Application for Preliminary Permit

July 17, 1981.

Take notice that the Long Lake Energy Corporation (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4664 known as the J & J Rogers (Au Sable Forks) Hydro Project located on the West Branch Ausable River in Essex and Clinton Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Donald E. Hamer, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed project would be run-of-the-river and would consist of: (1) a concrete gravity dam with masonry abutments and a 100 foot long, 37 foot high ogee spillway section; (2) a reservoir with negligible pondage; (3) a restored 7-foot diameter penstock, approximately 5,000 feet long, along the left river bank; (4) a restored powerhouse containing generating units having a total rated capacity of 2,800 kW; (5) a tailrace; (6) a new transmission line, approximately 3,700 feet long; and (7) appurtenant facilities. The Applicant estimates that the average annual output would be 13,300,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $52,000.

Competing Applications—This application was filed as a competing application to Essex County Industrial Development Agency's application for Project No. 3625 filed on October 29, 1980, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 13, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21463 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST79-23-001]

Louisiana Intrastate Gas Corp.; Application for Approval of Rates

July 20, 1981.

Take notice that on June 12, 1981, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST79-23-001 an application pursuant to Sections 284.123(b)(2) and 284.144(a)(3)

of the Commission's Regulations for approval of the rate charged for the treating, processing, and transporting of gas sold to Mid Louisiana Gas Company (Mid La), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it entered into a gas sales agreement with Mid La which has been extended for an additional two-year term beginning May 5, 1980.

Applicant proposes a base charge of 20.0 cents per million Btu of gas sold and delivered to Mid La plus reimbursement for any third party interstate transportation fees which are needed to move the gas to Mid La's system. Applicant further states that this rate to be charged for the treating, processing, transporting, and delivering of gas sold to Mid La was previously approved by the Commission in Docket No. ST79-23.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21464 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ST81-319-000]

Louisiana Intrastate Gas Corp.; Application

July 20, 1981.

Take notice that on June 18, 1981, Louisiana Intrastate Gas Corporation (Applicant), P.O. Box 1352, Alexandria, Louisiana 71301, filed in Docket No. ST81-319-000 an application pursuant to § 284.123(b)(2) of the Commission's Regulations for approval of rates charged for transporting natural gas for Natural Gas Pipeline Company of America (Natural) and pursuant to § 284.127 of the Commission's Regulations for approval of a transportation agreement with Natural dated June 11, 1981, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is submitted that on June 11, 1981, Natural and Applicant entered into a gas transportation agreement under which Applicant would receive gas from Natural at points of receipt in Cameron Parish, Louisiana, and redeliver directly to Central Louisiana Electric Company, Inc. (CLECO), Natural's customer, at points in Evangeline, St. Mary and Rapides Parishes, Louisiana, an equivalent quantity of gas less 2 percent of the gas used as compressor fuel, company use and unaccounted for gas. Applicant asserts that the proposed transportation service would continue for a term of 363 days from date of first deliveries under Natural's gas sales contract with CLECO.

Applicant estimates the total volume of gas to be transported under the proposed transportation agreement to be 37,000,000 Mcf. The expected maximum daily delivery volumes would be approximately 100,000 Mcf, it is asserted.

Applicant proposes to charge Natural 20.0 cents per million Btu for each million Btu redelivered. Furthermore, Applicant asserts that the transportation agreement grants Applicant the contractual right to increase its rates to reflect any increased severance tax and to file with any entity or entities having jurisdiction over its rates to receive a higher rate.

Applicant requests approval of its transportation agreement which is not self-implementing because Applicant is delivering gas directly to Natural's customer for Natural's account.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21478 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4572-000]

Morgan City Corp.; Application for Preliminary Permit

July 20, 1981.

Take notice that Morgan City Corporation (Applicant) filed on April 22, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4572 to be known as the East Canyon Project located on East Canyon Creek in Morgan County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dennis Woolsey, Morgan City Corporation, P.O. Box 276, Morgan, Utah 84050.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's East Canyon Dam and would consist of a powerhouse with one or more generating units having a rated capacity between 2.5 and 3.0 MW, a 25-kV transmission line, a tailrace, and appurtenant facilities. The Applicant estimates that the average annual energy output would be 19.18 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed permit is 30 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $95,000.

Competing Applications—This application was filed as a competing application to the East Canyon Project No. 3540 filed on October 8, 1980, by Utah Hydro Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 24, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4572. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21450 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-392-000]

Natural Gas Pipeline Company of America; Application

July 20, 1981.

Take notice that on June 23, 1981, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP81-392-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited term transportation of natural gas on an interruptible basis in order to effectuate a direct sale of gas to Central Louisiana Electric Company (CLECO), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas sales agreement dated June 3, 1981, it proposes to sell up to 37,000,000 Mcf of natural gas to CLECO on a best-efforts basis. Such gas, it is asserted, would be used to generate electricity. Applicant explains that the subject sale would be for a term of 363 days commencing on the date of first deliveries to CLECO.

Applicant states that in order to transport the gas to CLECO it has executed a transportation agreement with Louisiana Intrastate Gas Company (LIG) dated June 11, 1981, which would cause the gas to be transported to existing points of interconnection between CLECO and LIG in Evangeline, St. Mary and Rapides Parishes, Louisiana.

Applicant asserts that pursuant to the transportation agreement with LIG, it would deliver the gas for LIG's account to Louisiana Resources Company (LRC) at an existing tap and valve assembly on Stingray Pipeline Company located in Cameron Parish, Louisiana. Applicant further assers that LIG and LRC have an agreement dated April 28, 1976, as amended, whereby LIG has a contractual right to capacity on LRC's system. Applicant explains that the gas would enter LIG's facilities at an existing point of interconnection in Cow Island, Cameron Parish, Louisiana, and would be transported to the CLECO delivery points in Evangeline, St. Mary and Rapides Parishes, Louisiana.

Applicant states that for each million Btu of gas sold to CLECO Applicant would charge a rate equal to the sum of (1) the average of the rates effective under Applicant's Rate Schedules E-1, G-1, and WS-1, each minus the GRI surcharge, and (2) a transportation charge which reflects all the current or future costs that LIG charges Applicant for such transportation plus the value of fuel gas consumed. Applicant explains that the rate in part (1) is a composite rate which reflects effective rates in Applicant's tariff. It is also said that the transportation charge currently consists of 20.0 cents per million Btu plus the value of any fuel gas consumed.

Applicant indicates that its present composite rate is approximately $2.84 per million Btu and Applicant's average cost of gas is approximately $1.92 per million Btu as of March 1, 1981.

Applicant states that its gas supply is sufficient to make the proposed sale with CLECO without impairing or reducing service to its present customers.

Applicant asserts that with the exception of the revenues from the transportation charge component and 1.0 cent per million Btu for the volumes sold. Applicant proposes to credit the revenues from the proposed sale to its Account 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21479 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER80-66, ER80-67, ER80-68, and ER80-220]

New England Power Co.; Refund Report Resulting From Coal Conversion Adjustment

July 20, 1981.

Take notice that New England Power Company (NEP) on June 19, 1981, filed a refund report which reflects NEP's

adjustment for actual coal conversion costs.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21480 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4696-000]

New York State Electric & Gas Corp.; Application for Preliminary Permit

July 17, 1981.

Take notice that the New York State Electric & Gas Corporation (Applicant) filed on May 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4696 known as the Alice Falls Project located on the Ausable River in Clinton and Essex Counties, New York. The application is on file with the Commission and is available for public inspection. Correspondance with the Applicant should be directed to: Mr. M. J. Ray, Assistant Vice President, New York State Electric & Gas Corporation, 4500 Vestal Parkway East, Binghampton, New York 13902.

Project Description—The proposed run-of-the-river project would consist of: (1) an existing 50-foot high, 215-foot long masonry dam, located adjacent to a retired J&J Rogers Company mill and approximately 2,700 feet upstream of the Rainbow Falls Hydroelectric Project No. 2835; (2) a reservoir having a surface area of approximately 4 acres; (3) a proposed powerhouse containing units with a total installed capacity of 2,050 kW; and (4) appurtenant works. The Applicant estimates that the average annual energy output would be between 10,000,000 and 11,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of two years, during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $250,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 18, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no coments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before Sepember 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETNG APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21481 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-594-000]

Niagara Mohawk Power Corp.; Proposed Tariff Change

July 20, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara) on July 9, 1981 tendered for filing as a rate schedule, an agreement between Niagara and Rochester Gas and Electric Corporation (Rochester) dated June 4, 1981.

Niagara presently has on file an agreement with Rochester dated December 26, 1968. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 58. This new agreement is being transmitted as a supplement to the existing agreement.

The December 26, 1968 agreement is for the use of Niagara's transmission facilities by Rochester for the purpose of connecting Rochester's Gina Nuclear Plant into the New York Cross-State transmission system. The June 4, 1981 agreement revises the rate to be paid by Rochester for the use of Niagara's facilities. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of October 1, 1980.

Copies of the filing were served upon the Rochester Gas and Electric Corporation and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-21481 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-399-000]

Northern Natural Gas Company, Division of InterNorth, Inc.; Application

July 20, 1981.

Take notice that on June 29, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-399-000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon and remove certain facilities near Carlton, Minnesota, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the emergency interconection with Great Lakes Gas Transmission Company (Great Lakes) near Carlton, Minnesota, known as the Carlton interconnection no longer has the capacity capabilities needed to measure the volumes being exchanged with Great Lakes. Applicant further states that since 1973 said volumes have been measured through the facilities of Great Lakes. It is stated that inadvertently Applicant abandoned and removed two 10-inch orfice meter runs on November 11, 1980.

Applicant indicates that the cost of removing the meter runs was $500 which was finances from cash on hand.

Applicant, therefore, requests permission and approval to abandon the two 10-inch meter runs.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21482 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4673-000]

Oconto Electric Power & Light Cooperative; Application for Preliminary Permit

July 17, 1981.

Take notice that the Oconto Electric Power & Light Cooperative (Applicant) filed on May 15, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4673 known as the Pulcifer Dam Waterpower Project located on the Oconto River in Shawano County, Wisconsin. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Donohue & Assoc., P.O. Box 1067, 4738 North 40th Street, Sheboygan, Wisconsin 53081, Attention: Mr. Ananta Nath.

Project Description—The proposed project would consist of: (1) The removal of an existing 150-foot rock and gravel filled timber crib, and a new concrete gravity control section. The proposed dam after replacement of a new section will have a 24.5-foot height and a 510-foot length; (2) an existing reservoir with a 670 acre surface area, 10,080 acre-feet storage capacity, and a 678 square-mile drainage area; (3) a proposed powerhouse containing generating units having an installed 825 kW capacity and an estimated 4,100,000 kWh annual energy production; (4) a proposed 7,000-foot long, 12,470 volt transmission line to be interconnected with an existing Oconto Electric Cooperative 12-kV transmission line; and (5) appurtenant facilities.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $27,300.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *September 17, 1981*, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all copital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be

filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21465 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-141-000]

Potomac Edison Co.; Compliance Filing

July 20, 1981.

Take notice that on May 8, 1981, The Potomac Edison Company (Potomac Edison) submitted for filing a compliance report in accordance with the Commission's Order of April 8, 1981. Potomac Edison submitted revised tariff sheets Second Revised Sheet Nos. 9, 12, and 15 under FERC Electric Tariff, Second Revised Volume II replacing those originally tendered for filing on November 24, 1980. According to Potomac Edison, the compliance report reflects (1) revisions of Statements BG and BH for Periods I and II resulting in the elimination of the "adjustment factor" and the inclusion of a new bill comparison summarizing present and proposed revenues, (2) the elimination of lime and calcilox expenses from Period II fuel clause revenues in Revised Statements BG and BH, (3) the recalculation of the fuel cost adjustment factors in Revised Statement BI for Period II and (4) that the refund ordered in Ordering Paragraph (c) is not required because lime and calcilox expenses included in fuel charge calculations have never been included in billing calculations of the fuel cost adjustment factor.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before August 3, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21466 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4794-000]

Robert Thompson; Application for Preliminary Permit

July 17, 1981.

Take notice that Mr. Robert Thompson (Applicant) filed on June 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4794 to be known as the Hat Creek Hereford Ranch Power Project located on Hat Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert Thompson, Rt. 2, Box 655, Hat Creek, California 96040.

Project Description—The proposed project would consist of: (1) A 5-foot high diversion structure across the Hat Creek; (2) a 3,000-foot long open flume; (3) a 1,200-foot long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 700 kW; and (5) a 600-foot long transmission line connecting the powerhouse to an existing Pacific Gas and Electric transmission line. The Applicant estimates that the average annual energy output would be 5.9 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24 month permit to prepare a project report including results of geological, environmental and economic feasibility studies. No new roads are needed to complete the studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State and local agencies, preparing a license application, conducting final field surveys and preparing designs is estimated by the Applicant to be $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *September 17, 1981*, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21467 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4795-000]

Siskiyou County Flood Control and Water Conservation District; Application for Preliminary Permit

July 17, 1981.

Take notice that Siskiyou County Flood Control and Water Conservation District (Applicant) filed on June 3, 1981, an application for preliminary permit

[pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4795 known as the McKinney Hydroelectric Project located on McKinney Creek in Siskiyou County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Dave A. Gravenkamp, District Engineer, Siskiyou County Flood Control and Water Conservation District, 305 Butte Street, Yreka, California 96097; and Mr. Frank J. DeMarco, District Counsel, 304 Lane Street, P.O. Box 659, Yreka, California 96097.

Project Description—The proposed project would consist of: (1) a 5-foot high, 90-foot long diversion dam; (2) a 7,000-foot long open channel conduit; (3) a 1,100-foot long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 3,500 kW; and (5) appurtenant facilities. The Applicant estimates that the annual energy output to be 14 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with the Fedeal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications—This application was filed as a competing application to the Consolidated Hydroelectric, Inc.'s Project No. 4230 filed on February 20, 1981, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 13, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4795. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21468 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. G-4715-004]

Southern Natural Gas Co. and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Petition To Amend

July 17, 1981.

Take notice that on July 2, 1981, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. G-4715-004 a joint petition to amend the order issued April 6, 1977,[1] as amended, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an increase in the maximum volume that Southern may deliver to Tennessee for exchange at the existing Carthage delivery point and to authorize the exchange of natural gas at an additional point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that by the order issued April 6, 1977, as amended, they were authorized to exchange gas at various points on their respective pipeline systems. Petitioners further assert that they have entered into an agreement on November 18, 1980, to amend their general exchange agreement dated November 5, 1976, so as to increase the maximum volume that Southern may deliver to Tennessee for exchange at the existing Carthage delivery point from the currently authorized volume of 5,000 Mcf per day to 15,000 Mcf per day. It is averred that under the November 18, 1980, agreement Petitioners further propose to add an existing point of interconnection between their respective pipeline systems known as the Rose Hill meter station in Clarke County, Mississippi, as an additional point of exchange.

Petitioners state that the proposed amendments would not affect Southern's or Tennessee's respective pipeline system daily design capacity and would enhance the operational flexibility of Petitioners' respective pipeline systems. Furthermore, Petitioners assert that the proposed amendments would not adversely affect either party's ability to serve its existing customers.

Petitioners assert that no new facilities are required to effectuate the proposed change.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21469 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

[Docket No. CP81-395-000]

Sugar Bowl Gas Corp.; Petition for Declaratory Order

July 20, 1981.

Take notice that on June 18, 1981, Sugar Bowl Gas Corporation (Petitioner), 1200 Milam Street, Suite 3310, Houston, Texas 77002, filed in Docket No. CP81-395-000 a petition pursuant to § 1.7(c) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(c)) for a declaratory order disclaiming jurisdiction over the transportation of natural gas by Petitioner on behalf of Columbia Gas Transmission Corporation (Columbia) or, in the alternative, for authorization pursuant to § 284.127 of the Commission's Regulations to transport natural gas on behalf of Columbia for a period in excess of two years, all as more fully set forth in the petition for declaratory order which is on file with the Commission and open to public inspection.

Petitioner proposes to transport volumes of natural gas to Union Carbide Corporation (UCC) on behalf of Columbia pursuant to a pre-existing gas transportation agreement between Petitioner and UCC. Under such agreement, it is submitted, Petitioner would transport volumes of natural gas produced from lands and leaseholds owned by UCC in Louisiana and volumes purchased in Louisiana by UCC to UCC's plant in Taft, Louisiana.

Petitioner states that UCC has requested Columbia to receive its excess ethane in Kanawha County, West Virginia, and transport equivalent quantities of natural gas in exchange for ultimate delivery to UCC's Taft, Louisiana, plant and that UCC has subsequently requested Petitioner to take for UCC's account natural gas at the outlet of Exxon Corporation's Garden City Plant in St. Mary Parish, Louisiana. It is further stated that delivery of such volumes to Petitioner would be effectuated by a reduction in Columbia's scheduled receipts of natural gas at the Garden City plant and that the volumes which Petitioner would receive would be volumes presently being sold to Columbia pursuant to authorization under the Natural Gas Act.

Petitioner estimates that the maximum daily and total quantities of gas to be transported would be 16,200 dekatherms (dt) equivalent and 17,739,000 dt equivalent, respectively.

Petitioner also submits that it would charge 17.0 cents per million Btu for such transportation service.

Petitioner asserts that it would only participate in the above-described transportation arrangement if such participation would not prejudice Petitioner's intrastate status or violate the terms of its contract with UCC.

Petitioner, therefore, requests that the Commission find that the gas to be transported by Petitioner is not comingled with gas transported or sold in interstate commerce, that Petitioner's participation in the proposed transportation arrangement would not affect its status as an intrastate pipeline, or in the alternative, Petitioner requests that the Commission authorize Petitioner to transport gas on behalf of an interstate pipeline pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 and Part 284, Subpart C of the Commission's Regulations.

Any person desiring to be heard or to make any protest with reference to said petition should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21483 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4596-000]

Utah Municipal Power Agency; Application for Preliminary Permit

July 20, 1981.

Take notice that Utah Municipal Power Agency (Applicant) filed on April 27, 1980 an application for preliminary permit [pursuant to the Federal Power Act, 16, U.S.C. 791(a)-825(r)] for Project No. 4596-000 known as the Joes Valley Dam Hydroelectric Project located on Seely Creek in Emery County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Grant Whitehead, Chairman, Utah Municipal Power Agency, 345 North 200 East, Springville, Utah 84663.

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Joes Valley Dam and would consist of: (1) a powerhouse containing two generating units with rated capacities of 1000 and 3000 kW respectively; (2) a penstock; (3) a 12,500 volt 3-phase transmission line; and (4) appurtenant facilities. Applicant estimated that the average energy output would be 7,500,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environemntal impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $40,000.

Competing Applications—This Application was filed as a competing application to the Joes Valley Dam Project No. 3824 filed on December 4, 1980 by Continental Hydro Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but

only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of the notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-21452 Filed 7-21-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-595-000]

Washington Water Power Co.; Filing

July 20, 1981.

The filing Company submits the following:

Take notice that on July 9, 1981 The Washington Water Power Company (Washington) tendered for filing copies of a service schedule applicable to what Washington refers to as a "Letter Agreement" between Washington and Pacific Power & Light Company which applies to the exchange of energy between the parties. Washington would deliver surplus energy to Pacific Power & Light Company during the months of March and April, 1981. Pacific Power & Light Company would return the amount of energy delivered by Washington divided by 1.45 during the period of July through December 1981. The Agreement terminates December 31, 1981.

Washington requests that the requirements of prior notice be waived and the effective date be made retroactive to March 1, 1981, adding that there would be no effect upon purchasers under other rate schedules.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before August 7, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-21454 Filed 7-21-81; 8:45 am]
BILLING CODE 6450-85-M

Office of Hearings and Appeals

Cases Filed Week of June 29 through July 2, 1981

During the week of June 29 through July 2, 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 C.F.R. 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.

July 16, 1981.

George B. Breznay,
Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of June 29 through July 2, 1981]

Date	Name and location of applicant	Case No.	Type of submission
June 29, 1981	Cladouhos & Brashares, Washington, D.C	BFA-0699	Appeal of Information Request Denial. If granted: The June 12, 1981 Information Request Denial issued by the DOE Office of Safeguards and Securities would be rescinded, and Cladouhos & Brashares would receive access to the Intrusion Detection Systems Handbook.
June 29, 1981	Keystone Fuel Oil Co., Washington D.C	BFA-0700	Appeal of Information Request Denial. If granted: The May 28, 1981 Information Request Denial issued by the Office of Enforcement of the Economic Regulation Administration would be rescinded, and Keystone Fuel Oil Company would receive access to certain DOE information.
June 30, 1981	DOE/Mid-Atlantic Legal Foundation, Philadelphia, Pa	BEH-0214	Request for Evidentiary Hearing. If granted: An evidentiary hearing would be convened in connection with a reconsideration of the Freedom of Information Act Appeal Decision issued to Mid-Atlantic Legal Foundation by the Office of Hearings and Appeals on April 3, 1980. The Decision was remanded to the DOE by the U.S. District Court for the Eastern District of Pennsylvania on April 29, 1981.
June 30, 1981	Federal Document Retrievals, Inc., Washington, D.C	BFA-0701	Appeal of Information Request Denial. If granted: The June 10, 1981 Information Request Denial issued by the DOE Office of Resource Control and Administration would be rescinded, and Federal Document Retrievals, Inc. would receive access to documents submitted in connection with Request for Proposal No. 61.1.1-00-37.
July 1, 1981	Basin, Inc., Midland, Tex	BEE-1670	Price Exception. If granted: Basin, Inc. would receive an exception from the provisions of 10 CFR 212.131 regarding recertification of crude oil.
July 1, 1981	Fenix 7 Scisson, Inc., Washington, D.C	BFA-0703	Appeal of Information Request Denial. If granted: The June 24, 1981 Information Request Denial issued by the Acting DOE Inspector General would be rescinded, and Fenix & Scisson, Inc. would receive access to a copy of the April 30, 1981 memorandum entitled "Review of the Management of Naval Petroleum Reserve No. 3 by Fenix & Scisson, Inc."
July 1, 1981	Jones, Day, Reavis & Pogue (Wilderotter), Washington, D.C.	BFA-0702	Appeal of Information Request Denial. If granted: The June 18, 1981 Information Request Denial issued by the Economic Regulatory Administration would be rescinded, and Jones, Day, Reavis & Pogue would receive access to information regarding the Entitlements Notice for the month of January 1981.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of June 29 through July 2, 1981]

Date	Name and location of applicant	Case No.	Type of submission
July 1, 1981	Office of Special Counsel, Washington, D.C	BRD-0125	Motion for Discovery. If granted: Discovery would be granted to the Office of Special Counsel regarding disputed factual matters in connection with the Statement of Objections submitted by Atlantic Richfield Company in response to the Proposed Remedial Order (Case No. DRO-0193) issued to the firm on May 1, 1979.
July 1, 1981	Office of Special Counsel, Washington, D.C	BRD-0126	Motion for Discovery. If granted: Discovery regarding Atlantic Richfield Company's "corporate state of mind" in applying the crude oil pricing regulations would be granted to the Office of Special Counsel in connection with OSC's Response to the Statement of Objections submitted by ARCO in response to the Proposed Remedial Order (Case No. DRO-0193) issued to the firm on May 1, 1979.
July 1, 1981	R. L. Burns Corp., Washington, D.C	BRD-1432	Motion for Discovery.
		BRH-1432	Request for Evidentiary Hearing. If granted: Discovery would be granted to R. L. Burns Corporation and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by the firm in response to the March 26, 1981 Proposed Remedial Order (Case No. BRO-1432) issued to the firm by the San Antonio Audit Group of the Economic Regulatory Administration.
July 2, 1981	Midwest Solvents Co., Inc., Atchison, Kans	BEE-1671	Exception from the Entitlements Program. If granted: Midwest Solvents Company, Inc. would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements obligations.

[FR Doc. 81-21325 Filed 7-21-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-5-FRL 1889-8]

Columbus and Southern Ohio Electric Co., Franklin County, Ohio; Final Determination

In the matter of the applicability of Title I, Part C of the Clean Air Act (the Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Columbus and Southern Ohio Electric Company (CSOE), Walnut Substation, Franklin County, Ohio.

On August 7, 1978, CSOE submitted an application to the U.S. Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct four oil-fired peaking turbines. The application was submitted pursuant to the regulations for PSD.

On August 10, 1979, CSOE was notified that its application was complete and preliminary approval was granted.

On July 18, 1980, U.S. EPA published notice of its decision to grant a preliminary approval to CSOE. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by CSOE, the Company was notified on April 8, 1981, that U.S. EPA had determined that the proposed new construction in Franklin County, Ohio would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve CSOE of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and, therefore, a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed.

For further information contact David A. Ullrich, Acting Chief, Air Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2081.

Valdas V. Adamkus,

Acting Regional Administrator, Region V.

Environmental Protection Agency; Region V

In the matter of Columbus and Southern Ohio Electric Company in Franklin County, Ohio, Walnut Substation, Proceeding Pursuant to the Clean Air Act, as amended. Approval to Construct EPA-5-A-81-5.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* (the Act), and the June 19, 1978 and August 7, 1980, Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The Columbus and Southern Ohio Electric Company (CSOE) plans to construct a combustion turbine peaking facility at the Walnut site which will house four turbine units, each with a 70.3 Megawatt peak capacity, for a total peak capacity of 281, Megawatts. Each turbine is projected to operate for 2380 hours per year. The oil storage tank of the fixed roof design will have a 4,200,000 gallon capacity. The substation will be located in Franklin County, Ohio, near the Village of Groveport.

2. The section of Franklin County in which the Walnut substation site is located has been designated as an attainment area for particulate matter (TSP) and nitrogen oxides (NO_x). The area has been designated as nonattainment for carbon monoxide (CO), hydrocarbons (HC), and sulfur dioxide (SO_2). For the purpose of this review, CSOE demonstrated that the area in which the proposed facility will be situated is in attainment for CO and SO_2 and will not adversely affect nearby nonattainment areas. Franklin County is a Class I area as determined pursuant to Section 162 of the Act.

3. The newpeaking substation was determined to be subject to further PSD review for SO_2, NO_x, and CO. Allowable emissions for SO_2, NO_x, and CO were calculated to be 2267, 1250, and 495 tons per year respectively.

4. CSOE submitted a PSD application for the Walnut substation to the U.S. Environmental Protection Agency (U.S. EPA) on August 7, 1978. The application was determined to be complete and preliminary approval was issued on August 10, 1979.

5. On July 18, 1980, public notice appeared in the *Columbus Dispatch*. No public comments were received and no public hearing was requested.

6. The source will be using best available control technology for all three pollutants.

7. The PSD increment and/or the National Ambient Air Quality Standards will not be jeopardized by the operation of the facility.

Conditions for Approval

8. Nitrogen oxide (NO_x) emissions from each turbine shall not exceed 0.0075 percent by volume (75 ppm) at 15 percent oxygen on a dry basis.

9. The No. 2 fuel oil shall not contain sulfur in excess of 0.5 percent by weight.

Conditions 8 and 9 represent the application of BACT as required by Section 165 of the Act.

10. Operation of each new turbine shall not exceed 2380 hours per calendar year.

Condition 10 is required under Section 165 of the Act.

11. Any change in CSOE's application for PSD approval of the proposed new substation might alter U.S. EPA's conclusion, therefore, any change must receive the prior written authorization of U.S. EPA.

12. No construction activity shall take place at the Walnut site should CSOE select the alternate Hayden site for construction of the peaking unit. U.S. EPA will consider any construction activity upon both sites as a change in CSOE's application, thus requiring U.S. EPA's prior written authorization.

Approval

13. Approval to construct the combustion turbine peaking substation at the Walnut site is hereby granted to CSOE, subject to the conditions expressed herein and consistent with the materials and data filed by CSOE. Any departure from the conditions of this approval or the terms expressed in the data filed by CSOE, must receive the prior written authorization of U.S. EPA.

14. On December 14, 1979, the United States Court of Appeals for the District of Columbia Circuit handed down its final opinion in the case of *Alabama Power Co.* v. *Douglas M. Costle*, 606 F.2d 1068 (1979, which has significant impact on the U.S. EPA PSD program. The new PSD regulations which were promulgated on August 7, 1980, at 45 F.R. 52676 may affect future actions under PSD with respect to the substation.

15. This approval to construct does not relieve CSOE of the responsibility to comply with all Federal, State and local regulations and requirements, including the applicable State Implementation Plan.

16. This approval is effective immediately. This approval to construct shall become invalid, if construction is not commenced within 18 months after receipt of this approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA 5 days after construction is commenced.

17. A copy of this approval has been sent to the Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, 10th Floor, Columbus, Ohio 43216.

Dated: April 8, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21405 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-38-M

[EN-5-FRL-1890-3]

Columbus and Southern Ohio Electric Co., Franklin County, Ohio; Final Determination

In the matter of the applicability of Title I, Part C of the Clean Air Act (the Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Columbus and Southern Ohio Electric Company (CSOE), Hayden Substation, Franklin County, Ohio.

On August 7, 1978, CSOE submitted an application to the U.S. Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct four oil-fired peaking turbines. The application was submitted pursuant to the regulations for PSD.

On August 10, 1979, CSOE was notified that its application was complete and preliminary approval was granted.

On July 18, 1980, U.S. EPA published notice of its decision to grant a preliminary approval to CSOE. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by CSOE, the Company was notified on April 8, 1981, that U.S. EPA had determined that the proposed new construction in Franklin County, Ohio would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve CSOE of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and, therefore, a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact David A. Ullrich, Acting Chief, Air Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353-2081.

Valdas V. Adamkus,

Acting Regional Administrator, Region V.

ENVIRONMENTAL PROTECTION AGENCY

Region V

In the matter of Columbus and Southern Ohio Electric Company in Franklin County, Ohio, Hayden Substation. Proceeding pursuant to the Clean Air Act, as amended. Approval to Construct. EPA-5-A-81-4.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* (the Act), and the June 19, 1978 and August 7, 1980, Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The Columbus and Southern Ohio Electric Company (CSOE) plans to construct a combustion turbine peaking facility at the Hayden site which will house four turbine units, each with a 70.3 Megawatt peak capacity, for a total peak capacity of 281 Megawatts. Each turbine is projected to operate for 2380 hours per year. The oil storage tank of the fixed roof design will have a 4,200,000 gallon capacity. The substation will be located in Franklin County, Ohio, near the Village of Hilliard and 0.8 mile east of the Madison County line.

2. The section of Franklin County in which the Hayden substation site is located has been designated as an attainment area for sulfur dioxide (SO_2), particulate matter (TSP), and nitrogen oxides (NO_x). The area has been designated as nonattainment for carbon monoxide (CO) and hydrocarbons (HC). For the purpose of this review, CSOE demonstrated that the area in which the proposed facility will be situated is in attainment for CO and will not adversely affect nearby nonattainment areas. Franklin County is a Class II area as determined pursuant to Section 162 of the Act.

3. The new peaking substation was determined to be subject to further PSD review for SO_2, NO_x, and CO. Allowable emissions for SO_2, NO_x, and CO were calculated to be 2267, 1250, and 495 tons per year respectively.

4. CSOE submitted a PSD application for the Hayden substation to the U.S. Environmental Protection Agency (U.S. EPA) on August 7, 1978. The application was determined to be complete and preliminary approval was issued on August 10, 1979.

5. On July 18, 1980, public notice appeared in the *Columbus Dispatch*. No public comments were received and no public hearing was requested.

6. The source will be using the best available control technology for all three pollutants.

7. The PSD increment and/or the National Ambient Air Quality Standards will not be jeopardized by the operation of the facility.

Conditions for Approval

8. Nitrogen oxide (NO_x) emissions from each turbine shall not exceed 0.0075 percent by volume (75 ppm) at 15 percent oxygen on a dry basis.

9. The No. 2 fuel oil shall not contain sulfur in excess of 0.5 percent by weight.

Conditions 8 and 9 represent the application of BACT as required by Section 165 of the Act.

10. Operation of each new turbine shall not exceed 2380 hours per calendar year.

Condition 10 is required under Section 165 of the Act.

11. Any change in CSOE's application for PSD approval of the proposed new substation might alter U.S. EPA's conclusion, therefore, any change must receive the prior written authorization of U.S. EPA.

12. No construction activity shall take place at the Hayden site should CSOE select the alternate Walnut site for construction of the peaking unit. U.S. EPA will consider any construction activity upon both sites as a change in CSOE's application, thus requiring U.S. EPA's prior written authorization.

Approval

13. Approval to construct the combustion turbine peaking substation at the Hayden site is hereby granted to CSOE, subject to the conditions expressed herein and consistent with the materials and data filed by CSOE. Any departure from the conditions of this approval or the terms expressed in the data filed by CSOE, must receive the prior written authorization of U.S. EPA.

14. On December 14, 1979, the United States Court of Appeals for the District of Columbia Circuit handed down its final opinion in the case of *Alabama Power Co.* v. *Douglas M. Costle*, 606 F.2d 1068 (1979), which has significant impact on the U.S. EPA PSD program. The new PSD regulations which were promulgated on August 7, 1980, at 45 F.R. 52676 may affect future actions under PSD with respect to the substation.

15. This approval to construct does not relieve CSOE of the responsibility to comply with all Federal, State and local regulations and requirements, including the applicable State Implementation Plan.

16. This approval is effective immediately. This approval to construct shall become invalid, if construction is not commenced within 18 months after receipt of this approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA 5 days after construction is commenced.

17. A copy of this approval has been sent to the Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 East Broad Street, 10th Floor, Columbus, Ohio 43216.

Dated: April 8, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21404 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-38-M

[A-S-FRL 1889-7]

Conoco Inc., Noble County, Ohio; Final Determination

In the matter of the applicability of Title I, Part C of the Clean Air Act (the Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Conoco Incorporated (Conoco), Noble County, Ohio.

On May 27, 1980, Conoco submitted an application to the U.S. Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct a coal gasification demonstration plant. The application was submitted pursuant to the regulations for PSD.

On August 13, 1980, Conoco was notified that its application was complete and preliminary approval was granted.

On October 23, 1980, U.S. EPA published notice of its decision to grant a preliminary approval to Conoco. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by Conoco, the Company was notified on February 23, 1981, that U.S. EPA had determined that the proposed new contruction in Noble County, Ohio would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve Conoco of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petititon for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact David A. Ullrich, Acting Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353-2081.

Valdas V. Adamkus,

Acting Regional Administrator, Region V.

Environmental Protection Agency

Region V

In the matter of Conoco Incorporated, Pipeline Gas Demonstration Plant, Noble County, Ohio. Proceeding pursuant to the Clean Air Act, as amended. Approval to construct. EPA-5-A-81-2.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. Conoco Incorporated proposes to construct a coal gasification demonstration plant in Noble County, Ohio. The proposed plant consists of process units, off-site units and support facilities. The process is based upon the British Gas/Lurgi Slagging Gasifier. Two gasifiers will be present in the demonstation plant; only one will be operated at a time, with the other serving gas as a back-up unit. Other processes contain a single train.

2. Feedstock preparation, acid-gas removal, air spearation, carbon dioxide removal, and gas drying and compression steps utilized commercially proven technology. All by-product processing units and the off-site facilities are based on commercially proven technology.

3. Conoco Incorporated's proposed plant is to be constructed in a rural area within Noble County, Ohio. The proposed demonstration plant will be located in an attainment area for sulfur dioxide (SO_2), nitrogen oxides (NO_x) and carbon monoxide (CO) and an unclassifiable area for total suspended particulate (TSP) and ozone (O_3).

4. The proposed construction is subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act.

5. Based on the maximum allowable emissions, the proposed demonstration plant is a major source for SO_2 and NO_x. The U.S. Environmental Protection Agency (U.S. EPA) performed a PSD review for both pollutants.

6. Conoco Incorporated submitted a PSD application to the U.S. EPA on May 27, 1980. On August 13, 1980, the application was determined to be complete and preliminary approval was granted.

7. On October 23, 1980, notice was published in *The Journal-Leader* (Caldwell, Ohio) seeking comments from the public on Conoco Incorporated's application and the U.S. EPA's preliminary approval of the proposed modification. No public comments were received and a public hearing was not requested.

8. The U.S. EPA has determined that Conoco Incorporated will employ Best Available Control Technology (BACT) to control emissions.

9. After review and analysis of the material submitted by Conoco Incorporated, the U.S. EPA has determined that the emissions from the proposed demonstration plant will not violate the applicable air quality increments as promulgated in 40 CFR 52.21.

Conditions for Approval

10. The emission rate for particulates should not exceed the limitation of 0.06 pounds per million Btu of heat input to the boilers.

The fuel oil burned in the boilers shall contain less than 0.5 percent sulfur by weight.

12. The emission rate for sulfur dioxide shall not exceed the limitation of 1.6 pounds per million Btu of heat input to the boilers.

13. The emission rate for nitrogen oxides shall not exceed the limitation of 0.6 pounds per million Btu of heat input to the boilers.

14. To assure that the limitations are met, stack testing by means of U.S. EPA-approved methods shall be conducted by the applicant after installation of the appropriate control equipment. A notice of such tests shall be forwarded to the U.S. EPA 30 days prior to the tests' actual performance.

15. The applicant shall not alter the design stack parameters identified in its application including exit gas temperature, exit gas velocity, stack diameter and stack height. The air quality analysis relies heavily on the combination of stack parameters, control devices and emission limitations such that any change in these factors could alter the results of the air quality analysis. Therefore, design changes must receive written authorization of the U.S. EPA.

Conditions 10 through 13 represent the application of BACT as required by Section 165 of the Act. Conditions 14 and 15 are necessary to ensure that on a continual basis, emissions from Conoco Incorporated do not violate Class II increments for SO^2, and the emission standards established in Condition 10 through 13 are not violated.

Approval

16. Approval to construct the coal gasification demonstation plant is hereby granted to Conoco Incorporated subject to the conditions expressed herein and consistent with the materials and data filed by the Company. Any departure from the conditions of this approval or the terms expressed in the data filed by Company, must receive the prior written authorization of U.S. EPA.

17. On December 14, 1979, the U.S. Court of Appeals for the D.C. Circuit handed down its final opinion in the case of *Alabama Power Co.* v. *Douglas M. Costle* (78–1006 and consolidated cases) which has significant impact on the U.S. EPA PSD program. The new PSD regulations which were promulgated on August 7, 1980, at 45 F.R. 52735, may affect future actions under PSD with respect to the Conoco Incorporated demonstration plant.

18. This approval to construct does not relieve Conoco Incorporated of the responsibility to comply with the control strategy and all local, State and Federal requirements.

19. This approval is effective immediately. This approval to construct shall become invalid, if construction of the coal gas demonstration plant is not commenced within 18 months after receipt of this approval or if expansion is discontinued for a period of 18 months or more. The administrator may extend such time period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA five days after construction is commenced.

20. A copy of this approval has been forwarded to the Caldwell Public Library, Court House, Caldwell, Ohio 43724.

Dated: February 23, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21403 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-38-M

[EN-5-FRI-1890-4]

Stone Container Corp., Coshocton County, Ohio; Final Determination

In the matter of the applicability of Title I, Part C of the Clean Air Act (the Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Stone Container Corporation, Coshocton County, Ohio.

On December 21, 1979, Stone Container Corporation submitted an application to the U.S. Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct a combination wood waste/natural gas-fired boiler. The application was submitted pursuant to the regulations for PSD.

On September 19, 1980, Stone Container Corporation was notified that its application was complete and preliminary approval was granted.

On January 9, 1981, U.S. EPA published notive of its decision to grant a preliminary approval to Stone Container Corporation. No comments or request for a public hearing were received.

After review and analysis of all materials submitted by Stone Container Corporation, the Company was notified on February 27, 1981, that U.S. EPA had determined that the proposed new construction in Coshocton, Ohio would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construction does not relieve Stone Container Corporation of the responsiblity to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and, therefore, a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petition for review must be filed.

For further information contact David A. Ullrich, Acting Chief, Air Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–2081.

Valdas V. Adamkus,

Acting Regional Administrator, Region V.

In the matter of Stone Container Corporation, Coshocton, Ohio Facility. Proceeding pursuant to the Clean Air Act, as amended. Approval to Construct. EPA–5–A–81–3.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The Stone Container Corporation proposes to install a 516.6 million Btu/hr. combination wood waste/natural gas-fired boiler at its Coshocton, Ohia facility. The proposed combination boiler will replace four existing package steam boilers fired by oil and/or natural gas.

2. The proposed combination boiler will provide the entire steam for the plant. The existing No. 5 boiler firing distillate No. 2 fuel will be retained as a stand-by unit to provide heat during the regularly scheduled yearly maintenance shut-down of the main boiler.

3. Stone Container's facility is located in Coshocton County, Ohio. Coshocton County has been designated attainment for total suspended particulate (TSP), carbon monoxide (CO), nitrogen Dioxide (NO_2), ozone (O_3) and sulfur dioxide (SO_2) pursuant to Section 107 of the Act.

4. The proposed modification is subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act.

5. Based on the maximum allowable emissions, the proposed boiler is a major source for TSP, NO_x, HC and CO. The U.S. Environmental Protection Agency (U.S. EPA), Region V, performed a PSD review for TSP, NO_x, HC and CO.

6. Stone Container submitted a PSD application to the U.S. EPA on December 21, 1979. On September 19, 1980, the application was determined to be complete and preliminary approval was granted.

7. On January 9, 1981, notice was published in *The Coshocton Tribune* seeking comments from the public on Stone Container's application and the U.S. EPA's preliminary approval of the proposed modification. No public comments were received and a public hearing was not requested.

8. For particulate emissions, Stone Container proposes to install a multi-cyclone dust collector followed by a wet Venturi scrubber.

9. After review and analysis of the material submitted by Stone Container, the U.S. EPA has determined that the emissions from the proposed Stone Container wood waste/natural gas boiler will not violate the National Ambient Air Quality Standards (NAAQS) within the vicinity of the Stone Container facility. TSP emissions will not exceed the Class II PSD increment.

Conditions for Approval

10. Operation of Boiler No. 5 shall be restricted to the regularly scheduled yearly maintenance period and to emergency shutdowns of the new wood waste combination boiler. At no time should Boiler No. 5 and the combination boiler be allowed to operate simultaneously.

11. The new boiler shall not exceed 516.6 million Btu per hour heat input.

12. The new boiler shall be equipped with a multi-clone followed by a Venturi scrubber. Their combined efficiency for removal of particulate matter shall be no less than 98.5%.

13. Maximum emissions from the new boiler are restricted to the following limitations:

Particulate: 0.06 lbs/MMBtu actual heat input
SO_2: 0.02 lbs/MMBtu actual heat input
CO: 0.20 lbs/MMBtu actual heat input
HC: 0.02 lbs/MMBtu actual heat input
NO_x: 0.38 lbs/MMBtu actual heat input

14. Boilers Nos. 1 through 4 shall be permanently shutdown when operation of the combination boiler commences.

15. The following controls on fugitive emissions shall be implemented and maintained:

(a) wet/oil suppression along unpaved roadways

(b) covered conveyors

(c) tied-down covers on all ash hauling trucks

(d) auxilliary baghouse or reinjection to boiler of particulate emissions from air washer atop ash silo.

16. To assure that the limitations are met, stack testing by means of U.S. EPA-approved methods shall be conducted by the applicant after installation of the appropriate control equipment. A notice of such tests shall be forwarded to the U.S. EPA 30 days prior to the tests' actual performance.

17. The applicant shall not alter the design stack parameters identified in its application including exit gas temperature, exit gas velocity, stack diameter and stack height. The air quality analysis relies heavily on the combination of stack parameters, control devices and emission limitations such that any change in these factors could alter the results of the air quality analysis. Therefore, design changes must receive written authorization of the U.S. EPA.

Conditions 12 and 13 represent the application of BACT as required by Section 165 of the Act. Conditions 16 and 17 are necessary to ensure that on a continual basis, emissions from Stone Container do not violate Class II increments for TSP, and the emission standards established in Condition 12 and 13 are not violated.

Approval

18. Approval to install the combination wood waste/natural gas-fired boiler is hereby granted to the Stone Container Corporation subject to the conditions expressed herein and consistent with the materials and data filed by the Company. Any departure from the conditions of this approval or the terms expressed in the data filed by the Company must receive the prior written authorization of U.S. EPA.

19. On December 14, 1979, The United States Court of Appeals for the District of Columbia Circuit handed down its final opinion in the case of *Alabama Power Co.* v. *Douglas M. Costle* (78–1006 and consolidated cases) which has significant impact on the U.S. EPA PSD program. The new PSD regulations which were promulgated on August 7, 1980, at 45 F.R. 52735, may affect future actions under PSD with respect to the Coshocton, Ohio facility.

20. This approval to construct does not relieve Stone Container of the responsibility to comply with the control strategy and all local State and Federal regulations which are part of the State Implementation Plan.

21. This approval is effective immediately. This approval to construct shall become invalid, if installation of the combination wood waste/natural gas-fired boiler is not commenced within 18 months after receipt of this approval or if expansion is discontinued for a period of 18 months or more. The administrator may extend such time period upon a satiscactory showing that an extension is justified. Notification shall be made to U.S. EPA five days after construction is commenced.

22. A copy of this approval has been forwarded to the Coshocton Public Library, Coshocton, Ohio 43812.

Dated: February 27, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21402 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-38-M

[A-5-FRL-1889-6]

Flambeau Paper Corp., Park Falls, Wisconsin; Final Determination

In the matter of the applicability of Title I, Part C of the Clean Air Act (the Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulagted thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Flambeau Paper Corporation, Park Falls, Wisconsin.

On December 21, 1980, Flambeau Paper Corporation submitted an application to the Wisconsin Department of Natural Resources (WDNR) for an approval to construct a combination coal-wood fired boiler. The application was submitted pursuant to the regulations for PSD.

On February 27, 1981, Flambeau Paper Corporation was notified that its application was complete and preliminary approval was granted.

On April 15, 1981, the WDNR and U.S. EPA published notice of its decision to grant a preliminary approval to Flambeau Paper Corporation. A public hearing was held by the WDNR on April 15, 1981. No adverse comments were received.

After review and analysis of all materials submitted by Flambeau Paper Corporation, the Company was notified on May 5, 1981, that U.S. EPA had determined that the proposed new construction in Park Falls, Wisconsin would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve Flambeau Paper Corporation of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307 (b)(1), petitions for review must be filed . . .

For further information contact David A. Ullrich, Acting Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–2081.

Valdas V. Adamkus,

Acting Regional Administrator, Region V.

In the matter of Flambeau Paper Corporation, Park Falls, Wisconsin. Proceeding pursuant to the Clean Air Act, as amended. Approval to Construct. EPA–5–A–81–6.

Authority

The approval to construct is issued to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.* (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. Flambeau Paper Corporation proposes to construct a steam generating station at its existing plant in Park Falls, Wisconsin. The proposed plant will include a coal/wood-fired boiler, with a maximum design capacity of 150,000 pounds per hour of steam. The proposed boiler will replace Boiler #2 which will be shut down.

2. Flambeau Paper Corporation is located in Park Falls, Wisconsin, which is designated an attainment area for all criteria pollutants. However, violations of both the primary and secondary National Ambient Air Quality Standard (NAAQS) for sulfur dioxide SO_2 were recorded in 1980. These violations were caused by mill operations at Flambeau Paper Corporation.

3. The proposed construction is subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act.

4. The Wisconsin Department of Natural Resoruces (DNR) and the Flambeau Paper Corporation have agreed that the proposed coal/wood/fired boiler should undergo review as a nonattainment source for SO_2 emissions.

5. Because of recent violation of the NAAQS for SO_2 at the existing plant, the proposed coal/wood-fired boiler was reviewed as a nonattainment area major source for SO_2, and the lowest allowable emission rate (LAER) must apply. Low sulfur coal will be burned. The sulfur content of the coal burned in the proposed coal/wood-fired boiler shall not exceed .78% sulfur. The sulfur content of the fuel used in the existing Boilers #4 and #5 shall not exceed 3.4% sulfur.

6. The proposed construction and modification of the existing plant is a major modification and is subject to a full PSD review for particulate matter, sulfur dioxide, nitrogen oxides and carbon monoxide. Emissions of particulate matter, nitrogen oxides and carbon monoxide exceed the level of significance. Therefore, best available control technology (BACT) must be utilized for all pollutants from modified or new sources resulting in a net emission increase greater than the specified significance or de-minimus levels. The plant will operate 24 hours a day, 7 days a week, 8,760 hours a year.

7. Flambeau Paper Corporation submitted a PSD application to the Wisconsin Department of Natural Resources on December 21, 1980; additional information was submitted on January 21, 1981 and February 11, 1981. The application was determined to be complete on February 27, 1981.

8. A public hearing was held on April 15, 1981, and no adverse public comments were received during the public comment period.

9. The potential tons per year of controlled emissions from the proposed coal/wood-fired boiler are as follows:

Boiler fired with 80 percent wood, 20 percent coal

Pollutant	Potential emissions (tons per year)
PM	62
SO_2	369
NO_x	746
CO	1014

Boiler fired with 100 percent coal

Pollutant	Potential emissions (tons per year)
PM	80
SO_2	1169
NO_x	679
CO	57

10. For particulate emissions, a multicyclone followed by a venturi scrubber and an impingement separator with an overall control efficiency of 99.0% will be used. The emission limitation will be 0.08# PM/10^6 BTU when firing the normal fuel mix of 80% wood/20% coal or any other wood/coal mix and 0.10# PM/10^6 BTU when firing 100% low sulfur coal. Emissions from the fuel handling facilities which include the coal preparation building, wood hogging and screening building, coal bunker, and wood storage bin has been determined to consist of baghouse filters with a design efficiency of 99.9%. The emission limitation will be 0.1#PM 10^3# gas. This method of control for a combinaiton coal/wood-fired boiler is considered BACT.

11. For sulfur dioxide emissions, an emission limitation of 1.2 #SO_2/10^6 BTU will be met burning a normal fuel mix of 80% wood/20% low sulfur coal without scrubbing. When burning 100% low sulfur coal, a caustic injection system will be utilized to scrub SO_2 from the flue gas. A continuous pH monitor will be utilized in conjunction with stack tests to determine the quantity of caustic to add to the scrubbing liquid in order to meet the emission limitation. This control method is considered LAER.

12. For nitrogen oxides, an emission limitation of 0.7 #NO_2/10^6 BTU has been determined to be appropriate BACT. The limitation will be met by controlling the air-fuel ratios and thus the combustion air temperature.

Excess air will be controlled with a zirconium oxide O_2 analyzer. Nitrogen oxides will also be absorbed by scrubber liquid when caustic is being added to the system. Overall control of 30–50% is expected to occur.

13. No emission limitations for carbon monoxide is applicable. BACT will consist of controlling the amount of excess air.

14. Fugitive dust from the fuel handling system will be controlled by enclosing the coal conveyors and spraying the coal pile(s) with a surfactant as needed to prevent visible emission. Ash will be wetted as it is loaded on the trucks utilized for disposal. All haul roads shall be paved and sprayed to reduce fugitive dust emissions to a minimum.

15. After review and analysis of the material submitted by Flambeau Paper Corporation, the U.S. Environmental Protection Agency (U.S. EPA) has determined that a emissions from the proposed boiler will not violate the NAAQS.

Conditions for Approval

16. Maximum heat input to the boiler shall at no time exceed 249 x 10^6 BTU/hr.

17. The emission rates for particulate shall not exceed the limitation of 0.08 #PM/10^6 BTU when firing the normal fuel mix of 80% wood and 20% low sulfur coal and any other wood and coal mix.

18. The emission rate for particulate shall not exceed the limitation of 0.10 #PM/10^6 BTU when firing 100% low sulfur coal.

19. The emission rate for particulate from the fuel handling facilities, which include the coal preparation building, wood hogging and screening building, coal bunker, and wood storage bin shall not exceed 0.1 #PN/10^3 gas.

20. Sulfur dioxide emissions from the boiler shall not exceed 1.2 #/10^6 BTU, when burning 100% coal or any combination of coal/wood fuel.

21. A continuous pH monitor shall be used when burning 100% low sulfur coal; in conjunction with stack tests to determine the quantity of caustic to add to the scrubbing liquid.

22. A caustic injection system shall be used to scrub SO_2 from the flue gas.

23. The sulfur content of the coal burned in the proposed boiler shall not exceed .78% sulfur, on a 24 hour basis.

24. The sulfur content of the fuel used in existing Boilers #4 and #5 shall not exceed 2.4% sulfur, on a 24 hours basis.

25. The operation of Boiler #2 shall cease and be shut down prior to start-up of the proposed coal/wood-fired boiler. SO_2 emissions shall be offset by a decrease of 2,592 tons of SO_2 per year from the existing mill.

26. The mill modernization project shall be completed prior to the start-up of the proposed coal/wood-fired boiler. The emissions from the digester blow tank, sulfur burner, six stage evaporators, and other SO_2 sources covered under the modernization project shall be vented through a wet scrubber which has a minimum of 90% control efficiency. The SO_2 emissions from the scrubber shall be limited to 65.4 pounds per hour. These emissions shall be vented at a height of 132.5 feet above ground.

27. The emission rate for nitrogen exides shall not exceed the limitation of 0.7 #NO_2/10^6 BTU. The air-fuel ratio and the air temperature will be controlled.

28. A zirconium oxide O_2 analyzer shall be used to control excess air.

29. Nitrogen oxides will be absorbed by scrubber liquid when caustic is being added to the system. Overall control of 30–50% is expected to occur.

30. No emission limitations for carbon monoxide is applicable. BACT will consist of controlling the amount of excess air.

31. There shall be no visible emissions from coal conveyors, coal elevators, or coal piles.

32. There shall be no emissions from the rail car receiving hopper.

33. The unloading of coal rail cars shall be executed in an enclosed building. Coal handling and processing (crushers, conveyors, transfer points, and bunkers) will be enclosed.

34. Emissions from the coal storage silos shall be controlled and shall not exceed 0.03 grains per cubic foot of displaced air.

35. Ash shall be wetted whenever it is loaded on the trucks utilized for disposal.

36. The trucks utilized for ash disposal shall be covered securely to prevent ash from

becoming airborne, and there shall be no visible emission.

37. All haul roads shall be paved and sprayed, as needed, to minimize fugitive dust emissions.

38. Based on the proposed boiler building dimensions, a 175 foot stack will be constructed.

Conditions 16 through 19 represent the application of BACT as required by Section 165 of the Act. Conditions 20 and 25 are necessary to ensure that on a continual basis, emissions from Flambeau Paper Corporation do not violate Class II increments for SO_2.

Approval

39. Approval to construct a steam generating plant is hereby granted to Flambeau Paper Corporation subject to the conditions expressed herein and consistent with the materials and data filed by the Company. Any departure from the conditions of this approval or the terms expressed in the data filed by the Company, must receive the prior written authorization of U.S. EPA and the Wisconsin DNR.

40. On December 14, 1979, the U.S. Court of Appeals for the D.C. Circuit handed down its final opinion in the case of *Alabama Power Co.* v. *Douglas M. Costle* (78-1006 and consolidated cases) which has significant impact on the U.S. EPA PSD program. The new PSD regulations which were promulgated on August 7, 1980, at 45 F.R. 52735, may affect future actions under PSD with respect to the steam generating plant.

41. This approval to construct does not relieve Flambeau Paper Corporation of the responsibility to comply with the control strategy and all local, State and Federal requirements.

42. This approval is effective immediately. This approval to construct shall become invalid, if construction of the steam generating plant is not commenced within 18 months after receipt of this approval or if expansion is discontinued for a period of 18 months or more. The administrator may extend such time period upon a satisfactory showing that an extension is justified. Notification shall be made to U.S. EPA five days after construction is commenced and five days after operations commence.

43. A copy of this approval has been forwarded to the Wisconsin Department of Natural Resources, Bureau of Air Management, P.O. Box 7921, Madison, Wisconsin 53707 and the Northwest District Office, P.O. Box 309, Spooner, Wisconsin 54801.

Dated: May 5, 1981

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21401 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-38-M

[EN-5-FRL-1882-1]

City of Detroit; Central Industrial Park Project—Detroit, Michigan; Applicability of New Source Review Regulations

AGENCY: Environmental Protection Agency, Region V.

ACTION: Final determination.

EFFECTIVE DATE: April 29, 1981.

SUMMARY: On April 24, 1981, the City of Detroit requested a formal determination from the United States Environmental Protection Agency (U.S. EPA) under the Agency's regulations for the Prevention of Significant Deterioration (PSD) and certain nonattainment area regulations (40 CFR 51.18) with regard to site clearing activities then being undertaken by the City of Detroit in conjunction with the Central Industrial Park Project. Set forth below is the Agency's April 29, 1981, determination of applicability.

As noted in the letter below, this determination may now be considered final agency action. As such, judicial review is available only by the filing of a petition for review in the United States Circuit Court of Appeals for the appropriate circuit within sixty (60) days from the date of this notice (September 21, 1981).

FOR FURTHER INFORMATION CONTACT: Louise C. Gross, Attorney, Enforcement Division, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604.

Valdas V. Adamkus,

Acting Regional Administrator, Region V.

United States Environmental Protection Agency, Region V

April 29, 1981.

Joseph M. Polito, Esquire,
Honigman, Miller, Schwartz and Cohen, 2290 First National Building, Detroit, Michigan.

Re: City of Detroit/General Motors Corporation, Central Industrial Park Project

Dear Mr. Polito: We are in receipt of your letter dated April 24, 1981, in which you have requested a formal determination from the United States Environmental Protection Agency (U.S. EPA) under the Agency's regulations for the Prevention of Significant Deterioration (PSD) (40 CFR 52.21) and certain nonattainment area regulations (40 CFR 51.18). More specifically, you have inquired as to whether either of these Federal rules prohibits the site clearing activities currently being undertaken by the City of Detroit in conjunction with the Central Industrial Park Project. After reviewing the information provided in your letter, as well as the applicable regulations, we have determined that the cited demolition activities do not fall within the Federal definitions of "begin actual construction" and are thus not prohibited by the Federal PSD or nonattainment regulations in question.

As you are aware, under the PSD rules, no subject stationary source or modification can "begin actual construction" prior to issuance of the appropriate permit. 40 CFR 52.21(i). On December 18, 1978, the Agency articulated its policy as to which activities could be conducted prior to receiving a necessary PSD permit. In a memorandum from Edward E. Reich, Director of the Division of Stationary Source Enforcement, to the ten U.S. EPA Regions, Mr. Reich concluded that certain limited activities would be allowed in all cases, and that this included site clearing. The memorandum distinguished those activities of a preparatory nature from those of a permanent nature (such as installation of building supports) for which a permit would be a prerequisite. Mr. Reich further stated that any such activities undertaken prior to permit issuance would be solely at the owner's or operator's risk. A copy of this document is attached for your information.

Under the August 7, 1980 PSD regulations, "begin actual construction" is defined as follows:

"Begin actual construction" means, in general, initiation of physical on-site construction activities on an emissions unit *which are of a permanent nature.* Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipework and construction of permanent storage structures. With respect to change in method of operation, this term refers to those *on-site activities other than preparatory activities* which mark the initiation of the change. 40 CFR 52.21(b)(11), 45 FR 52736. Emphasis added.

This definition is based upon Mr. Reich's December 18, 1978 memorandum, and was intended to embody in regulatory form the Agency's policy that site preparation activities do not trigger Federal PSD requirements.

In addition to defining "begin actual construction," the new PSD rules of August 7, 1980, also define the term "construction." 40 CFR 52.21(b)(8). This definition does include "demolition." It was not adopted, however, to subject site preparation activities to permit requirements. Rather, one purpose of this inclusion was to enable emission reductions resulting from demolition at major sources occurring after January 6, 1975, to be added to the available PSD increment. See 45 FR 52719-20, August 7, 1980.

In conclusion, U.S. EPA's PSD regulations do not prohibit the site clearing activities described in your April 24, 1981 letter without a permit, since the actions do not fall within the Federal definition of "begin actual construction." This definition is consistent with Mr. Reich's December 18, 1978 memorandum and is not affected by the addition of the term "demolition" to the definition of "construction."

In addition, the nonattainment regulations at 40 CFR 51.18 would not prohibit the demolition in question. Unlike the PSD regulations, they do not contain a prohibition against construction without a permit which applies directly to specific projects. Rather, 40 CFR 51.18 describes the elements that a State program for nonattainment new source review must contain in order to warrant U.S. EPA approval. Even if 40 CFR 51.18 did apply directly to specific projects, however, it would still not prohibit the demolition in this case because demolition does not fall within the phrase "begin actual construction" for nonattainment, as well as PSD, purposes.

Although 40 CFR 51.18 does contain a definition of "construction" which encompasses "demolition," U.S. EPA did not intend to render demolition a permittable event. The Agency included the definition of "construction" in an effort to be consistent with the PSD regulations.

Please be advised that this determination may be considered final agency action on your request for a final determination. As such, it will be published in the Federal Register. Under Section 307(b)(1) of the Clean Air Act, judicial review of this action will be available only by the filing of a petition for review in the United States Circuit Court of Appeals for the appropriate circuit within 60 days of Federal Register publication.

Sincerely yours,

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-21406 Filed 7-21-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL MARITIME COMMISSION

Organization and Functions

AGENCY: Federal Maritime Commission.

ACTION: Notice of Change of Bureau Name.

SUMMARY: Notice is given of redesignation of the Bureau of Investigation and Enforcement as the Bureau of Hearings and Field Operations.

EFFECTIVE DATE: July 14, 1981.

FOR FURTHER INFORMATION CONTACT: John Robert Ewers, 202-523-5783.

SUPPLEMENTARY INFORMATION: As a result of a redesignation of Bureau name on July 14, 1981 by the Chairman of the Federal Maritime Commission: The Bureau of Investigation and Enforcement is now The Bureau of Hearings and Field Operations (Effective July 14, 1981)

The renamed Bureau has the same authority as its predecessor, including the authority to compromise, assess, settle and collect civil penalties under 46 CFR part 505 and to appear in formal proceedings under Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42). Appropriate changes to the rules, regulations and others will appear soon.

Within the new Bureau, there have been designated the Office of Hearing Counsel and the Office of Investigations.

Accordingly, all communications and references to the Bureau should be addressed to and use the new name at the same address: 1100 L Street, NW., Washington, D.C. 20573, Tel: (202) 523-5783.

Francis C. Hurney,

Secretary.

[FR Doc. 81-21443 Filed 7-21-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

American Bancshares of Houma, Inc., Acquisition of Bank

American Bancshares of Houma, Inc., Houma, Lousiana, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 64.5 percent of the voting shares of American Bank and Trust Company of Houma, Houma, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be reserved not later than August 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 14, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-21385 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than August 10, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Citicorp, New York, New York (real estate lending activities; California): to expand the activities of two existing offices of its indirect subsidiary, Citicorp Homeowners, Inc., located in the cities of Van Nuys and Riverside, California. The proposed activities are the making, acquiring, and servicing, for its own account and for the account of others, of extensions of credit secured by liens on residential real estate. Previously approved activities of these offices are the making, acquiring and servicing of extensions of credit secured by second liens on residential real estate. The previously approved service areas of the offices, comprised of the entire State of California, would be the same for the new activities.

Citicorp, New York, New York (real estate lending activities District of Columbia and the following states: Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Maryland, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, Wyoming): to expand the activities of four existing offices of its subsidiary, Citicorp Homeowners, Inc., located in Denver, Colorado, Atlanta, Georgia, Dallas, Texas and Annandale, Virginia, and to expand the service areas of three of these offices. The proposed new activity for all four offices would be the making, acquiring, and servicing, for its own account and for the account of

others, of extensions of credit secured by liens on residential real estate. The previously approved activities of the offices include the originating, for its own account and the account of others, of 1–4 family residential mortgage loans. The Denver office also engages in the making, acquiring and servicing of extensions of credit secured by second liens on residential real estate. The proposed activities would be conducted in the District of Columbia and the following states: Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Maryland, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, Wyoming.

The Chase Manhattan Corporation, New York, New York (financing, servicing, insurance activities and sale of travelers checks at retail; California): to engage, through its subsidiary, Chase Manhattan Financial Services, Inc. in the making or acquisitioin for its own account and for the account of others, secured loans and other extensions of credit, including but not limited to, consumer and business lines of credit, installment loans for personal, household and business purposes, servicing of loans and other extensions of credit; the sale of travelers checks at retail; and acting as insurance agent for credit life, disability and property insurance directly related to such lending and servicing activities. These activities would be conducted from an office in San Diego, California, serving the State of California.

Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

First Arkansas Bankstock Corporation, Little Rock, Arkansas (real estate appraisal activities; Arkansas): to engage through its subsidiary, National Credit Corporation, in the activity of performing appraisals of all types of real estate. These activities would be conducted from an office in Pine Bluff, Arkansas, serving the State of Arkansas. Comments on this application must be received not later than August 3, 1981.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Bankamerica Corporation, San Francisco, California (data processing activities; Ohio, Georgia, Flordia, Alabama, Tennessee, Mississippi and Louisiana): to engage, through its subsidiary, Decimus Corporation, in storing and processing banking, financial or related economic data. Such activities will include, but not be limited to, account reconciliation, deposit accounting, general ledger accounting, loan accounting, credit union accounting and providing payroll, accounts receivable and payable, billing and other similar data processing services. These activities will be conducted from an existing data center located in Piscataway, New Jersey, and will be conducted in the States of Ohio, Georgia, Flordia, Alabama, Tennessee, Mississippi, and Louisiana.

Bankamerica Corporation, San Francisco, California (financing, servicing, and insurance activities; West Virginia, Maryland, Pennsylvania, and Virginia): to engage, through its indirect subsidiary, FinanceAmerica Corporation, in making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life and credit-related accident and health insurance; credit-related property insurance will not be offered in the states of West Virginia, Maryland, Pennsylvania, or Virginia. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans and other extensions of credit secured by real and personal property; and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation. These activities will be conducted from existing offices in Fairmont, West Virginia, serving the entire State of West Virginia; Martinsburg, West Virginia, serving the entire States of West Virginia, Maryland, and Virginia; and Morgantown, West Virginia, serving the entire States of West Virginia, Maryland, and Pennsylvania.

Other Federal Reserve Banks. None.

Board of Governors of the Federal Reserve System, July 14, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-21400 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Citizens and Southern International Bank; Relocaton of Home Office and Establishment of U.S. Branch of a Corporation Organized Under Section 25(a) of the Federal Reserve Act

Citizens and Southern International Bank, Miami, Florida, a corporation organized under section 25(a) of the Federal Reserve Act, has applied for the Board's approval under section 25(a) to relocate its home office to Atlanta, Georgia, and has also applied under § 211.4(c)(1) of the Board's Regulation K (12 CFR 211.4(c)(1)), to establish a branch in Miami, Florida. Citizens and Southern International Bank operates as a subsidiary of Citizens and Southern National Bank, Atlanta, Georgia.

The factors that are to be considered in acting on this application are set forth in section 211.4(a) of the Board's Regulation K (12 CFR 211.4(a)).

The application maybe inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identify specifically any questions of fact that are in dispute, and summarize the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 14, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-21396 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Fidelity Corp.; Formation of Bank Holding Company

Fidelity Corp., Carmel, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to The Fidelity Bank of Indiana, Carmel, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 9, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 14, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-21397 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Palos Bancshares, Inc.; Formation of Bank Holding Company

Palos Bancshares, Inc., Palos Heights, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Palos Bank and Trust Company, Palos Heights, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 14, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-21380 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Southeastern Bancshares, Inc.; Formation of Bank Holding Company

Southeastern Bancshares, Inc., Cartersville, Georgia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Cartersville, Cartersville, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 8, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 14, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-21399 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Domestic Policy Directive of May 18, 1981

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on May 18, 1981.[1]

The information reviewed at this meeting suggests that real GNP will grow much less rapidly in the current quarter, following the substantial expansion in the first quarter; prices on the average have continued to rise rapidly, although somewhat less so most recently than earlier in the year. The dollar value of total retail sales increased slightly further in March, but it declined appreciably in April when sales of new cars fell in response to the ending of price concessions. Industrial production rose moderately in both months, while nonfarm payroll employment changed little, after adjustment for strikes, and the unemployment rate was stable at 7.3 percent. In March housing starts remained at a reduced pace. Over the first four months of 1981, the rise in the index of average hourly earnings was slightly less rapid than during 1980.

The weighted average value of the dollar against major foreign currencies has risen steadily since the end of March to its highest level in three and a half years. The U.S. trade deficit declined sharply in March, bringing the first-quarter deficit to a level well below the 1980 average.

Growth in M-1B, adjusted for the estimated effects of shifts into NOW accounts, accelerated sharply in April and growth in M-2 remained rapid. Since March, both short-term and long-term market interest rates have risen substantially. On May 4 the Board of Governors announced an increase in Federal Reserve discount rates from 13 to 14 percent and an increase in the surcharge from 3 to 4 percentage points on frequent borrowings of large institutions.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation, promote economic growth, and contribute to a sustainable pattern of international transactions. At its meeting in early February, the Committee agreed that these objectives would be furthered by growth of M-1A, M-1B, M-2, and M-3 from the fourth quarter of 1980 to the fourth quarter of 1981 within ranges of 3 to 5½ percent, 3½ to 6 percent, 6 to 9 percent, and 6½ to 9½ percent respectively, abstracting from the impact of introduction of NOW accounts on a nationwide basis. The associated range for bank credit was 6 to 9 percent. These ranges will be reconsidered as conditions warrant.

In the short run the Committee seeks behavior of reserve aggregates consistent with a substantial deceleration of growth in M-1B from April to June to an annual rate of 3 percent or lower, after allowance for the impact of flows into NOW accounts, and with growth in M-2 at an annual rate of about 6 percent. The shortfall in growth of M-1B from the two-month rate specified above would be acceptable, in light of the rapid growth in April and the objective adopted by the Committee on March 31 for growth from March to June at an annual rate of 5½ percent or somewhat less. It is recognized that shifts into NOW accounts will continue to distort measured growth in M-1B to an unpredictable extent, and operational reserve paths will be developed in the light of evaluation of those distortions. The Chairman may call for Committee consultation if it appears to the Manager for Domestic Operations that pursuit of the monetary objectives and related reserve paths during the period before the next meeting is likely to be associated with a federal funds rate persistently outside a range of 16 to 22 percent.

By order of the Federal Open Market Committee, July 15, 1981.

Murray Altmann,

Secretary.

[FR Doc. 81-21338 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

[1] The Record of Policy Actions of the Committee for the meeting of May 18, 1981, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y

(12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and request for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than August 12, 1981.

Federal Reserve Bank of Boston (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: Barclays Bank Limited and its subsidiary, Barclays Bank International Limited, London England (financing and insurance activities; Alabama, Louisiana, New Mexico, Texas, Washington, and Wyoming): to engage through their subsidiaries—BarclaysAmerican-Corporation, a North Carolina corporation ("BAC"), Barclays American/Credit, Inc., a North Carolina corporation ("BACI"), BarclaysAmerican/Financial, Inc., a North Carolina corporation ("BAFI"), and BarclaysAmerican/Industrial Loan Company, a Washington corporation ("BAIL")—in (i) making direct consumer loans including loans secured by real estate, and purchasing of sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning) and (ii) acting as agent for the sale of related credit life, credit accident and health and credit property insurance. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by BAC's insurance underwriting subsidiaries. These activities would be conducted from offices of BAC located in Alexandria, Louisiana, serving the City of Alexandria, and Casper, Wyoming serving the city of Casper; offices of BACI located in Mobile, Alabama, and Huntsville, Alabama, serving an area within a 25-mile radius of Mobile; offices of BAFI in Roswell, New Mexico, serving an area within a 25-mile radius of Roswell; Santa Fe, New Mexico, serving the City of Santa Fe; San Antonio, Texas, serving the City of San Antonio; Tacoma, Washington, serving the City of Tacoma; Vancouver, Washington, serving the City of Vancouver; and offices of BAIL located in Tacoma, Washington, Vancouver, Washington, serving the cities of Tacoma and Vancouver.

The Chase Manhattan Corporation, New York, New York (financing and leasing activities; Florida): to engage, through its indirect subsidiary, Chase. Commercial Corporation, in making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as would be made by a commercial finance, equipment finance or factoring company, including factoring accounts receivable, making advances and over-advances on receivables and inventory and business installment lending as well as unsecured commercial loans; servicing loans and other extensions of credit; leasing on a full payout basis and in accordance with the Board's Regulation Y, or acting as agent, broker or adviser in leasing personal property, including motor vehicles. These activities would be conducted from an office in Tampa, Florida, serving the State of Florida.

Federal Reserve Bank of Cleveland (Harry W. Hunning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101: Mellon National Corporation, Pittsburgh, Pennsylvania (financing and leasing activities; Illinois, Wisconsin, Indiana, Michigan, Ohio, Pennsylvania, West Virginia, Kentucky, Missouri, and New Jersey): to engage through its subsidiary, Freedom Financial Services Corporation, in commercial lending and including accounts receivable and inventory financing and leasing activities. These activities will be conducted from an office in Oak Brook, Illinois, serving the ten states listed in the caption to this notice.

Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690: Irwin Union Corporation, Columbus, Indiana (mortgage banking activities; Florida, Illinois, Maryland, Virginia and the District of Columbia): to engage, through its subsidiary Inland Mortgage Corporation, in mortgage banking activities, including the origination of first mortgage loans on single family residences, second mortgage loans, multi-family mortgage loans, and commercial mortgage loans. Such activities would be conducted from offices of the subsidiary located in Westmont, Illinois; Tampa, Florida; Camp Springs, Maryland; Lanham, Maryland; and Woodbridge, Virginia, serving the States of Florida, Illinois, Maryland, and Virginia and the District of Columbia. Comments on this application must be received not later than August 10, 1981.

Board of Governors of the Federal Reserve System, July 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21339 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8)) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated

for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than August 15, 1981.

Federal Reserve Bank of New York (A. Marshall Pucket, Vice President) 33 Liberty Street, New York, New York 10045:

Correction

Citicorp, New York, New York, (consumer lending-related activities, Maryland): This notice corrects a previous **Federal Register** notice (FR Doc. 18–19845), published at page 35186 of the issue for Tuesday, July 7, 1981. The previous notice requested comments be sent to the Federal Reserve Bank of Boston. They should be sent to the Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120: Imperial Bancorp, Inglewood, California (data processing activities, Virginia, California; management consulting activities, Virginia): to engage through its subsidiaries, Imperial Data Resources-Virginia, Inc., Imperial Data Resources Services, Inc., in the activities of providing data processing services to affiliates of Imperial Bancorp and to other persons; and through its subsidiary Imperial Data Resources-Virginia, Inc., in providing management consulting services to nonaffiliated banks. The data processing activities will be conducted from offices in Richmond, Virginia, and Los Angeles, California, serving Virginia and California. The management consulting activities will be conducted from an office in Richmond, Virginia, serving the Commonwealth of Virginia.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, July 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–21369 Filed 7–21–81; 8:45 am]

BILLING CODE 6210–01–M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a satement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than August 15, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: Manufacturers Hanover Corporation, New York, New York (home equity lending, sales finance activities and insurance activities; Georgia): to continue to hold the shares of Termplan Incorporated of Georgia ("Termplan") after Termplan establishes a *de novo* office from which Termplan would engage in the activities of arranging, making, or acquiring for its own account or for the account of others, loans and other extensions of credit secured by a homeowner's equity interest in a home such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person, and acting as an agent or broker for the sale of single and joint credit life insurance which is directly related to such loans and extensions of credit, and from which Termplan would engage in the activities of purchasing installment sales finance contracts, and acting as an agent or broker for the sale of single and joint credit life insurance and credit accident and health insurance which is directly related to such loans and extensions of credit. Tempco Life Insurance Company would reinsure such credit life and accident and health insurance. These activities would be conducted from a *de novo* office located at Perimeter Center, 245 Perimeter Center Parkway, Atlanta, Georgia 30338, and serving the following counties: Pickens, Cherokee, Cobb, Dawson, southwestern Hall, Forsyth, Fulton, Coweta, Douglas, Carroll, Barton, western Jackson, DeKalb, Gwinnett, western Oconee, Walton, Clayton, Newton, Haralson, eastern Polk, Paulding, southeastern Floyd, Henry, northwestern Jasper, Butts, northwestern Monroe, northern Lamar, Fayette, Pike, northern Meriwether, southeastern Gordon, northeastern Heard.

Manufacturers Hanover Corporation, New York, New York (relocation of office and expansion of service area; Oklahoma): to continue to hold the shares of Termplan Incorporated of Oklahoma ("Termplan") after Termplan relocates an office which is authorized to engage in consumer finance, sales finance, home equity lending, and credit related insurance activities and is located at 6123 East 31 Street, Tulsa, Oklahoma 71435, to Copper Oaks Office Park, 7030 South Yale, Suite 103, Tulsa, Oklahoma 74177, and expands the service area of the office. The new office will serve customers in Washington, Rogers, Mayes, Creek, Tulsa, Wagoner, Okmulgee, Muskogee, south-central Osage, southwestern Craig, southeastern Pawnee, south-central Nowata, eastern Payne, western Cherokee, northeastern Lincoln, northern McIntosh, and northeastern Okfuskee counties, Oklahoma.

Other Federal Reserve Banks: None

Board of Governors of the Federal Reserve System, July 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–21368 Filed 7–21–81; 8:45 am]

BILLING CODE 6210–25–M

Commercial Bancshares, Inc.; Acquisition of Bank

Commercial Bancshares, Inc., Mitchell, South Dakota, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Sanborn County Bank, Woonsocket, South Dakota. The factors that are considered in acting on the application are set forth

in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21366 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Deer Lodge Holding Co.; Formation of Bank Holding Company

Deer Lodge Holding Company, Butte, Montana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 90.057 percent of the voting shares of Deer Lodge Bank and Trust Company, Deer Lodge, Montana. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21340 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

First International Bancshares, Inc.; Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares, less director's qualifying shares, of the successor by merger to Paris Bank of Texas, Paris, Texas. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21341 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Gulfstream Banks, Inc.; Acquisition of Bank

Gulfstream Banks, Inc., Boca Raton, Florida, has applied for the Board's approval under § 3(a)(5) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(5)) to merge its wholly-owned subsidiary, Gulfstream Merger Corporation, with Summit Banking Corporation, Tamarac, Florida, a registered bank holding company, and thereby acquire indirectly, ownership of 90 percent of the voting shares of Summit Bank, Tamarac, Florida, the subsidiary of Summit Banking Corporation. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

In addition to the factors considered under § 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in § 4 of the Act (12 U.S.C. § 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 13, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21342 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Lawton Financial Corp.; Formation of Bank Holding Company

Lawton Financial Corp., Lawton, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 81.12 per cent of the voting shares of Citizens Bank, Lawton, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than August 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21343 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Oppegard Agency, Inc.; Acquisition of Bank

Oppegard Agency, Inc., Hinckley, Minnesota, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 98 per cent of the voting shares of Twin Valley State Bank, Twin Valley, Minnesota; 83.375 per cent of the voting shares of Clay County State Bank, Dilworth, Minnesota; and 91.933 per cent of American State Bank of Erskine, Erskine, Minnesota. The factors that are

considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 17, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, July 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21367 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

Provident National Corp.; Proposed Acquistion of L.S. Consulting Corp.

Provident National Corporation, Philadelphia, Pennsylvania, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire through its subsidiary, Provident National Investment Corporation, 51 per cent or more of the voting shares of L.S. Consulting Corp., Philadelphia, Pennsylvania d/b/a Littlewood Shain & Company).

Applicant states that L.S. Consulting Corp., would provide management consulting advice to non-affiliated banks and bank-related indutry associations. These activities would be performed from offices of L.S. Consulting Corp., in Philadelphia, Pennsylvania serving the entire United States. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consumation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 13, 1981.

Board of Governors of the Federal Reserve System, July 14, 1981.

D. Michael Maines,

Assistant Secretary of the Board.

[FR Doc. 81-21344 Filed 7-21-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

The Federal Employee Alcoholism Programs Work Group; Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism; Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of August 1981.

The Federal Employee Alcoholism Programs Work Group—Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism

August 10: 1:00–4:00 p.m. Open

Conference Rooms 303–305–A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201

Contact: Ms. Lisa Teems, Room 509–F, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201 (202) 245–7153

Purpose: The Federal Employee Alcoholism Programs (FEAP) Work Group: (1) evaluates the adequacy and technical soundness of all internal programs dealing with employee alcoholism within all Federal military and civilian organizations of 1,000 employees or more; (2) provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities; (3) seeks to coordinate efforts among Federal agencies for internal employee alcoholism programs; and (4) submits reports and recommendations to the Interagency Committee as necessary in order to perform the above functions.

Agenda: The meeting will consist of a discussion on the development of standards for consortia, a discussion on the benefits and disadvantages of contracted EAP services vs. in-house programs, a report on regional FEAP activities, and reports by Federal agencies.

Substantive program information may be obtained from the contact person listed above. Summary of the meeting and roster of Committee members may be obtained from Mr. Leland H. Towle, Executive Secretary, National Institute on Alcoholism and Alcohol Abuse, Room 16C–03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443–2593.

Dated: July 16, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-21323 Filed 7-21-81; 8:45 am]

BILLING CODE 4110-88-M

Health Resources Administration

Nurse Training National Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of September 1981:

Name: National Advisory Council on Nurse Training

Date and Time: September 14–16, 1981

Place: Conference Room G–20, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782

Open September 14, 9:00 a.m.–12:15 p.m.

Closed September 14, 1:00 p.m. for remainder of meeting

Purpose. The Council advises the Secretary and Administrator, Health Resources Administration, concerning general regulations and policy matters arising in the administration of the Nurse Training Act of 1975. The Council also performs final review of grant applications for Federal assistance, and makes recommendations to the Administrator, HRA.

Agenda. Agenda items for open portion of meeting will cover announcements; consideration of minutes of previous meeting; reports by the Acting Administrator, the Acting Director, Bureau of Health Professions (BHPr), the Financial Management Officer, BHPr, the Director, Division of Nursing, and staff reports. The meeting will be closed to the public on

September 14, 1981, at 1:00 p.m., for the remainder of the meeting for the review of grant applications for advanced nurse training grants, national research service awards, nurse practitioner grants, special project grants, and research project grants. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Acting Administrator, Health Resources Administration, pursuant to Pub. L. 92–463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should write to or contact Dr. Mary S. Hill, Bureau of Health Professions, Health Resources Administration, Room 3–50, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436–6681.

Agenda items are subject to change as priorities dictate.

Dated: July 16, 1981.

Irene D. Skinner,

Advisory Committee Management Officer, Health Resources Administration.

[FR Doc. 81-21322 Filed 7-21-81; 8:45 am]

BILLING CODE 4110-83-M

National Institutes of Health

Establishment of Advisory Committees

The Acting Director, National Institutes of Health, announces the establishment on June 26, 1981, of the advisory committees indicated below by the Director, National Cancer Institute, under the authority of section 404(b)(3) of the Public Health Service Act [42 U.S.C. 285(b)(3)]. Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) setting forth standards governing the establishment and use of advisory committees.

Cancer Resources and Repositories Contracts Review Committee. This committee shall advise the Director, NCI, and the Directors, Division of Cancer Treatment; Division of Cancer Cause and Prevention; Division of Cancer Biology and Diagnosis; and Division of Resources, Centers, and Community Activities concerning the scientific merit of proposals for contracts that will contribute to the development of NCI programs through the establishment and maintenance of the said response and repositories.

Developmental Therapeutics Contracts Review Committee. This committee shall advise the Director, NCI, and the Director, Division of Cancer Treatment, concerning the scientific merit of proposals for contracts that will contribute to the development of chemotherapeutically useful anti-cancer agents and biological response modifiers through research in molecular biology, biochemistry, pharmacology, clinical oncology, experimental therapeutics, medicinal chemistry, radiobiology, immunochemistry and immunobiology.

Authority for these committees shall terminate on June 26, 1983, unless renewed by appropriate action as authorized by law.

Dated: July 14, 1981.

Thomas E. Malone, Ph.D.,

Acting Director, NIH.

[FR Doc. 81-21381 Filed 7-21-81; 8:45 am]

BILLING CODE 4110-08-M

Renewal of NIH Public Advisory Committees

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770–776, October 6, 1972), the National Institutes of Health announces the renewal by the Secretary, HHS, with the concurrence of the Committee Management Secretariat, General Services Administration, of the following committees:

- Allergy, Immunology and Transplantation Research Committee [1]
- Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee
- Biopsychology Study Section
- Blood Diseases and Resources Advisory Committee
- Board of Scientific Counselors, NEI
- Board of Scientific Counselors, NHLBI
- Board of Scientific Counselors, NIAID
- Cardiology Advisory Committee
- Cardiovascular and Pulmonary Study Section
- Clinical Applications and Prevention Advisory Committee
- Clinical Trials Review Committee
- Communicative Sciences Study Section
- Heart, Lung, and Blood Research Review Committee A
- Heart, Lung, and Blood Research Review Committee B
- Immunobiology Study Section
- Microbiology and Infectious Diseases Advisory Committee
- National Advisory Allergy and Infectious Diseases Council
- National Advisory Eye Council
- National Heart, Lung and Blood Advisory Council
- Neurology A Study Section
- Physiological Chemistry Study Section
- Pulmonary Diseases Advisory Committee
- Radiation Study Section
- Research Manpower Review Committee
- Sickle Cell Disease Advisory Committee
- Surgery, Anesthesiology and Trauma Study Section
- Toxicology Study Section
- Vision Research Program Committee

[1] Formerly Allergy and Clinical Immunology Research Committee and the Transplantation Biology and Immunology Committee.

Authority for the above committees will expire on June 30, 1983, unless the Secretary formerly determines that continuance is in the public interest.

Dated: July 14, 1981.

Thomas E. Malone,

Acting Director, National Institutes of Health.

[FR Doc. 81-21380 Filed 7-21-81; 8:45 am]

BILLING CODE 4110-08-M

Social Security Administration

Privacy Act of 1954; Report of New Routine Uses

AGENCY: Social Security Administration (SSA), Department of Health and Human Services (HHS).

ACTION: New routine uses.

SUMMARY: In accordance with 5 U.S.C. 552a(e)(11), we are proposing to establish new routine uses of information in the Privacy Act system of records entitled Earnings Recording and Self-Employment Income System, HHS, SSA, OEER, 09–60–0059. The proposed new routine uses will provide for disclosure of Internal Revenue Service tax return information to—

(1) the Department of Agriculture, upon request, and State food stamp agencies, upon written request, for determining an individual's eligibility for, and amount of, benefits under the food stamp program; and

(2) State or local child support enforcement agencies, upon written request, for purposes of establishing and collecting child support obligations from, and locating, individuals who owe such obligations.

As explained in the supplementary information section below, we are proposing these disclosures pursuant to recent amendments to section 6103 of the Internal Revenue Code, as amended, which governs disclosure of tax return information.

The purpose of this notice is to provide public awareness of the proposal and meet the technical requirements of the Privacy Act. We invite public comments on this proposal.

DATES: The proposed routine uses will become effective, as proposed, without further notice on August 21, 1981, unless we receive comments on or before that date which would result in a contrary determination.

ADDRESSES: Individuals may comment on this proposal by writing to the SSA

Privacy Officer, Social Security Administration, 3–F–1 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235. Comments received will be available for public inspection at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Bernard A. Oehlers, Chief, Privacy Branch, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–6978.

SUPPLEMENTARY INFORMATION: We maintain and use Internal Revenue Service tax return information (e.g., wage data, self-employment income data, and payments of retirement income which have been disclosed to SSA) in the administration of our programs. Our use of this information is subject to the provisions of section 6103 of the Internal Revenue Code of 1954, as amended. Basically, section 6103 limits our use of tax return information to that which we need to administer social security programs, and to assist the States in administering the Aid to Families with Dependent Children program and (on a limited basis) the Child Support Enforcement program. Congress, however, recently enacted two laws which broaden our use of tax return information as indicated below. We are proposing to adopt these new uses as routine uses under the Privacy Act.

A. On May 26, 1980, Congress enacted Pub. L. 96–249, the Food Stamp Act Amendments of 1980. Section 127 (A) and (B) of this law provides that SSA may disclose tax return information, upon request, to the Department of Agriculture, and upon written request, to State food stamp agencies for determining an individual's eligibility for, or amount of, benefits under the food stamp program. Accordingly, we are proposing the following statement of routine use:

SSA may disclose tax return information (e.g., information with respect to net earnings from self-employment, wages, and payments of retirement income which have been disclosed to SSA),

(a) Upon request, to officers and employees of the Department of Agriculture, and

(b) Upon written request, to officers and employees of a State food stamp agency,

for purposes of, and to the extent necessary in, determining an individuals's eligibility for benefits, or the amount of benefits, under the food stamp program established under the Food Stamp Act of 1977.

Although we are proposing to disclose tax return information to State food stamp agencies for the purposes stated above, we will do so only upon receipt of a written request from the State food stamp agencies.

B. Congress enacted Pub. L. 96–265, the Social Security Disability Amendments of 1980, on June 9, 1980. Section 408 of this law mandates SSA to disclose tax return information, upon written request, to officers and employees of a State or local child support enforcement agency for purposes of establishing and enforcing child support obligations and locating individuals owing such obligations under programs established under title IV–D of the Social Security Act (42 U.S.C. 651ff). In accordance with this provision, we are proposing the following statement of routine use:

Upon written request from appropriate officers and employees of a State or local child support enforcement agency, the Social Security Administration will disclose tax return information (e.g., information with respect to net earnings from self-employment, wages, payments of retirement income, and business and employment addresses) to those officers or employees for purposes of, and to the extent necessary in,

(a) Establishing and collecting child support obligations from individuals who owe such obligations, and

(b) Locating those individuals,

under a program established under title IV–D of the Social Security Act (42 U.S.C. 651ff).

We are proposing the above statements of routine use in accordance with the Privacy Act and our regulation 20 CFR Part 401 (Federal Register, November 13, 1980, pp. 74906–74918). Both permit us to disclose information under a routine use for use in other programs which are compatible with our own programs, or if disclosure is required by law. We consider other programs compatible when they concern determining an individual's eligibility for, or amount of, cash or noncash benefits or health services. The food stamp program is a noncash benefit program and is therefore, compatible with our programs. Also, Pub. L. 96–249 permits us to disclose tax return information for its administration. Thus, it is appropriate to make the disclosures under a routine use. Disclosure of tax return information in connection with the child support enforcement program, established under 42 U.S.C. 651ff, is required by Pub. L. 96–265 and thus it is equally appropriate for us to make those disclosures under a routine use.

Since we have prepared this proposal in accordance with the Privacy Act of 1974 and our regulation 20 CFR Part 401, we do not anticipate that any disclosure under the proposed routine uses would have an adverse effect on the privacy rights of individuals.

Dated: July 2, 1981.

John A. Svahn,

Commissioner of Social Security.

09–60–0059

SYSTEM NAME:

Earnings Recording and Self-Employment Income System HHS SSA OEER.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed from this system as indicated below:

1. Employers or former employers, including State social security administrators for correcting and reconstructing State employee earnings records and for social security purposes.

2. The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of social security checks and for tax administration as defined in 26 U.S.C. 6103 of the Internal Revenue Code.

3. The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

4. The Department of Justice (Federal Bureau of Investigation and United States Attorneys) for investigating and prosecuting violations of the Social Security Act.

5. The Department of Justice (Federal Bureau of Investigation) and the Department of Treasury (United States Secret Service) for National security matters and in connection with threats on the life of the President or other dignitaries.

6. Energy Research and Development Administration for their study of low-level radiation exposure.

7. Congressional Office from the record of an individual in respose to an inquiry from the congressional office made at the request of that individual.

8. The Department of State for administering the Social Security Act in foreign countries; the American Institute on Taiwan for administering the Social Security Act on Taiwan; and the Veterans Administration Regional Office, Philippines for administering the Social Security Act in the Philippines; through facilities and services of those agencies.

9. State Audit agencies for auditing State supplementation payments and Medicaid eligibility considerations.

10. In the event of litigation where the defendant is (a) the Department of Health and Human Services (DHHS), any component of DHHS or any employee of DHHS in his or her official capacity, (b) the United States where DHHS determines that the claim, if successful, is likely to directly affect the operations of DHHS or any of its components, or (c) any DHHS employee in his or her individual capacity where the Justice Department has agreed to represent each employee, DHHS may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

11. In response to legal process or interrogatories relating to the enforcement of an individual's child support or alimony obligations, as required by sections 459 and 461 of the Social Security Act.

12. Information necessary to adjudicate claims filed under an international social security agreement that the United States has entered into pursuant to Section 233 of the Social Secuity Act may be disclosed to a foreign country which is a party to that agreement.

13. Information pertaining to wages and self-employment income may be disclosed in response to requests from State welfare agencides under Sections 402(a)(29) and 411 of the Social Security Act for determining an individual's eligibility for aid or services under State plans for Aid to Families with Dependent Children and the amount of such aid or services.

14. To Federal, State, or local agencies (or agents on their behalf) for the purpose of validating social security numbers used in administering cash or noncash income maintenance or health maintenance programs.

15. The Social Security Administration may disclose tax return information (e.g., information with respect to net earnings from self-employment, wages, and payments of retirement income which have been disclosed to SSA).

(a) Upon request, to officers and employees of the Department of Agriculture and,

(b) Upon written request, to officers and employees of a State food stamp agency,

for the purposes of, and to the extent necessary in, determining an individual's eligibility for benefits, or the amount of benefits, under the food stamp program established under the Food Stamp Act of 1977.

16. Upon written request from appropriate officers and employees of a State or local child support enforcement agency, SSA will disclose tax return information (e.g., information with respect to net earnings from self-employment, wages, payments of retirement income, and business and employemnt addresses) to those officers or employees for purposes of, and to the extent necessary in,

(a) Establishing and collecting child support obligations from individuals who owe such obligations, and

(b) Locating those individuals, under a program established under title IV–D of the Social Security Act (42 U.S.C. 651ff).

* * * * *

[FR Doc. 81-21302 Filed 7-21-81; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Amoco Production Company (USA) has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2068, Block 64, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25, of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 15, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-21428 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3540, Block 330, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Suvey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 15, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-21429 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Mobil Producing Texas & New Mexico Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2404, Block A–283, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 15, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-21430 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1442, Block 27, South Timbalier Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: July 15, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-21431 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-01-M

Environmental Documents Prepared for Proposed Radioactive Tracer Studies on the North Fork Licking River near Utica, Ohio

ACTION: Notice of availability of environmental documents prepared for a proposed USGS radioactive tracer study on the North Fork Licking River Near Utica, Ohio.

SUMMARY: The USGS, in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of NEPA-related environmental assessment (EA) and finding of no significant impact (FONSI) prepared by the USGS for the following radioactive tracer study proposed on the North Fork Licking River near Utica, Ohio. The EA and FONSI are available for review for 30 days following publication of this notice.

Operator/activity	Location	FONSI-date
USGS/Comparing Radioactive and Hydrocarbon Gas Methods for Measuring Reaeration Coefficients.	North Fork Licking River near Utica, Ohio.	6/30/81

Persons interested in reviewing environmental documents for the proposed study listed above or obtaining information about the EA or FONSI prepared for activities on the North Fork Licking River are encouraged to contact the USGS office listed below.

FOR FURTHER INFORMATION CONTACT: Janet Hren, Project Chief, U.S. Geological Survey, Ohio District Office, 975 West Third Avenue, Columbus, Ohio 43212, (614) 469–5553.

SUPPLEMENTARY INFORMATION: The EA examines the potential environmental effects of activities described in the proposal and USGS conclusions regarding the significance of those effects. EA's are used as a basis for determining whether or not approval of the proposals constitutes major Federal actions that significantly affect the quality of the human environment in the sense of NEPA section 102 (2)(c). A FONSI is prepared in those instances where the USGS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This notice constitutes the public notice of availability of environmental documents required under the NEPA regulations.

Dated: July 13, 1981.

Steven M. Hindall.

[FR Doc. 81-21433 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Arizona Strip District Multiple Use Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Arizona Strip District Multiple Use Council will meet on Monday and Tuesday, August 24 and 25, 1981 to visit Wilderness Study Areas in the Shivwits Resource Area of the Arizona Strip District.

DATES: August 24 and 25, 1981.

ADDRESS: The Federal Building, 196 East Tabernacle Street, St. George, Utah 84770.

SUPPLEMENTARY INFORMATION: The meeting will be a 2-day tour of selected

Wilderness Study Areas in the Shivwits Resource Area in northwestern Arizona. The Council will depart from the Federal Building at 196 E. Tabernacle Street in St. George, Utah at 8:00 a.m. on Monday, August 24, 1981 and return on Tuesday, August 25, 1981.

The Council will advise the District Manager regarding the application of the wilderness study criteria to the Wilderness Study Areas in the Shivwits Resource Area.

Interested persons are welcome to join the tour. However, the District can only guarantee transportation for Council Members.

FOR FURTHER INFORMATION CONTACT: Billy R. Templeton, 196 E. Tabrnacle St., St. George, Utah 84770, (801) 673-3545.

Billy R. Templeton,

District Manager, Arizona Strip District.

[FR Doc. 81-21440 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-84-M

Realty Action; Public Land Exchange; Elmore County, Idaho

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of realty action supplement—exchange, public lands in Elmore County, Idaho.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange (casefile No. I-16857) under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716. This addition of public lands helps to equalize land value for the exchange:

Bell Rapids Lands

Boise Meridian:	Acres
T. 6 S., R. 12 E.,	
Section 19, E2SW4	80
Section 30,	
Lot 1	39.58
Lot 2	39.75
Total	159.33

In exchange for these lands the Federal Government will acquire one parcel of non-Federal land in Elmore County from Joseph Davidson of Jerome, Idaho, described previously in Notice of Realty Action published February 26, 1981.

The gross area contained in the offered land is 547 acres more of less.

The purpose of the exchange is to acquire scenic lands that exhibit a high potential for multiple uses. The public interest will be well served by making the exchange. This Notice of Realty Action is subject to the Shoshone District Canyon Planning Unit Management Framework Plan amendment notice, amendments, and their approval.

The value of the lands to be exchanged, including this addition, is approximately equal and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

The terms and conditions applicable to the exchange are:

1. The Reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All valid existing rights as shown on the Master Title Plat on the date this Notice of Realty Action and supplement becomes final.

3. Mineral estates will be transferred with the surface on both the non-Federal and Federal land.

DATES: Comments are due by September 11, 1981.

ADDRESSES: Comments should be submitted to the Shoshone District Manager, P.O. Box 2B, Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Jack L. Durham, Bennett Hills Area Manager, at the above address or telephone (208) 886-2208, FTS 554-6576.

SUPPLEMENTARY INFORMATION: Detailed information concerning the exchange, including the Environmental Assessment and any record of public comment, is available for review at the Shoshone District Office, P.O. Box 2B, Shoshone, Idaho 83352.

Any adverse comments will be evaluated by the State Director, who may vacaste or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department.

Charles J. Haszler,

District Manager.

[FR Doc. 81-21442 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-84-M

[2913 (14.33) OR 26167]

Realty Action; Lease of Public Lands in Clackamas County, Oregon

July 14, 1981.

The following described land has been examined and found suitable for lease under Section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2762; 43 U.S.C. 1732):

Willamette Meridian, Oregon

T. 6 S., R. 2 E.,
Sec. 5, portion of SW¼SE¼NW¼.
Containing approximately 0.35 acre.

A proposal has been submitted by Mr. George Gurley, Sr., to lease the above-described land for his use as a homesite. The land is presently improved with a wood-frame residence and detached shop owned by Mr. Gurley. Because of Mr. Gurley's improvements, the land will not be offered for lease through bidding but will be offered for lease directly to Mr. Gurley at the fair market rental value.

The lease will be inconsistent with the Bureau of Land Management's land use plan but will not conflict with any State or local government programs or regulations. The land is best suited for multiple use management with timber production as the primary resource. A recent survey revealed that Mr. Gurley's improvements are actually located on public land. The direct lease of the land to Mr. Gurley will protect his equity investment in the improvements. The lease will have a term of 15 years and will not be renewed. Upon termination of the lease, the improvements will have to be removed.

For period of 30 days from the date of this notice, interested parties may submit comments to the Oregon State Director, Bureau of Land Mangement, P.O. Box 2967, Portland, Oregon 97208. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

John D. Evans,

Acting District Manager.

[FR Doc. 81-21441 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Gateway National Recreation Area; Gateway Advisory Commission Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, that a meeting of the Gateway National Recreation Area Advisory Commission will be held commencing at 3 p.m. on Tuesday, Aug. 4, 1981 at the William Fitts Ryan Visitor Center, Floyd Bennett Field, Brooklyn, N.Y.

The Commission was established by Pub. L. 92-592 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Gateway National Recreation Area.

The matters to be discussed at this meeting include:

1. Status Reports
   a. Ferry Service
   b. B9 and B46 and Sandy Hook public access service
   c. Floyd Bennett Field Design Concept Plan
   d. Concession Contracts, Canarsie Pier, Sandy Hook
   e. Resolution to meet with Secretary of Interior
   f. Seasonal Hiring
2. Finalized Summer Program Agenda
3. Secretary of Interior, Visit to New York City and Gateway Tour
   a. Fountain Avenue landfill, methane recovery
   b. Midland and South Beaches
   c. Fort Wadsworth
4. Problem Projections
   a. Sand Renourishment, Staten Island
   b. Lawsuit by Lifeguards
   c. Lawsuit by Handicapped
   d. Inspection of Great Kills Marina by New York City Fire Department
   e. Riis Beach Visitation vs Public Safety
   f. Safety at Canarsie Pier
   g. Increased Visitation at Jamacia Bay Wildlife Refuge
5. New Business

The meeting will be open to the public. Any member of the public may file with the Commission, a written statement concerning matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statement, may contact Herbert S. Cables Jr., Superintendent, Gateway National Recreation Area, Headquarters, Building 69, Floyd Bennett Field, Brooklyn, N.Y. 11234, area code (212) 630-0353.

Minutes of the meeting will be available for inspection four weeks after the meeting at Gateway National Recreation Area Headquarters Building.

Herbert S. Cables Jr.,

Superintendent.

July 8, 1981.

[FR Doc. 81-21376 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-20-M

Intention to Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965, (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on August 21, 1981.The Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to negotiate a concession contract with Sammy Hamilton, Jr., authorizing him to continue to provide sightseeing tour boat, canoe rental, limited merchandising and related services for the public within Everglades National Park, Florida, for a period of ten (10) years from January 1, 1982, through December 31, 1991.

It has been determined that the proposed issuance of this contract does not have potential for causing significant impacts on the human environment and, therefore, additional environmental documentation is not required.

The foregoing concessioner has performed his obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1981, and, therefore, pursuant to the Act of October 9, 1965, s cited above, is entitled to be given perference in the negotiation of a new contract. This provision, in effect, grants Sammy Hamilton, Jr., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if thereafter, the proposal of Sammy Hamilton, Jr., is substantially equal to others received. In the event a responsive proposal superior to that of Sammy Hamilton, Jr., (as determined by the Secretary) is submitted, Sammy Hamilton, Jr., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Sammy Hamilton, Jr. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before August 21, 1981 to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, S.W., Atlanta, Georgia 30303, for information as to the requirements of the proposed contract.

Dated: July 8, 1981.

C. W. Ogle,

Regional Director Southeast Region.

[FR Doc. 81-21379 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-70-M

Intention to Negotiate Concession Permit

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Regional Director, Southeast Region, National Park Service, proposes to negotiate a concession permit with McCarter's Riding Stables, Inc., authorizing it to continue to provide saddle horse livery and guide services within Great Smoky Mountains National Park for a period of five (5) years from January 1, 1982, through December 31, 1986.

It has been determined that the proposed issuance of this permit does not have potential for causing significant impacts on the human environment and, therefore, additional environmental documentation is not required.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing permit which expires by limitation of time on December 31, 1981, and, therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the negotiation of a new permit. This provision, in effect, grants McCarter's Riding Stables, Inc., as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new permit and a preference in the award of the permit, if, thereafter, the offer of McCarter's Riding Stables, Inc., is substantially equal to others received. In the event a responsive proposal superior to that of McCarter's Riding Stables, Inc. (as determined by the Secretary), is submitted, McCarter's Riding Stables, Inc., will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new permit will be negotiated with McCarter's Riding Stables, Inc. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposals, including that of the existing concessioner, must be postmarked or hand-delivered on or before August 21, 1981. Following publication of this notice to be considered and evaluated.

Interested parties should contact the Regional Director, Southeast Region, National Park Service, 75 Spring Street, S.W., Atlanta, Georgia 30303, for information as to the requirements of the proposed permit.

C. W. Ogle,

Acting Regional Director, Southeast Region.

[FR Doc. 81-21378 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-70-M

Intent To Prepare a General Management Plan and Environmental Assessment for Lake Clark National Park and Preserve, Alaska

AGENCY: National Park Service, Interior.

ACTION: Prepare a general management plan and environmental assessment for Lake Clark National Park and Preserve, Alaska.

SUMMARY: The National Park Service intends to prepare a general management plan for the conservation and management of Lake Clark National Park and Preserve. The plan will chart the strategies for solving the park and preserve's problems and meeting its management objectives over the next 5–10 years for resources management and protection, visitor use and interpretation, and general development at a level of detail that will facilitate implementation. An environmental assessment will be prepared in concert with the plan to evaluate major environmental issues and to determine if the environmental consequences on the human environment are significant enough to require the preparation of an environmental impact statement.

The planning effort will consider the alternatives of no action, or continuing existing conditions and trends; the minimum actions required to meet the purpose of the area under the Alaska National Interest Lands Conservation Act of 1980; and, these reasonable and practical strategies developed during public and other agency participation in the planning process. Other than the alternative of no action, there is no reasonable and practical alternative to locating some actions within the 100-year floodplain to accommmodate boat and floatplane access to the area.

The plan as directed by law will contain a review of wilderness suitability for those lands not already so designated by Congress. Although patently suitable, it is not anticipated that legislated wilderness designation will be needed to protect the primitive nature of these lands. Subsistence, sport hunting, access, and similar activities will continue as specified in the Alaska National Interest Lands Conservation Act and the regulations of 36 CFR 13.

Preliminary scoping workshops and meeting will be held during the summer of 1981 to establish the major environmetnal issues to be addressed in the environmental assessment and to solicit ideas for the development of reasonable and practical strategies. The time and place of public scoping workshops will be announced in the regional news media. Public meetings will also be held in the fall and winter of 1981 following the official release of the general management plan and its environmental assessment. The time and place of these meetings will be announced in the **Federal Register** and in the regional news media.

FOR FURTHER INFORMATION CONTACT: Paul Haertel, Superintendent, Lake Clark National Park and Preserve, 1011 E. Tudor Road, Anchorage, Alaska 99501, (907) 277–1666. In the lower-48 contact Jon Haman, Team Captain, U.S. National Park Service, Denver Service Center (LCD), P.O. Box 25287, Denver, Colorado, 80225, (303) 234–5050.

John E. Cook,

Alaska Regional Director.

[FR Doc. 81-21377 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Notice to All Recipients of Federal Financial Assistance; Non-Discrimination on the Basis of Handicap

In the case of *Paralyzed Veterans of America, et al. Plaintiffs, v. William French Smith, etc., et al.*, United States District Court, Central District of California, No. 79–1979 WPG, the Honorable William P. Gray ordered the *Department of the Interior* to notify all recipients of federal financial assistance from the *Department of the Interior* that they are required to comply with the provisions of Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794), even though the *Department of the Interior* has not yet issued final regulations implementing Section 504 of the Rehabilitation Act.

Section 504 of the Rehabilitation Act is designed to assure that those who receive federal financial assistance will not discriminate against handicapped persons. It provides in relevant part as follows:

> No otherwise qualified handicapped individual in the United States * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Effective June 3, 1977, the Department of Health, Education and Welfare issued final regulations implementing Section 504 as it applies to recipients of federal financial assistance from that agency. (45 CFR Part 84). Recipients of federal financial assistance from the *Department of the Interior* may look to the HEW regulation for guidance as to their obligation under Section 504 of the Rehabilitation Act.

Joseph E. Doddridge, Jr.,

Deputy Assistant Secretary.

July 20, 1981.

[FR Doc. 81-21591 Filed 7-21-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

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.

By the Commission, Review Board No. 1, Members, Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-205

Decided: July 15, 1981.

MC 156820 (Sub-1), filed July 2, 1981. Applicant: SOUTHEASTERN MICHIGAN BROKERAGE COMPANY, a corporation, 559 N. Cedar St., Imlay City, MI 48444. Representative: Douglas John Kazal (same address as applicant), (313) 724-6402. 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.

Volume No. OPY-2-129

Decided: July 14, 1981.

MC 13313 (Sub-4), filed June 26, 1981. Applicant: CUMMINGS TRANSFER CO., 740 29th Ave. W, Albany, OR 97321. Representative: Lawrence V. Smart, Jr., 419 NW. 23rd Ave., Portland, OR 97210 (503) 226-3755. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 146162 (Sub-7), filed June 26, 1981. Applicant: TRANSPORT EQUIPMENT CORP., 240 112th Street, Hammond, IN 46320. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603, (312) 263-2306. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 148372 (Sub-2), filed June 29, 1981. Applicant: COLONEL C. HEETER, d.b.a. MAIL DELIVERY, 5 Vine St., P.O. Box 651, Pittsburgh, PA 15230. Representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. 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 151142 (Sub-4), filed June 30, 1981. Applicant: H & H TRANSPORTATION, INC., 1425 E. Main St., Newark, OH 40035. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030, (703) 691-0900. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156813, filed June 26, 1981. Applicant: ALLTRANS INTERNATIONAL, INC., 145 Route 46, Wayne, NJ 07470. Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, (301) 840-8565. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 156822, filed June 29, 1981. Applicant: LESLIE H. FARRIN, Rte. 113, No. Fryeburg, ME 04058. Representative: Leslie H. Farrin (same as applicant), (207) 697-2755. 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 156852, filed June 30, 1981. Applicant: LENGNER & SONS PRODUCE EXPRESS, 3438 Mendocino Ave., Santa Rosa, CA 95404. Representative: Laurence E. Lengner, 3524 Flintwood Dr., Santa Rosa, CA 95404. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 156862, filed June 30, 1981. Applicant: JACK FRICKEY and PAUL FRICKEY, d.b.a. TRUCKERS CLEARING, 802 First St. South, Nampa, Idaho 83651. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 156893, filed June 30, 1981. Applicant: KANSAS CITY COLD STORAGE DISTRIBUTION, INC., 500 East 3rd, Kansas City, MO 64106. Representative: Patricia F. Scott, 20 East Franklin, P.O. Box 258, 816-781-6000. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156972, filed July 2, 1981. Applicant: ALL-AMERICAN TRANSFER & STORAGE, INC., 1040 Highway 15 North, Laurel, MS 39440. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948-5711. Transporting *used house hold 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.

[FR Doc. 81-21349 Filed 7-21-81; 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 Conservaton 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.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–204

Decided: July 15, 1981.

MC 28060 (Sub-66), filed July 9, 1981. Applicant: WILLERS, INC., d.b.a. WILLERS TRUCK SERVICE, P.O. Box 944, Sioux Falls, SD 57101. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE., Atlanta, GA 30326, (404) 262–7855. Transporting *general commodities* (Except classes A and B explosives), between points in the U.S., under continuing contract(s) with Nationwide Brokerage Co., Inc., of Sioux Falls, SD.

MC 62601 (Sub-11), filed July 2, 1981. Applicant: ALBERT L. RING, ANDREW C. RING, BERNARD J. RING, RONALD J. RING, d.b.a. FRANK RICHARD RING, P.O. Box 96, Neola, IA 51559. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114. Transporting *food and related products*, between Omaha, NE, on the one hand, and, on the other, points in MI, IN, WI, IL, MN, and IA.

MC 85561 (Sub-13), filed July 10, 1981. Applicant: OLIVER TRUCK LINES, INC., 1238 So. Cleveland-Massillon Rd., Akron, OH 44321. Representative: James M. Burtch, 100 E. Broad Street, Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in Sandusky County, OH, on the one hand, and, on the other, points in OH.

MC 94430 (Sub-56), filed July 7, 1981. Applicant: WEISS TRUCKING COMPANY, INC., P.O. Box 7, Mongo, IN 46771. Representative: James R. Stiverson, 1396 W. Fifth Ave., P.O. Box 12241, Columbus, OH 43212, (614) 481–8821. Transporting *cement*, between points in Lawrence County, PA, on the one hand, and, on the other, points in Cuyahoga County, OH.

MC 111941 (Sub-38), filed June 25, 1981. Applicant: PIERCETON TRUCKING COMPANY, INC., Box 233, Laketon, IN 46943. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204, (317) 638–1301. Transporting *metal products and machinery*, between points in Butler County, OH and Milwaukee County, WI, on the one hand, and, on the other, points in the U.S.

MC 112070 (Sub-27), filed July 8, 1981. Applicant: GRAY MOVING & STORAGE, INC., 1290 South Pearl St., Denver, CO 80210. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Nobel, Inc., of Denver, CO.

MC 116670 (Sub-2), filed June 25, 1981. Applicant: JOSEPH F. PRINCIPE, d.b.a. TWO NATION TOURISM, 1260 95th St., Niagara Falls, NY 14304. Representative: Joseph F. Principe (same address as applicant), (716) 297–5038. In foreign commerce only, transporting *passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than 14 passengers in any one vehicle, but not including the driver thereof and not including children under 10 years of age, beginning and ending at points in Niagara County, NY, and extending to the ports of entry on the international boundary line between the U.S. and Canada at Niagara Falls, Lewiston, Fort Niagara, and Youngstown, NY.

MC 117551 (Sub-12), filed July 2, 1981. Applicant: NEWS & FILM SERVICE, INC., 745 Lipan St., Denver, CO 80204. Representative: James A. Beckwith, 1365 Logan St., Suite 100, Denver, CO 80203, (303) 861–4273. Transporting *printed matter*, between points in CO, NM and UT.

MC 121801 (Sub-4), filed July 6, 1981. Applicant: HAYES MOTOR FREIGHT, INC., P.O. Box 793, Ardmore, OK 73401. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 1124, El Reno, OK 73936, (405) 262–1322. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Ardmore, OK and Dallas, TX, over U.S. Hwy 77 and Interstate Hwy 35, serving all intermediate points.

Note.—Applicant intends to tack this authority with its existing regular-route authority.

MC 129301 (Sub-23), filed June 25, 1981. Applicant: ENGLISH AND SONS CORPORATION, 412 Kingshighway, Thorofare, NJ 08086. Representative: David M. English, (same address as applicant), (609) 845–6475. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MD, MA, NJ, NY, NC, PA, RI, VA, and DC.

MC 133490 (Sub-18), filed July 8, 1981. Applicant: LEE'S TRUCKING, INC., Route 2, Box 463, North Branch, MN 55056. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Michigan Fruit Canners, Division of Curtice-Burns, Inc., of Coloma, WI.

MC 134721 (Sub-9), filed July 7, 1981. Applicant: GEORGE M. DZIAK, d.b.a. DZIAK PRODUCE CO., P.O. Box 3494 TA, Spokane, WA 99220. Representative: Chandler L. van Orman, 1729 H St., N.W., Washington, DC 20006, (202) 337–6500. Transporting *beverages and sirups*, between Seattle, WA, on the one hand, and, on the other, points in MT and ID.

MC 134790 (Sub-8), filed June 3, 1981, and previously noticed in **Federal Register** issue of June 17 1981. Applicant: DANIEL C. HAFFNER, d.b.a. HAFFNER TRUCKING SERVICE, R.R. #1, Farmington, IA 52626. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *metal products and machinery*, between points in Des Moines County, IA, on the one hand, and, on the other, points in the U.S.

Note.—This republication includes machinery in the commodity description.

MC 138000 (Sub-95), filed July 1, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting *general commodities* (except classes A and B explosives) between Norfolk, VA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, KS, OK, and TX.

MC 141561 (Sub-1), filed July 6, 1981. Applicant: DIXIE TRANSPORT COMPANY, a corporation, P.O. Box 668, Toccoa, GA 30577. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349, (404) 996–6266. Transporting *machinery*, between points in the U.S., under continuing contract(s) with The Woodman Co., Inc., of Decatur, GA.

MC 142080 (Sub-19), filed July 7, 1981. Applicant: LITE TRANSPORT, INC., 480 Neponset St., Canton, MA 02021. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960, (617) 535–5430. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with the Procter & Gamble Company, of Cincinnati, OH.

MC 144140 (Sub-59), filed July 7, 1981. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 158, Eustis, FL 32726. Representative: John L. Dickerson, (same address as applicant), (904) 357–1300. Transporting *general commodities* (except classes A and B explosives), between Cleveland, OH, on the one hand, and, on the other, points in the U.S.

MC 144981 (Sub-5), filed June 30, 1981. Applicant: JOHN DAY-PORTLAND AUTO FREIGHT, INC., P.O. Box 5, John Day, OR 97845. Representative: Lawerence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210, (503) 226–3755. Over regular routes, transporting *general commodities* except classes A and B explosives), (1) between Portland and John Day, OR, over U.S. Hwy 26, (2) between Portland, OR, and junction OR Hwy 19 and U.S. Hwy 26, at or near Dayville, OR, from Portland over Interstate Hwy 84 to Biggs, then over U.S. Hwy 97 to Wasco, then over OR Hwy 206 to Condon, then over OR Hwy 19 to junction U.S. Hwy 26, and return over the same route, and (3) between John Day and Hines, OR, over U.S. Hwy 395, serving all intermediate points in routes (1)–(3) above.

MC 148281 (Sub-17), filed July 7, 1981. Applicant: SUSANA TRANSPORT SYSTEMS, INC., 2845 Workman Mill Rd., Whittier, CA 90601. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212, (213) 277–2323. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses*, between points in IA, ID, KS, MI, MO, MT, NE, OR, SD and WA, on the one hand, and on the other, points in the U.S.

MC 148380 (Sub-16), filed July 7, 1981. Applicant: CRESCO LINES, INC., 13900 South Keeler Ave., Crestwood, IL 60445. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603, (312)–236–9375. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Northern Industries, Inc., of Crestwood, IL.

MC 151660 (Sub-4), filed July 2, 1981. Applicant: IMPALA TRANSPORTATION SERVICES, INC., P.O. Box 678, Irving, TX 75060. Representative: Larry P. Cardin, (same address as applicant), (214) 438–2851. Transporting *plastic products*, between points in the U.S., under continuing contract(s) with Blue Diamond Plastics Corporation, of Memphis, TN.

MC 153601 (Sub-3), filed July 7, 1981. Applicant: ITO, LTD., 121 West Doty St., Madison, WI 53703. Representative: W. A. Myllenbeck, 1947 West County Road C, St. Paul, MN 55113, (612) 633–2661. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Control Data Corporation, of Minneapolis, MN.

MC 157030, filed July 7, 1981. Applicant: MAX L. MURPHY, d.b.a. MURPHY TANK TRUCK SERVICE, R.R. #1, Geff, IL 62842. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with Union Oil Company of California, 76 Division, of Olney, IL.

MC 157051, filed July 9, 1981. Applicant: JAMES MORGAN, LTD., a corporation, 2256 Linden Ave., Highland Park, IL 60035. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211, (213) 655–3573. Transporting *general commodities* (except classes A and B explosives), between Los Angeles, CA, on the one hand, and, on the other, points in the U.S.

Volume No. OPY–2–126

Decided: July 10, 1981.

MC 111422 (Sub-11), filed June 24, 1981. Applicant: O.D. ANDERSON, INC., R.D. #3, Conneaut Lake Rd., Greenville, PA 16125. Representative: Jeremy Kahn, 733 Investment Bldg., 1511 K St., NW., Washington, D.C. 20005, 202–783–3525. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Allegheny and Westmoreland Counties, PA, and extending to points in the U.S. (including AK but excluding HI), restricted in one-way operations only, to the transportation of passengers and their baggage (1) having a subsequent movement by air to the indicated points in PA, or (2) having a prior movement by air from the indicated points in PA.

MC 127902 (Sub-22), filed June 26, 1981. Applicant: DIETZ MOTOR LINES, INC., P.O. Box 1427, Hickory, NC 28601. Representative: Robert B. Walker, 425 13th Street, N.W., Washington, DC 20004, (202) 737–1030). Transporting *sugar* from Supreme, LA, to points in NC and SC.

MC 134262 (Sub-21), filed July 1, 1981. Applicant: FARMERS FEED & SUPPLY TRANSPORTATION, INC., P.O. Box 385, Boyden, IA 51234. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting (1)(a) *chemicals and related products*, (b) *clay, concrete, glass or stone products*, and (c) *pulp, paper and related products*, between Omaha, NE, Van Buren, AR, Minneapolis, MN, Rock Island and Chicago, IL, and points in Otoe and Nance Counties, NE, Lea and Eddy Counties, NM, Whiteside County, IL, Sweetwater and Crook Counties, WY, Rice County, KS, Marathon and Brown Counties, WI, Sandusky and Seneca Counties, OH, and Onondaga County, NY, on the one hand, and, on the other, points in the U.S., and (2) *such commodities* as are dealt in or used by manufacturers and distributors of feed, feed ingredients and animal and poultry health products, between points in MI, OH, KY, IN, TN, IL, WI, MN, IA, MO, AR, OK, KS, NE, SD, ND, MT, WY and CO.

MC 135082 (Sub-120), filed June 29, 1981. Applicant: ROADRUNNER TRUCKING, INC., P.O Box 26748, Albuquerque, NM 87125. Representative: Robert G. Russell (same address as applicant), 505–345–8856. Transporting (1) *electrical equipment*, and (2) *metal products*, between the facilities of McGraw-Edison Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 142913 (Sub-3), filed June 29, 1981. Applicant: TRAVIS TRANSPORT, INC., 3546 Vandalia Rd., Des Moines, IA 50317. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, 402–475–6761. Transporting *petroleum products*, between points in IA, on the one hand, and, on the other, points in IA, IL, MO, KS, NE, SD, MN, and WI.

MC 144842 (Sub-14), filed July 1, 1981. Applicant: RIGGINS TRUCKING, INC., 1004 W. Maple St., Springdale, AR 72764. Representative: Nancy Pyeatt, 815 15th St. NW, Washington, DC 20005; 202–347–4332. Transporting *food and related products*, between points in Sebastian County, AR, on the one hand, and, on the other, points in CO, IL, IA, KS, KY, LA, MS, MO, NE, NM, OK, SD, TN, TX, and WY.

MC 144982 (Sub-20), filed June 30, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112; 817–457–0804. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of steel shelving, storage racks, and plastic bins, between points in the U.S., under continuing contract(s) with San Jose Shelving Distribution Center, Inc., of San Jose, CA.

MC 148153 (Sub-2), filed June 30, 1981. Applicant: WALBON & COMPANY, 3242 Old Highway 8, Minneapolis, MN 55418. Representative: Stanley C. Olsen, Jr., 5200 Willson, Rd., Suite 307, Edina, MN 55424; 612–927–8855. Transporting *general commodities* (except classes A and B explosives), between points in MN, IA, WI, ND, and SD, on the one hand, and, on the other, New York City, NY, Baltimore, MD, Milwaukee, WI, and points in FL.

MC 150433, filed June 30, 1981. Applicant: CRUSE H. THOMASON, Second and Houston, Yuma, CO 80759. Representative: Pam Phifer (same address as applicant) 303–848–3811. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of anhydrous ammonia, between points in the U.S., under continuing contract(s) with Northeast Fertilizer and Chemical Co., of Eckley, CO.

MC 153492, filed July 2, 1981. Applicant: JOHN M. CORCORAN, d.b.a. CORCORAN'S DRIVEWAY, 1713 Bracknel Blvd., Rockford, IL 61103. Representative: John M. Corcoran (same address as applicant) (815) 633–7740. Transporting *motor vehicles* between points in IL, on the one hand, and, on the other, points in IA, IN, MI, MO, MN, and WI.

MC 153553 (Sub-1), filed June 29, 1981. Applicant: ROCKINGHAM CARRIAGE SERVICE, INC., Rte. #1 Bypass, P.O. Box 1349, Portsmouth, NH 03801. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181; 617–235–5571. Transporting *motor vehicles*, between points in the U.S.

MC 154632 (Sub-1), filed July 1, 1981. Applicant: K & A TRANSPORTATION, INC., P.O. Box 1708, Marion, NC 28752. Representative: Gary E. Morgan (same as applicant) (704) 652–8383. Transporting *containers and container ends*, between Arden, NC, on the one hand, and, on the other, points in the U.S.

MC 155282 (Sub-1), filed June 23, 1981. Applicant: J & J CONSULTING SERVICES, INC., P.O. Box 23053, New Orleans, LA 70183. Representative: Robert J. Gallagher, 1000 Connecticut Ave. N.W., Washington, DC 20036 (202) 785–0024. As a *broker* in arranging for the transportation of household goods between points in the U.S.

MC 156013, filed June 29, 1981. Applicant: WILSON FREIGHT LINES, INC., 729 South Jupiter, Garland, TX 75042. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062; 214–255–6279. Transporting *such commodities* as are dealt in by manufacturers and distributors of building and construction materials, between points in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, WA, and WY, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OK, OR, TX, UT, WA, and WY.

MC 156853, filed June 26, 1981. Applicant: NORTH SHORE BUS COMPANY, INC., 31 Milk St., Room 1111, Boston, MA 02109. Representative: Jeremy Kahn, Suite 733, Investment Bldg., 1511 K St. NW, Washington, DC 20005; 202–783–3525. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Suffolk, Essex, and MIddlesex Counties, MA, and extending to points in the U.S. (including AK but excluding HI).

MC 156902, filed June 26, 1981. Applicant: CONTAINER TRUCKING, INC., 3410 North Edgewood Avenue, Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. Transporting *general commodities* (except classes A and B explosives), between points in Duval County, FL, on the one hand, and, on the other, points in FL, GA, NC, SC and AL.

MC 156932, filed July 1, 1981. Applicant: PALLET PRODUCTS, INC., P.O. Box 70, Des Plains, IL 60016. Representative: Elaine M. Conway, 10 South LaSalle St., Suite 1600, Chicago, IL 60603; (312) 263–1600. Transporting *such commodities* as are dealt in by manufacturers of corrugated sheets, between points in the U.S., under continuing contract(s) with Corrugated Supplies Corporation, of Chicago, IL.

MC 156962, filed July 2, 1981. Applicant: MOVE AMERICA, 8411 Old Marlboro Pike, Unit #2, Upper Marlboro, MD 20870. Representative: James J. Fratino, P.O. Box 82, Edgewater, MD 21037, 301–261–7227. Transporting *household goods*, between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, MD, MA, MI, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV and DC.

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Decided: July 9, 1981.

MC 58522 (Sub-14), filed July 1, 1981. Applicant: RIVER TRAILS TRANSIT LINES, INC., Highway 20, West, Galena, IL 61036. Representative: Richard A. Westley, P.O. Box 5086, 4506 Rengent Street, Suite 100, Madison, WI 53705. Transporting *passengers and their baggage*, in round-trip charter and special operations, beginning and ending at points in Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Kenosha, Lafayette, Milwaukee, Ozaukee, Racine, Richland, Rock, Sauk, Vernon, Walworth, Washington, and Waukesha Counties, WI and IL and IA, and extending to points in the U.S., under continuing contract(s) with Tri-State Tours, Inc., of Galena, IL.

MC 43963 (Sub-34), filed June 26, 1981. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley St., Lake Station, IN 46405. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602 (312) 236–5944. Transporting *such commodities as are dealt in or used by manufacturers, converters, and printers of paper, paper products, paper manufacturing by-products, and plastic products*, between points in WI, on the one hand, and, on the other, points in AR, AL, FL, GA, IL, IN, IA, KY, LA, MN, MO, MI, OH, PA and TN.

MC 87113 (Sub-21), filed June 29, 1981. Applicant: WHEATON VAN LINES, INC., 8010 Castleton Road, Indianapolis, IN 46250. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, D.C. 20006 (202) 833–8884. Transporting *toys and games*, between the facilities of Knickerbocker Toys, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 133562 (Sub-45), filed June 30, 1981. Applicant: HOLIDAY EXPRESS CORPORATION, P.O. Box 452, Estherville, IA 51334. Representative: Herbert W. Allen, P.O. Box 2733, Des Moines, IA 50315 (515) 287–1602. Transporting *food and related products*, between points in the U.S.

MC 142672 (Sub-175), filed June 30, 1981. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. Transporting *such commodities* as are used in the manufacture and distribution of plastic games and toys, between points in Washington County, PA, on the one hand, and, on the other, points in the U.S.

MC 147712 (Sub-19), filed April 6, 1981. Applicant: MID-WESTERN TRANSPORT, INC., 14625 Carmenita Road, Norwalk, CA 90650. Representative: Joseph Fazio (same address as applicant) (213) 921–7474). Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Wasatch Shippers Association, of Salt Lake City, UT.

MC 148553 (Sub-3), filed July 9, 1981. Applicant: B. J. EXPRESS, INC., 4928 Assisi Lane, Cincinnati, OH 45238. Representative: Bobby Ray Johnson (same address as applicant) 513–631–2790. Transporting (1) *transportation equipment*, (2) *Mercer commodities*, (3) *rubber and plastic products*, and (4) *pulp, paper and related products*, between points in AL, AZ, AR, CA, CT, DE, GA, IL, IN, KS, KY, LA, MD, MA, MI, MS, MO, NV, NH, NJ, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, WA, WV, WI, and WY.

MC 149563 (Sub-11), filed June 26, 1981. Applicant: SUPER TRUCKERS, INC., 3900 Commerce Ave., Fairfield, AL 35064. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203 (205) 251–2881. Transporting (1) *metal products*, and (2) *plastic pipe and pipe fittings*, between points in the U.S.

MC 153583, filed June 26, 1981. Applicant: S&F TRUCKING INC., R.R. 1 Box 79, Joseph, OR 97846. Representative: Rex L. Smith (same address as applicant). Transporting *steel and lumber* between points in OR, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, UT, and WY.

MC 155143, filed June 26, 1981. Applicant: NEW DIXIE TRANSPORTATION CORP., P.O. Box 112, Providence Forge, VA 23140. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. Transporting *forest products, lumber and wood products*, between points in the U.S., under a continuing contract(s) with New Kent Wood Preservatives, Inc., of Providence Forge, VA.

MC 155723 (Sub-1), filed June 26, 1981. Applicant: SYSTEM 81 EXPRESS, INC., P.O. Box 305, Clinton, TN 37716. Representative: Jerry A. Farmer, P.O. Box 1708, Knoxville, TN 37901 (615) 637–5600. Transporting *minerals, ores, stone and clay products, and such commodities* as are dealt in by wholesale, retail, and chain grocery and food business houses, and hard stores, between points in the U.S., under continuing contract(s) with Evans Clay Company of McIntyre, GA, Thompson, Weinman & Company of Cartersville, GA, The Clorox Company of Oakland, CA, and Stokely-Van Camp, Inc. of Indianapolis, IN.

MC 156903, filed June 26, 1981. Applicant: ROBERT COOK, d.b.a. COOK TRANSPORT, Street Road and Clive Ave., Cornwells Heights, PA 19020. Representative: Robert Cook (same address as applicant) (215) 639–1122. Transporting *metal products*, between Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, MD, MA, NJ, NY, NC, PA, RI, SC, VA, and DC.

MC 156923, filed June 16, 1981. Applicant: ROBINSON COACH, INCORPORATED, 2123 Old Hwy. 8, New Brighton, MN 55112. Representative: John D. Robinson (same address as applicant) (1–612–633–3267 or 1–612–636–4411). Transporting *passengers and their baggage*, in round trip charter operations, beginning and ending at points in MN, and extending to points in the U.S.

MC 156933, filed July 2, 1981. Applicant: IMOGENE L. PITTMAN, d.b.a. SEE AMERICA FIRST TOURS, 1218 4th Street Lane, N.E., P.O. Box 1286, Hickory, NC 28601. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101 (703) 893–3050. As a *broker*, at Hickory, NC, in arranging for the transportation, by motor vehicle, of passengers and their baggage, beginning and ending at points in Alexander, Avery, Burke, Caldwell, Catawba, Lincoln, Rutherford, Watauga, and Wilkes Counties, NC, and extending to points in the U.S.

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Decided: July 14, 1981.

MC 2232 (Sub-18), filed June 29, 1981. Applicant: CREGER FREIGHT LINES, INC., Old Tyburn Rd. & Corbin Lane, Morrisville, PA 19063. Representative: Bernard J. Kompare, 10 South LaSalle St., Suite 1600, Chicago, IL 60603 (312) 263–1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Purex Corporation, of Lake Wood, CA.

MC 5723 (Sub-8), filed July 6, 1981. Applicant: VANGUARD INTERSTATE TOURS, INC., 1 Westerly Road, Ossining, NY 10510. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street, N.W., Washington, D.C. 20005 (202) 783–3525. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations, (1) beginning and ending at points in Westchester, Putnam, and Rockland Counties, NY, and extending to points in the U.S., (including AK but excluding HI) and (2) beginning and ending at New York, NY, and extending to points in the U.S., (including AK, but excluding CT, PA, NJ, DE, and HI and DC).

MC 16513 (Sub-25), filed July 1, 1981. Applicant: REISCH TRUCKING & TRANSPORTATION CO., INC., 1301 Union Ave., Pennsauken, NJ 08110. Representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312 (703) 750–1112. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Mobil Chemical Company, of Macedon, NY.

MC 31533 (Sub-19), filed July 2, 1981. Applicant: SOUTH BEND FREIGHT LINE, INC., 1200 S. Olive St., P.O. Box 545, South Bend, IN 46624. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, IA, KY, MI, MO, OH and WI.

MC 41932 (Sub-17), filed July 6, 1981. Applicant: BROWNING FREIGHT LINES, INC., 650 South Redwood Rd., Salt Lake City, UT 84104. Representative: Ronald D. Browning, 1321 S.E. Water Ave., Portland, OR 97214 (503) 239–5747. Transporting *general commodities* (except classes A and B explosives) between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

MC 56623 (Sub-3), filed June 29, 1981. Applicant: SHANNON YOUNG TRUCKING COMPANY, d.b.a. OIL FIELD TRUCKING SERVICE, P.O. Box 5707, Abilene, TX 79605. Representative: James W. Hightower, First Continental Bank Bldg., #301, 5801 Marvin D. Love Freeway, Dallas, TX 75237 (214) 339–

4108. Transporting (1) *Mercer commodities*, (2) *Metal products*, and (3) *machinery*, between points in TX, on the one hand, and, on the other, points in AR, LA, OK, KS, NM, and TX.

MC 112063 (Sub-26), filed June 30, 1981. Applicant: P. I. & I. MOTOR EXPRESS, INC., Broadway Ave. Extension, Masury, OH 44438. Representative: Milan Tatalovich, 11 West Liberty St., Girard, OH 44420 (216) 545-3081. Transporting *Mercer commodities*, between points in Stark County, OH, on the one hand, and, on the other, points in the U.S.

MC 116073 (Sub-385), filed July 2, 1981. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Representative: Paul D. Borghesani, 421 So. Second St., Elkhart, IN 46515 (219) 693-3597. Transporting *such commodities* as are dealt in or used in the manufacture and distribution of machinery and recycling equipment, between points in Faulkner County, AR, on the one hand, and, on the other, points in the U.S.

MC 119762 (Sub-6), filed July 7, 1981. Applicant: KIMBERLAIN TRUCKING, INC., 5307 Cynthia Lane, Racine, WI 53406. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108 (701) 237-4223. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with (a) W. H. Kruse, Inc., of Wheeling, IL, and (b) B. B. Dist., Inc., of Sycamore, IL.

MC 121423 (Sub-5), filed June 29, 1981. Applicant: BOYD NAEGELI, INC., 7201 East Haven St., Houston, TX 77017. Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, TX 77024. Transporting *road construction machinery and equipment and contractors equipment*, between points in TX, on the one hand, and, on the other, points in AR, FL, LA, MS, NE, NM, OK, SC, and TN.

MC 125023 (Sub-88), filed July 1, 1981. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, PA 16504. Representative: Richard C. McGinnis, 711 Washington Bldg., Washington, DC 20005 (202) 347-3987. Transporting *clay, concrete, glass or stone products*, between Dallas, TX, points in Hamilton and Shelby Counties, TN, Mineral County, WV, Knox County, OH, Harrison and Desoto Counties, MS, Navarro County, TX, and Anne Arundel County, MD, on the one hand, and, on the other, points in the U.S.

MC 125113 (Sub-6), filed July 8, 1981. Applicant: CHRISTMAN TRUCKING CORPORATION, P.O. Box 776, Washington, PA 15301. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137 (901) 767-5600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with (1) Edgewater Steel Company, of Oakmont, PA, (2) Modulus Corporation of Mt. Pleasant, PA, (3) Mine Safety Appliances Company of Pittsburgh, PA, and (4) H. H. Robertson Co., of Pittsburgh, PA.

MC 125403 (Sub-14), filed June 30, 1981. Applicant: S.T.L. TRANSPORT, INC., 120 Grace Ave., P.O. Box 369, Newark, NY 14513. Representative: Raymond A. Richards, 35 Curtice Pk., Webster, NY 14580 (716) 265-9510. Transporting *food and related products*, between points in the U.S., on the one hand, and, on the other, the facilities of (a) Ragu Foods, Inc., and (b) CantisSANO Foods, Inc., at 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 2, Room 2379.

MC 135562 (Sub-10), filed July 7, 1981. Applicant: OCC, INC., 2214 4th Ave. S., Seattle, WA 98134. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055 (206) 228-3807. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with El Dorado Tire Co., Inc., of Troy, MI.

MC 141603 (Sub-4), filed June 26, 1981. Applicant: CANADIAN PACIFIC EXPRESS & TRANSPORT LTD., Suite E-330, Atria North, 2255 Sheppard Ave. E., Willowdale, Ontario, Canada M2J 4Y1. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055 (206) 228-3807. Transporting *general commodities* (except classes A and B explosives), between points in WA and those in Cascade County, MT, on the one hand, and, on the other, ports of entry on the international boundary line between the U.S. and Canada in ID, MT, and WA.

MC 144982 (Sub-21), filed July 7, 1981. Applicant: OHIO PACIFIC EXPRESS, INC., P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112 (817) 457-0804. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of paint, chemicals, and related products, between points in IL, KY, and OH, on the one hand, and, on the other, points in CA and TX.

MC 145282 (Sub-3), filed June 29, 1981. Applicant: FALCON TRANSPORT, INC., 10 Greenfield Rd., Lancaster, PA 17604. Representative: James E. Brown, 36 Brunswick Rd., Depew, NY 14043 (716) 681-7190. Transporting *metal products*, between points in Lancaster County, PA, on the one hand, and, on the other, points in DE, IL, IN, KY, MD, MI, NJ, NY, OH, VA, and WV.

MC 145742 (Sub-8), filed June 29, 1981. Applicant: BOLES TRUCKING, INC., R.R. #1, Ina, IL 62846. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. Transporting *(1) Petroleum and petroleum products, (2) lumber and wood products, and (3) clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with The Jennison-Wright Corporation, of Toledo, OH.

MC 146782 (Sub-54), filed June 29, 1981. Applicant: ROBERTS CARRIER CORPORATION, 300 First Ave, South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Trust Bldg., Nashville, TN 37201. Transporting *metal products*, between points in AL, AR, DE, FL, GA, IL, IN, IA, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC.

MC 149172 (Sub-4), filed June 29, 1981. Applicant: GARY HOFFMAN, an individual, d.b.a. HOFFMAN TRUCKING, 2807 Desirae St., Chickasha, OK 73018. Representative: David A. Cherry, P.O. Box 1540, Edmond, OK 73034. Transporting (1) *metal products and* (2) *machinery*, between points in the U.S., under continuing contract(s) with CMI Corporation, of Oklahoma City, OK.

MC 149333 (Sub-4), filed July 1, 1981. Applicant: RICKY SHAW & SONS TRANSPORTATION COMPANY, INC., 500 Bennington, Kansas City, MO 64125. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141; 816-842-8600. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of plastic pipe and fittings, between points in Phelps County, MO, on the one hand, and, on the other, those points in the U.S. in and east of CA, ID, and NV.

MC 149553 (Sub-5), filed July 1, 1981. Applicant: VALLEY TRANSPORTATION SERVICE, INC., P.O. Box 1527, Mission, TX 78572. Representative: D. R. Beeler, P.O. Box

482, Franklin, TN 37064; 615–790–2510. Transporting *general commodities* (except classes A and B explosives) between the facilities of Union Camp Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 153432 (Sub-1), filed June 29, 1981. Applicant: STEWART INTERMODAL TRANSPORT, INC., d.b.a. TRUCKLOAD EXPRESS, 1621 Elmore St., Cincinnati, OH 45223. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017 (614) 889–2531. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, KY, MO, NY, OH, PA, and WV.

MC 154562 filed June 29, 1981. Applicant: J.B.L., INC., 1245 Wedgewood St., Cleburne, TX 76031. Representative: Jerry Prestridge, P.O. Box 1148, Austin, TX 78767. Transporting *lime, limestone products, fly ash and sand,* between points in TX, NM, OK, AR, LA, and MS.

MC 154783, filed June 29, 1981. Applicant: CARL MOCK, d.b.a. O. C. BRUMSHIRE, 1115 Roma, N.E., Albuquerque, NM 87106. Representative: David C. Olson, P.O. Drawer 965, Albuquerque, NM 87103 (505) 243–2826. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of cosmetics, toilet preparations, and toilet articles, between points in the U.S., under continuing contract(s) with Avon Products, Inc., of Kansas City, MO.

MC 156312, filed June 23, 1981. Applicant: C MILE TRANSPORT LTD., Box 424, Exeter Rd., 100 Mile House, British Columbia, Canada VOK 2E0. Representative: George Costello (same address as applicant) (604) 395–2229. Transporting (1) *lumber and wood products,* under continuing contract(s) with (a) Taiga Wood Products Ltd., of Burnaby, B.C. Canada, (b) Quinault Pacific Corporation, of Shelton, WA, (c) North Pacific Lumber, of Portland, OR, (d) Far West Fir Sales, of Woodburn, OR, and (e) Chandler Corporation, of Meridian, ID, (2) *such commodities* as are dealt in or used by manufacturers and distributors of salt and salt products, under continuing contract(s) with (a) Domino Sales Ltd., of Burnaby, B.C., Canada, (b) Utah Salt Company, of Salt Lake City, UT, and (c) 100 Mile Feed and Ranch Supplies Ltd., of 100 Mile House, B.C., Canada, (3) *such commodities* as are dealt in or used by manufacturers and distributors of irrigation equipment, under continuing contract(s) with Highlands Irrigation Limited, of Williams Lake, B.C., Canada, and (4) *such commodities* as are dealt in or used by manufacturers and distributors of farm Hardware and ranch equipment, under continuing contract(s) with 100 Mile Feed and Ranch Supplies Ltd., of 100 Mile House, B.C., Canada, between points in the U.S.

MC 156773, filed June 25, 1981. Applicant: WOZNIAK'S HOBBIT TRAVEL, 1821 University Ave., St. Paul, MN 55104. Representative: George W. Wozniak (same address as applicant) 612–645–3988. As a broker, at St. Paul, MN, in arranging for the transportation by motor vehicle of *passengers and their baggage,* in round-trip special and charter operations, beginning and ending at points in ND, SD, MN, WI, IA, IL, MI, IN, OH, MO, PA, and NY, and extending to points in the U.S.

MC 156873, filed June 29, 1981. Applicant: CONFEDERATE CONTAINER TRANSPORT CORP., 1374 NW 78th Ave., Miami, FL 33127. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd. St., Miami, FL 33166 (305) 592–0036. Transporting *general commodities* (except classes A & B explosives) between those points in FL east and south of the western boundary of Jefferson County, FL.

MC 156892, filed June 30, 1981. Applicant: N. W. GRISWOLD TRUCKING, INC., 5760 Farish Rd., Placerville, CA 95667. Representative: Wayne Griswold (same address as applicant) (916) 626–4533. Transporting *building materials,* between points in the U.S., under continuing contract(s) with CertainTeed Corporation, of Valley Forge, PA.

MC 157002, filed July 7, 1981. Applicant: NICK WOCK, d.b.a. NICK'S TRAILER MOVERS, 6 Mile P.O. Box 8, Butte, MT 59701. Representative: Neil J. Lynch, 305 East Front St., Butte, MT 59701 (406) 782–0428. Transporting buildings and mobile homes between points in ID, MT, UT and WY.

[FR Doc. 81–21348 Filed 7–21–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Decision-Notice; Finance Applications

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of

effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: July 15, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC–F–14657, filed June 29, 1981. OCCIDENTAL PETROLEUM CORPORATION, 10889 Wilshire Blvd., Los Angeles, CA 90024, Knoxville, TN 37919—(Control)—PROCESSED BEEF EXPRESS INC. and MADISON LINES, INC., P.O. Box 522, Dakota City, NE 68731. Representative: Donald T. Bliss, O'Melvney & Myers, 1800 M St., NW, Washington, DC 20036. Occidental seeks authority to acquire control of PBX and Madison Lines. Acquisition of control will result from the merger of Oxy Merger Corp., a newly formed wholly-owned subsidiary of Occidental, into Iowa Beef Processors, Inc. (IBP), P.O. Box 515, Dakota City, NE 68731. Occidental will in turn, acquire the stock of IBP. IBP in turn, owns the capital stock of PBX and Madison Lines. The Permian Corporation (Permian) is a subsidiary of Occidental, and Permian controls a motor carrier, Western Oil Transportation Company, Inc. (Western Oil) through ownership of its capital stock. Occidental is primarily a natural resource-oriented company and IBP is a meat processor. PBX has a motor carrier authority to transport food and related products over irregular routes under certificates issued by the Commission in Docket No. MC–136669 and Sub-Numbers. The authority is primarily contract authority for IBP. Other contracts are for Howard Johnson Company and Columbia Foods. Limited common carrier authority also is held to haul alcoholic beverages. Madison Lines has one grant of contract carrier authority over irregular routes contained in a certificate issued in Docket No. MC–139067 Sub 1. The contract is to haul meat and meat products for Madison Foods Co., from Madison, NE to points in the United States (except Nebraska, Alaska and Hawaii). Western Oil has common carrier authority, under certificates issued in Docket No. MC–115001 and Sub-Numbers, to haul petroleum and brine in bulk over irregular routes between points in the south and west and temporary contract carrier rights, under Docket No. MC–151076, to haul the same commodities.

MC–F–14604 (Supplemental publication) filed March 23, 1981. Transferee: LISA MOTOR LINES, INC. (LISA), P.O. Box 4550, Fort Worth, TX 76106. Transferor: P & L MOTOR LINES, INC. (P & L), P.O. Box 4616, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103. By decision of July 13, 1981, Review Board Number 3 modified its prior decision published in the **Federal Register** on April 23, 1981, and authorized transfer of additional authority in Certificate No. MC–150311 (Subs 3, 9, 11, and 13) from P & L to Lisa. The authority transferred authorizes: Sub 9: (1) chain and (2) such commodities as are used in the manufacture and distribution of chain, from the facilities of American Chain and Cable at York, PA, to point in TX; Sub 11: (1) machinery power transmissions, shears, bushings, V-belt, and bearings; and (2) equipment used in the distribution and manufacture of the commodities in (1) above, (a) from Chambersburg, PA, to Dallas, Houston and Lufkin, TX, Trenton, TN, Chicago, IL, Atlanta, GA, Tulsa, OK, and San Leandro, CA, and (b) from Trenton, TN, to Dallas, Houston, and Lufkin, TX, Chicago, IL, Atlanta, GA, Tulsa, OK, San Leandro, CA, and Chambersburg, PA; Sub 3: Metal shelving and store fixtures, from Terrell, TX, to points in the United States (except AK and HI); Sub 13: (1) alcoholic liquors; and (2) materials, equipment and supplies used in the manufacture and distribution of alcoholic liquors, between points in AR, KY, and NJ on the one hand, and, on the other, points in the United States.

MC–F–14338F, filed June 25, 1981. (Republication—supplementary decision-notice) (Previously published in the **Federal Register** issue of July 30, 1980, at pages 50947/48; corrected in the **Federal Register** issue of August 20, 1980, at page 5544. C–B–C TRANSPORTS, INC. (C–B–C) (1415 Railroad Avenue, Greenville, MS 38701)—Purchase—C–B–C TRANSPORTS, INC., General Partner, and M. A. CREEKMORE, JASPER V. BENNETT AND OSCAR CARADINE, Limited Partners, d.b.a. C–B–C TRANSPORTS, A Limited Partnership, (C–B–C Limited Partnership) (same address as C–B–C). Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. The purpose of this republication is to given notice that by a petition to reopen this proceeding for supplementary decision, C–B–C seeks authority to be substituted as buyer in the place and stead of H. Hoyt McKarem, An Individual, d.b.a. C–B–C Transportation Co. At the same time, H. Hoyt McKarem, Gerlad W. Lindsay, John P. McDonald, Steven L. Walls, Alex Taylor and Julius Rowe Taylor, Jr., who each own 200 shares (⅙) of the common stock of C–B–C, seek authorization through this transaction, to control the operating rights. In addition, Alex Taylor and Julius Rowe Taylor, Jr., also seek authority, through the transaction, to commonly control, through management, C–B–C and Taylor Truck Lines, Inc. (Taylor), Operating under Docket No. MC–106565 and sub-numbers thereunder, of which the Taylors are officers and directors, each of whom owns 25 percent of its stock. By Notice of Effectiveness served in this proceeding on March 13, 1981, McKarem, who is President of Taylor and owns 25 percent of its stock, was authorized to purchase the interstate operating rights and properties of C–B–C Limited Partnership and to commonly control, through management, C–B–C and Taylor (as well as other motor common carrier over which McKarem, but not the Taylors, exercises control as defined in the Act). Therefore, McKarem's common management control of C–B–C and Taylor has already been approved by this Commission and this supplemental decision-notice would only permit other persons controlling Taylor to participate in management control of C–B–C.

MC–F–14663, filed July 8, 1981. Applicant: JACK C. ROBINSON, d.b.a. ROBINSON FREIGHT LINES, 3600 Papermill Road, Knoxville, TN 37919 and DEAN TRUCK LINE, INC., P.O. Drawer 631, Corinth, MS 38834. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137 (901) 767–5600. Jack C. Robinson, d.b.a. Robinson Freight Lines holds authority to transport General Commodities, over regular and irregular routes, in Georgia Tennessee, Kentucky and Mississippi, issued in MC–110144 and subs thereunder. He also controls The Robinson Fright Lines, Inc., which holds authority to transport commodities in bulk, an Classes A and B explosives over regular routes in Tennessee, issued in MC–128520. Mr. Robinson seeks to purchase the regular route general commodity held by Dean Truck Line, Inc., issued in MC–921 and subs thereunder, over regular routes in Florida, Alabama, Mississippi, Tennessee and Kentucky. Temporary

authority to lease the certificates of Dean Truck Line, Inc. is being sought.

[FR Doc. 81-21347 Filed 7-21-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 124]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 16, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 85788 (Sub-13)X, filed July 6, 1981. Applicant: JACOBSEN TRANSFER, INC., P.O. Box 47, Fairmont, NE 68354. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-Nos. 8, 9, 10 and 11F certificates and No. MC 129720 Sub-Nos. 5 and 6 permits to (1) broaden the commodity descriptions as follows: to "food and related products" from meat, meat products, and meat by-products, and articles distributed by meat packinghouses, in Sub-Nos. 8, 9, 10 and 11F certificates and Sub-6 prmit; to "metal products" from automated feeding systems, feed storage systems, and parts and components for the foregoing commodities, in Part (1) of Sub-5 permit; to "machinery" from forage wagons, choppers and blowers, in Part (2) of Sub-No. 5 permit; and to "metal products" from steel buildings and component parts for steel buildings, in Part (3) of Sub-5 permit; (2) remove the facilities restrictions in Sub-Nos. 8 and 11F certificates; (3) replace city with county authority as follows: York, NE with York County, NE, in Sub-Nos. 8 and 11F certificates; Lexington, NE with Dawson County, NE in Sub-Nos. 9, and 10 and 11F certificates; and Minden, NE with Kearney County, NE in Sub-No. 10 certificate; (4) remove originating at and destined to restrictions in Sub-Nos. 8, 9, 10 and 11F certificates; (5) remove "hides and commodities in bulk" restrictions in Sub-Nos. 8, 9, 10 and 11F certificates; (6) remove "commodities in bulk, in tank vehicles" restriction in Sub-6 permit; (7) replace one-way with radial authority between specified points located throughout the U.S. in Sub-Nos. 8, 9, 10 and 11F certificates; and (8) broaden the territorial description to authorize service between points in the U.S. under continuing contract(s) with named shippers in Sub-Nos. 5 and 6 permits.

MC 104421 (Sub-37)X, filed July 6 1981. Applicant: ECONOLINES, INC., P.O. Box 623 DTS, Omaha, NE 68101. Representative: Roger R. Norris (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 13, 27F, 28F and 31F certificates to (1) broaden the commodity descriptions to (a) "general commodities (except classes A and B explosives)" from general commodities (with exceptions), in the lead (parts 2, 7, 9, 14, and 20) and Sub-Nos. 13 and 28F; (b) "household goods and emigrant movables, and such commodities as are dealt in or used by manufacturers or distributors of farm products or machinery" from livestock, household goods, emigrant movables, and farm machinery and parts, in the lead (part 3); (c) "such commodities as are dealt in or used by manufacturers, producers or distributors of agricultural commodities" from agricultural commodities, in the lead (part 4); (d) "farm products, food and related products and building materials" from feed and building materials, in the lead (part 5); (e) "farm products" from livestock, in the lead (parts 6, 10, 15, 19, and 27) and livestock and unprocessed agricultural commodities, in the lead (part 28); (f) "farm products and agricultural commodities" from livestock and agricultural commodities, in the lead (parts 8 and 13); (g) "farm products and food and related products" from feed, in the lead (part 11) and grain, in the lead (part 12); (h) "machinery, household goods or agricultural commodities", from farm machinery and parts, household goods, and agricultural commodities, in the lead (part 18); (i) "farm products, food and related products, chemicals and related products, building materials, petroleum, natural gas and their products, gasoline station supplies, containers and materials, equipment and supplies used in the manufacture, distribution and sale of those commodities" from binder twine, feed, paint, building materials, petroleum products, in containers, empty petroleum products containers, and gasoline station supplies, in the lead (part 21); (j) "farm products, food and related products, pulp, paper and related products and materials, equipment and supplies used in the manufacture, distribution and sale of the named commodities "from eggs, poultry shipping boxes, paper and paper articles, egg cases, egg case materials, and egg case flats, in the lead (part 22); (k) "building materials" from sand and gravel, in the lead (part 23); (l) "petroleum or coal products, food and related products, and such commodities as are dealt in or used by manufacturers or distributors of hardware or automotive accessories and materials, equipment and supplies used in the manufacture, distribution and sale of those commodities named" from coal, plumbing supplies, automobile accessories, cooling equipment, wire, hardware, candy, and tankage, in the lead (part 24); (m) "machinery and parts" from farm machinery and farm machinery parts, in the lead (part 25); (n) "such commodities as are used by producers, distributors, or manufacturers of agricultural commodities, petroleum products or building materials "from livestock, agricultural commodities, feed, petroleum products in containers, empty petroleum product containers, building materials, and agricultural implements and parts, in the lead (part 26); (o) "food and related products" from malt beverage (except commodities in bulk), in Sub-No. 27F; and (p) "such commodities as are dealt in or used by manufacturers or distributors of sporting goods, recreational equipment, hunting equipment and clothing and materials, and materials, equipment and supplies used in the manufacture, distribution and sale of those commodities named" from sporting goods, recreational equipment, hunting equipment, and clothing, accessories for the commodities named and such commodities used in the manufacture, distribution, and installation of the

commodities named (except commodities in bulk), in Sub-No. 31F; (2) allow service at all intermediate points on its regular route authority between (a) Morrowville, KS and Fairbury, NE, in the lead (part 2), (b) Axtell, KS and St. Joseph, MO, in the lead (part 3a), (c) Axtell, KS and Kansas City, MO, in the lead (part 3b), (d) Axtell, KS and St. Joseph, MO, in the lead (part 4), (e) St. Joseph, MO and Axtell, KS, in the lead (part 5), and (f) Winifred, KS and points within 12 miles thereof, and Kansas City and St. Joseph, MO, in the lead (part 6); (3) change its one-way regular route authority to two-way, in the lead (parts 2, 4 and 5); (4) change its one-way irregular route authority to radial, in the lead (part 23); (4) remove the following restrictions: (a) restricted to pick-up and delivery of traffic moving to or from St. Joseph, in the lead (part 3); (b) restricted to pick-up only, in the lead (part 4); (c) restricted to delivery only, in the lead (part 5); (d) restricted against the transportation of chemicals from points in TN to points in Burt County, NE, in Sub-No. 28F; and (e) against transporting hides, skins, and tannery products and against traffic originating at or destined to the facilities of Ardans Wholesale, Inc., in Sub-No. 31F; (5) eliminate "except that no service is authorized to or from Hubbard and Dakota City, NE, in the Sub-No. 13, and "except AK and HI", in Sub-No. 31F; and (6) replace cities with counties on its irregular route authority as follows: Axtell and Summit, KS with Marshall County, in the lead (part 20a); Burchard, NE with Pawnee County and Summerfield, KS with Marshall County, in the lead (part 20b); Beattie, KS with Marshall County, in the lead (part 22); Barneston, NE with Gage County and Summerfield, KS with Marshall County, in the lead (part 23); Maryville, KS with Marshall County, in the lead (parts 24 and 25); Blue Rapids, KS with Marshall County, in the lead (part 26); Morrowville, KS with Washington County, in the lead (parts 27 and 28); Beatrice, Grand Island, and Lincoln, NE with Gage, Hall and Lancaster Counties, in the lead (part 28); and, Jackson, NE with Dakota County, in Sub-No. 13.

MC 104430 (Sub-67)X, filed May 27, 1981. Previously noticed in the **Federal Register** of June 17, 1981, republished as corrected. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, McComb, MS 39648. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its Sub-Nos. 62F and 63X certificates to (1) broaden its commodity description to "commodities in bulk", from chemicals in bulk, in tank vehicles; and (2) replace cities with county-wide authority; in Sub-Nos. 62F and 63X, Baton Rouge, LA, with Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge Parishes, LA; in Sub-No. 63X, Gretna, LA, with Orleans, Plaquemines, and St. Bernard Parishes, LA; Gulfport, MS, with Harrison County, MS; New Orleans, LA, with Orleans, Plaquemines, St. Bernard, St. Charles, and St. Tammany Parishes, LA; Montgomery, AL, with Autauga, Elmore, and Montgomery Counties, AL; Pascagoula, MS, and points within ten miles thereof, with Jackson County, MS and Mobile County, AL; and Adams County, MS (previously expanded from Natchez, MS), with Adams County, MS, and Concordia Parish, LA. The purpose of this republication is to correct the County-wide territorial scope of the Gretna, Natchez, and New Orleans commercial zones.

MC 116254 (Sub-327)X, filed July 2, 1981. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, AL 35360. Representative: Fred H . Daly, 2550 M Street, NW., Suite 475, Washington, DC 20037. Applicant seeks to remove restrictions in its Sub-Nos. 51, 70, 72, 76, 111, 157, 159, 167, 176, 187, 189, 207F, 234F, 236F, 239F, 255F, 256F, 277F, 286F, 298F, 307F, 310F, 315F, 317F, 320, 321 and 326X certificates and E–10 letter notice to (1) broaden the commodity descriptions from (a) fertilizer and fertilizer ingredients to "chemicals and related products" in Sub-No. 51; (b) chemicals and anhydrous ammonia to "chemicals and related products" in Sub-Nos. 70, 72, 76, and 298; (c) caskets, vaults, boxes, materials and supplies used in the production thereof, to "such commodities as are dealt in by the manufacture of caskets, vaults, and boxes" in Sub-No. 111; (d) pig iron to "metal products" in Sub-No. 157; (e) liquid chemicals to "chemicals and related products" in in Sub-Nos. 159 and 277; (f) glass containers to "clay, concrete, glass or stone products" in Sub-No. 167; (g) brick, brickette, and brickette mini-panels to "clay, concrete, glass, or stone products" in Sub-No. 176; (h) hydrofluosilicic acid to "chemicals and related products" in Sub-No. 187; (i) herbicides to "chemicals and related products" in Sub-No. 189; (j) aluminum roof, aluminum siding, and aluminum nails to "building materials" in Sub-No. 207; (k) titanium dioxide slurry to "chemicals and related products" in Sub-No. 234; (l) aluminum articles, brass articles, bronze articles, copper articles, scrap and unfinished shapes thereof, materials, equipment, and supplies to "metal products, waste or scrap materials, materials, equipment, and supplies" in Sub-No. 236; (m) petroleum, and petroleum products to "petroleum, natural gas, and their products" in Sub-No. 239; (n) aluminum and aluminum articles, materials, equipment and supplies to "metal products, materials, equipment, and supplies" in Sub-No. 255; (o) steel footwalks, steel structural forms, and steel area gratings to "metal products" in Sub-No. 256; (p) steel articles to "metal products" in Sub-No. 286; (q) glass and glass articles, to "clay, concrete, glass, or stone products" in Sub-No. 307; (r) steel articles, to "metal products" in Sub-No. 310; (s) titanium dioxide blurry to "chemicals and related products" in Sub-No. 315; (t) metallic ores, non-metallic minerals, primary and fabricated metal products to "ores and minerals, and metal products" in Sub-No. 317 (parts 1, 2, 4, and 5); (u) gloves, mittens, headwear, and yarn to "textile mill products" in Sub-No. 320; (v) chemicals or allied products, and petroleum and coal products to "chemicals and related products, petroleum, natural gas, and their products, and coal and coal products" in Sub-No. 326; (w) clay, to "clay, concrete, glass, or stone products" in E–10; (2) remove commodity restrictions such as in bulk, in tank, in vehicles equipped with mechanical refrigeration, in dump vehicles, in Sub-Nos. 51, 70, 72, 111, 157, 159, 187, 189, 234, 239, 298, and 315 and E–10; (3) delete plantsite restrictions in Sub-Nos. 51, 70, 72, 111, 159, 167, 189, 234, 236, 239, 255, 277, 286, 298, 310, and 315; (4) delete originating at or destined to restriction in Sub-Nos. 70, 72, 76, 239, and 255; (5) eliminate the exceptions of service to AK and HI in Sub-Nos. 70, 72, 111, 189, 298, and 310; (6) authorize radial service in lieu of existing one-way authority between numerous points in the U.S. in Sub-Nos. 51, 70, 72, 76, 159, 167, 176, 187, 189, 207, 234, 239, 256, 277, 286, 298, 307, 310, 315, 320 and E–10; (7) broaden cities to counties: Wilson Dam and Cherokee, AL, to Lauderdale and Colbert Counties, AL, in Sub-No. 51; Luling, LA, to Saint Charles Parrish, LA, in Sub-No. 70; Tuscaloosa, AL, to Tuscaloosa County, AL, in Sub-No. 72; Arab, AL, to Marshall County, AL, in Sub-No. 76; Loretto, TN, to Lawrence County, TN; Muscle Shoals, AL, to Sheffield County, AL, in Sub-No. 111; Henderson, NV, to Clark County, NV; St. Gabriel, LA, to Iberville Parrish, LA; LeMoyne, AL, to Mobile County, AL, in Sub-No. 159; Henryetta, OK, to Okmulgee County, OK, in Sub-No. 167; Owensboro, KY, to Daviess County, KY, in Sub-No. 176; Florence, AL, to Lauderdale County, AL, and Albuquerque, NM, to Bernalillo County,

NM, in Sub-No. 187; Fox, AL, to Tuscaloosa County, AL, in Sub-No. 189; New Johnsonville, TN, to Humphreys County, TN, in Sub-Nos. 234 and 315; Scottsboro, AL, to Jackson County, AL, Detroit, MI, to Wayne County, MI; Belton, SC, to Anderson County, SC; Clinton and Franklin Park, IL, to DeWitt and Cook Counties, IL; Shelbyville, KY, to Shelby County, KY; Monett and Cassville, MO, to Barry County, MO; Rome, NY, to Oneida County, NY; Hannibal, OH, to Monroe County, OH; North Liberty, IN, to St. Joseph County, IN; Moultrie, GA, to Colquitt County, GA; and Newport, AR, to Jackson County, AR, in Sub-No. 236; Blawnox, PA, to Allegheny County, PA, and Jackson, MS, to Hinds County, MS, in Sub-No. 256; Henderson, NV, to Clark County, NV, in Sub-No. 277; Andrews, SC, to Georgetown County, SC; Chicago, IL, to Cook County, IL; Detroit, Taylor, and Warren, MI, to Wayne and Macomb Counties, MI, in Sub-No. 286; Taft, LA, to St. Charles Parrish, LA, in Sub-No. 298; Jeanette, PA, to Westmoreland County, PA, and Clarksburg, WV, to Harrison County, WV, in Sub-No. 307; Cincinnati, OH, to Hamilton County, OH, in Sub-No. 310; Appleton and Milwaukee, WI, to Outagamie and Milwaukee Counties, WI, in Sub-No. 320; Waterloo, AL, and 10 miles thereof, to Colbert and Lauderdale Counties, AL, in E-10; (8) eliminate the restriction against transporting petrochemicals to 23 named States in Sub-No. 70; (9) delete the restriction against transporting petrochemicals, fertilizer, and dry chemicals to several states in Sub-No. 76; and (10) delete the commodity restrictions, such as except fuels, ordnance, transportation equipment and machinery, in order to transport ores and minerals and metal products, without exceptions, in Sub-No.317 (parts 2 and 5).

MC 119631 (Sub-46)X, filed June 30, 1981. Applicant: DEIOMA TRUCKING COMPANY, P.O. Box 335, East Sparta, OH 44626. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, DC 20004. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, 20, 22, 23, 24, 26F, 27F, 28F, 29F, 30F, 32F, 35F, 36F, 37F, 38F, and 39F certificates and its E-1, E-3, E-4, E-5, and E-6 letter notices to (A) broaden its commodity descriptions (1) in the lead and Sub-Nos. 2, 3, 4, 8, 14, 15, 16 part (1), 20, 30F, 37F, E-1, and E-3, to "clay, concrete, glass or stone products", from floor and wall tile, clay, clay products, brick, ceramic floor and wall tile, glassware, fire clay, dolomite magnesite, high temperature bonding mortar, cement in bags, concrete in bags, glass, bagged clay, and clay products (except pottery); (2) in the lead and Sub-Nos. 4, 9, 26F, and 27F, to "Food and related products", from sugar, nuts, dates, coffee, food products, and sugar in packages or containers; in the lead, to "machinery and lumber and wood products", from machinery, tools, dies, and empty containers; in the lead and Sub-Nos. 2 and 8, to "containers, carriers or shipping devices" from pallets, skids, and empty containers, which have been used in the transportation of clay products on return movements, and pallets and other shipping containers used in the transportation of clay products other than pottery, etc. * * *; (3) in Sub-Nos. 5, 7, 22, 23, 24, 28F, 32F, 36F, 38F part (1), 39F, E-4, E-5, and E-6, to "ores and minerals, coal and coal products, chemicals and related products, rubber and plastic products, clay, concrete, glass or stone products, and machinery", from refractories, bonding mortar, brick and tile refractory products and materials, clay products and refractories (except pottery), etc. * * *; (4) in Sub-Nos. 6 and 8, to "farm products", from urea fertilizer, dry, in bags, and in bulk; (5) in Sub-No. 8, to "machinery", from tools and equipment necessary for the laying of building tile, and backwalls and radiants; to "lumber and wood products", from lumber; to "rubber and plastic products, clay, concrete, glass or stone products, and metal products", from sewer pipe; to "chemicals and related products", from superphosphate; to "clay, concrete, glass or stone products, and ores and minerals", from clay and talc, earthware and dishes, and silica sand in bags; to "ores and minerals, and chemicals and related products", from hydrate of aluminum; to "clay, concrete, glass or stone products, metal products, and machinery", from clay backwalls and radiants, clay stove and furnace parts, clay fireplace parts, and clay gas heater and radiator parts; (6) in Sub-Nos. 8 and 38F part (2), to "ores and minerals" from wollastonite, saggers and hillers, and magnesite and magnesite products, and materials, equipment and supplies used in the manufacture and distribution thereof; (7) in Sub-Nos. 8, 14, and 35F, to "metal products", from enamelware, steel trusses and reinforcing wire, steel angles, and iron and steel articles; (8) in Sub-Nos. 10 and 14, to "rubber and plastic products", from plastic manikin forms, and liquid latex; (9) in Sub-No. 11, to "Food and related products, and materials equipment and supplies used in the preparation, serving or consumption, transportation, sales and distribution of food and related products" from foods and food products, materials and supplies used in the preparation, serving or consumption thereof, and premiums, advertising materials, and containers and racks used in the transportation thereof; (10) in Sub-No. 13, to "building materials and equipment materials, and supplies used in their erection and installation," from concrete backed building panels, and materials and supplies used in erection and installation thereof, in mixed loads; (11) in Sub-Nos. 14 and 18, to "building materials", from clay construction panels, and concrete construction panels; (12) in Sub-No. 16 to "clay, concrete, glass or stone products and materials, equipment and supplies used in their manufacture", from clay products and materials and machinery used in the manufacture of clay products; and (13) in Sub-No. 29F, to "textile mill products, chemicals and related products, rubber and plastic products, machinery, and metal products", from buffing pads, cleaning cloths, polishing and cleaning compounds, tools, putty, and paint (except in bulk), and accessories thereof; (B) replace its cities and facilities with county-wide authority: (1) in the lead, East Sparta, OH, with Stark and Tuscarawas Counties, OH; Parkersburg, OH, with Wood County, OH; (2) in the lead and Sub-5, Goshen, Mill, and Warwick Townships, Tuscarawas County, OH, with Tuscarawas County, OH; Palmyra Township, Portage County, OH, with Portage County, OH; Lisbon and East Liverpool, OH, with Columbiana County, OH and Hancock County, WV; Windham, OH, with Portage County, OH; Portsmouth, OH, with Sciota County, OH, and Greenup County, KY; (3) in Sub-No. 2, Lisbon, OH, with Columbiana County, OH, and Hancock County, WV; Wellsville, OH, and points within 10 miles of Wellsville, with Columbiana and Jefferson Counties, OH, Hancock County, WV, and Beaver County, PA; (4) in Sub-No. 3, Canton, OH, with Stark County, OH; (4) in Sub-No. 4, Washington, PA, with Washington County, PA; (5) in Sub-No. 6, North Claymont, DE, with New Castle County, DE; (6) in Sub-No. 7, East Palestine, OH and points within five miles thereof, with Columbiana and Mahoning Counties, OH and Lawrence and Beaver Counties, PA; Alliance, OH and points within five miles thereof, with Stark, Columbiana and Portage Counties, OH; Haydenville, OH, with Hocking and Athens Counties, OH; Rose Township (Carroll County, OH) with

Carroll County, OH; Osnaburg, Lake and Sandy Townships (Stark County, OH), with Stark County, OH; Unity Township, (Columbiana County, OH), with Columbiana County, OH; West Bridgewater, PA, with Beaver County, PA; Williamsport, MD, with Washington County, MD and Berkeley County, WV; Malvern, OH, with Carroll County, OH; East Liverpool, OH, and Lisbon, OH, with Columbiana County, OH and Hancock County, WV; Wickliffe, OH with Mahoning, Trumbull, Lake, and Cuyahoga Counties, OH; Alliance, OH with Stark and Columbiana Counties, OH; Canton, OH and points within 40 miles thereof, with Geauga, Cuyahoga, Summit, Lorain, Medina, Huron, Ashland, Holmes, Coshocton, Guernsey, Harrison, Jefferson, Stark, Columbiana, Carroll, Tuscarawas, Wayne, Portage, Trumbull, Mahoning Counties, OH and Hancock County, WV;

Nelsonville, OH with Hocking and Athens Counties, OH; Fredericksburg, OH with Wayne and Holmes Counties, OH; Liberty Township (Seneca County, OH) with Seneca County, OH; (7) in Sub-No. 8, East Palestine, OH and points within five miles thereof with Columbiana and Mahoning Counties, OH and Lawrence and Beaver Counties, PA; Alliance, OH with points in Stark and Columbiana Counties, OH; Jamestown, NY with Chautauqua County, NY; Canton, OH with Stark County, OH, Sugarcreek, OH, with Tuscarawas and Holmes Counties, OH; Summitville, OH, with Columbiana County, OH; Toronto, OH, with Jefferson County, OH and Hancock County, WV; Newell, WV, with Hancock County, WV; Malvern, OH with Carroll County, OH; Salineville, OH with Columbiana County, OH; Empire, OH with Jefferson County, OH; Uhrichsville and Dennison, OH with Tuscarawas County, OH; New Cumberland, WV with Hancock and Jefferson Counties, WV; East Palestine, OH and points within five miles thereof, with Columbiana and Mahoning Counties, OH, and Lawrence and Beaver Counties, PA; Alliance, OH and points within five miles thereof, with Stark, Columbiana and Portage Counties, OH; Rose Township, Carroll County, OH, with Carroll County, OH; Osnaburg, Lake and Sandy Townships, Stark County, OH with Stark County, OH; Unity Township, Columbiana County, OH, with Columbiana County, OH; Haydenville, OH with Hocking and Athens Counties, OH; West Bridgewater, PA with Beaver County, PA; East Liverpool and Lisbon, OH, with Columbiana County, OH and Hancock County, WV; Wickliffe, OH with Mahoning, Trumbull, Lake, and Cuyahoga Counties, OH; Haydenville, OH, with Hocking and Athens Counties, OH; Canton, OH, with Stark County, OH; Dennison, OH, with Tuscarawas County, OH; Nelsonville, OH, with Athens and Hocking Counties, OH; facilities at Curtis Bay, Baltimore, MD, with Curtis Bay, Baltimore, MD; Columbus, OH, with Franklin, Fairfield, Licking, Delaware, Union, and Madison Counties, OH; facilities in Lexington Township, Stark County, OH, with Stark County, OH; Fredericksburg, OH, with Wayne and Holmes Counties, OH; Williamsport, MD, with Washington County, MD and Berkeley County, WV; Liberty Township, Seneca County, OH, with Seneca County, OH; facilities three miles north of Willsboro, NY, with Essex County, NY; Sebring, OH, with Columbiana and Mahoning Counties, OH; Connersville, IN, with Fayette County, IN; Evansville, IN, with Vanderburgh and Warrick Counties, IN and Henderson County, KY; Indianapolis, IN, with Marion, Johnson, Shelby, Hancock, Hamilton, Boone, Hendricks, and Morgan Counties, IN; Muskegon, MI with Muskegon County, MI; Erie, PA, with Erie County, PA; Carnegie, PA, with Allegheny County, PA; Pittsburgh, PA, with Allegheny, Washington, and Westmoreland, Counties, PA; St. Paul, MN with Ramsey, Washington, Dakota, Anoka, and Hennepin Counties, MN; St. Cloud, MN with Benton, Sherburne, and Stearns Counties, MN; Huntington, WV, with Cabell and Wayne Counties, WV and Lawrence County, OH; Natrona, PA, with Allegheny and Westmoreland Counties, PA; Carnegie, PA, with Allegheny County, PA; Louisville, KY, with Jefferson and Oldham Counties, KY and Floyd and Clark Counties, IN; Warren, OH, with Trumbull County, OH; Youngstown, OH with Mahoning and Trumbull Counties, OH and Lawrence and Mercer Counties, PA; facilities at or near Riverton, VA, with Warren County, VA; (8) in Sub-No. 10, Barberton, OH, with Summit, Wayne and Medina Counties, OH; (9) in Sub-No. 11, facilities at or near Pitman, NJ, with Gloucester County, NJ; (10) in Sub-No. 13, Canton, OH, with Stark County, OH; (11) in Sub-No. 14, Minerva, OH, with Carroll, Columbiana and Stark Counties, OH; Peoria, IL, with Peoria, Tazewell, and Woodford Counties, IL; Pittsburgh, PA, with Allegheny, Westmoreland, and Washington Counties, PA; Gary, IN, with Porter and Lake Counties, IN and Cook County, IL; Wampum, PA, with Lawrence and Beaver Counties, PA; Louisville, KY, with Jefferson and Oldham Counties, KY, and Floyd and Clark Counties, IN; (12) in Sub-No. 15, facilities at Cambridge, OH, with Guernsey County, OH; (13) in Sub-Nos. 16 and 30F, Summitville, OH, with Columbiana County, OH; Pekin, OH, with Warren County, OH; (14) in Sub-No. 18, Fairfield, OH, with Butler County, OH; (15) in Sub-No. 20, Gnadenhutton, OH, with Tuscarawas County, OH; Sugar Creek, OH with Tuscarawas and Holmes Counties, OH; (16) in Sub-No. 22, Windham, OH, with Portage County, OH; (17) in Sub-No. 23, White Cloud, MI, with Newaygo County, MI; (18) in Sub-No. 24, Newell, WV, with Hancock County, WV; (19) in Sub-No. 26F, facilities at or near Boston, MA, with Boston, MA; facilities at Brooklyn, NY, with Kings, Queens, Richmond and New York Counties, NY, and Essex County, NJ; (20) in Sub-No. 28F, White Cloud, MI, with Newaygo County, MI; Hammond, IN, with Lake County, IN; Gary, IN, with Porter and Lake Counties, IN, and Cook County, IL; Rockdale, IL, with Will County, IL; (21) in Sub-No. 29F, Canton, OH, with Stark County, OH; (22) in Sub-No. 32F, Shreve, OH, with Wayne and Holmes Counties, OH; Houston, MS, with Chickasaw County, MS; points in Tuscarawas County, OH, within 5 miles of East Sparta, OH, with Tuscarawas County, OH; (23) in Sub-No. 35F, facilities at Canton, OH, with Stark County, OH; Cleveland, OH, with Cuyahoga, Lorain, Medina, Summit, and Lake Counties, OH; Massillon, OH, with Stark and Wayne Counties, OH; Warren, OH, with Trumbull County, OH; Youngstown, OH, with Mahoning and Trumbull Counties, OH and Lawrence and Mercer Counties, PA; (24) in Sub-No. 36F, facilities at or near: Curwensville, PA, with Clearfield County, PA; Womelsdorf, PA, with Berks and Lebanon Counties, PA; Mt. Union, PA, with Huntingdon and Mifflin Counties, PA; Vanport, PA, with Beaver County, PA; White Cloud, MI, with Newaygo County, MI; Farber, MO, with Audrain County, MO; (25) in Sub-No. 37F, Mayfield, KY, with Graves County, KY; Gleason and Whitlock, TN, with Weakley and Henry Counties, TN; Sledge, MS, with Quitman County, MS; (26) in Sub-No. 38F, facilities at or near: Maple Grove, OH, with Seneca and Sandusky Counties, OH; Bettsville, OH, with Seneca County, OH; Gabbs, NV, with Nye County, NV; Port Saint Joe, FL, with Gulf County, FL; (27) in Sub-No. 39F, facilities at or near: Rockdale, IL with Will County, IL; Gary, IN, with Porter and Lake Counties, IN and Cook County, IL; Hitchins, KY, with Carter County, KY; Warren, OH, with Trumbull

County, OH; Claysburg, PA, with Blair and Bedford
Counties, PA; Salina, PA, with Westmoreland County, PA; Sproul, PA, with Blair County, PA; Bessemer, AL with Jefferson County, AL; Eufala, AL, with Barbour County, AL and Quitman County, GA; Fairfield, AL, with Jefferson County, AL; Brunswick, GA with Glynn and Camden Counties, GA; Calhoun, GA, with Gordon County, GA; Hammond, IN, with Lake County, IN and Cook County, IL; Jennings, MD, with Garrett County, MD; Ludington, MI, with Mason County, MI; Fulton, MO, with Callaway County, MO; Vandalia, MO, with Audrain, Ralls and Pike Counties, MO; Cape May, NJ, with Cape May County, NJ; Portsmouth, OH, with Scioto County, OH and Greenup County, KY; Windham, OH, with Portage County, OH; Mt. Union, PA, with Huntingdon and Mifflin Counties, PA; Clearfield, PA with Clearfield County, PA; Templeton, PA, with Armstrong County, PA; and (28) in Sub-No. E-3, points in Ohio within 40 miles of Canton, with Geauga, Cuyahoga, Summit, Lorain, Medina, Huron, Ashland, Holmes, Coshocton, Guernsey, Harrison, Jefferson, Stark, Columbiana, Carroll, Tuscarawas, Wayne, Portage, Trumbull, and Mahoning Counties, OH and Hancock County, WV; (C) change one-way to radial authority between specified cities, counties, and States in the U.S., in the lead and all of the above sub-numbers except Sub-No. 39F; (D) eliminate: (1) in Sub-No. 6, the restriction against the use of air slide, pressure differential, and hopper type vehicles; (2) remove the commodities in bulk exceptions wherever they appear; (3) in Sub-No. 24, the restriction against transportation in foreign commerce; (4) in Sub-No. 2, against transportation to Port Homer, OH; (5) in Sub-No. 5, restriction against the transportation of lime, limestone, and limestone products; and (6) in Sub-No. 11, restriction against the transportation of frozen foods.

MC 123681 (Sub-39)X, filed July 2, 1981. Applicant: WIDING TRANSPORTATION, INC., P.O.B. 03159, Portland, OR 97203. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201. Applicant seeks to remove restrictions in its Sub-Nos. 2, 6, 7, 8, 9, 18, 19, 20, 22, 23, 26b, 30, 31, 33 35F, 36F, E1, E2, E3, E5, E6, E7, E8, E9, E10, E11, E12, E13, E14, E15, E16, E17, E18, E19, E20, and E24 certificates to (1) broaden the commodity description from various specified commodities such as liquid chemicals and acids, contractor's materials and supplies, molasses, fertilizer, and petroleum products, all in bulk, to "commodities in bulk" in all of the above Sub-Nos.; (2) remove vehicle and minimum weight restrictions in Sub-Nos. 2, 7, 8, 9, 19, 20, 22, 26G, 30, 31, 33, 35, E1, E2, E3, E5, E6, E7, E8, E9, E10, E11, E12, E13, E14, E15, E16, E17, E18, E19, E20, and E24; (3) remove restrictions to foreign commerce only in Sub-Nos. 8, and 19, (4) remove a restriction against specified commodities moving (a) to points in Ada and Canyon Counties, ID in Sub-No. 8 and (b) from Sweetwater County, WY in Sub-No. 36F; (5) remove facilities limitations at/or replace Chico, CA with Butler County in Sub-No. 2, Vancouver, WA, with Clark County, WA, in Sub-Nos. 2, 8, 30, E19 and E20, Portland, OR, with Mulnomah County, OR, in Sub-Nos, 7, 8, 19, 23, 26b, 35F, E17, and E18, Linnton and Willbridge, OR, with Mulnomah County, OR in Sub-No. 7, Baker and Blachly, OR, with Baker and Lane Counties, OR, and points within 5 miles of Pasco, WA, with Franklin, Benton and Walla Walla Counties, WA, in Sub-No. 7, Toppenish, WA, with Yakima County, WA, Longview, WA, with Cowlitz County, WA, Eugene, Albany and Tillamook, OR, with Lane, Linn and Tillamook Counties, OR, and Seattle and Tacoma, WA, with King and Pierce Counties, WA, Ferndale, WA, with Whatcom County, WA, Bandon, Coos Bay, Coquille, and Empire, OR, with Coos County, OR Finley, WA, with Benton County, WA, Kellogg, ID, with Shoshone County, ID, Springfield, OR, with Lane County, OR, Kent, WA, with King County, WA, Wallula, WA, with Walla Walla County, WA, Kalawa, WA, with Cowlitz County, WA, Geneva, UT, with Utah County, UT, North Portland, OR, with Multnomah County, OR, Lebanon, OR, with Linn County, OR, in Sub-No. 8; Avon, CA with Contra Costa County, CA and Springfield, OR, with Lane County, OR, Anderson, Eureka and Crescent City, CA, with Shasta, Humboldt, and Del Notre Counties, CA, Redding and Santa Clara, CA, with Shasta and Santa Clara Counties, CA in Sub-No. 19, Kalama, WA, with Cowlitz County, WA in Sub-No. 20, Sparks, NV, with Washoe County, NV, in Sub-No. 30, East Helena, MT, with Lewis and Clark County, MT, in Sub-No. 33, Hood River, OR, with Hood River and County, OR in Sub-No. 35F, Bellingham, WA, with Whatcom County, WA, Antioch and Pittsburgh, CA, with Contra Costa County, CA, in Sub-No. 36F, and Missoula, MT, with Missoula County, MT, in Sub-No. El (6) replace ports of entry on the international Boundary line between the United States and Canada at Blaine, Oroville, and Sumas, WA, with all ports of entry in WA in Sub-Nos. 8 and 19; and (7) replace one-way with radial authority.

MC 124170 (Sub-175)X, filed June 29, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, Suite 205, 2021 Midwest Road, Oak Brook, IL 60521. Applicant seeks to remove restrictions in its Sub-Nos. 39 and 53 certificates to (1) broaden the commodity description in each certificate to "food and related products" from bananas, and exempt agricultural commodities; and remove restrictive language "when transported in mixed loads with bananas"; (2) remove the restriction limiting service to traffic having an immediately prior movement by water in Sub-No. 39; (3) remove restrictions (a) requiring transportation of traffic in shipper-owned containers equipped with mechanical refrigeration, and (b) limiting transportation of traffic to that originating at the named facilities, and having an immediately prior movement by water, in Sub-No. 53; (4) change one-way authority to radial authority; and (5) substitute county-wide authority for the named points as follows: Sub-No. 39, Mobile County, AL (Mobile, AL); and Sub-No. 53, Harrison County, MS (Gulfport, MS).

MC 129712 (Sub-51)X, filed July 6, 1981. Applicant: GEORGE BENNETT, MOTOR EXPRESS, INC., Representative: Guy H. Postell, Suite 713 3384 Peachtree Road, NE., Atlanta, GA 30326. Applicant seeks to remove restrictions in its Sub-No. 14 permit to broaden the territorial description to between points in the U.S. under continuing contract(s) with named shipper.

MC 133035 (Sub-28)X, filed June 29, 1981. Applicant: DILTS TRUCKING, INC., Route No. 1, P.O. Box 156, Crescent, IA 51526. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Applicant seeks to remove restrictions in its lead and Sub-Nos. 4, 5, 6, 10, 11, 12, 13, 15, 16, 22, 24, 25, and 27 certificates to (1) broaden the commodity descriptions to "chemicals and related products" from salt, salt products and/or salt compounds, in the lead; anhydrous ammonia, urea and dry fertilizer, in Sub-No. 4; dry fertilizer and dry fertilizer materials and ingredients, in Sub-Nos. 5, 12 and 16; dry superphosphate and dry potash, in Sub-No. 10; dry ammonium nitrate, in Sub-No. 11; anhydrous ammonia, in Sub-No. 15; and dry urea, in Sub-No. 22; to "commodities in bulk" from anhydrous ammonia, in bulk, in tank vehicles, in Sub-Nos. 6 and 25;

liquid feed and liquid feed supplement in bulk, in Sub-No. 13; liquid fertilizer, in bulk, in tank vehicles, in Sub-No. 24 and nitrogen fertilizer solution, in bulk, in Sub-No. 27, (2) replace one-way authority with radial authority, in the lead and all subs, and (3) broaden the territorial description by substituting city-wide and county-wide authority in place of city-wide authority and facilities as follows: Douglas County, NE (for Omaha, NE) Pottowattamie County, IA (for Council Bluffs, IA), in the lead; Gage County, NE (for facilities at Beatrice, NE), in Sub-No. 5; Monona, Sac and Hancock Counties, IA (for facilities at Whiting, Early and Garner, IA) and Cass County, NE (for facilities at Greenwood, NE), in Sub-No. 6; Des Moines, IA (for facilities at Des Moines, IA), in Sub-No. 10; Douglas County, KS (for facilities at Lawrence, KS), in Sub-No. 11; Humboldt County, IA (for Humboldt, IA), in Sub-No. 12; Washington County, NE (for Blair, NE), in Sub-No. 15; Kansas City, MO and Kansas City, KS (for facilities at Kansas City, MO and Kansas City, KS), in Sub-No. 16; Douglas County, KS (for facilities at Lawrence, KS), in Sub-No. 22; Richardson County, NE (for facilities at Falls City, NE), in Sub-No. 24; Gage County, NE (for facilities at Hoag, NE), in Sub-No. 25F, and Washington County, NE (for facilities at Blair, NE), in Sub-No. 27F, and (5) remove the originating at and/or destined to restrictions, in Sub-Nos. 5,6 and 10.

MC 141562 (Sub-47)X, filed July 7, 1981. Applicant: ZIP TRUCKING, INC., P.O. Box 6126, Jackson, MS 39208. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-Nos. 13, 15, 19, 22, 25F, 30F, 36F, and 37F certificates to (1) broaden the commodity descriptions from power tools, electrical motors and industrial vacuum cleaners in Sub-Nos. 13 and 25 lighting fixtures and parts attachments and accessories for lighting fixtures in Sub-No. 19, and lamps, bulbs, and materials and supplies used in the distribution thereof in Sub-No. 22, to "machinery"; from power tool stands in Sub-Nos. 13 and 25 to "furniture and fixtures"; from cleaning compounds and toiletries (except in bulk) in Sub-Nos. 15 and 37F, to "chemicals and related products"; from clothing and piece goods in Sub-No. 36F, to "apparel and textile mill products"; and from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-No. 30F; (2) remove facilities limitations in Sub-Nos. 13, 15, 22, 30F, 36F, and 37F; (3) replace one-way with radial authority in all named Sub-Nos.; and (4) remove originating at or destined to restrictions in Sub-Nos. 13, 15, 36F, and 37F.

MC 142672 (Sub-177)X, filed July 7, 1981. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Harry Keifer (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 69F certificate to (1) broaden the commodity description from frozen prepared foodstuffs to "food and related products", (2) replace one-way authority with radial authority, (3) broaden the territoral description by substituting county-wide authority for facilities: Los Angeles County, CA (for facilities at San Fernando, CA) and (4) remove the originating at restriction.

MC 144622 (Sub-210)X, filed July 6, 1981. Applicant: GLENN BROTHERS TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: J. B. Stuart, P.O. Box 179, Bedford, TX 76021. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 135F, and 155 certificates to (1) broaden the commodity description from general commodities with exceptions in Sub-Nos. 2F, 135F, and 155, to "general commodities (except classes A and B explosives)", (2) remove the originating at and/or destined to restriction in Sub-No. 2F, (3) remove the restriction requiring traffic to have a prior movement by water in Sub-No. 155, (4) remove the exception of AK and/or HI in Sub-Nos. 135F and 155, (5) replace facilities or city-wide authority with county-wide authority: (a) Berlin, CT; La Mirada, Oakland, Fresno, and San Diego, CA; Denver, CO; Dallas, Houston, and San Antonio, TX; Salt Lake City, UT; Phoenix, AZ; Reno, NV; Portland, OR; and Seattle, WA with Harford County, CT; Los Angles, Alameda, Fresno, and San Diego Counties, CA; Denver County, CO; Dallas, Harris, and Bexar Counties, TX; Salt Lake County, UT; Maricopa County, AZ; Washoe County, NV; Multnomah County, OR; and King County, WA in Sub-No. 2F, and (b) facilities at Santa Fe Springs, CA with Los Angeles County, CA in Sub-No. 135F, and (6) replace one-way with radial authority in Sub-Nos. 2F and 155.

MC 145130 (Sub-6)X, filed July 6, 1981. Applicant: ATICO TRANSPORT, INC., 6700 S. Leclaire Avenue, Chicago, IL 60638. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3F certificates to (1) broaden the commodity decription from chemicals (except in bulk) to "chemicals and related products", in Sub-No. 2F, (2) remove the "in bulk" restriction, in Sub-No. 3F, (3) replace one-way authority with radial authority, and (4) broaden the territorial description by substituting county-wide and city-wide authority for city-wide authority and facilities as follows: Hamilton County, OH (for facilities at St. Bernard, OH), and Cincinnati, OH (for facilities at Cincinnati, OH), in Sub-No. 2F and Marshall County, KY (for Calvert City, KY) and Union County, NJ (for Linden, NJ), in Sub-No. 3F.

MC 146097 (Sub-5)X, filed June 29, 1981. Applicant: LENNEMAN TRANSPORT, INC., 10 North Michigan Street, Hutchison, MN 55350. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Applicant seeks to remove restrictions in its Permits No. MC 138539 (Sub-Nos. 1, 3, 6, 7, and 10) to (A) broaden the commodity description in all permits to "food and related products" from malt beverages; (B) remove the "except in bulk" commodity restriction in Sub-No. 10; and (C) broaden the territoral descriptions to authorize service between points in the U.S., under continuing contract(s) with named shippers.

[FR Doc. 81-21419 Filed 7-21-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OPY3-123]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: July 14, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the

Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminary, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members, Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 113545 (Sub-20), filed July 7, 1981. Applicant: CORMETT FORWARDING CO., INC., P.O. Box 38, Jersey City, NJ 07303. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466-0220. 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 156764, filed July 6, 1981. Applicant: L.V.L., INC., P.O. Box 767, 221 S. Redmond Rd., Jacksonville, AR 72076. Representative: Larry Vassar (same address as applicant), (501) 982-0806. Transporting *general commodities*, between Primrose and Luthersville, GA, Cardwell, Arbyard, Hornersville, Edna, Lewistown, Hurdland, and Ewing, MO, McHenery, ND, Narcisso, Russellville, Roaring Springs, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe, and Allison, TX, Raymond, Oakley, Adams, and Myles, MS, Snyder and Hamburg, AR, Holly Springs and Stokedale, NC, Radcliff, Aurora, Ellsworth, and Lawn Hill, IA, Henry and Clark, SD, Esmond, Astoria, Teheran, Biggs, Easton, and Richmond, IL, Shell Lake, Cumberland, Gillett, Green Valley, Lake Geneva, and Genoa City, WI, Elgin, NE, Benton, Barlow, La Center, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville, Edgoten, and Lewisburg, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Ashland City, Scottsboro, Jordonia, and Riverside, TN, Reydon, Cheyenne, Strong City, Hammon, and Butler, OK, McDonald, OH, Paris Crossing and Paris, IN, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 156934, filed June 24, 1981. Applicant: ALMA C. BAYNE, P.O. Box 30193, Billings, MT 59107. Representative: Alma C. Bayne (same address as applicant), (406) 245-8100. Transporting (1) *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., and (2) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156964, filed July 6, 1981. Applicant: FRED W. ALKIRE, Route 8, P.O. Box 530-A, Yakima, WA 98908. Representative: Fred W. Alkire (same address as applicant), (509) 966-5897. 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 156974, filed August 2, 1981. Applicant: THORE THORSON, R.R. 7, P.O. Box 495, Bemidji, MN 56601. Representative: Gordon Rosenmeier, 72 Broadway East, Little Falls, MN 56345, (612) 632-5458. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156995, filed July 7, 1981. Applicant: PETER ROBERT TRAMBOFF, d.b.a. BELL TRUCK BROKERS, 14140 Beach Blvd., Suite 203, Westminster, CA 92683. Representative: Peter Robert Tramboff (same address as applicant), (714) 891-1612. As a *broker of general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-21418 Filed 7-21-81; 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 representatives 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 propsed 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.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volumn No. OPY-3-121

Decided: July 15, 1981.

MC 1924 (Sub-19), filed June 29, 1981. Applicant: WALLACE-COLVILLE MOTOR FREIGHT, INC., N. 400 Sycamore, P.O. Box 3383, Terminal Annex, Spokane, WA 98055. Representative: Henry C. Winters, 525 Evergreen Bldg., Renton, WA 98055, (206) 235-4730. Transporting *general commodities* (except classes A and B explosives), over regular routes, (1) Between Spokane, WA and Missoula, MT, over Interstate Hwy 90 and U.S. Hwy 10, serving off-route points in Spokane County, WA, Benewah, Kootenai and Shoshone Counties, ID, and Missoula County, MT; (2) Between Missoula, MT and Kalispell, MT, over U.S. Hwy 93; (3) Between Spokane, WA and Kalispell, MT, over U.S. Hwy 2, serving off-route points in Spokane County, WA, Kootenai, Bonner and Boundry Counties, ID and Lincoln and Flathead Counties, MT; (4) Between Libby, MT and Kalispell, MT: From Libby over MT Hwy 37 to junction U.S. Hwy 93, then over U.S. Hwy 93 to Kalispell, and return over the same route, serving off-route points in Lincoln and Flathead Counties, MT; (5) Between Spokane, WA and Laurier, WA, over U.S. Hwy 395; (6) Between junction U.S. Hwy 395 and WA Hwy 25, and the port of entry on the international boundry line between the U.S. and Canada at or near Boundary, WA: From junction U.S. Hwy 395 and WA Hwy 25 over WA Hwy 25 to junction WA Hwy 251, then over WA Hwy 251 to the port of entry on the international boundry line between the U.S. and Canada, serving off-route points in Stevens County, WA; and (7) Between Coeur d'Alene, ID and Sandpoint, ID, over U.S. Hwy 95.

MC 10345 (Sub-104), filed June 30, 1981. Applicant: C & J COMMERCIAL DRIVEAWAY, INC., 2400 West St. Joseph St., Lansing, MI. 48901. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425—13th St., N.W., Washington, DC 20004, (202) 737-1030. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Volvo of America Corporation, of Rockleigh, NJ.

MC 30504 (Sub-26), filed June 19, 1981. Applicant: TUCKER FREIGHT LINES, INC., P.O. Box 3144, South Bend, IN 46691. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, (312)-236-9375. Transporting: *general commodities* (except classes A and B explosives), between points in IL, IN, IA, KY, MO, MN, OH, TN, WI, MI and those points in PA on and west of U.S. Hwy 219.

MC 121265 (Sub-2), filed July 1, 1981. Applicant: MONROE CARTAGE, INCORPORATED, 425 West Factory Rd., Addison, IL 60101. Representative: Allan C. Zuckerman, 39 South LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, IA, MI, MO, and WI. Condition: Issuance of a Certificate in this proceeding is subject to prior or coincidental cancellation, at applicant's written request of its existing Certificate of Registration No. MC-121265 Sub 1.

MC 136325 (Sub-9), filed June 1981. Applicant: CUFURAY, LTD., Route 1, Box 333, Delavan, WI 53115. Representative: Lorna J. Granger, Marine Plaza, Suite 1330, 111 East Wisconsin Ave., Milwaukee, WI 53202, (414) 272-8550. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Del Monte Corporation, of Rochelle, IL.

MC 139994 (Sub-5), filed June 26, 1981. Applicant: STENCEL TRUCKING, P.O. Box 321, Minnesota Lake, MN 56068. Representative: William J. Gambucci, 525 Lumber Exchange Building, Ten South Fifth Street, Minneapolis, MN 55402, (612) 340-0808. Transporting: (1) *hides, pelts or skins*, and (2) *wood*, between points in the U.S.

MC 148485 (Sub-4), filed June 22, 1981. Applicant: SMITH CARTAGE, INC., 104 South Vine Avenue, Marshfield, WI, 54449. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273-1003. Transporting *general commodities*, between points in the U.S., under a continuing contract(s) with Master-Craft Casket, Inc., of Ladysmith, WI, and Preway, Inc., of Wisconsin Rapids, WI.

MC 148874 (Sub-7), filed June 30, 1981. Applicant: PROFICIENT FOOD CO., a corporation, 17872 Cartwright Rd., Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631, (714) 773-4111. Transporting (1) *food and related products* (2) *furniture and fixtures*, (3) *paper and related products*, and (4) *chemicals and related products*, between points in the U.S. under continuing contract(s) with Burger King Corporation, of Miami, FL.

MC 148874 (Sub-8), filed June 30, 1981. Applicant: PROFICIENT FOOD CO., a corporation, 17872 Cartwright Rd., Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631, (714) 773-4111. Transporting *office furniture*, between points in the U.S. under continuing contract(s) with United States Stationers, of Marywood, IL.

MC 148874 (Sub-9), filed June 30, 1981. Applicant: PROFICIENT FOOD CO., a corporation, 17872 Cartwright Rd., Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Ave., Suite 415, Fullerton, CA 92631, (714) 773-4111. Transporting (1) *food and related products*, (2) *furniture and fixtures*, (3) *paper and related products*, and (4) *chemicals and related products*, between points in the U.S. under continuing contract(s) with Beatrice Foods Co., of Chicago, IL.

MC 150295 (Sub-1), filed June 30, 1981. Applicant: K & M DIESEL SERVICE, INC., 10 East Maple Ave., Cedarville, NJ 08311. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. Transporting *sand*, between Dividing Creek and Millville, NJ, on the one hand, and, on the other, points in CT, DE, MD, NY, and PA.

MC 150444 (Sub-3), filed June 30, 1981. Applicant: ADVANCE FREIGHT, LTD., 7637 Leesburg Pike, Falls Church, VA 22043. Representative: Wayne Hartke (same address as applicant), (703) 734–2810. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Franklin Mint, its subsidiaries and affiliates, of Franklin Center, PA.

MC 151985 (Sub-3), filed June 30, 1981. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Highway, Atlanta, GA 30318. Representative: John C. Bach, 53 Perimeter Center East, Suite 350, Atlanta, GA 30346, (404) 396–1111. Transporting (1) *food and related products*, and (2) *metal products*, between points in the U.S. under continuing contract(s) with Allied Foods, Inc., of Atlanta, GA.

MC 154574, filed July 2, 1981. Applicant: LANCASTER TRANSIT, INC., P.O. Box 521, Lancaster, SC 29720. Representative: James K. Davis, P.O. Box 337, Lancaster, SC 29720, (803) 283–3386. Transporting *passengers*, between Lancaster, SC, and Charlotte, NC.

MC 155784, filed may 4, 1981. Applicant: KEN GRAVES, d.b.a. KPS TRUCKING CO., 504 Florham Ave., San Dimas, CA 90773. Representative: Miles L. Kavaller, 315 South Beverly Drive, Beverly Hills, CA 90212, (213) 277–2323. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Hill Refrigeration Corporation, a subsidiary of Emhart, Inc., of Los Angeles, CA.

MC 156814, filed July 1, 1981. Applicant: ARCTIC AIR TRANSPORT, INC., 584 Parker Ave., Mondovi, WI 54755. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Minneapolis, MN 55424, (612) 927–8855. Transporting *pulp, paper and related products*, between points in Chippewa, Eau Claire, and Rusk Counties, WI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 156884, filed July 1, 1981. Applicant: EDWIN M. STALEY, d.b.a. RIVER DRIVE WRECKER SERVICE, 4101 North Front St., Harrisburg, PA 17110. Representative: Lloyd R. Persun, P.O. Box 729, Harrisburg, PA 17108, (717) 232–6701. Transporting *wrecked or disabled vehicles*, between points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 156894, filed July 1, 1981. Applicant: MELRHO, INC., Colts Towne Plaza, #34, Colts Neck, NJ 07722. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, DC 20036, (202) 457–1124. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with S. B. Thomas, Inc., of Totowa, NJ.

MC 156895, filed June 16, 1981. Applicant: RKF TOURS & TRAVEL INDUSTRY, LTD., 1469 York Ave., New York, NY 10013. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022, (212) 838–0600. As a *broker*, at New York, NY, in arranging for the transportation of *passengers and their baggage*, in charter and special operations, beginning at points in NY and extending to points in the U.S.

MC 156975, filed July 6, 1981. Applicant: VIRGINA MOTOR LINES, INC., 11211 Timberlake Rd., Lynchburg, VA 24502. Representative: S. P. Montgomery (same address as applicant), (804) 525–8473. Transporting *general commodities* (except classes A and B explosives), between points in VA.

MC 156985, filed June 30, 1981. Applicant: TRICHEM ENVIRONMENTAL INDUSTRIES, INC., P.O. Box 360, Stamford, CT 06904. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239–4610. Transporting *hazardous materials and waste*, between points in AL, AR, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC.

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Decided: July 13, 1981.

MC 19945 (Sub-74), filed June 30, 1981. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, IL 62264. Representative: Marshall Kragen, 1919 Pennsylvania Ave., NW., Suite 300, Washington, DC 20006, (202) 466–3778. Transporting *commodities in bulk* and *chemicals and related products*, (1) between points in LaSalle County, IL on the one hand, and, on the other, points in AR, IL, IN, IA, KY, MO, OH, IN, and WI, and (2) between points in Williamson County, IL, on the one hand, and, on the other, points in IA, IN, and KY.

MC 60014 (Sub-210), filed July 2, 1981. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between points in AZ, AR, CA, CO, ID, IA, KS, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY.

MC 98614 (Sub-14), filed July 2, 1981. Applicant: ARKANSAS TRANSPORT COMPANY, P.O. Box 702, Little Rock, AR 72203. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashvillle, TN 37219, (615) 244–8100. Transporting *petroleum, natural gas and their products*, between points in AR, MS, and TN.

MC 105774 (Sub-11), filed June 30, 1981. Applicant: JOHNSON TRUCK LINE, INC., Jct. U.S. Hwy 281 & U.S. Hwy 24, Osborne, KS 67473. Representative: William B. Barker, 641 Harrison St., P.O Box 1979, Topeka, KS 66601, (913) 234–0565. Transporting *building materials*, between points in Phillips County, KS, on the one hand, and, on the other, points in AZ, CA, Co, ID, IL, IA, MO, MT, NE, NM, ND, OK, OR, SD, TX, UT, WA, and WY.

MC 120364 (Sub-38), filed July 1, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Road, Rockford, IL 61105. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *printed matter, pulp, paper and related products*, between points in the U.S., under a continuing contract(s) with Westvaco, U.S. Envelope Division, of Springfield, MA.

MC 123265 (Sub-5), filed July 6, 1981. Applicant: SANTRY TRUCKING CO., 10505 N. E. 2nd Ave., Portland, OR 97211. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting *food and related products*, between points in the U.S. under continuing contract(s) with American Home Foods Division of American Home Products Corp., of Vacaville, CA.

MC 133314 (Sub-11), filed July 6, 1981. Applicant: SILVAN TRUCKING COMPANY, INC., Route 2, Box 137, Pendleton, IN 46064. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., 320 North Meridian St., Indianapolis, IN 46204, (317) 634–6313. Transporting *cleaning compounds*, between points in the U.S. under continuing contract(s) with Blue Lustre Home Care Products, Inc., of Indianapolis, IN.

MC 135524 (Sub-170), filed July 6, 1981. Applicant: G. F. TRUCKING COMPANY, 1028 W. Rayen Ave., P.O. Box 229, Youngstown, OH 44501.

Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509, (216) 747–4461. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 135895 (Sub-131), filed July 1, 1981. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O.Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting (1) *chemicals and related products*, and (2) *such commodities* as are dealt in or used by retail filling stations and automotive service centers, between the facilities of Speciality Oil Company, Inc., at points in the U.S., 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 136635 (Sub-62), filed July 6, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting (1) *rubber and plastic products*, and (2) *containers and container ends*, between points in the U.S.

MC 138415 (Sub-23), filed June 30, 1981. Applicant: TRAILER EXPRESS, INC., P.O. Box 327, Topeka, IN 46571. Representative: Michael M. Yoder, P.O. Box 157, Topeka, IN 46571, (219) 593–2179. Transporting *camping trailers, boats, vans, and motor homes*, between points in the U.S., under continuing contract(s) with Coachmen Industries, Inc., of Middlebury, IN.

MC 139434 (Sub-12), filed June 30, 1981. Applicant: MID AMERICA EXPRESS, INC., P.O. Box 9, Nebraska City, NE 68401. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO. 64141, (816) 842–8600. Transporting *food and related products*, between points in IA and NE, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IN, KY, MA, ME, MI, MD, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, and WV.

MC 144115 (Sub-22), filed July 2, 1981. Applicant: DIVERSIFIED CARRIERS, INC., 6670 11th Avenue SW., Rochester, MN 55901. Representative: Charles E. Dye, P.O. Box 971, West Bend, WI 53095, (414) 677–2586. Transporting *general commodities* (except classes A and B explosives), between the facilities of International Paper Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 144275 (Sub-5), filed July 1, 1981. Applicant: J.K. EXPRESS, INC., P.O. Box 2508, Trenton, NJ 08690. Representative: Mel P. Booker, Jr., P.O. Box 1281, 110 S. Columbus St., Alexandria, VA 22313, (703) 836–6115. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under a continuing contract(s) with General Nutrition Centers, Inc., of Pittsburgh, PA.

MC 145085 (Sub-3), filed July 2, 1981. Applicant: SID'S INC., P.O. Box D, Jonesport, ME 04649, Representative: James E. Mahoney, 148 State St., Boston, MA 02109, (617) 523–2660. Transporting *tires, batteries and accessories*, between points in PA and MO, on the one hand, and, on the other, those points in the U.S. in and west of WI, IL, KY, TN, and MS.

MC 145815 (Sub-2), filed July 2, 1981. Applicant: COBRA TRUCKING, INC., 132 Highway 80 West, P.O. Box 2137, Clinton, MS 39056. Representative: John A. Crawford, 17th Floor Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *cookware*, between points in the U.S., under continuing contract(s) with Regal Ware, Inc., of Flora, MS.

MC 146585 (Sub-4), filed June 30, 1981. Applicant: DOUBLE DD TRUCK LINE, INC., P.O. Box 230, Canby, OR 97013. Representative: Jerry R. Woods, 1600 One Main Pl., 101 S.W. Main St., Portland, OR 97204, (503) 224–5525. Transporting (1) *machinery*, (2) *metal products*, and (3) *rubber and plastic products*, (a) between points in CA, ID, OR, UT, and WA, and (b) between points in CA, ID, OR, UT, and WA, on the one hand, and, on the other, points in GA, IA, IN, IL, KS, KY, MN, MO, NE, NY, OH, OK, PA, SD, and WI.

MC 151985 (Sub-4), filed July 2, 1981. Applicant: BRAVE TRANSPORT, INC., 3181 Bankhead Hwy, Atlanta, GA 30318. Representative: John C. Bach, 53 Perimeter Center East, Suite 350, Atlanta, GA 30346. Transporting *metal products*, between points in Darlington County, SC, on the one hand, and, on the other, points in the U.S. on and east of U.S. Hwy 85.

MC 155894, filed July 1, 1981. Applicant: COLE COUNTRY EXPRESS, INC., 4401 River Road, Grand Rapids, MN 55744. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *general commodities* (except classes A and B explosives), between points in Itasca County, MN, on the one hand, and, on the other, points in the U.S.

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Decided: July 15, 1981.

MC 2934 (Sub-108), filed July 7, 1981. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant), (317) 875–1142. Transporting *plastic articles*, between the facilities of Mobile Chemical Company, on the one hand, and, on the other, points in the U.S.

MC 44445 (Sub-10), filed July 7, 1981. Applicant: HAROLD KLEIN CARTAGE, INC., 5235 North Hopkins Street, Milwaukee, WI 53209. Representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203, (414) 273–7410. Transporting *general commodities* (except classes A and B explosives), between points in WI and IL, under continuing contract(s) with International Nu-Way Shippers, Inc., of Chicago, IL.

MC 38055 (Sub-3), filed July 2, 1981. Applicant: BROWN MOVING & STORAGE, INC., 360 Warren Ave., East Providence, RI 02914. Representative: Charles L. Plante (same address as applicant), (404) 434–5100. Transporting *household goods* as defined by the Commission, between points in RI, ME, NH, VT, MA, CT, NY, NJ, PA, MD, DE, VA, WV, NC, SC, GA, FL, IL, MI, OH, WI, IN, KY, TN, AL, MS, and DC.

MC 120544 (Sub-4), filed July 7, 1981. Applicant: KELLER TRUCKING COMPANY, INC., 470 Old Skokie Rd., Park City, IL 60085. Representative: Richard Armstrong, 925 Hyland Drive, Stoughton, WI 53589, (608) 837–8929. Transporting *general commodities* except classes A and B explosives), between points in Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, and Waukesha Counties, WI, and points in Boone, Cook, DuPage, Kane, Lake, McHenry, Winnebago, and Will Counties, IL, on the one hand, and, on the other, points in IL, IN, IA, MI, MO, and WI.

MC 126574 (Sub-13), filed July 7, 1981. Applicant: M. L. HATCHER PICKUP AND DELIVERY SERVICES, INC., 3818 Patterson St., Greensboro, NC 27407. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting *general commodities* (except clases A and B explosives), between those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 134305 (Sub-2), filed July 2, 1981. Applicant: HAMM TRUCKING, INC., R.R. #1, Erie, IL 61250. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives) between the facilities of the Chemplex Company, at points in the U.S., on the

one hand, and, on the other, points in the U.S.

MC 136385 (Sub-16), filed July 7, 1981. Applicant: HALL WAY, INC., Box 22, Ankeny, IA 50021. Representative: Thomas E. Leahy, Jr., 1908 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting *food products*, between points in Polk County, IA, on the one hand, and, on the other, points in the U.S.

MC 136635 (Sub-63), filed July 7, 1981. Applicant: WHITEFORD TRUCK LINES, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *general commodities* (except classes A and B explosives), between points in IL, IN, OH, MI, KY, TN, WI, MN, IA, and MO.

MC 138875 (Sub-304), filed July 7, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (208) 376–5757. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Delaware Valley Shippers Association, Inc., of Bristol, PA.

MC 140025 (Sub-8), filed July 7, 1981. Applicant: L & T, INC., 2650 West Beaver Street, Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202, (904) 632–2300. Transporting *general commodities* (except classes A and B explosives), between points in AL, FL, GA, IL, KY, LA, MS, NC, PA, SC, TN and TX.

MC 140615 (Sub-67), filed July 7, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same address as applicant), (715) 421–0888. Transporting *rubber and plastic products*, and *metal products*, between the facilities of Mid-West Plastics Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143085 (Sub-10), filed July 7, 1981. Applicant: THE DANIEL COMPANY OF SPRINGFIELD, a corporation, 3725 W. Division, Springfield, MO 65803. Representative: Bruce McCurry, 910 Plaza Towers, Springfield, MO 65804, (417) 883–7311. Transporting *general commodities* (except classes A and B explosives), between the facilities of Mead Johnson and Company, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143144 (Sub-3), filed July 7, 1981. Applicant: LUDTKE PACIFIC TRUCKING, INC., 1507 E. Illinois St., Bellingham, WA 98226. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228–3807. Transporting (1) *construction equipment*, (2) *machinery*, (3) *metal and metal products*, and (4) *lumber and wood products*, between points in WA, on and west of U.S. Hwy 97, on the one hand, and, on the other, points in WA, ID, OR, MT, CA, NV, AZ and UT.

MC 145974 (Sub-14), filed July 8, 1981. Applicant: HIDATCO, INC., P.O. Box 849, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting *such commodities* as are dealt in or used by hardware stores, lumber yards and home improvement centers, between points in the U.S., under continuing contract(s) with Our Own Hardware Company of Burnsville, MN.

MC 146855 (Sub-3), filed July 2, 1981. Applicant: JOEL WEHRMAN, Route 4, Box 4173, Selah, WA 98942. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055, (206) 235–4730. Transporting *plastic products*, between points in AR, CA, IA, ID, MT, OR, UT and WA.

MC 147165 (Sub-1), filed May 11, 1981, previously noticed in the **Federal Register** on May 29, 1981. Applicant: RUIZ TRANSPORT, INC., 324 Suffolk St., Lowell, MA 01852. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hill, MA 02181, (617) 235–5571. Transporting (1) *such commodities* as are dealt in or used by (a) automotive service stations, and (b) automotive supply dealers, and (2) *petroleum products*, between points in the U.S., under continuing contract(s) with Northeast Lubricants, Inc., of Lowell, MA.

Note.—This republication indicates that applicant seeks contract carrier authority under contract with the above-named shipper.

MC 147524 (Sub-6), filed July 7, 1981. Applicant: SINED LEASING, INC., 106 High St., Mt. Holly, NJ 08060. Representative: Frank L. Newburger III, 17th Floor, 1234 Market St., Philadelphia, PA 19107, (215) 854–7190. Transporting *sweeteners*, between points in the U.S., under continuing contract(s) with Refined Sugars, Incorporated, of Yonkers, NY.

MC 147665 (Sub-4), filed July 2, 1981. Applicant: BASSETT FURNITURE INDUSTRIES OF NORTH CAROLINA, INC., d.b.a. BASSETT TRUCKING COMPANY, P.O. Box 47, Newton, NC 28658. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, 301 S. McDowell Street, Charlotte, NC 28204, (704) 372–6730. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Jiffy Packaging Corporation, of Hickory, NC.

MC 148045 (Sub-5), filed July 7, 1981. Applicant: QUAD CITY SPOTTING SERVICE, INC., 1607 W. River Dr., P.O. Box 4168, Davenport, IA 52808. Representative: Joseph Winter, 29 So. LaSalle St., Chicago, IL 60603, (312) 263–2306. Transporting *general commodities* (except classes A and B explosives), between Davenport, IA, on the one hand, and, on the other, points in IL, IN, IA, MI, MN and WI.

MC 150265 (Sub-3), filed July 7, 1981. Applicant: GUY J. JOHNSON TRANSPORTATION COMPANY, INCORPORATED, 5 Timberlake Dr., Newark, DE 19711. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001, (202) 628–9243. Transporting (1) *chemicals and related products, and plastic products*, between points in the U.S.; and (2) *textile mill products and waste or scrap materials*, between points in CA, LA, MI, and TX, and those in the U.S. in and east of MI, OH, WV, VA, NC, GA, and AL.

MC 151725 (Sub-3), filed July 7, 1981. Applicant: LEAF TRANSPORTATION, INC., 1155 No. Cicero Ave., Chicago, IL 60651. Representative: Jack H. Blanshan, 205 W. Touhy Ave., Suite 200–A, Park Ridge, IL 60068, (312) 698–2235. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Central Warehouse Company of St. Paul, MN.

MC 152575 (Sub-1), filed July 6, 1981. Applicant: CARLTON TRUCKING CO., INC., 83 Southgate St., Worcester, MA 01603. Representative: Frank M. Cushman, 36 South Main St., Sharon, MA 02067, (617) 784–6041. Transporting (1) *iron and steel articles*, and (2) *iron and steel machines and machinery*, between points in CT, DE, ME, MD, MA, NY, NH, NJ, OH, PA, RI, VT, VA, and DC.

MC 152775, filed July 2, 1981. Applicant: RAM ROD TRUCKING, INC., P.O. Box 707, Marrero, LA 70073. Representative: Michael F. Morrone, 1150 17th St., N.W., Suite 1000, Washington, DC 20036, (202) 457–1124. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Steel, Incorporated, of Marrero, LA, Halter Marine, of New Orleans, LA, Mississippi Valley Equipment Company of Reserve, LA, Associated Metals and Minerals Corporation, International Mineral and

Metals Corporation, Metal Traders Company, all of New York, NY, Gerald Metals, Inc., of Stamford, CT, and L. B. Foster Company, of Houston, TX.

MC 154765 (Sub-1), filed July 2, 1981. Applicant: NORTHSTAR TRANSPORTATION, INC., 10951 Lakeview Ave., Lenexa, KS 66219. Representative: Stanley O. Wilson (same address as applicant), (913) 888–9800. Transporting *vending machines*, between points in the U.S., under continuing contract(s) with The Vendo Company, of Pinedale, CA.

MC 156254 (Sub-7), filed June 19, 1981. Applicant: CONTRACT TRUCKERS, INC., 530 Haunted Lane, Cornwells Heights, PA 19020. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403, (617) 697–7748. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Container Corporation of America, of Chicago, IL.

MC 156895, filed July 2, 1981. Applicant: RKF TOURS & TRAVEL INDUSTRY, LTD., 1469 York Avenue, New York, NY 10013. Representative: Larsh B. Mewhinney, 555 Madison Avenue, New York, NY 10022. As a *broker*, at New York, NY, in arranging for the transportation of *passengers and their baggage*, in charter and special operations, beginning and ending at points in the U.S.

MC 157005, filed July 7, 1981. Applicant: APOLLO, INC., 10638 Eddyburg Rd., N.E., Newark, OH 43055. Representative: John E. LeFevre (same address as applicant), (614) 345–7472. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with International Paper Company of New York, NY.

[FR Doc. 81-21417 Filed 7-21-81; 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–138

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 157136 (Sub-1–1TA), filed July 14, 1981. Applicant: P.T.L. TRANSPORTATION, INC., 1 Hackensack Avenue, South Kearny, NJ 07032. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *General commodities (except classes A and B explosives, and hazardous waste)* between points in the U.S., under continuing contract(s) with Buitoni Foods Corp., South Hackensack, NJ; Knomark, Inc., Jamaica, NY; Paramount Macaroni Manufacturing Co., Inc., Deer Park, NY; Purex Corporation, Ltd., Bristol, PA; Eagle Electric Manufacturing Co., Inc., Long Island City, NY; Delta Strapping Industries, Woodside, NY; and Cerro Wire & Cable Co., Maspeth, NY. Supporting shipper(s): There are seven statements in support of this application which may be examined at the I.C.C. regional office in Boston, MA.

MC 148867 (Sub-1–2TA), filed July 10, 1981. Applicant: TRANS–ADVO, INC., 239 Service Road, West, Hartford, CT 06101. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067. *Contract carrier:* irregular routes: *Wire; cable; conduit; equipment materials and supplies used in the manufacture thereof* between Wallingford, CT; Chatham, VA; and Phoenix, AZ on the one hand, and, on the other, all points in the 48 contiguous U.S., under continuing contract(s) with Times Wire Cable Division, Times Fibre Communications, Inc., Wallingford, CT. Supporting shipper: Times Wire Cable Division, Times Fibre Communications, Inc., 358 Hall Ave., Wallingford, CT 06492.

MC 157020 (Sub-1–1TA), filed July 8, 1981. Applicant: F & P CARTING INC., P.O. Box 2344, 550 County Road, Secaucus, NJ 07094. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Metal products and scrap metals* between the Commercial Zones of New York, NY, Baltimore, MD, and Philadelphia, PA, on the one hand, and, on the other, points in CA, IL, FL, MI and WI under continuing contract(s) with North Brook Metals, Inc., Northbrook, IL. Supporting shipper: North Brook Metals, Inc., 555 Skokie Boulevard, Northbrook, IL 60062.

MC 140986 (Sub-1–4TA), filed July 8, 1981. Applicant: GREAT NORTHERN TRUCK LINES, INC., Love Lane, Netcong, NJ 07857. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier:* irregular routes: *Spent nickel catalyst fatty or oil harden materials containing nickel and slumina silica fully oxidize material combustible not inflammable*, between Pittsburgh, PA on the one hand, and, on the other, points in the U.S. except AK and HI under continuing contract(s) with Pittsburgh Pacific Processing, Co., of Pittsburgh, PA. Supporting Shipper: Pittsburgh Pacific Processing Co., 300 Grand Avenue, Pittsburgh, PA 15225.

MC 34564 (Sub-1–2TA), filed July 8, 1981. Applicant: ADOLPH J. DAROSKA, 50 Concord Hill, Pittsfield, NH 03263. Representative: Adolph J. Daroska (same as applicant). *Agricultural limestone* from New Hamburg, NY and Duchess, Putnam, and Westchester Counties, NY to points and places in ME, NH, VT, MA, CT, and RI. Supporting shipper: Agway, Inc., Fert. Div., Syracuse, NY 13201.

MC 143110 (Sub-1–5TA), filed July 10, 1981. Applicant: K & B EXPRESS, INC., 1410 Pinewood Street, Rahway, NJ 07065. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212. *Contract carrier:* irregular routes: *General commodities, (except classes A and B explosives, household goods, and hazardous waste* between points in the U.S. under continuing contract(s) with United Freight, Inc. of Morrow, GA, and

Distribution Services of America, Inc., of Boston, MA. Supporting shipper(s): United Freight, Inc., 1260 Southern Rd., Morrow, GA 30260; Distribution Services of America, Inc., 666 Summer St., Boston, MA 02210.

MC 150601 (Sub-1–3TA), filed July 10, 1981. Applicant: McBURNEY TRANSPORT LIMITED, Lot 16, Concession 3, Township of Oneida, Regional Municipality, of Haidimond, Norfolk, P.O. Box 427, Hagersville, Ontario, CD N0A 1H0. Representative: William J. Hirsch P.C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Contract carrier:* irregular routes: *Residential furnaces, fire brick parts, metal vents, castings, oil burner parts, and similar parts for furnaces,* between ports of entry on the US–CD international boundary line, on the one hand, and, on the other, points in CT, GA, IL, ME, MA, MI, MN, NH, ND, NY, OH, PA, VT, WV and WI, under continuing contract(s) with Duo-Matic/Olsen Inc., Tilbury, Ontario, CD. Supporting shipper: Duo-Matic/Olsen Inc., P.O. Box 900, Tilbury, Ontario, Canada N0P 2L0.

MC 157073 (Sub-1–1TA), filed July 10, 1981. Applicant: RESOURCE CONSERVATION AND RECOVERY AGENCY, INC., 34 N. Main Street, Farmington, NH 03835. Representative: David J. Green (same as applicant). *Hazardous wastes, and non-hazardous industrial waste* from points in ME, NH, and MA to points in NY, OH, PA, CT, RI, NJ, SC, AL, and MD. Supporting shipper(s): Kingsbury Tools, Inc., 80 Laurel St., Keene, NH; Pioneer Plastics Co., Pionite Road, Auburn, ME; USM Bailey Corp., Route 1, Seabrook, NH, and High St. and Water St., Amesbury, MA.

MC 144591 (Sub-1–1TA), filed July 13, 1981. Applicant: FUSARO TRANSPORTATION, INC., P.O. Box 360, Ridge Hill Road, Assonet, MA 02702. Representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. *Contract Carrier:* irregular routes: *Commodities used by or dealt in by manufacturers of bedspreads, curtains and draperies* between points in NC, SC, NJ, CT, MA and PA, under continuing contract(s) with Louis Hand, Division of Aberdeen Manufacturing Corp., Fall River, MA. Supporting shipper: Louis Hand, Division of Aberdeen Manufacturing Corp., 847 Pleasant St., Fall River, MA. 02722.

MC 156987 (Sub-1–1TA), filed July 9, 1981. Applicant: T.R.T. SERVICE CORPORATION, Building #9, 1 Jacobus Avenue, South Kearny, NJ 07032. Representative: Thomas F. X. Foley, Esq., P.O. Box F, Colts Neck, NJ 07722. *General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities of bulk, commodities requiring special equipment, and hazardous waste,* between Alexandria, VA, Baltimore, MD, New York, NY, and Philadelphia, PA, on the one hand, and, on the other points, in the States of AL, AR, CT, DC, FL, GA, IA, IL, IN, KY, LA, MA, MO, ME, MI, MN, MS, NC, NH, NJ, NY, OH, PA, TN, VA, VT, WI, WV, restricted to transportation having a prior or subsequent movement by railroad. Supporting shipper(s): Metro Shippers, Inc., 251 W. DeKalb Pike, Suite B–110, King of Prussia, PA 19406; De-pen Lines, Inc., 200 Ross Road, Bridgeport, PA 19405.

MC 100327 (Sub-1–4TA), filed July 14, 1981. Applicant: LONGUEIL TRANSPORTATION, INC., 144 Shaker Road, P.O. Box 473, East Longmeadow, MA 01028. Representative: David M. Marshall, Marshall and Marshall, 101 State Street—Suite 304, Springfield, MA 01103. *Passengers and their baggage in special and charter operations,* beginning and ending at points in Hartford County, CT, and extending to points in the U.S. Supporting shipper(s): Montreal Good Timers, 11 Meriden Road, East Hartford, CT 06108; Emhart Industries—Hartford Division, 123 Day Hill Road, Windsor, CT 06095; Travel Opportunities, Inc., 2437 Albany Avenue, West Hartford, CT 06117; Windsor AARP Chapter 1101, 17 Arrowbrook Road, Windsor, CT 06095; R. J. McKenna & Sons, Inc., 20 Main Street, Windsor Locks, CT 06096.

MC 115880 (Sub-1–1TA), filed July 14, 1981. Applicant: BROOKFIELD BUS SERVICE, INC., 3 Railroad Place, Maspeth, NY 11378. Representative: Arthur Wagner, 342 Madison Avenue, New York, NY 10017. *Passengers and their baggage in special operations* between New York, NY, Nassau County and Suffolk County, on the one hand, and, on the other, Great Adventure Amusement Park in Jackson, NJ. Supporting shipper(s): Twenty First Century Tours, 1756 Ocean Ave., Bohemia, NY 11716; Six Flags Great Adventure, 230 Park Ave., New York, NY 10017.

MC 144598 (Sub-1–4TA), filed July 14, 1981. Applicant: C & J TRANSPORT, INC., Route 32, P.O. Box 42, N. Vassalboro, ME 04962. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Pulp, paper, or related products,* between Kennebec County, ME, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, MO, AR, and LA. Supporting shipper: Keyes Fibre, Upper College Ave., Waterville, ME 04901.

MC 157060 (Sub-1–1TA), filed July 10, 1981. Applicant: JANCO, LTD., 34 Burgess Place, Wayne, NJ 07470. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60603. *Contract carrier: irregular routes: Passengers and such commodities as are used or dealt in by theatrical production companies* between points in the U.S., under continuing contract(s) with Janco Productions, Inc., New York, NY. Supporting shipper: Janco Productions, Inc., 1500 Broadway, New York, NY 10036.

MC 157021 (Sub-1–1TA), filed July 14, 1981. Applicant: VASILIOS N. TATSIS, d.b.a. ALPHA COURIER AND DELIVERY SERVICE, 163 Birchwood Road, Manchester, NH 03104. Representative: Robert E. Jauron, McLane, Graf, Raulerson & Middleton, Professional Association, 40 Stark Street, P.O. Box 326, Manchester, NH 03105. *Shipments weighing 100 pounds or less if transported in a motor vehicle in which no one package exceeds 100 pounds,* between points in NH and MA. Supporting shipper(s): Ultrascan, Inc., 7 Park Ave., Hudson, NH 03051; Granite State Fruit Co., 30 Auburn Street, Manchester, NH 03101; E. F. Hutton & Company, Inc., 1100 Elm St., Manchester, NH 03102.

The following applications were filed in region 2: Send protests to: ICC, Federal Reserve Bank Building, 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 157099 (Sub-II–1TA), filed July 13, 1981. Applicant: HUGO'S SERVICES, INC., P.O. Box 3158, Shiremanstown, PA 17011. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *General Commodities (except Classes A and B explosives),* between points in Alexandria, VA, Baltimore, MD, Harrisburg, Lancaster, and York, PA, on the one hand, and, on the other, points in PA, for 270 days. Supporting shipper: Fort Pitt Consolidators, 5008 Erbs Bridge Road, Mechanicsburg, PA 17055; IMEX, P.O. Box 567, Paoli, PA 19301.

MC 143394 (Sub-II–27TA), filed July 13, 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same as applicant). *Contract: Irregular: Paper and Paper products,* from Mobile, AL and Jacksonville, FL to pts. in AL, FL, GA, IL, IN, KY, LA, NC, SC, and TN, under continuing contract(s) with Scott

Paper Co., Philadelphia, PA for 270 days. Supporting shipper(s): Scott Paper Co., Scott Plaza II, Philadelphia, PA 19113.

MC 157098 (Sub-II–1TA), filed July 13, 1981. Applicant: NEVIN L. MARTIN, SR., d.b.a. NEVIN L. MARTIN TRUCKING, 1793 Hykes Road, Greencastle, PA 17225. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. *Fertilizer,* between Baltimore, MD, Keymar, MD, and Milnar, PA, for 270 days. Supporting shipper: Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101.

MC 143394 (Sub-II–26TA), filed July 13 1981. Applicant: GENIE TRUCKING LINE, INC., 70 Carlisle Springs Rd., P.O. Box 840, Carlisle, PA 17013. Representative: G. Kenneth Bishop (same as applicant). *Contract: Irregular: General Commodities (except those of unusual value, Class A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* from Chicago, IL and Minneapolis, MN and commercial zones to points in PA, NY, DE, MD, AL, LA, MS, NJ and GA, under continuing coninuing contracts(s) with Transportation Systems International, Inc. Minneapolis, MN for 270 days. Supporting shipper(s): Transportation Systems International Inc., 2500 Kennedy Street, NE., Minneapolis, MN 55413.

MC 119086 (Sub-II–1TA), filed July 13, 1981. Applicant: WILBUR MILLER d.b.a. MILLER TRUCKING CO., P.O. Box 316, Taneytown, MD 21787. Representative: Wilbur Miller (same as applicant). Contract, irregular: *Machinery,* between pts. in AR, on the one hand, and, on the other, points, pts in MO, IN, IL, OH, TN, VA and MD, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: FMS, Inc., 1000 Connecticut Ave. No. 1200, Washington, DC 20036.

MC 156290 (Sub-II–1TA), filed July 13, 1981. Applicant: PARRISH TRUCKING CO., INC., Route 1 Box 54, Kenbridge, VA 23944. Representative: Wayne J. Parrish (same as applicant). Contract irregular, (1) *Charcoal, charcoal briquettes, materials, equipment and supplies* used in the manufacture and distribution thereof, and (2) *lumber and/or wood products,* between Kenbridge, VA (and points in the commercial zone) on the one hand, and, on the other, points in DE, MD, NJ, NC, SC, PA, VA, WV, and TN for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: (1) Imperial Briquet Corp., P.O. Box 403, Kenbridge, VA 23944. (2) Barnes Manufacturing Co., Box 439, Kenbridge, VA 23944. (2) Epperson Lumber Co., Route 4 Box 124, Amelia, VA 23002.

MC 146865 (Sub-II–4TA), filed July 13 1981. Applicant: M. T. SERVICES, INC. d.b.a. BRENNAN EXPRESS, P.O. Box 18402, Baltimore, MD 21237. Representative: Raymond P. Keigher, 401 E. Jefferson St., Suite 102, Rockville, MD 20850. *General commodities (except those of unusual value, classes A and B explosives, commodities in bulk, those requiring special equipment and hazardous waste),* between Baltimore, MD; Norfolk, Portsmouth, Newport News and Hampton Roads, VA; points in their respective commercial zones, and points in KY, NJ, NY, NC, OH and WV, restricted to the transportation of traffic having a prior or subsequent intermodal movement, for 270 days. Supporting shipper: Danzas Alltransport, Incorporated, World Trade Center-Baltimore, Suite 753, Baltimore, MD 21202.

MC 66140 (Sub-II–2TA), filed July 13, 1981. Applicant: FYOCK MOTOR LINES, INC., 2700 E. Main St., Columbus, OH 43209. Representative: John P. McMahon, 100 E. Broad St., Columbus, OH 43215. *Food and related products* between Albany, NY, Port Newark, NJ, and Baltimore, MD, on the one hand, and, on the other, ME, NH, VT, RI, CT, MA, NY, NJ, PA, DE, OH, MI, IN, KY, IL, WI, MN, MD, MO, DC, VA, WV and TN, for 270 days. Supporting shipper: Chiquita Brands, Inc., 15 Mercedes Dr., Montvale, NJ 07645.

MC 157096 (Sub-II–1TA), filed July 13, 1981. Applicant: MT. STORM FUEL CORP., Riverton, WV 26814. Representative: George L. Sponaugle, Chestnut St., Franklin, WV 26807. Contract, irregular: *Petroleum, natural gas,* between pts. in the US, for 270 days. Under continuing contracts with Ruddle Trucking, Inc., Riverton, WV, Hinkle Trucking, Inc., Circleville, VA, and Allegheny Mining Corp., Mt. Storm, WV. Supporting shippers: Ruddle Trucking, Inc., Riverton, WV. Hinkle Trucking, Inc., Circleville, VA. Allegheny Mining Corp., Mt. Storm, WV.

MC 145416 (Sub-II–2TA), filed July 13, 1981. Applicant: HEINEMAN DISTRIBUTING, INC., 301 W. Second St., Port Clinton, OH 43452. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Contract, irregular: *Malt beverages,* from Milwaukee, WI; Eden, NC; Fulton, NY; Newport, KY and Frankenmuth, MI to the facilities of Glenn Distributors, Inc. at Painesville, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Glenn Distributors, Inc., 44 Burton St., Painesville, OH 44077.

MC 156289 (Sub-II–2TA), filed July 9, 1981. Applicant: BUSH BROKERAGE, INC., 2933 Frazer Rd., Newark, DE 19702. Representative: Perry F. Goldlust, Suite 913, 901 Market St. Mall, P.O. Box 2094, Wilmington, DE 19899. Contract, irregular: (1) *Furnace-coke, in bulk, in dump trucks,* from Conshohocken, PA to Wilmington, DE, and (2) *silt-coal, in bulk, in dump trucks,* from Pottsville, PA, to Wilmington, DE, under continuing contract(s) with F. A. Potts & Co., Inc. and Thyssen Carbometal Co., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): F. A. Potts & Co., Inc., Pottsville, PA. Thyssen Carbometal Co., 114 Avenue of the Americas, New York, NY 10036.

MC 156048 (Sub-II–1TA), filed July 13, 1981. Applicant: MORTON FROZEN FOODS, INC., 1 Morton Dr., Charlottesville, VA 22906. Representative: Harry J. Jordan, 1000 16th St., NW., Washington, DC 20036. Contract, irregular: *General commodities, except Class A and B explosives,* between all pts. in the US, under continuing contract(s) with International Telephone and Telegraph and its subsidiaries: ITT Continental Baking Co., ITT Royal Electric Div., ITT Suprenant Div., Alfred Teves, Inc., ITT Marlow, ITT Grinnell Corp., ITT Thompson Industries Div., for 270 days. Supporting shipper: International Telephone and Telegraph Corp., 320 Park Ave., New York, NY 10022.

MC 149495 (Sub-II–1TA), filed July 13, 1981. Applicant: DOMINION LINES, LTD., Suite 608, 145 W. Campbell Ave., Roanoke, VA 24011. Representative: William E. Vanderbilt, Jr. (same as applicant). Common, regular: *Passengers and their baggage, express, newspapers and mail in the same vehicle with passengers,* between Roanoke, VA and Greensboro, NC via U.S. 220 to Jct. U.S. 220 VA–NC 87; thence via VA–NC 87 to U.S. 29; thence via U.S. 29 to Greensboro thence via local roads to Greensboro Regional Airport. Primary intermediate cities, Martinsville, VA, Eden, NC, Reidsville, NC; also charter and special operations from pts. and places on said route to pts. and places in the US, excluding HI but including AK, for 180 days. An underlying ETA seeks 120 days authority. Applicant intends to interline. Supporting shipper(s): P. Victor Levin, 3715 Parliment Rd. Roanoke, VA 24014. Roy Z. Meador, 718 9th St., SE., Roanoke, VA.

MC 145838 (Sub-II–2TA), filed July 13, 1981. Applicant: OHIO CONTAINER SERVICE, INC., 2701 Lakeside Ave., Cleveland, OH 44114. Representative: Peter A. Greene, 1920 N Street, NW.,

Washington, D.C. 20036. *General Commodities* (except Classes A and B explosives) between Baltimore, MD; New York, NY; Philadelphia, PA; Norfolk, VA; and Port Everglades, FL; on the one hand, and, on the other, points in KY for 270 day. An underlying ETA seeks 120 days authority. Supporting shipper(s): B.F. Goodrich, Chemical Group, 6100 Oak Tree Blvd., Cleveland, OH 44131. S.R. Teimouri & Co., Inc., One Leader Bldg., Cleveland, OH 44114.

MC 140889 (Sub-II-19TA), filed July 13, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. Contract, irregular: *textile mill products* from points in GA and TN to facilities located in Allegheny County, PA, Milwaukee County, WI, Cook County, IL and Cuyahoga, Franklin and Hamilton Counties, OH under a continuing contract(s) with Carson-Pirie-Scott & Co. of Chicago, IL for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Carson-Pirie-Scott & Co., 13-127 Merchandise Mart, Chicago, IL 60654.

The following applications were filed in region 4. Send Protests to: Interstate Commerce Commission, Compliant and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 107162 (Sub-4-11TA), filed July 8, 1981. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 53701. *Salt,* in bags, from Milwaukee, WI to Escanaba, MI. Supporting shipper: Culligan Water Conditioning, 1008 North Lincoln Road, Escanaba, MI 49829.

MC 128031 (Sub-4-1TA), filed July 9, 1981. Applicant: GEORGE McFARLAND d.b.a. McFARLAND TRUCKING, P.O. Box 643, Austin, MN 55912. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *Iron and steel articles,* from Chicago Heights, IL and Burns Harbor, IN, to Plymouth, MN. Supporting shipper: Ex-L-Tube, 1605 North County Road 18, Plymouth, MN 55441.

MC 144323 (Sub-4-4TA), filed July 8, 1981. Applicant: RICHARD P. CHARAPATA, d.b.a. CHARAPATA TRUCKING, N30 W26466 Peterson Drive, Pewaukee, WI 53072. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. *Contract;* irregular: *Printed matter and materials, equipment, and supplies used in the manufacture of printed matter* between the facilities of Quadgraphics, Inc., at Pewaukee, WI, on the one hand, and, on the other, points in CT, DE, MA, ME, MD, NH, NJ, NY, OH, PA, RI, TX, VA, VT, WV and DC, under a continuing contract with Quadgraphics, Inc., of Pewaukee, WI. Supporting shipper: Quadgraphics, Inc., W224 N3323 Duplainville Road, Pewaukee, WI 53072.

MC 144630 (Sub-4-19TA), filed July 8, 1981. Applicant: STOOPS EXPRESS, INC., P.O. Box 287, Anderson, IN 46015. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. (1) *Stoves and Ranges,* From the facilities of Jenn-Air Corporation at Indianapolis, IN to points in the U.S. (except AK and HI); and (2) *Materials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above,* From points in the U.S. (except AK and HI) to the facilities of Jenn/Air Corporation at Indianapolis, IN. Supporting shipper: Jenn-Air Corporation, Indianapolis, IN.

MC 147343 (Sub-4-11TA), filed July 8, 1981. Applicant: TREADWAY CARRIERS, INC., 9333 N. Meridian St., Indianapolis, IN 46260. Representative: Thomas O. Cartmel (same as applicant). *General Commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, trucks and busses as described in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766).* Between points in the U.S. (except AK and HI). Restricted to the transportation of traffic originating at or destined to the facilities of International Paper Company. Supporting shipper: International Paper Company, 77 West 45th Street, New York, NY 10036.

MC 150746 (Sub-4-23TA), filed July 8, 1981. Applicant: DFC TRANSPORTATION COMPANY, P.O. Box 929, 12007 Smith Drive, Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. *Plastic and plastic products, vinyl siding and materials, equipment and supplies used in the manufacture, sale and distribution thereof,* between Highland Park, IL, on the one hand, and, on the other, points in CT, DE, FL, GA, ID, IN, IA, KY, LA, ME, MD, MA, MI, MO, NE, NV, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, TN, TX, VT and VA. Supporting shipper: Vydel Corporation of America, 1660 Old Deerfield Road, Highland Park, IL 60035.

MC 152073 (Sub-4-2TA), filed July 9, 1981. Applicant: DENVER NETTLES TRUCKING, INC., 1148 Denver Dr., Carpentersville, IL 60110. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. *Waste oil* and *petroleum products, in bulk, in tank vehicles,* between IL, WI, IN, and MI. Supporting shipper: Fluids Engineering Corp., 2500 New York Avenue, Whiting, IN 46394.

MC 152080 (Sub-4-2TA), filed July 9, 1981. Applicant: DEPENDABLE CARTAGE AND TRANSPORTATION COMPANY, INC., 2159 West Hastings Street, Chicago, IL 60608. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *Contract* irregular: *General Commodities, except commodities in bulk and Classes A & B explosives,* between points in the U.S. Restricted to traffic moving under continuing contracts with United Freight, Inc., and Distribution Services of America, Inc. Supporting shippers: United Freight, Inc., 1260 Southern Road, Morrow, GA and Distribution Services of America, Inc., 666 Summer Street, Boston, MA.

MC 154127 (Sub-4-1TA), filed July 9, 1981. Applicant: A. LUURTSEMA PRODUCE, INC., 5367 School St., P.O. Box 67, Hudsonville, MI 49426. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204. *Contract,* irregular: *Such commodities* as are dealt in or used by fool services distributors, from points in IL, IN, OH, and WI to points in Kent County, MI, under a continuing contract(s) with Dykstra Food Services, Incorporated, Comstock Park, MI and Sysco Frost Pack Food Services Incorporated, Grand Rapids, MI. An underlying ETA seeks 120 days of authority. Supporting shippers: Dykstra Food Services, Incorporated, 498 7 Mile Road, Comstock Park, MI 49321 and Sysco Frost Pack Food Services Incorporated, 3700 Sysco Drive, Grand Rapids, MI 49508.

MC 156981 (Sub-4-1TA), filed July 6, 1981. Applicant: RATH, INC., Box 2, Sterling, ND 58572. Representative: Charles E. Johnson, P.O. Box 2578, Bismarck, ND 58502. *Contract; irregular; general commodities* (except Classes A & B explosives), between points in the U.S. in and west of MI, IN, IL, MO, AR, and LA. Supporting shipper: Jet Sales, Inc., Bismarck, ND.

MC 157037 (Sub-4-1TA), filed July 9, 1981. Applicant: SPICER TRUCKING, Highway 81 North, Grand Forks, ND

58201. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth St., Minneapolis, MN 55402. *Food products and such commodities as are used or dealt in by food business houses,* between the U.S. facilities of The Pillsbury Company, on the one hand, and, on the other, points in the states of MN, ND, IL, IN, and WI. Supporting shipper: The Pillsbury Company, 608 Second Ave., S., Minneapolis, MN 55402.

MC 157075 (Sub-4-1), filed July 9, 1981. Applicant: HALVOR JOHN McCABE d.b.a. H. M. TRANSPORT, 6422 Lyndhurst Lane, Rockford, IL 61109. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *General Commodities, except Classes A and B Explosives,* between points in IL, IN, IA, MI, MN, and WI on the one hand, and, on the other, points in the U.S. Supporting shippers: Ardan, Inc., 2320 Euclid Avenue, Des Moines, IA 50310; Ello Furniture Mfg. Company, 1034 Elm Street, Rockford, IL 61101; Taslitz International, 1698 Merchandise Mart, Chicago, IL 60654; and Teletechnology International, Inc., 1701 South Schroeder Lane, McHenry, IL 60050. An underlying ETA seeks a 120 days.

MC 141459 (Sub-4-6TA), filed July 10, 1981. Applicant: A G S ENTERPRISES, INC., 809 Columbia Blvd., Litchfield, IL 62056. Representative: Michael R. Solomon (same address as applicant). Contract, irregular, transporting *General Commodities (except Classes A & B explosives and commodities in bulk),* between points in the U.S. under contract(s) with Distribution Services of America, Inc. of Boston, MA. Supporting shipper: Distribution Services of America, Inc., 666 Summer Street, Boston, MA 02210.

MC 147783 Sub-4-2TA), filed July 10, 1981. Applicant: B. L. CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, IL 60453. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. *Fuel oil,* in bulk, in tank vehicles, from St. Joseph, MI, to Burns Harbor and Gary, IN. Supporting shipper: Nova Oil, Inc., 4415 Harrison Street, Hillside, IL 60162.

MC 153359, filed July 10, 1981. Applicant: COSMOPOLITAN EXPRESS, INC., 2881 Carl Blvd., Elk Grove Village, IL 60007. Representative: Patrick H. Smyth, Smyth & Guth, P.C., 19 South LaSalle St., Suite 401, Chicago, IL 60603. *General Commodities* (except classes A and B explosives) between Chicago, Illinois, and its Commercial Zone, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH, and WI, restricted to the prior or subsequent movement by rail or water. Supporting shippers: There are four (4) supporting shippers.

MC 148866, filed July 9, 1981. Applicant: GILBERT F. & RAYMOND L. GUSTAFSON, d.b.a. G & R GUSTAFSON TRANSPORT CO., 102 North Griffin Street, Grant Park, IL 60940. Representative: Abraham A. Diamond, 29 South La Salle Street, Chicago, IL 60603. *Bakery Goods; Materials, Supplies and Equipment used in the manufacture, sale and distribution of bakery goods;* between the facilities of Interbake Foods, Inc., at or near Richmond, VA; Battle Creek, MI; North Sioux City, SD; and Tacoma, WA on the one hand, and, on the other, points in the continental U.S. Supporting shipper: Interbake Foods, Richmond Div., P.O. Box 27487, Richmond, VA 23261.

MC 146438 (Sub-4-6TA), filed July 8, 1981. Applicant: ETV, INC., P.O. Box 393, Comstock Park, MI 49321. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. *Food and related products and material, equipment and supplies used in the manufacture and distribution thereof* between points in the U.S., restricted to movements to and from facilities used by Cherry Central, Inc. Supporting shipper: Cherry Central, Inc., P.O. Box 988, Traverse City, MI 49684.

MC 157048 (Sub-4-1TA), filed July 9, 1981. Applicant: LAKEHEAD TRUCKING, INC., 6040 Lavaque Road, Duluth, MN 55803. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. *Contract* irregular: *Expandable Polystyrene Insulation Board,* from Superior, WI, to Norman, OK; Brownsville and Houston, TX; Lawrence, KS; Denver, CO; and Kearney, NE, under continuing contract(s) with Polytherm Industries, Inc., Superior, WI. Supporting shipper: Polytherm Industries, Inc., Superior, WI.

MC 150326 (Sub-4-3TA), filed July 9, 1981. Applicant: WILLIAM KNOLL, d.b.a. K & D TRUCKING, 1326 North Elm St., Fargo, ND 58102. Representative: James B. Hovland, 525 Lumber Exchange Bldg., 10 S. 5th St., Minneapolis, MN 55402. *Expanded clay, shale and slate,* from Minneapolis, MN commercial zone to Grand Forks, ND. Supporting shipper: Lightweight Distributing Company, Division of Silo Systems, Inc., 15605 32nd Avenue North, Plymouth, MN 55447.

MC 153075 (Sub-4-2), filed July 13, 1981. Applicant: SHERMAN HANSON, d.b.a. HANSON TRUCKING, 402 Center Street, Box 256, Boyceville, WI 54725. Representative: William J. Gambucci, Hovland & Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth Street, Minneapolis, MN 55402. *Contract* irregular: *Agricultural machinery, implements, and parts; and materials, equipment and supplies used in the manufacture thereof,* between points in the U.S. under continuing contracts with Hedlund Manufacturing Company, Inc. Supporting shipper: Hedlund Manufacturing Company, Inc., Route 2, Boyceville, WI 54725.

MC 145974 (Sub-4-7TA), filed July 13, 1981. Applicant: HIDATCO, INC., P.O. Box 849, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract* Irregular: *Lumber and wood products,* from points in WA, OR, ID, CA, MT, WY and SD to points in MN. An underlying ETA seeking 270 days. Supporting shipper: Clarkson Lumber Company, Inc., Suite 104, Wesley Temble Bldg., Minneapolis, MN 55402.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-21416 Filed 7-21-81; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 29660]

Chicago and North Western Transportation Company—Petition for Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 10903

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment of a 1.3-mile segment of Chicago and North Western Transportation Company (C&NW) track in La Crosse, WI, from the requirement of prior approval under 49 U.S.C. 10903.

DATES: This exemption is effective 30 days after publication in the **Federal Register.** Petitions for reconsideration of this action must be filed within 20 days after this publication.

ADDRESSES: Send pleadings to: (1) Section of Finance, Room 5414, 12th St. and Constitution Ave., Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioner's representatives

Louis T. Duerinck
Stuart F. Gassner,
John T. Van Gessel, 400 West Madison St., Chicago, IL 60606

Please make reference to Finance Docket No. 29660.

FOR FURTHER INFORMATION CONTACT:

Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION:

The Proposal

C&NW filed a petition on June 8, 1981, to exempt its abandonment of a 1.3-mile segment of track between milepost 270.5 and milepost 271.8, in La Crosse, WI, from the requirements of 49 U.S.C. 10903.

There are currently no shippers on the line, and therefore no need for service, because the City of La Crosse has purchased the facilities and real estate of the two shippers that were formerly located along the right-of-way. The City purchased the land to make way for downtown, street, and bridge redevelopment. C&NW will continue to serve the shipper located at the terminus of the line proposed to be abandoned (near milepost 270.5). Burlington Northern Inc., and Chicago, Milwaukee, St. Paul and Pacific Railway Company also serve La Crosse.

Petitioner states that the City of La Crosse supports its petition because the redevelopment projects require purchase of the right-of-way and removal of the railroad bridge involved, in order to relocate the City's Long Drive Bridge. The City must purchase the C&NW right-of-way by September 1, 1981, in order to receive funding assistance.

Following abandonment, C&NW will remove its track and bridge and sell the right-of-way to the City.

Statutory Provisions

Rail abandonments require the prior approval of this Commission under 49 U.S.C. 10903. To obtain our approval an application must be filed in compliance with our regulations at 49 CFR 1121 (1978). C&NW requests an exemption from 49 U.S.C. 10903 so that it will not have to file a formal application under the abandonment regulations.

Under 49 U.S.C. 10505, as modifed by section 213 of the Staggers Rail Act of 1980 (Pub. L. 96–448, 94 Stat. 1895, October 14, 1980) (Staggers Act), the Commission is authorized to exempt a transaction when (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusions

Our detailed scrutiny of this abandonment is not necessary to carry out the goals of the rail transportation policy of section 10101a because the abandonment will not adversely affect shippers, employees or competing carriers.

The proposed transaction is very limited in scope. It will affect a relatively short track segment which is no longer being used because the former shippers have relocated. Since the proposed transaction is of limited scope, it is not necessary to consider whether our regulation is needed to protect shippers from the abuse of market power.

In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of employees as required by 49 U.S.C. Subtitle IV. (See 49 U.S.C. 10505(g)(2)). Therefore, as a condition to this exemption, we will impose the same level of labor protection as is usually required in abandoment transactions. The employee protective conditions developed in *Oregon Short Line R. Co.—Abandoment—Goshen*, 360 ICC 91 (1979), satisfy the statutory requirements for protection of employees involved in an abandonment transaction.

Based on our initial review of the proposal, we find that the abandonment will not significantly affect energy consumption or the quality of the human environment. Various Wisconsin agencies concerned with environmental issues have been informed of this proposal by our Section of Energy and Environment. These agencies or other interested persons may file petitions to reopen this proceeding on environmental grounds.

It is ordered: (1) We exempt from the requirements of 49 U.S.C. § 10903 the abandonment by C&NW of the 1.3-mile segment of track described in its petition, subject to the conditions for the protection of employees provided in *Oregon Short Line R. Co—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

(2) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, **Federal Register**, for publication.

(3) This exemption will continue in effect for one year from the effective date of this decision. Abandonment of the line-segment must occur during that time in order to use this exemption.

(4) This decision is effective 30 days following the date of publication in the **Federal Register**.

(5) Petitions to stay the effective date of this decision must be filed no later than 10 days after the date of publication.

(6) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than 20 days after date of publication in the **Federal Register**.

Dated: July 14, 1981.

By the Commission, Chairman Taylor, Commissioners, Gresham, Clapp, Trantum, and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-21423 Filed 7-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29665]

Grand Trunk Western Railroad Company Relocation Over the Consolidated Rail Corporation; Exemption

July 14, 1981.

The Grand Trunk Western Railroad Company (GTW) has notified the Commission that it will participate in a joint relocation project with the Consolidated Rail Corporation (CR) which comes within the exemption described at 49 CFR 1111.5(c)(5).

The current route used by the Detroit, Toledo and Ironton Railroad Company (DTI) which is owned and operated with GTW between its Flat Rock, MI classification yard and GTW's "East" or Ferndale, MI classification yard is over DTI's line from Flat Rock to Mill, approximately 12.8 miles. The route then continues via CR through West Detroit to Vinewood Junction and then via GTW. The distance operated on CR is approximately 6.5 miles.

GTW reached an agreement on March 3, 1980 with CR for trackage rights between "East" Yard in Detroit and DTI's "Rouge Yard" in Dearborn, MI over the Detroit Terminal Railroad Company in the event that CR assumes control of that railroad (this condition precedent has taken place). See Finance Docket No. 29489 Consolidated Rail Corporation-Control and Lease-Detroit Terminal Company, Exemption Under 49 U.S.C. 10505 from 49 U.S.C. 11343 (not printed) served March 17, 1981. This arrangement with CR will allow the GTW system to gain an alternate route, and avoid heavy congestion occasionally encountered on the existing CR route through West Detroit.

The GTW employees affected by the trackage rights shall be protected pursuant to *Norfolk and Western Ry. Co.-Trackage Rights-BN*, 345 I.C.C. 605 (1978), as modified by *Mendoceno Coast Ry., Inc.-Lease and Operate*, 360 I.C.C. 653 (1980).

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-21415 Filed 7-21-81; 8:45 am]

BILLING CODE 7035-01-M

Water Carrier Temporary Authority Applications

The following were filed with the Regional Offices. Petition for Reconsideration is to be filed, within 20 days of this publication with the Regional Office noted in each caption summary. Replies to petition may be filed within 20 days of the date petition is filed.

The following application was filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

W 1332 (Sub-5-1TA), filed July 9, 1981. Applicant: ALTER BARGE LINE, INC., 2333 Rockingham Road, Davenport, IA 52808. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Common water *metal products*, between LaPlace, LA, on the one hand, and, on the other, all pts and ports on the Mississippi, Illinois, Ohio, Missouri, Tennessee, Arkansas, and Cumberland Rivers, the Intracoastal Canal, and all tributaries to the aforenamed rivers and canal. Supporting shipper: Bayou Steel Corporation (of LaPlace), P.O. Box 5000, LaPlace, LA 70068.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-21420 Filed 7-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 123]

Motor Carrier Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 16, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 F.R. 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 41406 (Sub-168)X, filed March 3, 1981, and noticed in the FR of March 23, 1981 and June 10, 1981, republished as corrected this issue. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., P.O. Box 8414, Merrellville, IN 46410. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-Nos. 68 and 139F certificates to broaden the commodity description from automobile parts, and materials, equipment and supplies to "general commodities, except classes A and B explosives." The Board has decided to renotice this portion of the original application following the presentation of evidence which demonstrated that "transportation equipment" was insufficiently broad.

MC 59457 (Sub-61)X, filed June 29, 1981. Applicant: SORENSEN TRANSPORTATION COMPANY, INC., 6 Old Amity Road, Bethany, CT 06525. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103. Applicant seeks to remove restrictions from its lead and Sub-No. 1, 3, 10, 11, 12, 13, 15, 16, 17, 20, 22, 24, 26, 27, 28, 29, 31, 32, 35, 36, 39F, 41F, 43F, 46F, 48F, 49F, 52F, 54F, and Sub-No. 59X, pages 1, 2 and 3, certificates as follows: (1) broaden the commodity descriptions from (a) box board and paper boxes (lead docket); mats, molds, plates, shells and vinylites (Sub-Nos. 16, 17, 20, and 22); waste paper (Sub-No. 12); knocked-down fiberboard containers (Sub-No. 13); printing paper (Sub-No. 31 and Sub-No. 35); and fiberboard, paperboard and pulpboard (Sub-No. 43F); to pulp, paper, and related products; (b) plumbing and plumbing supplies (lead Docket) to "rubber and plastic products; clay, concrete, glass, or stone products; and metal products"; (c) fertilizer and dry fertilizer (Sub-No. 3); fertilizer and fertilizer materials (Sub-Nos. 10, 11, and 29); pesticides (Sub-Nos. 10, 11, and 29); to "chemicals and related products;" (d) animal and poultry feed and animal and poultry feed ingredients (Sub-Nos. 11 and 29); bananas (Sub-Nos. 3, 15, 20, 22 and 24); dairy products and dry ice cream stabilizers (Sub-No. 41F); ice cream, ice cream products, dairy products, frozen and refrigerated desserts (Sub-No. 46F); concentrated frozen citrus juices (Sub-No. 49F); and ice cream and ice products, dairy products, desserts and concentrated frozen citrus juices in containers (Sub-No. 52F); to "food and related products"; (e) related advertising materials (Sub-Nos. 10 and 11); magazines, magazine parts, magazine inserts, (Sub-Nos. 16, 17, 20 and 22); newspapers, and newspaper supplements (Sub-No. 17); magazines, books, newspaper, newspaper inserts and supplements and parts of magazines and newspapers (Sub-Nos. 27 and 39); dated, printed publications and parts of such publications (Sub-Nos. 26, 28, and 36); and magazines, periodicals, newspapers, newspaper supplements, circulars, leaflets, catalogs, advertising matter, printed forms and calenders (Sub-No. 32) to "printed matter"; (f) castings and patterns (Sub-No. 17); mats, molds, plates, shells and vinylites (Sub-Nos. 16, 17, 20 and 22); to "metal products"; (g) scrap metals (Sub-Nos. 17 and 59X page 3); and waste materials (lead docket) to "waste or scrap materials not identified by industry producing;" (h) clothing and wearing apparel (Sub-No. 54F) to "textile mill products"; (i) aluminum dollies (Sub-No. 41F) to "containers, carriers or devices, shipping returned empty"; (j) mats, molds, plates, shells and vinylites (Sub-Nos. 16, 17, 20, and 22) to "rubber and plastic products"; (2) remove facilities limitations where they exist and expand the territorial description from specific point authority to county-wide authority on its irregular-route authority as follows: from (a) New Haven, CT to New Haven County, CT; Westfield, Holyoke, Springfield, and Palmer, MA to Hampden County, MA; Fitchburg, MA to Worcester County, MA; and Lowell, MA to Middlesex County, MA; Poughkeepsie, NY to Dutchess County, NY; Providence and Philipsdale, RI to Providence County, RI; and Bogota, NJ to Somerset County, NJ; and Manville, NJ to Bergen County, NJ, (lead Docket); (b) Cambridge, MA to Middlesex County, MA; North Weymouth, MA to Norfolk County, MA; Fitchburg and

Southbridge to Worcester County, MA; Springfield, MA to Hampden County, MA; and Lawrence, MA to Essex County, MA; Wilmington, DE to New Castle County, DE; Woodbridge, CT to New Haven County, CT; Wethersfield, CT to Hartford County, CT; Lebanon, PA to Lebanon County, PA; Cateret, NJ to Union County, NJ, (Sub-No. 3); (c) Windsor, NJ to Mercer County, NJ, (Sub-No. 10); (d) Albany, NY to Albany County, NY; Millerton, NY to Dutchess County, NY; and Waverly, NY to Chemung County, NY; Wilmington, DE to New Castle County, DE, (Sub-No. 11); (d) New Haven, CT to New Haven County, CT; Manchester, CT to Hartford County, CT; Albany, NY to Albany County, NY; Amsterdam, NY to Montgomery County, NY; Schenectady, NY to Schenectady County, NY; Castleton and Troy, NY to Rensselaer County, NY: (Sub-No. 12); (e) Momauguin, Morris Cove, Lighthouse Point, Short Beach, Silver Sands, Double Beach, Stony Creek, and Guilford, CT, to New Haven County, CT, and from points in NJ within 15 miles of Jersey City, NJ, to Somerset, Monmouth, Passiac, Middlesex, Essex, Union, Bergen, Morris, and Hudson Counties, NJ (Sub-No. 59X), pages 2 and 3 (f) Chambersburg, PA to Franklin County, PA; and Bridgeport, CT to Fairfield County, CT; (Sub-No. 13); (g) Fall River, MA to Bristol County, MA, (Sub-No. 15); (h) Old Saybrook, CT to Middlesex County, CT; Albany, NY to Albany County, NY, (Sub-No. 16); (i) Bradley Field, Windsor Locks, Hartford, and Plainville, CT to Hartford County, CT; New Haven, CT to New Haven County, CT; Albany, NY to Albany County, NY; Springfield and Westfield, MA to Hampden County, MA; and Perth Amboy, NJ to Middlesex County, NJ, (Sub-No. 17); (j) John F. Kennedy International Airport, NY to New York, NY; Albany, NY to Albany County, NY; Wilmington, DE to New Castle County, DE; and Bridgeport, CT to Fairfield County, CT; New Haven, Wallingford, and Waterbury, CT to New Haven County, CT; and Hartford, CT to Hartford County, CT; (Sub-No. 20); (k) Albany, NY to Albany County, NY; Woodbridge, NJ to Middlesex County, NJ; Charleston, SC to Beaufort County, SC; and Bridgeport, CT to Fairfield County, CT; New Haven and Wallingford, CT to New Haven County, CT, (Sub-No. 22); (l) Albany, NY to Albany County, NY, (Sub-No. 24); (m) Bridgeport, CT to Fairfield County, CT; Wilmington, DE to New Castle County, DE; Canton, MA to Norfolk County, MA; Springfield, MA to Hampden County, MA; Concord, NH to Merrimac County, NH; New Brunswick, NJ to Middlesex County, NJ; and Trenton NJ to Mercer County, NJ, Carle Place and Hauppauge, Long Island, NY to Suffolk County, NY; and Providence, RI to Providence County, RI, (Sub-No. 26); (n) Pittsfield, MA to Berkshire County, MA; Lowell, MA to Middlesex County, MA; Springfield, MA to Hampden County, MA; Long Island City, NY to Nassau County, NY; Albany, NY to Albany County, NY; South Kearny and Jersey City, NJ to Hudson County, NJ; Norwich, CT to New London County, CT; Putnam, CT to Windham County, CT; and Old Saybrook, CT to Middlesex County, CT; Westerly, RI to Washington County, RI; Woonsocket, RI to Providence County, RI; Dixfield, ME to Franklin County, ME; Veazie, ME, to Penobscot County, ME, (Sub-No. 27); (o) Lancaster, PA to Lancaster County, PA; Bridgeport, CT to Fairfield County, CT; Bethany, CT to New Haven County, CT; and Old Saybrook, CT to Middlesex County, CT; Hauppauge, NY to Suffolk County, NY; Carle Place, NY to Nassau County, NY; and Albany, NY to Albany County, NY, (Sub-No. 28); (p) Salem, NY to Washington County, NY; Guilderland Center, NY to Albany County, NY; and Oneonta, NY to Otsego County, NY; Yardville and Bordentown, NJ to Mercer County, NJ; and Camden, NJ to Camden County, NJ, (Sub-No. 29); (q) Albany, NY to Albany County, NY; Lancaster, PA to Lancaster County, PA; old Saybrook, CT to Middlesex County, CT; Bucksport, ME to Hancock County, ME; East Millinocket and Millinocket, ME to Penobscot County, ME; Jay, ME to Franklin County, ME; and Rumford, ME to Oxford County, ME, (Sub-No. 31); (r) Trenton, NJ to Mercer County, NJ, (Sub-No. 32); (s) Bethany, CT to New Haven County, CT; Bristol, CT to Hartford County, CT; Old Saybrook, CT to Middlesex County, CT; Albany, NY to Albany County, NY; Buffalo, NY to Erie County, NY; Millinocket and East Millinocket, ME to Penobscot County, ME; Rumford, ME to Oxford County, ME; Bucksport, ME to Hancock County, ME; and Jay, ME to Franklin County ME; (Sub-No. 35); (t) North Bergen, NJ to Hudson County, NJ; Harrisburg, PA to Dauphin County, PA; Bethany, CT to New Haven County, CT; and Buffalo, NY to Erie County, NY; (Sub-No. 39F); (u) Strasburg, VA to Shanandoah County, VA; (Sub-No. 36); (v) Stratford, CT to Fairfield County, CT; Springfield, MA to Hampden County, MA; Chattanooga, TN to Hamilton County, TN; Syracuse, NY to Onondago County, NY; Woodbridge, NJ to Middlesex County, NJ; Burlington, VT to Chittenden County, VT; (Sub-No. 41F); (w) Augusta, GA to Richmond County, GA; Montville and Franklin, CT to New London County, CT; Riegelwood, NC to Columbus County, NC; Lakewood, NJ to Ocean County, NJ; Greencastel, PA to Franklin County, PA; Pulaski, TN to Giles County, TN; and Fayetteville, NC to Cumberland County, NC; (Sub-No. 43F); (x) Fort Wayne, IN to Allen County, IN; Canton, OH to Stark County, OH; Syracuse, NY to Onondaga County, NY; and Milford, DE to Suffolk County, DE; (Sub-No. 46F); (y) Glasgow, KY to Barren County, KY; (Sub-No. 48F); (z) Lake Wales, FL to Polk County, FL; and Stratford, CT to Fairfield County, CT; (Sub-No. 49F); (aa) from Stratford, CT to Fairfield County, CT; Lake Wales, FL to Polk County, FL; and Menands, NY to Albany County, NY; (Sub-No. 52F); (bb) New Haven and Branford, CT to New Haven County, CT; Fall River, MA to Bristol County, MA; Salisbury, MD to Wicomico County, MD; Wytheville, VA to Wyth County, VA; Lexington, NC to Davidson County, NC; Abbeville, SC to Abbeville County, SC; Samson, Al to Geneva County, AL; Thomaston, GA to Upson County, GA; Rochelle, GA to Wilcox County, GA; (Sub-No. 54F); (3) expand the territorial description to county-wide authority on the off-route points to its regular-routes as follows: from Hamden, Meriden, West Haven, Greenville, South Meriden, Fair Haven, Waterbury, to New Haven County, CT; Saybrook Point, Essex, Ivoryton, Portland, Gildersleeve, Rockfall, and Middlefield, CT to Middlesex County, CT; Noank, Montville and Greenville, CT to New London County, CT; New Britain and East Hartford, CT to Hartford County, CT; South Norwalk, CT to Fairfield County, CT; and points in NJ within 15 miles of Jersey City, NJ to Somerset, Monmouth, Passaic, Middlesex, Essex, Union, Bergen, Morris, and Hudson Counties, NJ; (Sub-No. 59X, pages 1 and 2); (4) broaden the commodity description from general commodities (with the usual exceptions) to general commodities (except classes A and B explosives) in Sub-No. 17; (5) eliminate the following: (a) the "ex-air" restriction in Sub-Nos. 17 and 20, (b) the "mixed load" restriction in Sub-No. 10, (c) the exceptions "Brattleboro, Burlington, and Ruthland, VT" in Sub-No. 28, (d) the exceptions "Hartford, Meirden, and New Haven, CT" in Sub-No. 27, (e) the "except commodities in bulk" restrictions in Sub-Nos. 29, 41F and 48F; (f) remove the "ex motor or rail" restriction in Sub-No. 27, (g) remove the "originating at and/or destined to" restrictions wherever they appear. (6) expand its one-way authority to radial

authority in each of the above numbered certificates; and (7) remove the tacking restriction in Sub-No. 12.

Note.—Applicant's authority to tack will be governed by 49 CFR 1042 10(b).

MC 69454 (Sub-14)X, filed July 2, 1981. Applicant: DITTO FREIGHT LINES, 1575 Industrial Avenue, San Jose, CA 95112. Representative: Daniel W. Baker, 100 Pine St., No. 2550, San Francisco, CA 94111. Applicant seeks to remove restrictions in its Sub-Nos. 5, 9F, and 11F certificates to (1) broaden the commodity description (a) from general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-Nos. 5 and 11F; and (b) from glass containers to "such commodities as are dealt in or used by manufacturers and distributors of class containers" in Sub-No. 9F; (2) remove a vehicle restriction and a restriction requiring a prior or subsequent movement by water in Sub-No. 5; (3) replace one-way with radial authority in Sub-No. 11F; (4) replace the ports of Los Angeles and San Francisco, CA with those cities in Sub-No. 5; (5) replace Phoenix, AZ, with Maricopa County, AZ, in Sub-No. 11F; (6) replace portions of San Diego, Ventura, Colusa, Glenn, Tehama, Fresno, Kern, Tulare, and Madera Counties, CA, as off-route points with all of those counties in Sub-No. 9F; and (7) remove restrictions against (a) local traffic between described portions of CA and (b) traffic moving in ocean containers and empty containers between described portions of CA in Sub-No. 9F.

MC 75138 (Sub-4)X, filed June 23, 1981. Applicant: OGDEN TRANSFER AND STORAGE COMPANY, 2105 Wall Avenue, Ogden, UT 84401. Representative: Thomas R. Kingsley, 10614 Amherst Avenue, Silver Spring, MD 20902. Applicant seeks to remove restrictions in its lead and Sub-No. 2 certificates to (1) broaden the commodity descriptions: in the lead certificate, to (a) "forest products, and miscellaneous products of manufacturing " from Christmas trees; (b) "rubber and plastic products, chemicals and related products, and miscellaneous products of manufacturing " from toys, children's vehicles, and toy vehicles; (c) "pulp, paper and related products" from stationery; (d) "clay, concrete, glass or stone products" from glassware; (e) "household goods and furniture and fixtures" from household goods; (f) "*Mercer* commodities" from machinery, materials and supplies incidental to the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum; (g) "clay, concrete, glass or stone products, metal products, machinery, and lumber and wood products" from culverts, metal troughs, and lumber; (h) "those commodities which because of their size or weight require the use of special handling and equipment" from heavy machinery; (i) remove all restrictions in the general commodities authority "except classes A and B explosives"; and in Sub-No. 2, "household goods, and furniture and fixtures" from household goods as defined by the Commission; (2) replace one-way authority with radial authority in the first four paragraphs of the lead certificate; and (3) broaden named points to authorize county-wide service: lead certificate, Box Elder, Weber, Davis and Morgan Counties, UT (Ogden, UT); Salt Lake, Davis and Morgan Counties, UT (Salt Lake City, UT); Utah County, Ut (Provo, UT); Cache and Box Elder Counties, UT (Logan, Brigham City, and Smithfield, UT); Weber, Davis, Box Elder, Morgan, Cache and Rich Counties, UT (Ogden, UT and points within 25 miles thereof); and Box Elder, Davis, Morgan and Weber Counties, UT (Sgden, UT and points within 10 miles thereof).

MC 108973 (Sub-18)X, filed July 7, 1981. Applicant: INTERSTATE EXPRESS, INC., 2334 University Avenue, St. Paul, MN 55114. Representative: Joseph J. Dudley, Sr., W-1260 First National Bank Building, St. Paul, MN 55101. Applicant seeks to remove restrictions in its lead, and Sub-Nos. 15 and 17F permits to broaden the territorial description to "between points in the United States under continuing contract(s) with named shippers.

MC 119710 (Sub-34)X, filed June 24, 1981. Applicant: SHUPE BROS. CO., P.O. Box 929, Greeley, CO 80631. Representative: Paul F. Sullivan, 711 Washington Building, Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 32 permit to (A) broaden the commodity description in part (1) to "food and related products" from salt and salt products; and, in part (2) eliminate the restrictive language "in mixed loads with salt and salt products"; and (B) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 120737 (Sub-80)X, filed March 2, 1981 and noticed in the **Federal Register** of March 23, 1981, republished as corrected in this issue. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Applicant seeks to remove restrictions in its Sub-Nos. 7, 8, 10, 16, 27, 35, 39, 45, 67F, and 69F certificates to (1) broaden its commodity descriptions from various machinery items such as agricultural implement parts, tractor parts, non-agricultural tractor parts, tractor attachments and equipment, and irrigation systems, and parts and attachments, thereof, to "machinery", in each certificate; (2) replace its cities with country-wide authority (a) in Sub-Nos. 35 and 67F, Havana, IL, with Mason County, IL, and (b) in Sub-No. 69F, Litchfield, MN, with Meeker County, MN and (c) in Sub-No. 16, Eau Claire, WI, with Chippewa and Eau Claire Counties, WI; (3) in Sub-No. 39, replace the facilities located at East Moline, Moline, and Rock Island, IL, with East Moline, Moline, and Rock Island, IL; (4) change its one-way authority to radial authority (a) in Sub-No. 7, between Louisville, KY, and points in Fulton and Rock Island Counties, IL, (b) in Sub-No. 16, between Chippewa and Eau Claire Counties, WI, and points in 16 several specified eastern States, (c) in Sub-No. 27, between Louisville, KY, and points in the U.S., (d) in Sub-No. 35, between Mason County, and points in the U.S. (with exceptions), (e) in Sub-No. 39, between East Moline, Moline, and Rock Island, IL, and points in the U.S. (with exceptions), (f) in Sub-No. 45, between Harrison County, MS and points in the U.S., (g) in Sub-No. 67F, between Mason County, IL, and points in FL, GA, and OK, and (h) in Sub-No. 69F, between Meeker County, MN, and points in MI, IA, and NC, (5) in Sub-Nos. 16, 35, 39, and 45, eliminate the originating at and destined to restrictions; (6) in Sub-Nos. 8, 16, and 35, eliminate the size and weight restrictions; and (7) remove the exceptions in Sub-Nos. 27, 35, 39, and 45, against service to AK and HI. The purpose of this republication is the substitution of Chippewa and Eau Claire Counties, WI for Eau Claire, WI in applicant's Sub-No. 16 certificate as it originally requested. The replacement of this county-wide authority was inadvertently omitted from the initial Federal Register notice.

MC 128917 (Sub-9)X, filed July 1, 1981. Applicant: HANDY TRUCK LINE, INC., P.O. Box 148, Heyburn, ID 83336. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-Nos. 4, 6, and 8 certificates to (1) in Sub-No. 4, broaden the commodity description to "paper and paper products", from boxes and sheets, knocked-down; remove the facilities

limitation and expand Burley, ID to Cassia County, ID; (2) in Sub-No. 6 broaden the commodity description to "clay, concrete, glass or stone products and chemicals and related products", from fly ash and potash; (3) in Sub-No. 8 broaden the commodity description to "clay, concrete, glass or stone products and chemicals and related products, from cement, lime, and pozzuolana products; and (4) replace existing one-way authority with radial authority (a) in Sub-No. 4, between Cassia County, ID, and UT and WY; (b) in Sub-No. 8, between ID and OR, and, UT, CO, and OR.

MC 135861 (Sub-98)X, filed May 28, 1981. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, 1721 Carl Street, Fort Worth, TX 76103. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3, 7, 8, 11, 16, 20, 23, 25, 27, 30, 31, 32, 34, 36, 37, 38, 39, 40, 41, 48, 49, 50, 51, 54, 57, 58, 59, 62, 63, 64, 65, 66, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 84, 84M, 85, 86, 87, 88, 89, 90, 91 and 92 permits to (1) broaden the commodity descriptions to "food and related products" from meat and packinghouse products, in Sub-Nos. 2, 3, 7, 8, 11, 25, 32, 34, 38, 57, 58, 65, 71, 72, 82, 83, and 92; from tea, in Sub-Nos. 30 and 37; from food products, in Sub-No. 49; from bakery goods, in Sub-No. 62; from canned and preserved foodstuffs, in Sub-No. 63; from foodstuffs, except in bulk, in Sub-Nos. 69, 75, 79, 87, 88 and 90; from alcoholic and non-alcoholic beverages, in Sub-Nos. 84 and 84M; from frozen foodtuffs, in Sub-No. 89; and from sugar, in Sub-No. 91; from candies and related items, in Sub-Nos. 16, 54, 59, and 77; to "chemicals and related products, food and related products and medical supplies" from medicines, drugs, suppositories, and medical supplies, in Sub-Nos. 20, 27, 31, 36 and 66; to "instruments and photographic goods, chemicals and related products, building materials, and rubber and plastic products", from photographic and reproductive equipment, parts, accessories, roofing, insulation materials, vinyl siding, floor covering, chemicals, cleaning, scouring, washing, and scouring compounds, photographic and duplicating equipment, materials, equipment and supplies used in the packaging, sale and distribution of such commodities, in Sub-Nos. 39 and 73; to "chemicals and related products, machinery, and food and related products", from drugs, toilet preparations, personal care products, confectionery and chewing gum in Sub-No. 40; to "such commodities dealt in or used by food and drug establishments and department stores", from such commodities as are dealt in or used by food and drug stores and food and drug business houses, such commodities as are dealt in or used by retail department stores, in Sub-Nos. 85 and 48; to "general commodities (except classes A and B explosives)", from general commodities (except commodities in bulk and classes A and B explosives), in Sub-No. 68; to "chemicals and related products, and such commodities as are dealt in or used by drug, department, grocery and hardware stores", from toilet preparations, chemicals, shampoo, soap, and such articles as are dealt in or used by drug, department, grocery and hardware stores (except foodstuffs, meats and commodities in bulk, in tank vehicles), and materials, equipment and supplies used in the manufacture of such commodites, in Sub-No. 80; to "such commodities dealt in or used by department stores", from such commodities dealt in or used by retail department stores (except commodities in bulk, in tank vehicles), in Sub-No. 81; to "chemicals and related products and food and related products", from toilet preparations and soap, in Sub-No. 51; from personal care items in Sub-No. 64; from confectionery, chewing gum, drugs and toilet preparations in Sub-No. 76; to "reproduction goods, and pulp paper and related products", from reproduction paper, in Sub-No. 50; to "chemicals and related products, and building materials, and textile mill products", from paint, paint ingredients, floor covering, plastic and vinyl siding, building materials, siding, window profiles, insulation board, and accessories, in Sub-Nos. 23, 41 and 74; to "furniture and fixtures", from store fixtures and shelving, in Sub-No. 70; to "machinery and transportation equipment", from power transmission machinery, and parts and attachments for power transmission machinery, in Sub-No. 86, (2) remove the in bulk, in tank vechicles, except hides, in refrigerated equipment, in all subs wherever they appear, and (3) broaden the territorial description to between points in the U.S. under continuing contract(s) with named shippers.

MC 138283 (Sub-17)X, filed July 6, 1981. Applicant: DANA TRUCKING CORPORATION, P.O. Box 6, Round Lake, MN 56167. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 12F permit to (1) broaden the commodity description from foodstuffs (except in bulk, dairy products, frozen food products, meat and meat products) to "food and related products"; and (2) broaden the territorial description to authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 143433 (Sub-18)X, filed July 6, 1981. Applicant: B. L. GILBERT, d.b.a. GILBERT TRUCKING COMPANY, 310 South First Avenue, Stroud, OK 74079. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. Applicant seeks to remove restrictions in its Sub-Nos. 2F, 4F, 9F, 13F, and 15 certificates to (1) broaden the commodity descriptions to (a) "food and related products" from meats, meat products, meat by-products and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) in Sub-Nos. 13 and 15, and from frozen bakery products in Sub-No. 4; (b) "textile mill products and rubber and plastic products" from carpets and carpet padding in Sub-No. 2, and from carpeting, carpeting samples, materials and accessories used in the installation of carpeting, and materials, and supplies used in the manufacture of carpeting in Sub-No. 9; (2) eliminate restrictions against serving Dallas and Fort Worth, TX, in Sub-No. 9; (3) replace named point authority with county-wide authority: Muskogee, OK, with Muskogee County, OK, in Sub-No. 13; (4) replace plantsite authority with county-wide authority: (a) facilities at or near Wagner, SD, with Charles Mix County, SD, in Sub-No. 15; (b) facilities at or near Pawhuska, OK, with Osage County, OK, in Sub-No. 2; (c) facilities at or near Bedford Heights, OH, with Cuyahoga County, OH, in Sub-No. 4; (5) eliminate the restriction against traffic originating at Beloit, WI, in Sub-No. 15; (6) replace one-way authority with radial authority in all referenced authorities between the counties named above and various points in the US; (7) delete the exception of service to AK and HI in Sub-No. 4; (8) remove originating at or destined to restrictions in Sub-No. 15; and (9) remove restriction limiting transportation to shipments having a prior movement by rail with specific destinations in Sub-No. 15.

MC 144009 (Sub-1)X, filed June 25, 1981. Applicant: ALLSTATES TRANSWORLD VAN LINES, INC., 5736 Dr. Martin Luther King Drive, St. Louis MO 63112. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Avenue, NW., Washington, DC 20036. Applicant seeks to remove restrictions in its lead certificate to (1) broaden the commodity description to "household

goods, and furniture and fixtures" from household goods as defined by the Commission, and (2) remove the exception of AK and HI in its nationwide authority between points in the U.S. (except VT and NH).

MC 145103 (Sub-6)X, filed July 1, 1981. Applicant: UNITED TRANSPORT CORP., 319 O'Brien Road, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions from its No. MC-145013 (Sub-No. 5)F permit and its No. MC-109501 and (Sub-Nos. 3, 6, 8, 10, and 11) permits acquired in MC-FC-78687 to: (1) broaden the commodity description in MC-109501 from iron and steel mill products, not fabricated, to "metal products, petroleum, natural gas and their products, coal and coal products, chemicals and related products"; from aluminum products in sheets and bars not fabricated to "metal products"; in Sub-No. 3, from air conditioner sub assemblies and parts to "machinery"; form pallets to "containers, carrier's or other shipping devices"; in Sub-No. 6 from boilers to "machinery and metal products"; from radiators to "machinery, metal products, and transportation equipment" from furnaces to "instruments and photographic goods, metal products, and machinery"; from air conditioning units to "machinery, transportation equipment, and instruments or photographic goods"; from parts for above to "machinery parts, metal products, transportation equipment parts, clay, concrete, glass or stone products"; in Sub-Nos. 8, 10 and 11, broaden the commodity descriptions form household appliances, furnaces, air cleaners, conditioners, heaters, humidifiers and dehumidifiers and air cleaners, to "such commodities as are dealt in or used by manufacturers of appliances and air cooling, heating, cleaning, humidifying and dehumidifying equipment"; in MC-145103 Sub-No. 5F, broaden the commodity descriptions form concrete products to "clay, concrete, glass or stone products"; (2) expand the territorial descriptions in each permit to between points in the U.S. under continuing contract(s) with named shippers; and (3) eliminate the "in bulk" restriction in No. MC-109501 Sub-Nos. 8, 10, and 11, and in No. MC-145103 Sub-No. 5F.

MC 146386 (Sub-9)X, filed June 24, 1981. Applicant: NATIONAL RETAIL TRANSPORTATION, INC., 10 East Oregon Avenue, Philadelphia, PA 19106. Representative: Richard Rueda, 133 North 4th Street, Philadelphia, PA 19106. Applicant seeks to remove restrictions in MC-70083 and Sub-Nos. 11, 14, 23, 28, and 29G certificates acquired in MC-FC-78242, to (1) broaden the commodity descriptions from (a) pianos, and piano benches, seats and stools, new, used, uncrated, other than those transported as a part of a household goods movement to "furniture and fixtures" in the lead; and (b) general commodities, with exceptions to "general commodities (except classes A and B explosives)" in Sub-Nos. 14, 23, 28, and 29G; (2) remove the restrictions "except grocery store supplies" in the lead and Sub-No. 29G; "except commodities in bulk, in tank vehicles" in Sub-No. 11; "against shipments from the facilities of B. Altman Company, St. Davids, PA, to points in NJ and DE in the lead and Sub-Nos. 23 and 29G; and against traffic originating at or destined to Cherry Hill Industrial Park, NJ in Sub-No. 11 and 28; (3) change city to county-wide authority from Ardmore, Jenkintown and Upper Darby to Montgomery and Delaware Counties, PA, in the lead, and Camden (and the Cherry Hill Industrial Park in Sub-Nos. 11 and 28) to Camden County, NJ, in the lead and Sub-Nos. 11 and 28; (4) replace one-way with radial authority between (a) Philadelphia, PA, and, points in IL, IN, MI, and NY, and points in that part of NJ in the New York, NY Commercial Zone, in the lead; (b) Philadelphia, PA, and, points in NJ, in Sub-No. 23; and (c) points in MA, and, points in CT; points in NY east of the Hudson River and south of Interstate Hwy 84, and, points in MA; and, points in RI, in Sub-No. 29G, and (5) remove the tacking restriction in the lead to permit tacking of applicant's regular and irregular route authority.

Note.—Carrier's ability to tack will be governed by 49 CFR 1042.10(b).

MC 146751 (Sub-12)X, filed July 6, 1981. Applicant: J. C. LAWRENCE TRUCKING, INC., P.O. Box 5331, Lake Station, IN 46405. Representative: Fred H. Daly, Suite 475, 2550 M Street, N.W., Washington, D.C. 20037. Applicant seeks to broaden the commodity description in Sub-No. 6F certificate from iron and steel articles to "metal products and materials, equipment, and supplies used in the manufacture, sale and distribution thereof, or in connection therewith."

MC 147039 (Sub-4)X, filed March 6, 1981, published in the **Federal Register** of March 24, 1981, republished as corrected this issue. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Road, Trenton, MI 48133. Representative: H. Neil Garson, Suite 400, 3251 Old Lee Highway, Fairfax, VA 22030. Applicant seeks to remove restrictions in its Sub-No. 3F certificate. This Board previously broadened the commodity description from automotive parts, materials, accessories, and supplies used in the manufacture of automotive vehicles and parts to "transportation equipment, machinery, metal products, and rubber and plastic products." Through an inadvertent error on applicant's part, it omitted a request for the commodity description "clay, concrete, glass or stone products" to be included with the broadened descriptions. Inasmuch as applicant is not precluded from handling glass automotive materials, parts, supplies or accessories under the present authorization, notice is hereby given that applicant seeks to broaden the commodity description to "transportation equipment, machinery, metal products, rubber and plastic products, and clay, concrete, glass, or stone products."

MC 148503 (Sub-4)X, filed July 6, 1981. Applicant: BERKSHIRE CHEMICAL HAULERS, INC., P.O. Box 602, Adams, MA 01220. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Applicant seeks to remove restrictions in its Sub-Nos. 2F and 3 certificates to (1) broaden the commodity descriptions from (a) alum, sodium aluminate, and rosin sizing to "chemicals and related products" in Sub-No. 2; (b) petroleum products to "petroleum, natural gas, and their products" in Sub-No. 3; (2) eliminate an in bulk restriction in both Sub-Nos.; (3) delete plantsite restriction in Sub-Nos. 2; (4) remove an originating at and/or destined to restriction in Sub-No. 2; (5) broaden Adams, MA, to Berkshire County, MA, in Sub-No. 2; and (6) authorize radial authority in lieu of existing one-way authority between named points in seven New England States in both
Sub-Nos.

MC 148515 (Sub-3)X, filed July 7, 1981. Applicant: PORT CITY TRUCKING, INC., 3280 Highway 82 East, Greenville, MS 38701. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Applicant seeks to remove restriction in its Sub-No. 2F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except classes A and B explosives)"; (2) delete the restriction limiting transportation to traffic having a prior or subsequent movement by water; and (3) broaden Greenville, MS, to Washington County, MS.

[FR Doc. 81-21350 Filed 7-21-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Delegation of Authority No. 142]

Assistant Administrator, Bureau for Private Enterprise Functions and Authorities; Delegation of Authority

Pursuant to the authority delegated to the Administrator by Delegation of Authority No. 1 of October 1, 1979, from the Director of the United States International Development Cooperation Agency and Executive Order 12163 of September 29, 1979, and in furtherance of my decision relating to the establishment of a new Bureau for Private Enterprise as announced in AID Notice dated May 21, 1981, it is hereby ordered as follows:

Section 1. There is hereby delegated to the Assistant Administrator for Private Enterprise all of the authorities and functions which are specified in any regulation (published or unpublished), manual order, Handbook policy directive or determination, circular or instruction or communication of any nature relating to:

1. The coordination of private sector initiatives.

2. The conduct of the Housing Guaranty program.

3. The conduct of the small and disadvantaged business utilization programs to the extent such authorities and functions may be delegated by law.

4. Liaison with the IDCA Trade and Development Program (TDP) and the IDCA Overseas Private Investment Corporation (OPIC).

Sec. 2. The authorities and functions enumerated above shall include the authority to sign or approve Project Implementation Orders and similar implementation authorizations and authorizations for official travel and related expenses.

Sec. 3. Delegation of Authority No. 88, dated November 4, 1970 (35 FR 17675), as amended, is further amended by deleting the title "Assistant Administrator for Development Support" throughout and inserting in lieu thereof the title "Assistant Administrator for Private Enterprise."

Sec. 4. Delegation of Authority No. 86, dated June 13, 1978 (43 FR 28281 and 28282), is amended by deleting section 1. c. (8) and section 5 in their entirety.

Sec. 5. Currently effective redelegations of authority issued by the appropriate officials with respect to the authorities enumerated above are hereby retained in effect according to their terms until modified or revoked by the Assistant Administrator for Private Enterprise.

Sec. 6. The authorities made available above may be exercised by an officer serving in an acting capacity and may be delegated by the Assistant Administrator for Private Enterprise, except as otherwise provided.

Sec. 7. Actions heretofore taken by the appropriate officials with respect to the authorities enumerated above are hereby ratified and confirmed.

Sec. 8. This delegation of authority shall be effective immediately.

Dated: July 8, 1981.

M. Peter McPherson,

Administrator.

[FR Doc. 81-21425 Filed 7-21-81; 8:45 am]

BILLING CODE 4710-02-M

International Private Investment Advisory Council on Foreign Aid

The International Private Investment Advisory Council on Foreign Aid, authorized by Section 601(c)(1) of the Foreign Assistance Act of 1961, as amended, has been reactivated. The Council will serve as a forum through which A.I.D. and the U.S. business and financial community can exchange information, review strategies, and explore areas of mutual interest with the overall objective of fostering a fuller partnership between A.I.D. and U.S. private enterprise in meeting national objectives in foreign assistance programs.

Those desiring further information regarding the Council may contact Linda Meade on (202) 632-8298.

Dated: August 19, 1981.

Christian Holmes,

Acting Assistant Administrator, Bureau for Private Enterprise.

[FR Doc. 81-21427 Filed 7-21-81; 8:45 am]

BILLING CODE 4710-02-M

[Delegation of Authority No. 95 (Revised)]

Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance; Functions and Authorities; Delegation of Authority

Pursuant to the authority delegated to the Administrator by Delegation of Authority No. 1 of October 1, 1979 from the Director of the United States International Development Cooperation Agency and Executive Order 12163 of September 29, 1979, and in furtherance of my decision relating to the establishment of a new Bureau for Food for Peace and Voluntary Assistance as announced in A.I.D. General Notice dated May 21, 1981, it is hereby ordered as follows:

Section 1. There is delegated to the Assistant Administrator for Food for Peace and Voluntary Assistance all of the authorities and functions which are specified in any regulation (published or unpublished), manual order, Handbook, policy directive or determination, circular or instruction or communication of any nature relating to:

a. The coordination of the Food for Peace Program (Pub. L. 480);

b. The development and implementation of interregional programs involving private nongovernmental entities excluding universities; and

c. The coordination of the American Schools and Hospitals Abroad Program under Sec. 214 of the Foreign Assistance Act of 1961 as amended.

Section 2. The authorities and functions enumerated above shall include the authority to sign or approve Project Implementation Orders and similar implementation authorities and authorizations for official travel and related expenses. This authority shall also include the authority to sign or approve those documents set forth in those delegations of authority designated as Nos. 23, 54, and 69.

Section 3. Each of the following delegations of authority is amended by deleting the title "Assistant Administrator for Private and Development Cooperation" throughout and inserting in lieu thereof the title "Assistant Administrator for Food for Peace and Voluntary Assistance":

a. Delegation of Authority No. 40, dated February 20, 1981 (46 FR 15237 and 15238);

b. Delegation of Authority No. 41, dated May 8, 1964 (29 FR 6892) as amended;

c. Delegation of Authority No. 54, dated October 21, 1964 (29 FR 14860) as amended;

d. Delegation of Authority No. 69, dated March 23, 1967 (32 FR 5475) as amended;

e. Delegation of Authority No. 100, dated December 13, 1976 (42 FR 6942) as amended relating to section 110(a) of the Act; and

f. Delegation of Authority No. 134, dated November 26, 1979 (44 FR 73167).

Section 4. Delegation of Authority No. 23 dated December 28, 1962 (23 FR 563) as amended is further amended by deleting the titles "Coordinator, Food for Peace" and "Asistant Administrator for Private and Development Cooperation" throughout and inserting in lieu thereof the title "Assistant Administrator for Food for Peace and Voluntary Assistance."

Section 5. Delegation of Authority No. 99 dated April 27, 1973 (38 FR 12834) as amended is further amended as follows:

a. Paragraph 1.D. shall conform in its entirety to the insert set forth in Section 2.b of Delegation of Authority No. 116 dated August 31, 1976 (41 FR 36671) as amended.

b. Paragraph 3.D.(8) is deleted in its entirety.

Section 6. The authorities made available above may be exercised by an officer serving in an acting capacity and may be redelegated by the Assistant Administrator for Food for Peace and Voluntary Assistance except as otherwise provided for above.

Section 7. Currently effective redelegations of authority issued by the Assistant Administrator for Private and Development Cooperation with respect to projects, programs and other activities within his or her areas of responsibility are hereby continued in effect according to their terms until modified or revoked by appropriate authority.

Section 8. Action heretofore taken by officials designated herein are hereby ratified and confirmed.

Section 9. This Delegation of Authority amends and supersedes Delegation of Authority No. 95 dated May 17, 1978 (43 FR 27627 and 27628).

Section 10. This Delegation of Authority shall be effective immediately.

Dated: July 8, 1981.

M. Peter McPherson,

Administrator.

[FR Doc. 81-21424 Filed 7-21-81; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-107; Order No. 1]

Certain Ultrafiltration Membrane Systems and Components Thereof, Including Ultrafiltration Membranes

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: July 15, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 81-21412 Filed 7-21-81; 8:45 am]

BILLING CODE 7020-02-M

[332-73]

Harmonized Commodity Description and Coding System; Release for Public Comment of Provisionally Adopted Chapters

AGENCY: International Trade Commission.

ACTION: Release for public comment, pursuant to Commission investigation No. 332-73, under the authority of section 332(g) of the Tariff Act of 1930, as amended, of drafts of the following chapters of the Harmonized Commodity Description and Coding System (Harmonized System), as provisionally adopted by the Harmonized System Committee and the Nomenclature Committee of the Customs Cooperation Council.

Chapter 72: Iron and steel
Chapter 73: Articles of iron or steel
Chapter 83: Miscellaneous articles of base metal

WRITTEN SUBMISSIONS: Parties wishing to submit written comments should do so by August 15, 1981.

HEARING: Parties desiring the Commission to hold a hearing on these draft chapters of the Harmonized System should contact the Secretary of the Commission by July 31, 1981, and show good cause for holding a hearing.

COPIES OF DOCUMENTS: Copies of the chapters which are the subject of this notice are available for public inspection at the offices of the Commission, 701 E Street, NW., Washington, D.C. 20436. The Commission will also send copies to interested parties upon request.

FOR FURTHER INFORMATION CONTACT: Eugene A. Rosengarden, Director, Office of Tariff Affairs, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, Telephone: 202/523-0370.

SUPPLEMENTARY INFORMATION: In its public notices of February 8, 1980 (45 FR 9828 of February 13, 1980), March 21, 1980 (45 FR 19696 of March 26, 1980), August 15, 1980 (45 FR 55549 of August 20, 1980) and June 24, 1981 (46 FR 34439 of July 1, 1981) the Commission identified 94 chapters of the Harmonized Commodity Description and Coding System (Harmonized System) for which texts had been provisionally adopted by the Harmonized System and Nomenclature Committees of the Customs Cooperation Council. The purpose of the above mentioned notices was to invite comments and views of interested parties with respect to the 94 chapters.

Since the release of the June 24, 1981 notice, provisionally adopted texts of two further chapters have been received from the Customs Cooperation Council. This notice hereby amends the previous notice by adding these two new chapter texts to the list of texts released for public comment.

This notice is being issued pursuant to Commission investigation No. 332-73, instituted on January 31, 1975 (45 FR 6329), under section 332(g) of the Tariff Act of 1930. The investigation was initiated in accordance with section 608(c) of the Trade Act of 1974, which provides, in part, that the Commission shall institute an investigation which would provide the basis for—

(2) full and immediate participation by the United States International Trade Commission in the United States contribution to technical work of the Harmonized Systems [sic] Committee under the Customs Cooperation Council to assure the recognition of the needs of the United States business community in the development of a Harmonized Code reflecting sound principles of Commodity identification and specification and modern producing methods and trading practices * * *

The Harmonized System is being developed by the Customs Cooperation Council (CCC), a 91-member international organization with headquarters in Brussels, as an international commodity classification system which will be adaptable for modernized customs tariff nomenclature purposes and for recording, handling, and reporting of transactions in international trade. The Harmonized System will be based on, and in many respects will be an extension of, the Customs Cooperation Council Nomenclature (CCCN), formerly known as the Brussel's Tariff Nomenclature (BTN).

The Technical Team, working under auspices of the CCC, prepared drafts of the various chapters of the Harmonized System for consideration by the Harmonized System Committee, which was established in order to develop the system. These drafts were forwarded to the members and observers of the Committee for their review and submission of written comments. The Committee met three times a year to consider these drafts and the written comments and presentations of the various delegations. The review of a particular chapter or group of chapters often extended to more than one meeting.

In its public notices of May 4, 1976 (41 FR 18716 of May 6, 1976), August 9, 1976 (41 FR 34370 of August 13, 1976), December 20, 1976 (41 FR 55948 of December 23, 1976), September 1, 1977 (42 FR 44852 of September 7, 1977),

February 7, 1978 (43 FR 5902 of February 10, 1978), October 16, 1978 (43 FR 48723 of October 19, 1978), February 14, 1979 (44 FR 10435 of February 20, 1979), May 16, 1979 (44 FR 29740 of May 22, 1979), September 5, 1979 (44 FR 53112 of September 12, 1979), January 28, 1980 (45 FR 7648 of February 4, 1980), February 1, 1980 (45 FR 8168 of February 6, 1980), May 20, 1980 (45 FR 36231 of May 29, 1980), May 23, 1980 (45 FR 36230 of May 29, 1980), and August 20, 1980 (45 FR 57228 of August 27, 1980) the Commission identified those chapters which had been considered by the Harmonized System Committee, and the chapters for which a Technical Team draft had been released.

Following its deliberations on the draft chapters, the Harmonized System Committee forwarded recommended texts for the chapters to the Nomenclature Committee. The Nomenclature Committee, which supervises the operations of the Convention on Nomenclature for the Classification of Goods in Customs Tariffs and is responsible for ensuring international uniformity in the interpretation and application of the CCCN, reviews the recommended texts for the Harmonized System and returns the draft chapters which it has approved to the Harmonized System Committee. The draft chapters which have thusly been provisionally approved by both committees are then held in abeyance pending final revision sessions. The Harmonized System Committee began final revision sessions in May 1981.

The draft chapters released for public comment today have been provisionally adopted by the Harmonized System Committee and the Nomenclature Committee according to the above described procedure and are on the Harmonized System Committee's agenda for the October 1981 revision session. As further chapters are adopted, the Commission will issue future notices requesting public comment.

In 1971, the Department of the Treasury established an Interagency Advisory Committee on Customs Cooperation Council Matters in order to provide a basis for interested Federal agencies to participate with respect to CCC matters. In order to establish and develop U.S. programs and policies with respect to the Harmonized System, the interagency committee has instituted procedures which take into account the provisions of section 608(c) of the Trade Act of 1974, which call for the Commission to contribute to the U.S. technical input to the Harmonized System Committee. Under these procedures the Commission is preparing technical comments and proposals on the various chapters of the Harmonized System for consideration by the interagency committee in the determination of U.S. proposals with respect to the Harmonized System. In making proposals, the Commission is seeking and taking into consideration the views of trade and industry and other interested parties and of interested Government agencies.

Issued: July 17, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-21409 Filed 7-21-81; 8:45 am]

BILLING CODE 7020-02-M

[332-128]

Implications of Recent Technological Changes on Watch Production; Investigation

AGENCY: International Trade Commission.

ACTION: Termination of investigation based on recent developments in the watch industry indicating that an investigation of the scope proposed is no longer appropriate.

EFFECTIVE DATE: July 13, 1981.

Background

The investigation is being terminated because recent changs in the watch industry in terms of entries and withdrawals of firms have made it impractical to gather data for the 5-year period envisioned for the investigation of the intended scope.

Notice of the institution of the investigation was published in the **Federal Register** of July 1, 1981 (46 FR 34439).

Issued: July 15, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-21410 Filed 7-21-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 104-TAA-2]

Optic Liquid-Level Sensing Systems From Canada

Determination

Based on the record[1] developed in investigation No. 104-TAA-2, the Commission unanimously determines, pursuant to section 104(b) of the Trade Agreements Act of 1979, that an industry in the United States would not be materially injured, or threatened with material injury, nor would the establishment of an industry in the United States be materially retarded, by reason of imports of the optic liquid-level sensing systems covered by the countervailing duty order if the order were to be revoked.

Background

On December 27, 1979, the U.S. International Trade Commission received from Honeywell, Inc., a request for an investigation under section 104(b) of the Trade Agreements Act of 1979. A second request for the investigation was received from the Canadian Government on January 2, 1980.

On January 14, 1981, the Department of Commerce published a notice in the **Federal Register** of its preliminary determination of the net amount of the subsidy applicable to Honeywell's optic liquid-level sensing systems. On the basis of that determination by Commerce, the U.S. International Trade Commission, pursuant to section 104(b)(2) of the Trade Agreements Act, on March 14, 1981, instituted investigation No. 104-TAA-2 on optic liquid-level sensing systems from Canada manufactured by Honeywell Ltd. and currently entered under item 685.90 of the Tariff Schedules of the United States, to determine whether an industry in the United States would be materially injured or threatened with material injury, or the establishment of an industry in the United States would be materially retarded, by reason of imports of the merchandise covered by the countervailing duty order if the order were to be revoked.

Notice of the institution of the Commission's investigation was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** of March 18, 1981 (46 FR 17311). The hearing was held in Washington, D.C. on June 3, 1981; all persons requesting the opportunity were permitted to appear in person or by counsel. The Commission vote on this investigation was held in public session on July 2, 1981.

Issued: July 10, 1981.

[1] The "record" is defined in § 207.2(j) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(j)).

By order of the Commission.

Kenneth R. Mason,

Secretary.

Views of the Commission

Introduction

On the basis of the record in investigation no. 104–TAA–2, we determine that an industry in the United States would not be materially injured or threatened with material injury, nor would the establishment of an industry in the United States be materially retarded, by reason if imports from Canada of optic liquid-level sensing systems [2] if the countervailing duty order currently covering those imports were to be revoked.

Discussion

The domestic industry. In general, the domestic industry is defined as consisting of all domestic producers of a like product or those producers whose total output of the like product constitutes a major portion of domestic production of that product.[3] A like product is a product which is like, or in the absence of like, most similar in characteristics and uses with, the imported product which is the subject of the investigation.[4]

The imported Canadian articles are loading dock-mounted fiber optic control monitors and fiber optic sensors or probes designed and produced in part by Honeywell, Lts.[5] When combined, these two articles operate as optic liquid-level sensing systems (OLLSS). Liquid-level sensing systems are devices designed for use by the petroleum industry primarily in botton-loading tank trucks. The system is used to detect when a tank truck or fixed storage tank has been filled, and serves as a secondary or back-up system to the primary control in preventing the accidental overfilling of the tank. The promary control is a pre-set loading meter control valve that stops the flow of liquid into the tank when a predetermined quantity has been pumped.[6] The imported Canadian system contains a self-checking, or "fail-safe," feature, which provides continuous assurance that the system is operating properly.

There are three principal types of liquid-level sensing systems—optic, thermistor, and float. For this investigation we consider there to be two like products: (1) sensors for self-checking liquid-level sensing systems and (2) loading dock-mounted control monitors for self-checking liquid-level sensing systems. Thus, pursuant to section 771(4)(A) of the Act, there are two domestic industries subject to this investigation. The first includes Scully Electronics Systems (Scully) and Liquidometer Corp. (Liquidometer), both of which manufacture sensors for self-checking liquid-level sensing systems. The second includes only Scully, which produces loading dock-mounted control monitors for self-checking fiber optic and thermistor systems.

These definitions of the like products exclude floats entirely, while treating separately the two principal components of the OLLSS and the thermistor. The float is quite different from the imported optic system. In contrast to the sophisticated fiber optic technology utilized in the OLLSS, floats operate by a simple mechanical switching process. They are inexpensive unitary devices lacking a separate sensor and monitor. Most importantly, floats are not self-checking and thus do not compete in that portion of the market represented by purchasers who are most concerned about the reliability and safety of the system.

The thermistor, while it differs in the technology used to carry out the overfill protection function, is otherwise substantially like the imported OLLSS.[7] Both systems are fully electronic in nature, with a similar overall system design. Both utilize separate sensors and control monitors, the former being mounted inside the tank and the latter on the loading dock. Importantly, the thermistor, like the OLLSS, is self-checking. We consider the capability for self-checking to be a key element for distinguishing between the products involved in this investigation. The overriding purpose of all overfill prevention devices is the promotion of safety, and fail-safe systems represent a significant advance over other systems because they permit the operator to determine continuously whether the system is defective, thus eliminating the potential for overfilling of flammable and explosive petroleum products in the event the system fails. Those purchasers who are highly concerned about safety would likely choose a self-checking system in preference to one lacking that feature.[8]

Our treatment of the self-checking OLLSS and thermistor systems as being comprised of two separate like products is based upon information in the record demonstrating a significant distinction between the markets in which each component is sold. While the probe and control monitor form a complete system and neither can be used without the other, each is a distinct unit with its own features and characteristics. For the imported Honeywell and domestic Scully devices, the principal purchasers of the control monitors are operators of petroleum terminals, on whose loading docks the monitors are mounted. The Liquidometer OLLSS control monitor, however, does not compete in this market, since it is mounted on the tank truck, rather than the loading dock. Because Liquidometer's monitor is significantly different in this important characteristic and thus is not part of the market in which the imported monitor is sold, it is appropriate to exclude it from the definition of the like product.

All the OLLSS and thermistor probes, however, compete in the same market. The chief buyers of the probes are the motor carriers on whose tank trucks the probes are installed. Since the Liquidometer probe competes in the motor carrier market along with the imported probes and the two kinds of Scully probes, it would not be appropriate to remove it from the definition of that like product.

Present health of the domestic industries. Our determination is based on an assessment of the impact of the

[2] These products are provided for in item 685.90 of the Tariff Schedules of the United States.

[3] Section 771(4)(A) of the Tariff Act of 1930 (the Act), 19 U.S.C.§ 1677(4)(A).

[4] Section 771(10) of the Tariff Act of 1930, 19 U.S.C. § 1677(10).

[5] Honeywell was the sole manufacturer of the items until this year. OPW Division of Dover Corp., the importer of the items, is now licensed by Honeywell to manufacture them in Canada. OPW has already taken over production of OLLSS sensors from Honeywell and will begin manufacturing the control monitors at some undetermined future date. Transcript of hearing of June 3, 1981, at 75–76.

[6] Staff report at A–6 (all references to the staff report are to the confidential version).

[7] The thermistor differs from the OLLSS in its use of thermal, rather than optic, technology. Complete descriptions of the systems, their components, and their manner of operation can be found in the staff report at A–6 to A–10. The variation in technology between the OLLSS and the thermistor has a minor practical impact on the range of uses to which each can be put. When used with heavier grade petroleum products, the prism in the OLLSS probe becomes coated and is thereafter rendered ineffective. Transcript of hearing at 34. As a result, the OLLSS is usable chiefly in loading gasoline and other lighter petroleum products. The thermistor is not subject to this limitation and can be used with any grade of petroleum. The parties to this investigation agree, however, that heavy oil accounts for only a small, and perhaps declining, share of the overall petroleum market. Moreover, most heavy oil is transported by pipeline or barge, rather than by tank truck. Transcript of hearing at 39; transcript of Commission meeting of July 2, 1981, at 9. Thus, the difference in potential uses of the two systems is not particularly significant.

[8] Transcript of hearing at 38–40. We further note that this situation is similar to that in Electric Golf Cars from Poland, inv. No. 751.–TA–1 (formerly No. AA1921–147A), USITC Pub. No. 1069 (1980), in which the Commission found that all golf cars (both gas and electric) were "like" the imported electric golf cars.

imported Canadian optic liquid-level sensing systems in relation to production of the two like products—(1) sensors for self-checking liquid-level sensing systems and (2) loading dock-mounted control monitors for self-checking liquid-level sensing systems. In the present investigation the trends are the same for domestic production and sales of both the sensors and monitors. In addition, because there are so few domestic firms producing the items all the statistical data regarding the aggregate performance of these companies must be held confidential and will necessarily be discussed only in general terms. For these reasons the trends for both sensors and monitors will be considered together for purposes of discussion.

Current indicators show that the condition of the U.S. industry is healthy and growing stronger. Production of both probes and dock-mounted monitors for self-checking overfill protection devices increased dramatically from 1978 to 1980, and it appears that this trend is continuing in 1981.[9] Capacity utilization and employment of production and related workers also increased steadily between 1978 and 1980, although employment declined negligibly in the first quarter of 1981 as compared to the same period in 1980.[10] Domestic shipments of probes and monitors increased greatly during the period 1978–1980; partial data for the first quarter of 1981 indicate that this trend may be continuing.[11] Inventories held by domestic producers grew between 1978 and 1980, but the increases reflect in part the growth of inventories of OLLSS components from the zero level in 1978. An increase in the size of inventories in March 1981 over that in March 1980 is also accounted for by reasons unrelated to the competitive posture of the domestic firms.[12]

The information that is available indicates a dramatic rise in net profits each year between 1978 and 1980.[13] A complete picture of the combined profit-and-loss experience of the domestic producers is unavailable, however. This is because profitability data were not supplied by Liquidometer. While access to this kind of information ordinarily is important to a determination of material injury, there are several reasons why its absence in this investigation is not critical and will not significantly hamper our assessment of the question of injury. First, the Commission has received complete financial data from Scully. Second, other questionnaire information submitting by Liquidometer providing indices of its competitive standing and health show that it is performing very well.[14] Third, Liquidometer has informed Commission staff that it does not support the effort to retain the countervailing duty.[15] The failure to provide the information or to participate in or support the investigation allows a permissible inference that Liquidometer is competitively healthy and that it will not suffer material injury by reason of the subsidized Canadian imports as a result of removal of the duty.[16]

Likely effects of removal of the countervailing duty. As a result of the Treasury Department's countervailing duty order published January 8, 1979 (44 FR 1728), imports from Canada of optic liquid-level sensing systems have been subject to a countervailing duty equalling 9 percent of the invoice price for export to the United States. Thus, removal of this duty would provide a definite financial advantage to the importer, OPW Division of Dover Corp., in the amount of the foregone additional duty, an amount which in this instance is not inconsequential. Our review of the record, however, leads us to conclude that receipt of this benefit will not significantly alter the behavior of the importer so as to cause injury to the domestic producers.

OPW has stated that if the countervailing duty were removed it would have no effect on OPW's pricing of the imports or on its efforts to market them.[17] Instead, the increased revenue will be used to improve OPW's profitability on the items.[18] Even if the 9 percent duty elimination were applied to price reductions, we have no reason to believe that the domestic industries would be injured given their current strong competitive position. Moreover, according to OPW, the cost of the items is not the primary concern in determining sales. Other considerations, including compatibility of systems, the distribution network, and service capability, are also important.[19] Information received by the Commission in the course of this investigation in fact confirms that price, while significant, is not determinative in decisions regarding the purchase of liquid-level sensing devices.[20]

There is nothing to indicate the likelihood of a surge of imports in the future. Imports of control monitors have declined without interruption from 1978 to 1980, and no imports were reported in the first quarter of 1981.[21] The ratio of imports of control monitors to total domestic consumption of control monitors has also declined since 1978. Production in Canada of sensors has recently been shifted from Honeywell to OPW.[22] Although imports of Canadian fiber optic sensors increased in absolute terms from 1978 to 1980, the ratio of imports to total domestic consumption decreased significantly. The downward trend in imports as a percentage of total consumption continued in the first quarter of 1981, while the number of imports fell substantially compared to the first quarter of 1980.[23] This may in part be due to the recent shift in production of sensors from Honeywell to OPW. However, this change-over in production facilities has brought about a sharp reduction in production capacity for Canadian sensors for the near future.[24] Finally, the incompatibility of the imported articles with at least some of the competing domestic products, e.g., Honeywell control monitors with thermistor sensors,[25] reduces the ability of the imports to penetrate further those portions of the market in which the competing products have already been sold and installed on trucks and loading docks.

Since we do not anticipate significant changes in import prices or volume as a

[9] Staff report at A–16 to A–18.

[10] Staff report at A–18, to A–19, A–30 to A–32.

[11] Staff report at A–21 to A–24.

[12] *See* confidential discussion in staff report at A–29 to A–30.

[13] Available data on profitability are not broken down for sensors and monitors. We will discuss profitability for sensors and monitors together.

[14] Since Liquidometer's production of control monitors has been excluded from our consideration of the condition of that domestic industry, only profit from loss data regarding its sensors would have been relevant to this discussion, reducing further the impact of the absence of the information.

[15] Transcript of Commission meeting of July 2, 1981, at 8–10.

[16] A similar inference was drawn in Weighing Machinery and Scales from Japan, Inv. No. 701–TA–7 (Final), USITC Pub. 1063 (1980), at 12–13 ("Views of Vice Chairman Alberger and Commissioner Calhoun").

[17] Transcript of hearing at 64–69.

[18] Transcript of hearing at 68; confidential submission from OPW Division of Dover Corp., June 10, 1981.

[19] Transcript of hearing at 66.

[20] Staff report at A–44; Transcript of hearing at 40–41. With the exception of the Scully Biclops monitor, which accommodates both fiber optic and thermistor sensors, there is no compatibility between optic and thermistor components. The parties are in dispute as to whether the Scully and imported OLLSS components can be used interchangeably with each other. Staff report at A–7.

[21] Staff report at A–14.

[22] *See* n. 4, *supra*.

[23] Staff report at A–14.

[24] Staff report at A–20. Although OPW's inventories of sensors increased greatly during the period that production of the sensors moved from Honeywell to OPW, the increase apparently does not represent an attempt to increase available stocks in anticipation of the drop in production capacity. Rather, it is explained as the result of sales failing to keep pace with market projections. Staff report at A–29 to A–30.

[25] *See* n. 19, *supra*.

result of revocation, it follows that such revocation will not adversely impact the current strong performance of the domestic industries. Thus, we have concluded that the domestic industries would not be materially injured or threatened with material injury by termination of the countervailing duty order.[26]

[FR Doc. 81-21411 Filed 7-21-81; 8:45 am]
BILLING CODE 7020-02-M

[TA-131(b)-6]

Probable Economic Effects of Possible Tariff Reductions Under Section 124 of the Trade Act of 1974

AGENCY: International Trade Commission.

ACTION: In accordance with the provisions of section 131(b) of the Trade Act of 1974 (hereinafter referred to as "the Act"), the Commission has instituted investigation No. TA-131(b)-6 for the purpose of obtaining, to the extent practicable, information of the kind described in section 131(b) of the Act. This information is for use in connection with the preparation of advice requested by the U.S. Trade Representative (USTR) on June 17, 1981 in accordance with section 131(a) of the Act with respect to articles classified in the following 6 items of the Tariff Schedules of the United States:

TSUS item	Brief description
147.64	Fresh grapes (except hothouse) entered July 1 to February 14, inclusive.
642.30	Fourdrinier wires for papermaking machines.
653.01 (pt.)	Only tents and similar structures having an aluminum frame and a vinyl laminated polyester fabric shell or cover
685.7010	Indicator panels incorporating semiconducting luminescent devices (LED's).
685.80 (pt.)	Only fixed or variable electrical vacuum capacitors.
687.3010	Light emitting diodes.

For each of these articles the USTR requests the probable economic effects on U.S. industries producing like or directly competitive articles and on consumers of the reduction of United States duties by the maximum amount permissible under the residual tariff reduction authority granted to the President under section 124. The USTR published the list of articles in the July 7, 1981 **Federal Register** (46 FR 35234).

EFFECTIVE DATE: July 16, 1981.

[26] Scully alleged that material retardation of the establishment of an industry in the United States would result if the duty were revoked. However, since there is already firmly established production of the like products as defined in this investigation, the question of material retardation does not arise.

FOR FURTHER INFORMATION CONTACT:

(1) Agricultural products, Mr. Edward Furlow (202-724-0068); (2) Minerals and metals, Mr. Larry Brookhart (202-523-0275); (3) Machinery and equipment, Mr. Aaron Chesser (202-523-0353); Office of Industries, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436; (4) Legal aspects, Mr. William Gearhart (202-523-0487), Office of General Counsel, at the same address.

SUPPLEMENTARY INFORMATION:

Public Hearing

A public hearing in connection with the investigation will be held in the Commission Hearing Room, 701 E Street NW., Washington, D.C. 20436, beginning at 10:00 a.m., e.d.t., on August 18, 1981. All persons shall have the right to appear by council or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, not later than noon, August 11, 1981.

Written Submissions

In lieu of or in addition to appearances at the public hearing, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons.

To be ensured of consideration by the Commission, written statements should be submitted at the earliest practicable date, but no later than August 31, 1981. All submissions should be addressed to the Secretary at the Commission's office in Washington, D.C.

Issued: July 17, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-21413 Filed 7-21-81; 8:45 am]
BILLING CODE 7020-02-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-368]

Arkansas Power & Light Co. (Arkansas Nuclear One, Unit No. 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Arkansas Power & Light Company (the licensee) is the holder of Facility Operating License No. NPF-6, which authorizes the operation of Arkansas Nuclear One, Unit No. 2 plant, (the facility) at steady-state power levels not in excess of 2815 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Pope County, Arkansas.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements included Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

[1] Attachment NUREG-0737 Requirements, available in NRC Public Document Room.

III

The licensee's submittals dated December 19 and 31, 1980, January 19, February 27 (two letters), March 11, 13, and 31, and April 30, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's, submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, It is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 11, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21485 Filed 7-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co. (Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Northern States Power Company (the licensee) is the holder of Facility Operating License Nos. DPR–43 and DPR–60, which authorize the operation of Prairie Island Nuclear Generating Plant, Unit Nos. 1 and 2, (the facility) at steady-state power levels not in excess of 2815 megawatts thermal. The facilities consist of pressurized water reactors (PWRs) located at the licensee's site in Goodhue County, Minnesota.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order) [1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated November 20, and December 30, 1980 and January 16, January 30, March 27, and July 6, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified shedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by ORDER.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 11, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediated effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21486 Filed 7-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344; DD-81-13]

Portland General Electric Company, et al., Trojan Nuclear Plant; Issuance of Director's Decision

By petition dated May 17, 1979, Nina Bell, *pro se*, and Eugene Rosolie, on behalf of the Coalition for Safe Power, requested that the Nuclear Regulatory Commission order shutdown of the Trojan Nuclear Plant. The asserted bases for the request were that deficiencies exist with respect to fire protection and environmental qualification of electrical equipment. On September 10, 1979, I determined that no adequate basis existed for ordering shutdown of the Trojan Nuclear Plant and the request for immediate action was therefore denied. Further consideration of the petition was held in abeyance pending the Commission's decision in the closely-related Petition for Emergency and Remedial Relief filed by the Union of Concerned Scientists. Since the Commission's decision has been issued (Memorandum and Order, CLI-80-21) I have again evaluated the petitioner's request and related information and have determined not to grant the relief requested. Accordingly, pursuant to 10 CFR 2.206, the requested action is denied.

The reasons for this decision are stated fully in the "Director's Decision Under 10 CFR 2.206", which is available for public inspection in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555. The decision is also available for inpection in the local public document room for the Trojan facility, which is located at Multnomah County Library, Social Science & Science Department, 801 S.W., 10th Avenue, Portland, Oregon 97205. A copy will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c).

As provided in 10 CFR 2.206(c), this Decision will become the final action of the Commission twenty-five (25) days after issuance, unless the Commission, on its own motion, institutes review of this action within that time.

Dated at Bethesda, Maryland this 13th day of July, 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21487 Filed 7-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-338 and 50-339]

Virginia Electric and Power Co.

(North Anna Power Station, Units No. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

The Virginia Electric and Power Company (the licensee) is the holder of Facility Operating License Nos. NPF-4 and NPF-7 which authorize the operation of the North Anna Power Station, Units No. 1 and No. 2 (the facilities) at steady-state power levels not in excess of 2775 megawatts thermal. The facilities are pressurized water reactors (PWRs) located at the licensee's site in Louisa County, Virginia.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedeness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG-0737 was transmitted to each licensee and applicant by NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15, 1980, December 31, 1980, and February 27, May 29 and July 6, 1981, committed to complete each of the actions specified in the Attachment. The licensee's submittal included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

[1]Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 11,1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C.20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21488 Filed 7-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co. (Point Beach Nuclear Plant Units 1 and 2); Order Confirming Licensee Commitments On Post-TMI Related Issues

I

Wisconsin Electric Power Company (the licensee) is the holder of Facility Operating License Nos. DPR–24 and DPR–27 which authorize the operation of the Point Beach Nuclear Plants Units 1 and 2 (the facilities) at steady-state power levels not in excess of 1518 megawatts thermal. The facilities are pressurized water reactors (PWRs) located at the licensee's site in Manitowoc County, Wisconsin.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the attachment to this order)[1] NUREG–0737 was transmitted to each licensee and applicant by NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 23, 1980, January 19, 1981, March 4, 1981, March 31, and July 6, 1981, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 60 days after the effective date of the order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 11, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 11981.

For the Nuclear Regulatory Commission.

Robert A. Purple,

Deputy Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21489 Filed 7-21-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Program Management and Plan; Postponement

The ACRS Subcommittee on Program Management and Plan scheduled for August 5, 1981, Washington, DC has been postponed indefinitely. Notice of this meeting was published June 17.

Dated: July 16, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-21509 Filed 7-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-440 and 50-441]

The Cleveland Electric Illuminating Co.; Receipt of Antitrust Information

Note.—This document was originally published in the issue of July 15, 1981. It is reprinted at the request of the Nuclear Regulatory Commission.

The Cleveland Electric Illuminating Company on behalf of itself and as agent for the four other owners of the Perry Nuclear Power Plant, Units 1 and 2, submitted antitrust information in connection with the owners' plans to operate two boiling water reactors in Lake County, Ohio. The data submitted contains antitrust information for review pursuant to NRC Regulatory Guide 9.3 necessary to determine whether there have been any significant changes since the completion of the antitrust review at the construction permit stage.

On completion of staff antitrust review, the Director of Nuclear Reactor Regulation will issue an initial finding as to whether there have been "significant changes" under section 105c(2) of the Atomic Energy Act. A copy of this finding will be published in the **Federal Register** and will be sent to the Washington and local public document rooms and to those persons providing comments or information in response to this notice. If the initial finding concludes that there have been any significant changes, request for reevaluation may be submitted for a period of 60 days after the date of the **Federal Register** notice. The results of any reevaluations that are requested will also be published in the **Federal Register** and copies sent to the Washington and local public document rooms.

A copy of the general information portion of the application for operating licenses and the antitrust information submitted is available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and in the local public document room at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

Any person who desires additional information regarding the matter covered by this notice or who wishes to have his views considered with respect to significant changes related to antitrust matters which have occurred in the licensees' activities since the construction permit antitrust review for the above-named plant should submit such requests for information or views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Utility Finance Branch, Office of Nuclear Reactor Regulation, on or before September 21, 1981.

Dated at Bethesda, Maryland, this 9th day of July 1981.

For the Nucler Regulatory Commission.

A. Schwencer,

Chief, Licensing Branch No. 2, Division of Licensing.

[FR Doc. 81-20745 Filed 7-14-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

Invitation for Public Comment on Proposed OFPP Policy Letter

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget.

ACTION: Request for comment on proposed OFPP policy letter.

SUMMARY: The Office of Federal Procurement Policy is requesting public comment and Government agency review and comment on a proposed Policy Letter setting forth Government-wide debarment and suspension procedures and providing for a consolidated listing of administrative debarments and suspensions. In addition, it provides for the listing of offerors, contractors and subcontractors that have been debarred, suspended or declared ineligible pursuant to specific statutes and other regulatory authority.

DATE: Written comments must be received on or before September 21, 1981.

ADDRESS: Comments are to be submitted ot the Office of Federal Procurement Policy, Office of Management and Budget, Room 9013, New Executive Office Building, 726 Jackson Place, N.W., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia A. Szervo, Associate Administrator for Procurement Law and Legislation, (202) 395-3501.

SUPPLEMENTARY INFORMATION: The development of Government-wide administrative debarment and suspension procedures that more effectively protect the Government's interest in dealing only with responsible business concerns and individuals, while affording fundamental fairness to those affected by those procedures, is a subject that has been studied by various Government and private groups. In response to those studies and in an effort to assure consistency in the application of debarment and suspension provisions, OFPP convened a task force composed of representatives of a number of Executive Agencies and the General Accounting Office to review current procrdures and draft those changes necessary to meet the foregoing objectives.

The proposed coverage developed by the task force constitutes a uniform procedure for agencies to apply in administratively debarring or

suspending those doing business or seeking to do business with the Government. Much of the coverage is a synthesis of existing practice; however, other provisions, the most significant of which are noted below, are substantial departures from the present regulatory approach. Additionally, certain matters that were not addressed in the proposed directive are included herein as proposed guidance for agency implementation of the coverage.

A. Among the significant changes to current practice are the following:

1. *Consolidated List of Debarred, Suspended and Ineligible Contractors.* Under present regulations, there is no central reference point for those actions taken by agencies to exclude concerns and individuals from doing business with the Government. The directive provides that all administrative debarments and suspensions imposed under its procedures, as well as debarments, suspensions and declarations of ineligibility effected pursuant to statute, or regulatory authority other than the FPR, DAR or NASA PR, shall be published in a consolidated list to be compiled, maintained and distributed by GSA. While the proposed coverage does not prohibit agencies from maintaining their own lists, it is expected that most agencies will rely on the consolidated list to identify those against whom action has been taken.

2. *Government-wide Effect of Administrative Debarments and Suspensions.* Presently, debarment or suspension by one agency is not necessarily binding on others. If one agency wishes to exclude a concern or individual, it cannot rely on the prior decision of another agency. Instead, it must make an independent determination that a cause for debarment or suspension exists, and that imposition of that sanction is necessary to protect the Government's interest. Under the proposed coverage, debarment or suspension by one agency would result in an exclusion from Government contracting throughout the Executive Branch. An agency could only contract with a debarred or suspended concern if the agency head or designee determines in writing that contineud business dealings between the agency and the contractor are in the best interest of the Government. Similar restrictions and exceptions are provided with respect to the extension of contracts with a debarred or suspended contractor, and to approval of such a contractor as a subcontractor under a Government prime contract.

3. *Uniform Procedures for Imposing Administrative Debarments and Suspensions.* The proposed directive establishes a uniform framework of causes and procedures to impose debarment and suspension, as well as a standard of due process that must be accorded by the agnecies. In cases based upon a conviction or indictment, the procedures require the issuance of a notice sufficient to apprise the affected concern or individual of the basis for the action and the opportunity to submit a response in opposition. In cases not based on a conviction or indictment, fact-finding will be conducted if the contractor's submission raises genuine disputes over the material facts that form the basis for the action. Finally, under the proposed coverage, when fact-finding is appropriate the debarring or suspending official has the option of conducting the fact-finding or referring the case to another agency official.

The directive authorizes the official to whom the matter is referred only to make findings of fact. A recommended decision will not be made, since the discretion to impose debarment or suspension on the basis of the facts as determined rests with the debarring or suspending official. An agency that elects to have fact-finding conducted by reference must ensure that the official presiding in the case is qualified and unbiased. While the official need not be qualified as an administrative law judge, or be admitted to practice as an attorney, he or she should be knowledgeable as to the applicable contract law and regulations, have some experience in conducting informal proceedings, and be competent to draft findings of fact from the information presented.

B. Among the metters which were not considered by the task force as appropriate for inclusion in the text of the coverage, but which are provided as guidance to the agencies, are the following:

1. *Interagency Coordination.* Debarment or suspension of a concern or individual by one agency can have an edverse impact on the missions, programs or operations of other agencies with which the concern or individual does business. In cases in which it is apparent that the potential exists for such an adverse impact, the cognizant debarring or suspending official should solicit the comments of those agencies that could be affected prior to taking action. In those instances in which the potential for adverse impact is not apparent, an agency that believes it could be affected by the debarment or suspension may communicate its comments to the cognizant debarring or suspending official, who should consider them prior to taking action. When several agencies have an interest in the case, consideration should be given to designation of one agency as lead agency for making the debarment or suspension decision.

2. *Withholding of Payments.* In cases in which the debarred or suspended concern or individual is performing existing contracts with the agency, it often is appropriate to withhold payments under those contracts in order to recover funds paid as a result of fraud or other misconduct. Withholding and similar contractual and common law remedies are effective methods to protect the Government's interest in these circumstances, and their use should be the rule rather than the exception.

Donald E. Sowle,

Administrator.

July 16, 1981.

Policy Letter 81–3

To the Heads of Executive Departments and Establishments

Subject: Policy Guidance Concerning Government-wide Debarment, Ineligibility, and Suspension

1. *Scope.* This Policy Letter:

a. Prescribes policies and procedures governing the debarment and suspension (see paragraph 3 for the use of these terms) of contractors by agencies;

b. Provides for listing offerors, contractors, and subcontractors that have been:

(1) debarred or suspended under the procedures set forth in this Policy Letter, or

(2) Debarred, suspended, or declared ineligible on the basis of disqualification under or noncompliance with certain other statutory or regulatory authority, and

c. Sets forth the consequences of such listing.

2. *Policy.*

a. Agencies shall solicit offers from, award contracts to, and consent to subcontracts only with responsible business concerns and individuals. Debarment and suspension by agencies are discretionary actions that, taken in accordance with this Policy Letter, are appropriate means to effectuate this policy.

b. The drastic nature of debarment and suspension requires that these sanctions be imposed only in the public interest, for the Government's protection, and not for purposes of punishment. Agencies shall impose debarment or suspension only for the

time determined to be necessary to protect the Government's interest and only for the causes and in accordance with the procedures set forth in this Policy Letter.

c. Agencies shall establish appropriate procedures to implement the policies and procedures of this Policy Letter.

3. *Definitions.*

a. "Adequate evidence" means information sufficient to form the reasonable belief that a particular act or omission may have occurred.

b. "Affiliates," for the purpose of this Policy Letter, means business concerns or individuals are affiliates if, directly or indirectly:

(1) Either one owns, manages, directs or controls the other in whole or in part, or has the power to do so; or

(2) Another owns, manages, directs, or controls both in whole or in part, or has the power to do so.

c. "Agency," as used in this Policy Letter, means any executive department, military department or defense agency, or other agency or independent establishment of the executive branch.

d. "Consolidated list of debarred, ineligible, and suspended contractors" means a list compiled, maintained, and distributed by the General Services Administration, in accordance with paragraph 4, that contains the names of contractors that have been debarred or suspended by agencies under the procedures set forth in this Policy Letter, as well as contractors that have been declared ineligible, suspended, or debarred under other statutory or regulatory authority.

e. "Contractor," as used in this Policy Letter, means any individual or other legal entity that submits offers for or is awarded or reasonably may be expected to submit offers for or be awarded a Government contract or a subcontract under a Government contract. The term includes a contractor's officers, agents, and representatives. The term also includes, but is not limited to, suppliers' and vendors' representatives doing business with the Government and their respective agents and representatives.

f. "Conviction" means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.

g. "Debarment," as used in this Policy Letter, means action taken by a debarring official under paragraph 6 to exclude a contractor from Government contracting for a reasonable, specified period; a contractor so excluded, or excluded under other statutory or regulatory authority, is "debarred."

h. "Debarring official" means an agency head, a designee authorized by the agency head, or another official as provided by law, who may impose debarment.

i. "Indictment" means indictment for a criminal offense. An information or other filing by competent authority charging a criminal offense shall be given the same effect as an indictment.

j. "Legal proceedings" means any criminal proceeding initiated by the Government, or any civil judicial proceeding, whether initiated by the Government or another. The term includes appeals from such proceedings.

k. "Substantial evidence" means such relevant evidence as a reasonable person might accept as sufficient to support a particular conclusion.

l. "Suspending official" means an agency head, a designee authorized by the agency head, or another official as provided by law, who may impose suspension.

m. "Suspension," as used in this Policy Letter, means action taken by a suspending official under paragraph 7 to disqualify a contractor temporarily from Government contracting; a contractor so disqualified, or disqualified under other statutory or regulatory authority, is "suspended."

4. Consolidated list of debarred, ineligible, and suspended contractors.

a. The General Services Administration (GSA) shall—

(1) Compile and maintain current a consolidated list of all contractors debarred, suspended, or declared ineligible by agencies or by the General Accounting Office;

(2) Revise and distribute the list quarterly and issue monthly supplements to all agencies and the General Accounting Office; and

(3) Provide with the list the name and telephone number of the official responsible for its maintenance and distribution.

b. The consolidated list shall indicate—

(1) The names and addresses of all debarred, ineligible, or suspended contractors, in alphabetical order, with cross-references when more than one name is involved in a single action;

(2) The name of the agency or other authority taking the action;

(3) The cause for the action (see paragraphs 6.2 and 7.2 for causes authorized under this Policy Letter) or other statutory or regulatory authority for the action;

(4) The termination date for each listing; and

(5) The name and telephone number of the point of contact for the action.

c. Each agency shall—

(1) Notify GSA of the information required by paragraph b. above within 5 working days after taking action;

(2) Notify GSA within 5 working days after modifying or rescinding an action;

(3) Notify GSA of the names and addresses of agency organizations which are to receive the consolidated list and the number of copies to be furnished to each;

(4) In accordance with internal retention procedures, maintain records relating to each suspension or debarment action taken by the agency;

(5) Establish procedures to provide for the effective use of the list, to ensure that the agency does not solicit offers from, award contracts to, or consent to subcontracts with, listed contractors, except as otherwise provided in this Policy Letter; and

(6) Direct inquiries concerning listed contractors to the agency or other authority that took the action.

5. Effect of listing.

a. Agencies shall not solicit offers from, award contracts to, or consent to subcontracts with, contractors listed as having been debarred or suspended by any agency under paragraphs 6 or 7, unless the acquiring agency's head or a designee authorizes such action as in the Government's interest (see paragraphs 5.2, 6.1c, and 7.1d).

b. Contractors listed as having been debarred, suspended, or declared ineligible on the basis of statutory or other regulatory procedures are excluded from receiving contracts and, if applicable, subcontracts, under the conditions and for the period set forth in the statute or regulation.

5.1 Continuation of current contracts.

a. Notwithstanding the listing of a contractor for the causes set forth in this Policy Letter, agencies may continue contracts or subcontracts in existence at the time the contractor was debared or suspended, unless the agency head or a designee directs otherwise. A decision as to the type of termination action, if any, to be taken should be made only after review by agency contracting and technical personnel and by counsel to ensure the propriety of the proposed action.

b. Agencies shall not renew current contracts or subcontracts of contractors listed for the causes set forth in this Policy Letter, or otherwise extend their duration, unless the agency head or a designee provides a written determination, including reasons, stating that such action is in the best interest of the Government.

5.2 Restrictions on subcontracting.

a. When a listed contractor is proposed as a subcontractor for any subcontract subject to Government consent, approval shall not be given unless the agency head or a designee provides a written determination, including reasons, stating that approval is in the best interest of the Government.

6. Debarment.

6.1 General.

a. A debarring official may, in the public interest, impose debarment upon a contractor for any of the causes in paragraph 6.2, using the procedures in paragraph 6.3.

b. Debarment constitutes debarment of all divisions or other organizational elements of the contractor, unless the debarment decision is limited by its terms to specific divisions, organizational elements, or commodities. The debarring official may extend the debarment decision to include any affiliates of the contractor if they are given written notice of the proposed debarment and an opportunity to respond on the issue of their status as affiliates (see paragraph 6.3b).

c. A contractor's debarment by any agency shall be effective throughout the executive branch of the Government, unless an agency head or a designee provides a written determination, including reasons, stating that continued business dealings between that agency and the contractor are in the best interest of the Government.

6.2 Causes for debarment.

A debarring official may impose debarment upon a contractor for any of the causes listed in paragraphs a. through c. following:

a. Conviction for—

(1) Commission of fraud or a criminal offense in connection with (i) obtaining; (ii) attempting to obtain, or (iii) performing a public contract or subcontract;

(2) Violation of Federal anti-trust statutes relating to the submission of offers;

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen propery; or

(4) Commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects the question of present responsibility as a Government contractor or subcontractor.

b. Violation of the terms of a Government contract or subcontract so serious as to justify debarment, such as—

(1) Willful failure to perform in accordance with the terms of one or more contracts, provided this failure has occurred within a reasonable time (considering the circumstances) preceding the decision to impose debarment;

(2) A history of failure to perform, or of unsatisfactory performance of, one or more contracts, provided this failure or unsatisfactory performance has occurred within a reasonable time (considering the circumstances) preceding the decision to impose debarment.

c. Any other cause of so serious or compelling a nature that it affecs the question of present responsibility as a Government contractor or subcontractor.

6.3 Procedures.

a. Investigation and referral. Agencies shall establish procedures for the prompt reporting, investigation, and referral to the debarring official of matters appropriate for that official's consideration.

b. Notice. If the debarring official determines that there is cause for debarment and that debarment is necessary to protect the Government's interest, the official shall advise the contractor and, as applicable, any specifically named affiliates by certified mail, return receipt requested—

(1) That debarment is being considered;

(2) Of the reasons for the proposed debarment in terms sufficient to put the contractor on notice of the conduct or transaction(s) upon which it is based;

(3) Of the cause(s) relied upon under paragraph 6.2 for proposing debarment;

(4) That, within 30 days after receipt of the notice, the contractor may submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment, including any additional specific information that raises a genuine dispute over the material facts upon which the proposed debarment is based;

(5) That, except when the action is based on a conviction, fact-finding will be conducted if the debarring official determines that the contractor's submission raises a genuine dispute over material facts upon which the proposed debarment is based;

(6) That the debarring official's decision will be based on the administrative record; and

(7) If no suspension is in effect under paragraph 7 when debarment is proposed, that no contracts will be awarded to the contractor by the agency pending a debarment decision.

c. Submission in opposition. The contractor (and specifically named affiliates) may submit, in person, in writing, or through a representative, information and argument in opposition to the proposed debarment. Except when action is based on a conviction, if the debarring official determines that the contractor's submission raises a genuine dispute over the material facts upon which the proposed debarment is based, the official shall, in accordance with paragraph d. following, conduct fact-finding or refer the case to another official of the agency for fact-finding.

d. Fact-finding.

(1) Any fact-finding as to disputed material facts shall be conducted promptly following receipt of the contractor's submission. Fact-finding in cases in which no suspension is currently in effect under paragraph 7 shall be initiated within 20 working days after receipt of the submission, unless the debarring official extends this period for good cause.

(2) Fact-finding shall be conducted in accordance with procedures established by the agency. These procedures shall (i) be as informal as practicable; (ii) be consistent with principles of fundamental fairness; and (iii) afford the contractor an opportunity to appear with counsel, submit documentary evidence, present witnesses, and confront any persons the agency presents. A transcribed record shall be made and shall be available at cost to the contractor upon request, unless the contractor and the agency, by mutual agreement, waive the requirement for a transcript.

(3) The official conducting fact-finding, if not the debarring official, shall prepare written findings of fact and transmit them to the debarring official for review promptly after the conclusion of the fact-finding proceeding. The contractor shall be provided a copy by certified mail, return receipt requested.

e. Debarring official's decision.

(1) In cases based on a conviction, or in which the contractor's submission does not raise a genuine dispute over the material facts upon which the action is based, the debarring official shall make a decision on the basis of all the information in the administrative record, including any submission made by the contractor. When no suspension is in effect under paragraph 7, the decision shall be made within 30 working days after receipt of any information and argument submitted by the contractor, unless the debarring official extends this period for good cause.

(2) In cases in which fact-finding has been conducted, the debarring official shall base the decision on the facts as found, together with any information and argument submitted by the

contractor and any other information in the administrative record. In cases referred to another official for fact-finding, the debarring official may reject only those facts that have been found that are clearly erroneous. When no suspension is in effect under paragraph 7, the decision shall be made within 30 working days after the conclusion of fact-finding, unless the debarring official extends this period for good cause.

(3) In any case in which the proposed debarment is not based on a conviction, the cause for debarment must be proved by substantial evidence.

f. Notice of debarring official's decision.

(1) If the debarring official decides to impose debarment, the contractor and any affiliates involved shall be given prompt notice by certified mail, return receipt requested—

(i) Referring to the notice of proposed debarment;

(ii) Specifying the reasons for debarment;

(iii) Stating the period of debarment, including effective dates (see paragraph 6.4); and

(iv) Advising that the debarment is effective throughout the executive branch of the Government, unless the head of an agency or a designee makes the determination set forth in paragraph 6.1c.

(2) If debarment is not imposed, the debarring official shall promptly notify the contractor and any affiliates involved, by certified mail, return receipt requested.

6.4 Period of debarment.

a. Debarment shall be for a period commensurate with the seriousness of the cause(s). As a rule, a debarment shall not exceed 3 years. If suspension precedes a debarment, the suspension period shall be considered in determining the debarment period.

b. The debarring official may extend the debarment for an additional period, if that official determines that an extension is necessary to protect the Government's interest. However, a debarment may not be extended solely on the basis of the facts and circumstances upon which the initial debarment action was based. If debarment for an additional period is determined necessary, the procedures of paragraph 6.3 above shall be followed to extend the debarment.

c. The debarring official may reduce the period or extent of debarment, upon the contractor's request, supported by documentation, for reasons such as—

(1) Newly discovered material evidence;

(2) Reversal of the conviction or judgment upon which the debarment was based;

(3) Bona fide change in ownership or management;

(4) Elimination of other causes for which the debarment was imposed; or

(5) Other reasons the debarring official deems appropriate.

6.5 Scope of debarment.

a. The fraudulent, criminal, or other seriously improper conduct of any officer, director, shareholder, partner, employee, or other individual associated with a contractor may be inputed to the contractor when the conduct occurred in connection with the individual's performance of duties for or on behalf of the contractor, or with the contractor's knowledge, approval, or acquiescence. The contractor's acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

b. The fraudulent, criminal, or other seriously improper conduct of a contractor may be imputed to any officer, director, shareholder, partner, employee or other individual associated with the contractor who participated in, knew of, or had reason to know of, the contractor's court.

c. The fraudulent, criminal, or other seriously improper conduct of one contractor participating in a joint venture or similar arrangement may be imputed to other participating contractors if the conduct occurred for or on behalf of the joint venture or similar arrangement, or with the knowledge, approval, or acquiescence of these contractors. Acceptance of the benefits derived from the conduct shall be evidence of such knowledge, approval, or acquiescence.

d. The fraudulent, criminal, or other seriously improper conduct of an individual debarred under this Policy Letter may be imputed, during the debarment period to a contractor with which the individual is employed or otherwise associated in a significant decision-making capacity, provided the contractor is—

(1) notified of proposed debarment based on the employment of, or association with, the individual; and

(2) given an opportunity to respond.

7 Suspension.

7.1 General.

a. A suspending official may, in the public interest, impose suspension upon a contractor for any of the causes in 7.2, using the procedures in 7.3.

b. Suspension is a drastic action to be imposed based on adequate evidence pending the completion of investigation or legal proceedings, when it has been determined that immediate action is necessary to protect the Government's interest. In assessing the adequacy of the evidence, agencies should consider how much information is available, how credible it is given the circumstances, whether or not important allegations are corroborated, and what inferences can reasonably be drawn as a result. This assessment should include an examination of basic documents such as contracts, inspection reports, and correspondence.

c. Suspension constitutes suspension of all divisions or other organizational elements of the contractor, unless the suspension decision is limited by its terms to specific divisions, organizational elements or commodities. The suspending official may extend the suspension decision to include any affiliates of the contractor if they are given written notice of the suspension and an opportunity to respond on the issue of their status as affiliates.

d. A contractor's suspension by any agency shall be effective throughout the executive branch of the Government, unless an agency head or a designee provides a written determination, including reasons, stating that continued business dealings between that agency and the contractor are in the best interest of the Government.

7.2 Causes for suspension. A contractor may be suspended for any of the following causes:

a. Suspected, upon adequate evidence, of—

(1) Commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or in the performance of, a public contract or subcontract;

(2) Violation of Federal anti-trust statutes relating to the submission of offers;

(3) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(4) Commission of any other offense indicating a lack of business integrity or business honesty, which directly and seriously affects the question of present responsibility as a Government contractor or subcontractor.

b. Indictment for any of the foregoing causes in subsection a. above constitutes adequate evidence for suspension.

c. The suspending official may also impose suspension upon a contractor for any other cause of so serious or compelling a nature that it affects the question of present responsibility as a Government contractor or subcontractor.

7.3 Procedures.

a. Investigation and referral. Agencies shall establish procedures for the prompt reporting, investigation, and referral to the suspending official of matters appropriate for that official's consideration.

b. Notice. If the suspending official determines that there is cause for suspension and that suspension is necessary to protect the Government's interest, the official shall impose suspension upon the contractor and, as applicable, any specifically named affiliates and immediately advise them by certified mail, return receipt requested, that—

(1) The suspension is based on an indictment or other adequate evidence that the contractor has committed irregularities (i) of a serious nature in business dealings with the Government; (ii) seriously reflecting on the propriety of further dealings with the contractor, describing any such irregularities in terms sufficient to place the contractor on notice without disclosing the Government's evidence;

(2) The suspension is for a temporary period pending the completion of an investigation and any ensuing legal proceedings;

(3) Unless it is in the Government's interest to do so, during the suspension period (i) offers will not be solicited from the contractor and, if received, will not be considered; and (ii) contracts and subcontracts that require Government approval will not be awarded the contractor;

(4) The suspension is effective throughout the executive branch of the Government unless the head of an agency or a designee makes the determination set forth in paragraph 7.1d;

(5) Within 30 days after receipt of the notice, the contractor may submit, in person, in writing, or through a representative, information and argument in opposition to the suspension, including any additional specific information that raises a genuine dispute over the material facts upon which the suspension is based;

(6) Except when action is based on an indictment, in the absence of a determination that the substantial interests of the Government would be prejudiced, fact-finding will be conducted if the suspending official determines that the contractor's submission raises a genuine dispute over the material facts upon which the suspension is based; and

(7) The suspending official's decision to terminate, modify, or continue the suspension will be based on the administrative record.

c. Submission in opposition.

(1) The contractor may submit, in person, in writing, or through a representative, information and argument in opposition to the suspension. Except as provided in subparagraph (2) following or when action is based on an indictment, if the suspending official determines that the contractor's submission raises a genuine dispute over the material facts upon which the suspension is based, the official shall conduct fact-finding or refer the case to another official of the agency for fact-finding.

(2) If the basis for suspension involves pending or contemplated legal proceedings, before any fact-finding is undertaken the suspending official shall seek the formal advice of the Department of Justice concerning the possible impact of the release of evidentiary material on these proceedings. Fact-finding shall be conducted unless the suspending official determines, on the basis of advice from the Department of Justice, that substantial interests of the Government would be prejudiced.

d. Fact-finding.

(1) Any fact-finding as to disputed material facts shall be initiated within 20 working days after receipt of the contractor's submission, unless the suspending official extends this period for good cause.

(2) Fact-finding shall be conducted in accordance with procedures established by the agency. These procedures shall (i) be as informal as practicable; (ii) be consistent with principles of fundamental fairness; and (iii) afford the contractor an opportunity to appear with counsel, submit documentary evidence, present witnesses, and confront any persons the agency presents. A transcribed record shall be made and shall be available at cost to the contractor upon request, unless the contractor and the agency by mutual agreement, waive the requirement for a transcript.

(3) The official conducting fact-finding, if not the suspending official, shall prepare written findings of fact and transmit them to the suspending official for review promptly after the conclusion of the fact-finding proceeding. The contractor shall be provided a copy by certified mail, return receipt requested.

e. Suspending official's decision

(1) In cases (i) based on an indictment; (ii) in which the contractor's submission does not raise a genuine dispute over the material facts upon which the action is based; or (iii) in which fact-finding is denied on the basis of Department of Justice advice, the suspending official shall make a decision on the basis of all the information in the administrative record, including any submission made by the contractor.

(2) In cases in which fact-finding has been conducted, the suspending official shall base the decision on the facts as found, together with any information and argument submitted by the contractor and any other information in the administrative record. In cases referred to another official for fact-finding, the suspending official may reject only those facts that have been found that are clearly erroneous.

(3) The suspending official may modify, terminate, or continue the suspension. However, a decision to modify or terminate the suspension shall be without prejudice to the subsequent imposition of (i) suspension by any other agency; or (ii) debarment by any agency.

(4) Prompt written notice of the suspending official's decision shall be sent to the contractor and any affiliates involved, by certified mail, return receipt requested.

7.4 Period of suspension.

a. Suspension shall be for a temporary period pending the completion of investigation and any ensuing legal proceedings, unless sooner terminated by the suspending official or as provided in this paragraph 7.4.

b. If legal proceedings are not initiated within 12 months after the date of the suspension notice, the suspension shall be terminated unless an Assistant Attorney General requests its extension, in which case it may be extended for an additional 6 months. In no event may a suspension extend beyond 18 months, unless legal proceedings have been initiated within that period.

c. The suspending official shall notify the Department of Justice of the proposed termination of the suspension, at least 30 days before the 12-month period expires, to give that Department an opportunity to request an extension.

7.5 Scope of suspension.

The scope of suspension shall be the same as that for debarment (see paragraph 6.5).

8. Limited debarment or suspension.

When it is determined to impose debarment or suspension upon a contractor, the debarring or suspending official shall decide whether the debarment or suspension shall extend to acquisition contracts, to sales contracts, or to both. If the debarment or suspension is limited to acquisition contracts or to sales contracts, the

listing of the contractor on the consolidated list shall so indicate.

Donald E. Sowle,

Administrator.

[FR Doc. 81-21493 Filed 7-21-81; 8:45 am]

BILLING CODE 3110-01-M

Invitation for Public Comment on Proposed OFPP Policy letter

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget.

ACTION: Request for comment on proposed OFPP Policy Letter.

SUMMARY: The Office of Federal Procurement Policy is requesting public and Government agency review and comment on a proposed Policy Letter relating to bid protests.

The subject of bid protest procedures has been studied by a number of public and private groups, including the Commission on Government Procurement. To respond to these studies and to develop Government-wide procedures for bid protests, OFPP convened an interagency group consisting of representatives of a number of agencies with large procurement responsibilities, the Small Business Administration, and the General Accounting Office. The proposed coverage developed by this interagency group places responsibility for resolving bid protests with the procuring agency while recognizing the role of the General Accounting Office when it considers bid protests brought to its attention.

As a related action, the General Accounting Office will review its bid protest procedures, with particular attention to describing issues that it will not consider in bid protests.

DATE: Comments must be received on or before September 21, 1981.

ADDRESS: Comments are to be submitted to the Office of Federal Procurement Policy, Office of Management and Budget, Room 9013, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT:

Ms. Patricia A. Szervo, Associate Administrator for Procurement Law and Legislation, (202) 395-3501.

Donald E. Sowle,

Administrator.

July 17, 1981.

Policy Letter 81-4

To The Heads of Executive Departments and Establishments

Subject: Policy Guidance Concerning Government-Wide Bid Protest Procedures

A. *Formal advertising.*

1. Bid protests.

(a) *Definitions.* As used in this part, "bid protest" (or "protest") means a written protest by a bidder or other interested party, against the award or prorposed award of an advertised contract. The term includes protests based on alleged improprieties in an invitation for bids. It does not apply to questions regarding small business status or eligibility under the Walsh-Healey Public Contracts Act.

"Designated official," as used in this subsection, means an agency official, at a level high enough above that of the contracting officer to ensure: (1) detachment from the immediate controversy; and (2) the exercise of independent judgment, whom the agency designates to decide protests.

(b) *Policy.*

(1) Agencies are responsible for deciding or otherwise resolving bid protests. Agency responses to protests shall: (i) be objective, fair and prompt; and (ii) reflect consideration of all applicable procedures, regulations, precedents and laws, and of the Government's requirements.

If the designated official finds that a protest has merit, the agency shall take appropriate corrective action (such as termination for convenience) consistent with the Government's requirements and with the need for fair and equal treatment of all bidders. Unless exceptional circumstances (see subparagraph (e)(4) below) dictate otherwise, agencies shall decide or otherwise resolve all protests filed before award prior to taking any contractual action.

(2) Designated officials shall: (i) consider all timely (see subparagraph (d)(1) below) protests, whether submitted before or after contract award; and (ii) respond with a written decision unless the protest is otherwise resolved.

(3) A protest may be filed with the Comptroller General, in accordance with the GAO's bid protest precedures promulgated in Title 4, Code of Federal Regulations (CFR), Chapter I, Part 20. Agencies may obtain the GAO's views regarding a protest whether or not it has been filed with the GAO.

(4) Agencies shall, by a statement in their Invitation for Bids (IFBs), notify offerors of the policy and procedures of this section so that an offeror's attention will be directed to the applicable requirements for the filing of a bid protest.

(c) *General.*

(1) Designated officials shall: (i) dispose of all bid protests within their cognizance, including those determined to be untimely; and (ii) document these dispositions fully.

(2) Agencies shall furnish all bidders having a reasonable prospect of receiving an award if the protest is denied (or the contractor, if award has been made)—

(i) Notice of receipt of the protest,

(ii) A copy of the protest, and

(iii) A copy of all supporting information except any withheld as permitted or required by law or regulation.

The notice shall inform these parties of their right to comment on the protest within the time limit established in subparagraph (d)(2) below and, if the protest has been filed with the GAO as well, advise them to send the GAO a copy of their comments. They shall be furnished a copy of any decision responding to the protest.

(3)(i) When a protest has been filed with the GAO and the GAO requests the contracting office to submit a report, the report shall include:

(A) A statement fully responsive to the allegations, setting forth findings, actions, recommendations, and any additional information needed for determining the protest's validity;

(B) Copies of the bids submitted by the protesting bidder and by the bidder whose bid is being protested;

(C) A copy of the invitation for bids;

(D) A copy of the abstract of bids;

(E) A copy of the authorization required by subparagraph (e)(4) below, if award was made after reciept of the protest; and

(F) Copies of any other relevant documents.

(ii) Simultaneously, the contracting office shall furnish a copy of this report (except for any information withheld under law or regulation) to:

(A) The protester, and

(B) Other interested praties with instructions to furnish any comments they may wish to make on the report to the GAO and the contracting office within the GAO's time limits (see 4 CFR 20.3).

(iii) Whenever the GAO informally advises the contracting office that a protest has been received, the contracting office should begin compiling its report, in anticipation of a formal request.

(4) The contracting office should not delay or suspend consideration of a protest when the protest has been filed also with the GAO, but it shall ordinarily suspend its own final action on the protest pending receipt of the Comptroller General decision (see subparagraph (e)(3) below).

(5) To facilitate the exchange of information regarding protests filed also with the GAO, agencies shall—

(i) Furnish the GAO the name, title, and telephone number of one or more officials to serve as contacts; and

(ii) Promptly advise the GAO of any change of these officials.

(6) Agencies shall promptly advise the GAO of any judicial proceedings involving a protest pending before the GAO.

(d) *Time limits and objectives.* The time limits for filing protests and comments, and objectives for prompt disposition of protests, are as follows:

(1) *Filing of protests.* To be timely, protests must be received at the contracting office in writing either:

(i) Before bid opening, if based upon alleged improprieties in an invitation for bids that are apparent before bid opening, or

(ii) In other cases, within 10 working days after the basis for protest is known or should have been known, whichever is earlier.

A complete statement of the grounds of protest must be filed within these time limits; mere notice of protest, to be followed later by details, does not make a protest timely. Any protester attempting to register a protest orally with the Contracting Officer shall immediately be informed of these requirements.

(2) *Comments by interested parties.* To be considered, interested parties' comments on protests must be received at the contracting office within 10 working days after the party receives a copy of the protest.

(3) *Reports to the GAO.* The contracting office shall—

(i) Furnish reports required by the GAO ordinarily within 25 working days after receiving a formal request;

(ii) Promptly inform the GAO whenever additional time is required; and

(iii) Expeditiously furnish other information requested by the GAO.

(e) *Protest disposition.*

(1) If a bid protest filed with the contracting office is not timely, it may be dismissed and award may be made in the normal manner, unless the designated official determines that:

(i) the protest should be considered nevertheless, or

(ii) corrective action is required.

(2) To avoid any need for resolicitation because of expired bids, before bids expire, the contracting office should request:

(i) any bidder to whom award is proposed, and

(ii) any others whose bids might become eligible for award, to extend the time for acceptance (with the consent of any sureties), unless the chief of the contracting office authorizes award before a decision on the protest. If extensions cannot be obtained, the contracting office should consider proceeding with award under subparagraph (4) below.

(3) After considering all pertinent information regarding a protest, the designated official shall promptly decide the matter. However, if the protest has been filed with the GAO, the contracting office shall withhold award or other final action until the GAO completes its review of the matter, unless exceptional circumstances, as set forth in subparagraph (4) below, necessitate an earlier award or other final action. In such cases, informal advice on the status of the GAO's deliberations should be taken into account if circumstances permit. If the decision is made to proceed before the Comptroller General issues a decision, the GAO shall be given prompt notice and an explanation.

(4) If a bid protest is received before award, no award shall be made or other final action taken until it is resolved, except in exceptional circumstances, and then only with the advance authorization of the chief of the contracting office. That official shall promptly furnish a copy of any such authorizations to the agency head or a designee, who shall maintain a file of them. Each authorization shall explain the exceptional circumstances justifying award prior to resolution of the protest. Examples of such circumstances are situations in which:

(i) The supplies or services to be acquired are urgently required;

(ii) Delivery or performance will be unduly delayed by failure to make award promptly; or

(iii) A prompt award will otherwise be in the Government's interest.

(5) If the designated official finds that a protest, timely or not, received after award has merit, and a delay in contract performance will not harm the Government, that official should consider suspending contract performance until the protest is resolved.

(f) *Protest data.* Agencies shall establish procedures:

(1) For maintaining data showing the number and nature of protests received, their disposition, and time required for disposition; and

(2) Providing for annual review of the data for acquisition management purposes.

B. *Contracting by negotiation.*

1. Protests against award.

(a) *Definition.* As used in this part, "protest against award" (or "protest") means a written protest by an offeror or other interested party, against the award or proposed award of a negotiated contract. The term includes protests based on alleged improprieties in a request for proposals or for quotations. It does not apply to questions regarding small business status or eligibility under the Walsh-Healey Public Contract Act.

(b) *Procedures.* Protests against award shall be handled in substantially the same manner as bid protests except that:

(1) The deadline established by bid opening in subparagraph 1(d)(1)(i) for Formal Advertising is replaced by a deadline established by the time set for the receipt of proposals; and

(2) Other terms and procedures peculiar to Formal Advertising are similarly replaced by their negotiation counterparts.

Donald E. Sowle,

Administrator.

[FR Doc. 81-21494 Filed 7-21-81; 8:45 am]

BILLING CODE 3110-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17937; File No. SR-MCC-81-3]

Midwest Clearing Corp.; Proposed Rule Change

Relating to a change in the participation and number of Directors of the Midwest Clearing Corporation Board of Directors.

Comments requested on or before August 12, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 6, 1981, the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

I. *Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change.* Article 3, Section 3.1 of the Midwest Clearing Corporation's By-Laws are hereby amended as follows:

Additions Italicized [Deletions Bracketed]

ARTICLE 3

Directors

Number, Election and Term of Office

Section 3.1 The number of directors which shall constitute the whole board shall be twenty-[four] *five*. The chairman of the board, the vice chairman of the board [and], the president *and the president of the majority shareholder* shall be directors ex officio. They shall become directors upon election to their respective offices and shall remain directors for as long as they shall continue to hold such offices. The other [eighteen] *twenty-one* directors shall be divided into three classes, to be known as Class I, Class II, and Class III, respectively, and, except as provided in Section 3.2 of this Article, shall be elected as provided in this Section 3.1. The term of office of the initial Class I directors shall expire at the annual meeting of stockholders in 1975, the term of office of the initial Class II directors shall expire at the annual meeting of stockholders in 1976, and the term of office of the initial Class III directors shall expire at the annual meeting of stockholders in 1977, or thereafter in each case when their respective successors are elected and qualified. At each annual meeting of stockholders held thereafter the directors chosen to succeed those whose terms then expire shall be identified as being of the same class as the directors they succeed and shall be elected for a term expiring at the third succeeding annual meeting of stockholders or until their respective successors in each case are thereafter elected and qualified. Directors need not be stockholders.

(b) Not Applicable.

(c) Not Applicable.

II. *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The Midwest Clearing Corporation is a wholly owned subsidiary of the Midwest Stock Exchange. As required, the Exchange and the Clearing Corporation are managed as separate corporations. Nevertheless, it is clear that major decisions and managerial considerations relating to the operations of the Clearing Corporation affect the Exchange. For example, financial results, financial and operational integrity of participants (most of which are also members of the Exchange) and structural and competitive considerations relating to NSCC operations and those of other clearing corporations are all of importance to the Exchange as well as to the Clearing Corporation.

The President of the Clearing Corporation is the Chief Operating Officer of the Clearing Corporation and is a member of the Clearing Corporation Board. On the other hand, the President of the Exchange, who is the Chief Operating Officer of the Exchange complex and participates in all discussions and considerations of the Clearing Corporation Board, is not a member of the Clearing Corporation Board. Consistent with sound management practices and requirements, the Clearing Corporation Board has voted to amend the by-laws of the Clearing Corporation to include the President of the Exchange as a Director of the Clearing Corporation. The change in the number of directors other than the chairman, vice chairman, president and the president of the majority shareholder (eighteen to twenty-one) is merely a correction of a previously undetected printing error.

The proposed amendment is consistent with Section 17a(b)(3)(A) of the Securities Exchange Act of 1934 as amended in 1975 in that it improves the management of the organization and thus the capacity of the Clearing Corporation to facilitate the prompt and accurate clearance and settlement of securities for which it is responsible, to safeguard securities and funds in its custody and control or for which it is responsible, to comply with the provisions of the Act and rules and regulations thereunder and to enforce compliance by its participants with the rules of the clearing agency and to carry out the provisions of Section 17A.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The Midwest Clearing Corporation does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.* Comments have neither been solicited nor received.

III. *Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.* The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. *Solicitation of Comments.* Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 12, 1981.

Dated: July 13, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-21512 Filed 7-21-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

July 16, 1981.

The above named 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 12f–1 thereunder, for unlisted trading privileges in the following stocks:

First Atlanta Corporation, Common Stock, $5 Par Value (File No. 7–5979).

Mellon National Corporation, Common Stock, $.50 Par Value (File No. 7–5980).

Novo Industries A/S, American Depositary Shares (File No. 7–5981).

Paradyne Corporation, Common Stock, $.10 Par Value (File No. 7–5982).

Varco International, Inc., Common Stock, No Par Value (File No. 7–5983).

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 August 6, 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-21514 Filed 7-21-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17946; File No. SR-NSCC-81-10]

National Securities Clearing Corp.; Proposed Rule Change

Relating to the procedure for deleting original trade date plus one (T+1) input on the day of submission for National Securities Clearing Corporation's (NSCC) participants.

Comments requested on or before August 12, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 6, 1981, the National Securities Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by National Securities Clearing Corporation. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. *Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change.*

Add the following sentence to the first paragraph of Item II., B., 1., of the Procedures of NSCC:

Members who subsequent to their submission of T+1 input find that any trade data is incorrect may delete any item by forwarding a Delete of Original Trade Input Form to the Corporation in accordance with the time schedules prescribed by the Procedures.

II. *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

In its filing with the Commission, National Securities Clearing Corporation included statements concerning the purpose of and basis for the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The purpose of the proposed rule change is to allow members to delete their original trade date plus one (T+1) input on the day of submission. This procedure allows members to delete erroneous trade input before it is entered into the comparison cycle. The proposed rule change is consistent with the Securities Exchange Act of 1934 and the rules and regulations thereunder applicable to NSCC as the deletion of erroneous T+1 input will assist the members in the prompt and accurate clearance and settlement of securities transactions. The proposed rule change does not relate to the safeguarding of securities and funds in NSCC's custody or control because it is merely a method of deleting erroneous trade input.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

NSCC does not believe that the proposed rule change will have an impact on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.*

No comments on the proposed rule change have been solicited or received.

III. *Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.*

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At anytime within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. *Solicitation of Comments.*

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 12, 1981.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 17, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-21510 Filed 7-21-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17938; Filed No. SR-OCC-81-4]

The Options Clearing Corp.; Proposed Rule Change

Relating to the pledge of uninvested cash Clearing Fund contributions to secure certain borrowings.

Comments requested on or before August 12, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 24, 1981, The Options Clearing Corporation ("OCC") filed with the Securities and Exchange Commission the proposed rule change as described below, which has been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. *Self-Regulatory Organization's Statement of the Terms of the Proposed Rule Change.*

The proposed rule change would amend Article VIII, Section 5(c) of OCC's By-Laws to permit OCC to pledge, as security for certain emergency borrowings described therein, not only securities deposited by Clearing Members as contributions to the OCC Clearing Fund and securities in which case Clearing Fund contributions have been invested by OCC (as is presently the case), but also uninvested cash Clearing Fund contributions.

II. *Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.*

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified below. The self-regulatory organization has prepared summaries, set forth in Section (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Purpose of, and Statutory Basis for, the Proposed Rule Change.*

The purpose of the proposed rule change is to permit OCC to pledge, as security for certain emergency borrowings, uninvested cash contributions to its Clearing Fund. Until recently, cash contributions to the Clearing Fund represented a small percentage of Clearing Fund contributions as a whole and were routinely invested by OCC for its own account upon receipt. Accordingly, the By-Law provision that authorizes OCC to pledge Clearing Fund assets to secure emergency borrowings refers only to securities held in the Clearing Fund, and not to uninvested cash.

Recently, however, some Clearing Members have begun to meet their Clearing Fund obligations through the use of "segregated funds accounts"—demand deposit accounts maintained by OCC in its own name with an approved bank but confined to the Clearing Fund contribution of a single Clearing Member. The funds on deposit in such an account may be treated by the depository bank as compensating balances maintained by the depositing Clearing Member, thereby enabling the latter to borrow from the bank at reduced rates.

If the use of segregated funds accounts becomes prevalent, cash contributions may come to represent a significant part of the OCC Clearing Fund. Cash contributions should be subject to pledge by OCC to the same extent as other Clearing Fund assets. The proposed rule change is intended to achieve that result.

The proposed rule change is consistent with the requirements of the 1934 Act and the rules and regulations applicable to OCC thereunder because it enables OCC to provide its Clearing Members with a means of meeting their Clearing Fund obligations at reduced cost and enhances the system of safeguards that enables OCC to discharge its obligations in the event of a Clearing Member's insolvency.

(B) *Burden on Competition.*

OCC does not believe that the proposed rule change will have any material impact on competition.

(C) *Comments on the Proposed Rule Change Received from Members, Participants or Others.*

Comments were not and are not intended to be solicited by OCC with respect to the proposed rule change. No written comments have been received.

III. *Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.*

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. *Solicitation of Comments.*

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C § 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filings will also be available for inspection and copying at the prinicpal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 12, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 13, 1981.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-21511 Filed 7-21-81; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

June 17, 1981.

The above named 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 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Berkeley Bio-Medical, Inc., Common Stock, $.01 Par Value (File No. 7-5956).

Provident Bankcorp, Inc., Common Stock, No Par Value (File No. 7-5957).

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 August 7, 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.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-21513 Filed 7-21-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

[General Counsel Order No. 26]

Appointment to the Performance Review Board

I hereby appoint John M. Miller to replace John E. Shockey on the General Panel of the Legal Division Performance Review Board.

Effective date: July 20, 1981.

Peter J. Wallison,

General Counsel.

[FR Doc. 81-21394 Filed 7-21-81; 8:45 am]

BILLING CODE 4810-35-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 140
Wednesday, July 22, 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

[M-323, July 16, 1981]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., July 23, 1981.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 34808, Petition of Cochise Airlines for establishment of subsidy mail rates under section 406; and Docket 35035, Application of Cochise for elimination of the subsidy ceiling in its 401 certificate. (Memo 209-B, BDA, OCCR, OC, OGC)
3. Dockets 36243 and 39042, Removal of a certificate restriction on payment of subsidy, and establishment of a final subsidy rate for service to Cedar City, Utah, and Page, Arizona. (Memo 662, BDA, OCCR, OC)
4. Docket EAS-793; Appeal of 419(b) Eligibility Determination of Blacksburg/Radford/Pulaski, Virginia, for designation as an eligible point. (Memo 656, OGC, OCCR, BDA)
5. Docket EAS-101; Appeal filed by Dothan, Alabama, of its EAS definition (EAS-101). (Memo 661, OGC, OCCR, BDA)
6. Commuter carrier fitness determination of Britt Airways, Inc. (Memo 660, BDA)
7. Commuter carrier fitness determination of Cen-Tex Airlines, Inc. (Memo 655, BDA)
8. Fitness determination of Air Nevada, Inc. to provide service pursuant to section 401(d)(5) of the Act. (BDA)
9. Docket 37470, *Alaska International Air, Inc., Acquisition of Control of Great Northern Airlines, Inc.*, Petition of Great Northern Pilots for Exercise of Jurisdiction. (BDA, OGC, BCCP)
10. Docket 38108—Exemption of small aircraft operators from oversales rule. (OGC, BDA)
11. Dockets 27838, 30818 *(Aerovias Quisqueyana C. por A. et al., Enforcement Proceeding)*, order on discretionary review of ALJ's recommended decision to revoke Quisqueyana's foreign air carrier permit. (OGC, BIA)
12. Docket 39654, complaint of DHL against Pan American baggage rules. (Memo 659 BIA, BDA)
13. Docket 39535—Application of Monarch Airlines Limited for an initial foreign air carrier permit for charter authority primarily between the U.S. and U.K. (BIA, OGC, BALJ)
14. Docket 39006—Application of Federal Express for scheduled all-cargo transborder authority. (Memo 321-A, BIA, OGC, BALJ)
15. Dockets 37940 and 38083—Final order concerning the applications of Pan American World Airways and The Flying Tiger Line, respectively, for scheduled transborder all-cargo authority. (Memo 041-A, BIA, OGC, BALJ)
16. Dockets 36595 & EDR 408, Docket 38746—Investigation into the Competitive Marketing of Air Transportation. (BIA)

STATUS: 1-13 (Open), 14-16 (Closed).

PERSON TO CONTRACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-1116-81 Filed 7-20-81; 2:56 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 am, Tuesday, July 28, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Chicago Mercantile Exchange Certificate of Deposit Contract.

Section 5(12) Consideration of Financial Protection Rules.

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 11 am, Tuesday, July 24, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Enforcement Matter.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1114-81 Filed 7-20-81; 12:40 pm]

BILLING CODE 6351-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 am, Friday, July 31, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Surveillance Briefing.

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 10 am, Friday July 24, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Judicial Session.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1115-81 Filed 7-20-81; 12:40 pm]

BILLING CODE 6351-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

Deletion of agenda item from July 16, 1981, open meeting.

The following item has been deleted at the request of the Chairman's Office and the Office of General Counsel from the list of agenda items scheduled for consideration at the July 16, 1981 Open Meeting, and previously listed in the Commission's Public Notice of July 9, 1981.

Agenda, Item No., and Subject

Cable Television—1—"Joint Petition for Partial Reconsideration" (CSR-1671, CSR-1672) filed April 8, 1981, by the Standard Corporation and by Communications Investment Corporation.—The Standard Corporation and Communications Investment Corporation seek partial reconsideration of the Commission's decision in the *The Standard Corporation*, FCC 81-88, 85 FCC 2d—— (1981), partially granting the corporations requested tax certificates.

Additional information concerning this item may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7647.

Issued: July 16, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

Deletion of agenda item from July 16, 1981, closed meeting.

The following item has been deleted at the request of Office of Opinions and Review from the list of agenda items scheduled for consideration at the July 16, 1981, Closed Meeting, and previously listed in the Commission's Public Notice of July 9, 1981.

Agenda, Item No., and Subject

Hearing—4—Conditional Petition for Approval of "Distress Sale" in the Tupelo, Mississippi AM radio renewal proceeding (Docket No. 21430).

Additional information concerning this item may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

[S–1112–81 Filed 7–20–81; 9:43 am]

BILLING CODE 6712–01–M

5

NATIONAL LABOR RELATIONS BOARD.

AGENCY HOLDING THE MEETING: National Labor Relations Board.

TIME AND DATE: 12:30 p.m., Thursday, July 16, 1981.

PLACE: Board Conference Room, 6th Floor, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTER TO BE CONSIDERED: Personnel matters.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, Washington, D.C. 20570, Telephone: (202) 254–9430.

Dated: Washington, D.C., July 17, 1981.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[S–1117–81 Filed 7–20–81; 3:23 pm]

BILLING CODE 7545–01–M

6

NUCLEAR REGULATORY COMMISSION.

DATE: Week of July 20, 1981 (Revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Monday, July 20,

2:30 p.m. 1. Budget Session (Public meeting, time changed).

Tuesday, July 21,

2 p.m. 1. Budget Session (Public meeting, as announced).

Wednesday, July 22,

1:30 p.m. 1. Affirmation/Discussion Session (Approximately 30 minutes—Public meeting, rescheduled).

Affirmation and/or Discussion and Vote:

(a) Revisions to Honicker Petition Response;

(b) Physical Security Requirements for Nonpower Reactor Licensees Possessing a Formula Quantity of SSNM;

(c) PRM to Reduce or Eliminate Requirements with Respect to Financial Qual. for Power Reactor Applicants, and to Require Power Reactor Licensees to Maintain Property Damage Insurance (Tent).

2 p.m. 2. Budget Session (Public meeting, as announced).

Thursday, July 23,

10 a.m. 1. Budget Session (Open/closed status to be determined, as announced).

Automatic telephone answering service for schedule update: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

July 17, 1981.

Walter Magee,

Office of the Secretary.

[S–1118–81 Filed 7–20–81; 3:54 pm]

BILLING CODE 7590–01–M

7

POSTAL RATE COMMISSION.

TIME AND DATE: 10 a.m., July 22, 1981.

PLACE: Conference Room, Room 500, 2000 L Street, NW., Washington, D.C.

STATUS: Closed Briefing.

MATTERS TO BE CONSIDERED: The Commission has scheduled a staff briefing on the matter of the Governor's, U.S. Postal Service, remand on June 29, 1981, of the Commission's Recommended Decision Upon Reconsideration in Docket R80–1 (Postal Rate and Fee Changes, 1980) dated June 4, 1981. The briefing may lead to a requirement for a meeting which could be closed to the public by majority vote of the Commissioners pursuant to 5 U.S.C. § 552b(c)(10).

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, NW., Washington, D.C. 20268, Telephone (202) 254–5614.

[S–1113–81 Filed 7–20–81; 11:21 am]

BILLING CODE 7715–01–M

federal register

Wednesday
July 22, 1981

Part II

Department of Education

Pell Grant Program; Cost of Attendance

DEPARTMENT OF EDUCATION

34 CFR Part 690

Pell Grant Program; Cost of Attendance

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary is issuing final regulations for the Pell Grant Program concerning the determination of a student's cost of attendance at a postsecondary institution. These regulations revoke and replace the Pell Grant Cost of Attendance regulations published on January 21, 1981.

The Secretary is also clarifying that an otherwise eligible student who has had a title IV loan discharged in bankruptcy is not by that fact alone ineligible to receive future title IV assistance.

EFFECTIVE DATE: Unless Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register**. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a futurte date the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations. When these regulations become effective, they will apply to Pell Grant awards made for the 1981–82 award year (beginning July 1, 1981).

FOR FURTHER INFORMATION CONTACT: William L. Moran or Andrea Foley, Office of Student Financial Assistance, ROB–3, Room 4318, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone (202) 472–4300.

SUPPLEMENTARY INFORMATION: I. Section 482(d) of the Higher Education Act as added by the Education Amendments of 1980, Pub. L. 96–374, establishes components to be used in determining a student's cost of attendance for the National Direct Student Loan, College Work-Study, Supplemental Educational Opportunity Grant, Guaranteed Student Loan, Parent Loans for Undergraduate Students and Pell Grant Programs. This provision gives institutions substantially greater latitude in establishing certain cost allowances for the Pell Grant Program than under previous legislation, with a lesser impact on the other programs.

On January 21, 1981, final regulations with parallel provisions for each of the above programs were published to implement the statutory cost of attendance components in the Education Amendments of 1980. These components, with one exception, allow total discretion on the part of the institution in determining student cost allowances. Such discretionary cost allowances have enormous potential for increasing Pell Grant Program costs. Therefore, in an effort to reduce Federal expenditures and curb inflation, Congress has, as part of the Supplemental appropriations and Rescission Act, 1981, Pub. L. 97–12, authorized the Secretary to forego for the Pell Grant Program for the 1981–82 award year, the cost of attendance liberalizations that were included in the Education Amendments of 1980. Accordingly, the Cost of Attendance regulations for the Pell Grant Program published in the **Federal Register** of January 21, 1981 (46 FR 6322, 6330–6331) are being revoked. The regulations published herein reinstate, except as noted below, for the 1981–82 award year the Cost of Attendance regulatory provisions contained in Subpart E of the Pell Grant Program regulations published in the **Federal Register** of January 25, 1979 (44 FR 5258, 5246–5265). The Cost of Attendance regulations for the other title IV student financial aid programs, published on January 21, remain in effect and thereby supersede the Cost of Attendance regulations published on January 19, for the National Direct Student Loan, College Work-Study and Supplemental Educational Opportunity Grants programs.

The substantive changes made in Subpart E as published on January 25, 1979 are as follows:

1. For the determination of the tuition and fee component, the provision in the January 21 regulations, which gave an institution the option of using actual charges or calculating an average tuition and fee charge has been retained. Also being retained is the institution's option of using actual charges or calculating an average charge for students who enter into a contract with the institution for room and/or board. These provisions are intended to alleviate any administrative burden that would be imposed by a return to the "actual cost" restriction on tuition and fees and room and board which existed prior to the Education Amendments of 1980. However, the concept of averaging has been revised slightly from the January 21 regulations. Accordingly, under these regulations, an institution must choose only one method of determining tuition and fees and room and board and use that method consistently for all students attending that institution. These provisions thus preclude an institution which elects to use average charges for some students from using actual charges for other students.

2. These regulations include, as did the January 21 regulations, a section concerning attendance costs for those students whose program length is less than an academic year. That section is intended to provide a more equitable cost of attendance determination for those students.

II. *Student eligibility—title IV loans discharged in bankruptcy.* In conjunction with the publication of the Cost of Attendance regulations in the **Federal Register** of January 21, 1981 (46 FR 6322 *et seq.*), the Education Department published a provision for each title IV student financial assistance program dealing with the eligibility of a student who has had a loan authorized under title IV of the Higher Education Act discharged in bankruptcy. The new provision stated in effect that an otherwise eligible student who had a title IV loan discharged in bankruptcy would be eligible to receive future title IV assistance. This new provision reversed, for each program, the previous rule which made such persons ineligible for future title IV assistance if they re-enrolled in the same institution.

The Pell Grant and campus-based program regulations (Supplemental Educational Opportunity Grant, College Work-Study and National Direct Student Loan) were recently republished to take into account the changes made in those programs by the Education Amendments of 1980. The revised Pell Grant regulations were published in the **Federal Register** of December 30, 1980 (45 FR 86394 *et seq.*) while the revised campus-based program regulations were published in the **Federal Register** of January 19, 1981 (46 FR 5238 *et seq.*). Each of these regulations included the long standing rule which made students who have had their title IV loans discharged in bankruptcy ineligible for further title IV assistance if they re-enroll in the same institution. In the normal course of events, each program regulation would have become effective 45 days after it was transmitted to the Congress for review under section 431(d) of the General Education Provisions Act. Accordingly, the rule published in the **Federal Register** of January 21 would have become effective last and would thus have been the governing rule for all programs. However, on January 29, 1981, President Reagan postponed the effective date of all pending regulations for 60 days. As a result, all of the above discussed regulations became effective on the same date, March 30, 1981, creating the apparent anomaly of

mutually exclusive provisions being in effect.

To clear up this anomaly, the Secretary announces that the provisions published in the **Federal Register** of January 21, 1981 will apply. Accordingly in § 674.2(c), the definition of *default or in default*, provides—

The Secretary considers a loan discharged in bankruptcy not to be in default.

and §§ 674.9(g), 675.9(h), 676.9(g), 682.201(c)(3), and 690.75(g)(3) provide—

The Secretary does not consider a loan made under the National Defense Student Loan, National Direct Student Loan, Guaranteed Student Loan or Parent Loans for Undergraduate Students Program that is discharged in bankruptcy to be in default for purposes of this section.

Waiver of Notice of Proposed Rulemaking

These regulatory provisions revoke the final Cost of Attendance regulations for the Pell Grant Program which were published on January 21, 1981 and reinstate the cost components which were contained in previous regulations. Since a student's cost of attendance has a direct relationship to the amount of his or her Pell Grant, and since these cost of attendance rules will apply to Pell Grant awards made for the award period starting on July 1, 1981, the Secretary finds that publication of a proposed rule in this instance would be unnecessary, impracticable and contrary to the public interest within the meaning of 5 U.S.C. 553(b), and is publishing these rules as final regulations.

(Catalog of Federal Domestic Assistance No. 84.063, Pell (Basic) Grant Program)

Dated: July 16, 1981.

T. H. Bell,

Secretary of Education.

PART 690—PELL GRANT PROGRAM

34 CFR Part 690, Pell Grant Program, is amended as follows:

1. Subpart E is removed, retroactive to March 30, 1981.

2. A new Subpart E is added to read as follows:

Subpart E—Costs of Attendance

Sec.

690.51 Allowable costs of attendance—general.
690.52 Tuition and fees.
690.53 Room and board.
690.54 Attendance costs for students in correspondence study programs.
690.55 Attendance costs for students who are charged for a program whose length exceeds the academic year.
690.56 Attendance costs for students who are charged for a program whose length is less than the academic year.
690.57 Attendance costs for incarcerated students.
690.58 Attendance costs for students at U.S. Armed Forces Academies.

Subpart E—Costs of Attendance

§ 690.51 Allowable costs of attendance—general.

(a) Except as provided in §§ 690.54–690.58, a student's cost of attendance means—

(1) The tuition and fees charged to a full-time undergraduate student for an academic year by the institution he or she is attending as determined under § 690.52;

(2) Room and board costs for an academic year as determined under § 690.53; and

(3) An allowance of $400 for books, supplies, and miscellaneous expenses for an academic year.

(b) An institution must be able to justify and document the cost of attendance figures established under this subpart.

(Supplemental Appropriations and Rescission Act, 1981, Pub. L. 97–12)

§ 690.52 Tuition and fees.

(a)(1) An institution shall determine the tuition and fees charged a full-time undergraduate student by calculating either—

(i) The actual amount it charges each full-time undergraduate student for tuition and fees for an academic year; or

(ii) The average amount it charges full-time undergraduate students for tuition and fees for an academic year.

(2) However, the institution must use the option it selects under paragraph (a)(1) of this section to determine the tuition and fee charges of all its students under this part.

(b) If an institution establishes its tuition and fee charges on a residency requirement basis (e.g. In-State and Out-of-State) and elects to calculate an average tuition and fee charge, it shall establish a separate average charge for each different residency based classification.

(c) An institution may determine a separate average charge for any other distinct classification upon which it bases tuition and fee charges.

(Supplemental Appropriations and Rescission Act, 1981, Pub. L. 97–12)

§ 690.53 Room and board.

The institution shall determine a student's room and board costs for an academic year as follows—

(a) For a student who enters into a contract with the institution for room and/or board, the institution shall choose one of the following cost options but must use the option it selects for all students. The two options are:

(1) The actual amount it charges each student for:

(i) Room and board for an academic year,

(ii) Room, plus an allowance of $625 for board for an academic year, or

(iii) Board, plus an allowance of $475 for room for an academic year, or

(2) The average amount it charges most students for:

(i) Room and board for an academic year,

(ii) Room, plus an allowance of $625 for board for an academic year, or

(iii) Board, plus an allowance of $475 for room for an academic year;

(b) For a student who does not enter into a contract for either room or board, an allowance of $1,100 for an academic year whether or not the student lives with his or her parent(s);

(c) If a student enters into a contract with the institution for room and/or board for less than 7 days a week, a daily rate will be computed based upon the standard allowance in paragraph (b) and used for those days not covered by the contract. This amount will be added to the costs established under the applicable subparagraph (1) or (2) of paragraph (a) of this section.

(Supplemental Appropriations and Rescission Act, 1981, Pub. L. 97–12)

§ 690.54 Attendance costs for students in correspondence study programs.

The cost of attendance for a student enrolled in a correspondence study program means—

(a) Actual tuition and fees charged to the student for an academic year; and

(b) If incurred in fulfilling a required period of residential training, room and board costs based on—

(1) The actual amount charged to the student by the institution; or

(2) The standard allowance established in § 690.53(b) prorated in the same ratio as the course work completed in residential training bears to the course work for the academic year.

(Supplemental Appropriations and Rescission Act, 1981, Pub. L. 97–12)

§ 690.55 Attendance costs for students who are charged for a program whose length exceeds the academic year.

The cost of attendance for a student enrolled in an institution who is charged tuition and fees for a program whose length exceeds the length of the academic year at the institution, is determined by adding—

(a) Tuition and fees ×

clock or credit hours in the academic _____ year _____ clock or credit hours in the program

and

(b) Room and board costs as determined under § 690.53; and

(c) An allowance of $400 for books, supplies and miscellaneous expenses.

(Supplemental Appropriations and Rescission Act, 1981, Pub. L. 97-12)

§ 690.56 Attendance costs for students who are charged for a program whose length is less than the academic year.

The cost of attendance for a student enrolled in an institution who is charged tuition and fees for a program whose length is less than the length of the academic year at the institution is determined by adding—

(a) Tuition and fees × clock or credit hours in the academic _____ year _____ clock or credit hours in the program

and

(b) Room and board costs as determined under § 690.53; and

(c) An allowance of $400 for books, supplies and miscellaneous expenses.

(Supplemental Appropriations and Rescission Act, 1981, Pub. L. 97-12)

§ 690.57 Attendance costs for incarcerated students.

(a) The cost of attendance for a student who is incarcerated and for whom at least one-half of his or her room and board expenses is provided includes—

(1) Tuition and fees as determined under § 690.52; and

(2) An allowance of $150 for books and supplies.

(b) The cost of attendance for a student who is incarcerated and for whom less than one-half of his or her room and board expenses is provided is the same as that allowed for a student who is not incarcerated.

(Supplemental Appropriations and Rescission Act, 1981, Pub. L. 97-12)

§ 690.58 Attendance costs for students at U.S. Armed Forces Academies.

A student enrolled at the U.S. Military Academy at West Point, the U.S. Naval Academy, the U.S. Air Force Academy or the U.S. Coast Guard Academy is considered to have no cost of attendance.

(Supplemental Appropriations and Rescission Act, 1981, Pub. L. 97-12)

[FR Doc. 81-21506 Filed 7-21-81; 8:45 am]

BILLING CODE 4000-01-M

federal register

Wednesday
July 22, 1981

Part III

Department of Education

Institutional Grants for Graduate and Professional Study

DEPARTMENT OF EDUCATION

34 CFR Part 648

Institutional Grants for Graduate and Professional Study

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues final regulations to implement the Institutional Grants for Graduate and Professional Study program. These regulations implement Title IX, Part A of the Higher Education Act of 1965, as amended by the Education Amendments of 1980. These regulations describe the purpose of the program and specify the selection criteria to be used in evaluating applications for institutional grants for graduate and professional study. These regulations also describe the application procedures and eligibility requirements for the program.

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

FOR FURTHER INFORMATION CONTACT: Donald N. Bigelow, Telephone (202) 245-2347.

SUPPLEMENTARY INFORMATION: The Education Amendments of 1980 make minor changes in Title IX, Part A of the Higher Education Act. The amendments delete the phrase, "to strengthen, improve, and where necessary, expand", and replace it with, "to maintain, strengthen, and improve graduate and professional school programs." These regulations implement that change.

A separate regulation has been developed for Part A of Title IX of the Act, instead of merging it with Parts B and C as had been done under the previous regulations.

These regulations, for the first time, clarify the relationship of Part A to Part B as currently in effect by giving priority to projects that strengthen activities which support Graduate and Professional Opportunities fellowships and Public Service Fellowships funded under Title IX-B of the Act.

These proposed regulations reflect in § 648.31 (a), (b), and (h) the concern expressed in the legislative history regarding the opportunity of predominantly minority institutions of higher education to participate in the program (S. Rep. No. 96-733, p. 73, 1980).

These regulations have been modified to reflect the format and criteria of the Education Department's General Administrative Regulations. (34 CFR Parts 75 and 77).

Summary of Comments and Responses

In the Notice of Proposed Rulemaking published in the **Federal Register** on December 31, 1980 (34 FR 86886), the Secretary of Education invited comments on the proposed regulations to implement Title IX-A of the Higher Education Act of 1965, as amended. The following is a summary of the comments received and the responses of the Department of Education.

Comment. One commenter noted that although the proposed rules acknowledge legislative history that the historically black colleges and universities be given "special consideration" in the grants award process, the rules do not accomplish that intent. It was suggested that up to 25 additional points be awarded, based on the quality of the proposal, to those applications from historically black colleges.

Response. No change has been made in the regulations. While there is not a separate criterion relating to whether an applicant is an historically black college or university, there are several criteria relating to minority group concerns. Historically black colleges and universities should be in a position to compete strongly under these criteria. The criteria include § 648.31(h), concerning project activities to promote graduate and professional education for individuals from groups that are underrepresented in colleges and universities; § 648.31(a)(v), concerning equal access and treatment for members of groups that have been traditionally underrepresented; and § 648.31(b)(iv), concerning nondiscriminatory employment practices. Also, § 648.30 provides that for applications of substantially equal quality, the Secretary gives priority to projects that strengthen activities in support of fellowships funded under Title IX-B of the Act. A statutory criterion for all Title IX-B fellowship programs concerns the extent of opportunities for individuals who have been traditionally underrepresented.

In addition, historically black colleges and universities have been very successful in competing under this program.

For these reasons, the regulations are fully consistent with the legislative history, notwithstanding the absence of an express priority for historically black colleges and universities.

Comment. One commenter stated that the use of examples in defining "professional study" was too narrowly limiting the definition. It was suggested that these examples be eliminated and that the definition read as follows: "Professional study" means post-baccalaureate study leading to the advanced degree that enables an individual to enter a professional career.

Response. The Secretary agrees that the examples used too narrowly limit the definition and has eliminated them in the final regulations.

Comment. Several commenters recommended expanding eligibility for participation in the program to include consortia or more specifically, regional-interstate agencies that represent formal cooperative arrangements among graduate and professional schools.

Response. The regulations have been revised to clarify that an institution of higher education may apply on its own behalf or on behlaf of a group of institutions of higher education. This change is consistent with provisions of the Education Department General Administrative Regulations (34 CFR 75.127-129) and the Act. However, under the Act, a grant award may be made only to one or more institutions of higher education. An "agent" that is not itself an institution of higher education may not apply on behalf of one or more institutions of higher education.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance No. 84.094, Graduate and Professional Study Institutional Grants)

Dated: July 16, 1981.

T. H. Bell,

Secretary of Education.

The Secretary revises Part 648 of Title 34 of the Code of Federal Regulations to read as follows:

PART 648—INSTITUTIONAL GRANTS FOR GRADUATE AND PROFESSIONAL STUDY

Subpart A—General

Sec.
648.1 Institutional Grants for Graduate and Professional Study.
648.2 Eligible parties.
648.3 Regulations that apply to the Institutional Grant Program.
648.4 Definitions.

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

648.10 Eligible activities.

Subpart C—How is Application Made for a Grant?

648.20 How does one apply for funds?

Subpart D—How is a Grant Made?

648.30 How does the Secretary evaluate an application?
648.31 What selection criteria does the Secretary use?

Subpart E—What Conditions Must a Grantee Meet?

648.40 Costs.

Authority: Part A of Title IX of the Higher Education Act as amended by Pub. L. 96-374 (94 Stat. 1367, 1487; 20 U.S.C. 1134-1134b)

Subpart A—General

§ 648.1 Institutional Grants for Graduate and Professional Study.

Institutional Grants for Graduate and Professional Study—referred to in these regulations as the Institutional Grant Program—provide Federal financial assistance to enable institutions of higher education to maintain, strengthen, and improve the quality of graduate and professional programs leading to an advanced degree (other than a medical degree), and to strengthen undergraduate programs when it is determined that strengthened undergraduate programs will contribute to the purposes of Title IX-A of the Act.

(20 U.S.C. 1134)

§ 648.2 Eligible parties.

An institution of higher education is eligible to apply for a grant under this program on its own behalf, or on behalf of a group of institutions of higher education.

(20 U.S.C. 1134; 1134b(b)(4))

§ 648.3 Regulations that apply to the Institutional Grant Program.

The following regulations apply to this program:

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

(b) The regulations in this Part 648.

(20 U.S.C. 1221e-3, 1134-1134b)

§ 648.4 Definitions.

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

Applicant
Application
Award
Budget Period
Department
EDGAR
Secretary

(b) *The following definitions apply specifically to this Part:* "Act" means the Higher Education Act of 1965, as amended.

"Professional study" means post-baccalaureate study leading to the advanced degree that enables an individual to enter a professional career.

(20 U.S.C. 1221e-3, 1134-1134b)

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 648.10 Eligible activities.

Eligible activities include, but are not limited to, the following: Faculty improvement; maintenance and improvement of quality of graduate and professional programs of study; acquisition of appropriate instructional equipment and materials; cooperative arrangements among graduate and professional schools; strengthening graduate and professional school administration; development of proposed graduate and professional programs; and needed innovation in graduate and professional programs.

(20 U.S.C. 1134b(b))

Subpart C—How Is Application Made for a Grant?

§ 648.20 How does one apply for funds?

(a) To apply for funds, an institution of higher education shall submit an application that responds to the criteria described in § 648.31.

(b) An application under this part must include the following:

(1) A description of the proposed graduate or professional project which contributes to achieving the program's goals.

(2) An assurance that the appropriate State entity that performs planning functions under Title I of the Act has been given an opportunity to offer recommendations on the application both to the applicant and to the Secretary.

(20 U.S.C. 1134a(b), 1143)

Subpart D—How Is a Grant Made?

§ 648.30 How does the Secretary evaluate an application?

(a) For applications of substantially equal quality, the Secretary gives priority to projects that strengthen activities that support Graduate and Professional Opportunities Fellowships and Public Service fellowships funded under Title IX-B of the Act.

(b)(1) The Secretary evaluates an application on the basis of the criteria in § 648.31.

(2) The Secretary awards up to 100 possible points for these criteria.

(3) The maximum possible score for each criterion is indicated in parentheses following the title of the criterion.

(20 U.S.C. 1134a(b))

§ 648.31 What selection criteria does the Secretary use?

(a) *Plan of operation.* (15 points) (1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

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

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

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

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

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

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(b) *Quality of key personnel.* (15 points) (1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

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

(iii) The time that each person referred to in paragraph (b)(2) (i) and (ii) of this section plans to commit to the project; and

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

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (10 points) (1) The Secretary reviews each application for information that shows the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

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

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

(d) *Evaluation plan.* (5 points) (1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

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

(e) *Adequacy of resources.* (5 points) (1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(f) *Strength of the academic program.* (15 points) The Secretary reviews each application for information that shows that the overall graduate or professional academic program of the institution is strong enough to assure the success of the proposed project.

(g) *Impact of the project on the institution.* (15 points) The Secretary reviews each application for information that shows the project's proposed activities are likely to result in maintaining, strengthening, or improving programs in graduate and professional study in relation to the identified needs.

(h) *Activities proposed for underrepresented groups.* (10 points) The Secretary reviews each application for information that shows the project proposes activities that would assist in providing graduate and professional education to persons with varied backgrounds and experiences including, but not limited to, members of minority groups and women who are underrepresented in colleges and universities and in the academic and professional career fields to which the education leads.

(i) *Cooperative arrangements.* (5 points) The Secretary reviews each application for information that shows that in planning the project, the institution has considered, and where appropriate, has entered into cooperative arrangements with other graduate or professional units of the institution, and/or outside institutions or agencies in supportive efforts of mutual benefit.

(j) *Local, State, or national priorities.* (5 points) The Secretary reviews each application for information that shows the project is consistent with local, State, or national priorities. Any national priorities will be determined on the basis of documentation of national needs in the application submitted.

(20 U.S.C. 1134; 1134a(c))

Subpart E—What Conditions Must a Grantee Meet?

§ 648.40 Costs.

Funds awarded under these regulations may not be used for:

(a) Payment in excess of 66⅔ percent of the total cost of the approved project or activity;

(b) Payment in excess of 50 percent of the cost of the purchase or rental of books, audiovisual aids, scientific apparatus, or other materials or equipment, less any percent of such cost, as determined by the Secretary, that is paid from sums received (other than under this part) as Federal financial assistance; and

(c) Fellowship assistance to students.

(d) Sectarian instruction or religious worship, or primarily in connection with any part of the program of a school or department of divinity.

(20 U.S.C. 1134b(c))

[FR Doc. 81-21507 Filed 7-21-81; 8:45 am]

BILLING CODE 4000-01-M

federal register

Wednesday
July 22, 1981

Part IV

Department of Education

Training in the Legal Profession

DEPARTMENT OF EDUCATION

34 CFR Part 651

Training in the Legal Profession

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations for the Legal Profession Training Program. These final regulations authorize awards to assist individuals from disadvantaged backgrounds to undertake training for the legal profession. These final regulations cover eligible activities and costs under the program.

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

FOR FURTHER INFORMATION CONTACT: Donald N. Bigelow, Telephone (202) 245–2347.

SUPPLEMENTARY INFORMATION: The Legal Profession Training Program is designed to help admit to accredited law schools disadvantaged students who, but for the program, would not have been admitted, and to assist these students in obtaining a legal education and law degree. The program funds preliminary training to prepare students for law school, counseling and related services, and stipends to help support the students during both their preliminary and law school training.

Since its inception, the program has been carried out through a non-competitive award to the Council on Legal Educational Opportunity (CLEO), a non-profit private agency. With substantial funding from other sources, CLEO started the program before it was authorized in the Higher Education Act. The program has been popularly known as the "CLEO Program."

These final regulations authorize but do not require the Secretary to continue to carry out the program through an award to CLEO, consistent with the legislative history of the statute. (H.R. Rep. No. 96–520, 96th Cong. 1st Sess. 55 (1979); S. Rep. No. 96–733, 96th Cong. 2d Sess. 72 (1980)). As called for by the statute, these final regulations also supply criteria for identifying eligible individuals from disadvantaged backgrounds and provisions on eligible activities.

Summary of Comments and Responses

In the Notice of Proposed Rulemaking published in the **Federal Register** on December 30, 1980 (45 FR 86331), the Secretary of Education invited comments on the proposed regulation to implement this program. No public comments were received on the proposed regulations. However, two changes have been made. To conform their language more closely to that of the statute, § 651.10 is amended to read "to undertake training for the legal profession" instead of "in obtaining a legal education". Section 651.30 has also been amended to state more clearly the costs that are eligible under the program.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these regulations.

(Catalog of Federal Domestic Assistance No. not applicable, Training in the Legal Profession)

Dated: July 16, 1981.

T. H. Bell,

Secretary of Education.

The Secretary of Education amends Title 34 of the Code of Federal Regulations by adding a new Part 651 reading as follows:

PART 651—TRAINING IN THE LEGAL PROFESSION

Subpart A—General

Sec.

651.1 Training in the Legal Profession.
651.2 Eligible parties.
651.3 Regulations that apply to this program.
651.4 Definitions.

Subpart B—What Kinds of Activities Does the Secretary Support Under This Program?

651.10 What kinds of support does the Secretary provide?
651.11 What activities are eligible for support?

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make an Award?

651.20 How does the Secretary select an award recipient?

Subpart E—What Conditions Must Be Met by an Award Recipient?

651.30 What are the limitations on allowable costs?

Authority: Part D of Title IX of the Higher Education Act of 1965, as amended by Sec. 904 of Pub. L. 96–374, 94 Stat. 1486–87 (20 U.S.C. 1134l).

Subpart A—General

§ 651.1 Training in the Legal Profession.

(a) The Legal Profession Training Program assists individuals from disadvantaged backgrounds to undertake training for the legal profession.

(b) The program is designed to—

(1) Help admit, to accredited law schools, disadvantaged students who, but for the program, would not have been admitted; and

(2) Assist these students in obtaining a legal education and law degree.

(20 U.S.C. 1134l)

§ 651.2 Eligible parties.

(a) Public and private agencies and organizations other than institutions of higher education are eligible to apply for grants or contracts under these regulations.

(b) The Secretary may implement this program through the award of a single grant or contract.

(20 U.S.C. 1134l(a))

§ 651.3 Regulations that apply to this program.

(a) *Regulations for procurement contracts.* The following regulations apply to any procurement contract under the Legal Professional Training Program:

(1) Procurement regulations in 41 CFR Chapters 1 and 34; and

(2) The regulations in this Part 651.

(b) *Regulations for grants.* The following regulations apply to any grants under the Legal Profession Training Program:

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

(2) The regulations in this Part 651.

§ 651.4 Definitions.

As used in these regulations—

(a) "Act" means the Higher Education Act of 1965, as amended.

(b) "Disadvantaged backgrounds" are backgrounds involving educational, cultural, or financial deprivations that hinder individuals from successfully competing for admission to law school or from successfully completing a course of legal study. These backgrounds include but are not limited to—

(1) Family income dependent in whole or in part on public assistance or inadequate to provide for needs beyond basic necessities such as food, housing, and clothing;

(2) Rural isolation;

(3) Limited English proficiency as defined in section 703(a)(1) of the

Bilingual Education Act (20 U.S.C. 3223); or

(4) Attendance at a minority group isolated school, as defined for purposes of the Emergency School Aid Act in 34 CFR 185.02(g).

(20 U.S.C. 1134l, 1221e-3)

Subpart B—What Kinds of Activities Does the Secretary Support Under This Program?

§ 651.10 What kinds of support does the Secretary provide?

Under this program the Secretary provides financial support for activities that assist individuals from disadvantaged backgrounds to undertake training for the legal profession.

(20 U.S.C. 1134l(a))

§ 651.11 What activities are eligible for support?

The following activities are eligible for support under a grant or contract awarded under this program:

(a) Selecting individuals from disadvantaged backgrounds for training for the legal profession, including disseminating information about the program to eligible students;

(b) Making arrangements with accredited law schools to arrange entry of participating students into these schools;

(c) Providing counseling and related services—both prior to and during law school training—designed to assist participating students in preparing for and completing law school training;

(d) Providing preliminary training in legal education to prepare participating students for law school.

(1) Preliminary training may include, but need not be limited to, orientation of students to the legal process, the epistemology of law, and law school learning methods; evaluation of the law school potential of students; and development of students' legal reading, research, and writing skills.

(2) Preliminary training may be provided for participating students not more than six months prior to their commencement of law school courses; and

(e) Paying stipends to participating students for any period of preliminary training and for the period of law school training, as provided in § 651.30.

(20 U.S.C. 1134l(b))

Subpart C—[Reserved]

Subpart D—How Does the Secretary Make an Award?

§ 651.20 How does the Secretary select an award recipient?

(a) The Secretary decides to make one or more awards and bases selection of the award recipient(s) on a judgment of what arrangements most effectively contribute to the purposes of this program (Title IX-D of the Act).

(b) The Secretary may decide to make a non-competitive award to implement the program if—in the Secretary's judgment—there is one eligible organization that is exclusively or predominantly qualified to carry out effectively the purposes of the program in the light of legislative history of the authorizing statute.

(20 U.S.C. 1221e-3, 1134l)

Subpart E—What Conditions Must Be Met by an Award Recipient?

§ 651.30 What are the limitations on allowable costs?

Allowable costs include, but are not limited to, the following:

(a) Stipends for participating students, as determined by the Secretary, during any period of preliminary training or for the period of law school training during which the student maintains satisfactory academic progress, as determined by the Secretary.

(b) Other necessary costs for any period of training of the participating students, as determined by the Secretary.

(20 U.S.C. 1134l(b))

[FR Doc. 81-21508 Filed 7-21-81; 8:45 am]
BILLING CODE 4000-01-M

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
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DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the Federal Register 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of July 26 through August 1, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

30073 6-5-81 / Cotton fiber and processing tests; comments by 8-1-81

37055 7-17-81 / Milk in Chicago Regional Marketing area; temporary revision of shipping percentages; comments by 7-31-81

37054 7-17-81 / Raisins produced from grapes grown in Calif.; increase in payment rates for services for reserve tonnage raisins; comments by 7-31-81

37054 7-17-81 / Study of marketing orders for fruits, vegetables, and specialty crops; comments by 8-1-81

35264 7-8-81 / Tennessee Valley Federal milk order; recommended decision on proposed amendments to tentative marketing agreement and order; comments by 7-30-81

Animal and Plant Health Inspection Service—

28860 5-29-81 / Importation of mares over 731 days of age into the U.S. from countries affected with contagious equine metritis (CEM) when specific requirements to prevent them introducing CEM into the U.S. are met; comments by 7-28-81

Commodity Credit Corporation—

35520 7-9-81 / General regulations governing 1979 and subsequent crops peanut warehouse storage loans and handler operations; comments by 7-28-81

Farmers Home Administration—

28330 5-26-81 / Emergency loans, insured; comments by 7-27-81

Federal Grain Inspection Service—

28170 5-26-81 / United States standards for hay and straw; comments by 7-27-81

Rural Electrification Administration—

28170 5-26-81 / Public information; Appendix A—REA Bulletins Specification for filled telephone cables with expanded insulation, PE89; comments by 7-27-81

CIVIL AERONAUTICS BOARD

29282 6-1-81 / Airlines; terminations, suspensions, and reductions of service; comments by 7-31-81

29727 6-3-81 / Extension of fare flexibility to Micronesia and American Samoa; comments by 7-30-81

29719 6-3-81 / "Joint fares" for flights using two or more carriers; statement of general policy; comments by 7-31-81

29285 6-1-81 / Standard Foreign Fare Level methodology; statements of general policy; reply comments by 7-30-81

COMMERCE DEPARTMENT

International Trade Administration—

23755 4-28-81 / Instruments and apparatus for educational and scientific institutions; comments by 7-27-81

COMMODITY FUTURES TRADING COMMISSION

33293 6-29-81 / Domestic exchange—traded commodity options pilot program; comments by 7-29-81

CONSUMER PRODUCT SAFETY COMMISSION

31901 6-18-81 / Omnidirectional citizens band base station antennas; comments by 7-31-81

[Originally published at 44 FR 53676, 9-14-81]

28665 5-28-81 / Standards for the flammability of clothing textiles and vinyl plastic film; comments by 7-27-81

DEFENSE DEPARTMENT

Army Department—

33057 6-26-81 / Personal privacy and rights of individuals regarding personal records; comments by 7-27-81

Office of the Secretary—

34351 7-1-81 / Implementation of the Civilian Health and Medical Services; comments by 7-31-81

ENERGY DEPARTMENT

29242 6-1-81 / Weatherization assistance for low-income persons; comments by 7-31-81

Economic Regulatory Administration—

31216 6-12-81 / Powerplant and Industrial Fuel Use of 1978; proposed revision of final rules; comments by 7-27-81

Federal Energy Regulatory Commission—

35119 7–7–81 / Pennsylvania; high-cost gas produced from tight formations; comments by 7–29–81

ENVIRONMENTAL PROTECTION AGENCY

33059 6–26–81 / Air quality planning areas; Alabama; redesignation for Etowah County; comments by 7–27–81

33269 6–29–81 / Exemption from requirement of a tolerance for boiled linseed oil (final rule); comments by 7–29–81

34353 7–1–81 / Exemption from requirement of a tolerance for cross-link nylon-type encapsulating polymer; comments by 7–31–81

29292 6–1–81 / Kansas application for interim authorization, Phase I, Hazardous Waste Management Program; comments by 7–31–81

35126 7–7–81 / Motor vehicle pollution control; waiver of oxides of nitrogen (NO_x) emission standards; comments by 7–30–81

31677 6–17–81 / New motor vehicles; emission control system warranties; comments by 7–30–81

21789 4–14–81 / Standards of performance for new-stationary sources; VOC fugitive emission sources; synthetic organic chemical manufacturing industry; comments by 7–31–81

33336 6–29–81 / State implementation plan; Wash.; control of Volatile Organic Compound (VOC) emissions for source categories covered by Group II of the VOC Control Techniques Guidelines; comments by 7–29–81

33333 6–29–81 / State Implementation Plan; West Va.; test method for prevention and control of air pollution from emission of volatile organic compounds from bulk gasoline terminals (Regulation XXIII); comments by 7–29–81

31279 6–15–81 / Virginia application for interim authorization, Phase I; Hazardous Waste Management Program; comments by 7–30–81

28873 5–29–81 / Water pollution, effluent limitations guidelines and new source performance standards; coal mining point source category; comments by 7–28–81

[*See also* 46 FR 3136, 1–13–81]

FARM CREDIT ADMINISTRATION

35663 7–10–81 / Eligibility and scope of financing loan policies and operations; comments by 7–28–81

FEDERAL COMMUNICATIONS COMMISSION

30150 6–5–81 / Deregulation of customer premises inside wiring; comments by 7–31–81

33533 6–30–81 / Development of regulatory policy on Direct Broadcast Satellites for the period following the 1983 Regional Administrative Radio Conference; reply comments extended to 7–31–81

[*See also* 46 FR 30124, 6–5–81]

29488 6–2–81 / FM broadcast station in Kailua-Kona, Hawaii, proposed changes in table of assignments; reply comments by 7–31–81

27726 5–21–81 / FM Broadcast Station in Newport, Washington; proposed changes in table of assignments; reply comments by 7–30–81

27727 5–21–81 / FM Broadcast Station in Owensville, Missouri; proposed changes in table of assignments; reply comments by 7–30–81

27728 5–21–81 / FM Broadcast Station in Atoka, Okla.; proposed changes in table of assignments; reply comments by 7–30–81

31286 6–15–81 / Inquiry into the policies to be followed in the authorization of common carrier facilities to meet Pacific Region Telecommunications needs during the 1981–1995 period; reply comments by 7–30–81

22215 4–16–81 / Proposed amendments to registration standards; reply comments by 7–27–81

FEDERAL EMERGENCY MANAGEMENT AGENCY

29294 6–1–81 / Disaster preparedness assistance; reply comments by 7–31–81

FEDERAL MARITIME COMMISSION

30667 6–10–81 / Procedures for environmental policy analysis; reply comments by 7–27–81

FEDERAL TRADE COMMISSION

28444 5–27–81 / Palm Beach Co.; consent agreement with analysis to aid public comment; reply comments by 7–27–81

GENERAL SERVICES ADMINISTRATION

29955 6–4–81 / Licensing of federally-owned inventions; availability of draft regulations; reply comments by 7–31–81

30369 6–8–81 / Telecommunications, procurement and contractors; reply comments by 7–28–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

33027 6–27–81 / Canned peaches; standards of identity; "chunky" designation; objections by 7–27–81

33512 6–30–81 / Capreomycin, cycloserine, gramicidin, and froleandomycin; revision of standard response line concentrations; comments by 7–27–81

35120 7–7–81 / Policy for irradiated foods; advance notice of proposed procedures for the regulation of irradiated foods for human consumption; comments extended to 7–27–81

[*See also* 46 FR 18992, 3–2–81]

18995 3–27–81 / Soda water, standard of identity; caffeine requirements; comments period extended to 7–29–81

[*See also* 45 FR 69816, 10–21–80 and 45 FR 84837, 12–23–80]

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner, Office of the Assistant Secretary for Housing—

29259 6–1–81 / Mortgage insurance and assistance payments for home ownership and project rehabilitation; change in maximum mortgage amounts; comments by 7–31–81

[Corrected at 46 FR 31257, 6–15–81]

28401 5–27–81 / Repayment by mortgagor under section 235(c) of assistance payments made to lower income families (interim rule); comments by 7–27–81

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office—

34348 7–1–81 / Permanent regulatory programs for non-federal and non-Indian lands; comments by 7–31–81

33056 6–26–81 / Permanent state regulatory programs of Colo.; Md., N.M., N. Dak., Utah, W. Va., and Wyo.; comments by 7–27–81

INTERSTATE COMMERCE COMMISSION

30668 6–10–81 / Motor carriers; agricultural cooperative exemption; comments by 7–27–81

30092 6–5–81 / Motor carrier rate bureaus; implementation; reply comments by 7–30–81

NATIONAL CREDIT UNION ADMINISTRATION

29482 6–2–81 / Federal credit unions, establishment of minimum standards for surety bond and insurance coverage; comments by 7–31–81

POSTAL SERVICE

34600 7–2–81 / Preparation requirements for third–class 5-digit ZIP code presorted mail; comments by 8–1–81

SMALL BUSINESS ADMINISTRATION

29276 6–1–81 / Minority small business and capital ownership development assistance; comments by 7–31–81

TRANSPORTATION DEPARTMENT

Coast Guard—

30835 6–11–81 / Ports and waterways safety; conditions for vessel operation and cargo transfers; comments by 7–27–81

22210 4-16-81 / Provisions on tank stop valves and their controls and indicators; comments by 7-30-81

Federal Aviation Administration—

34598 7-2-81 / Air Line Pilots Association (ALPA); petition on water survival; comments by 7-30-81

[Originally published at 46 FR 19245, 3-30-81]

Federal Highway Administration and Urban Mass Transportation Administration—

8426 1-26-81 / Air quality conformity and priority procedures for use in Federal aid highways and federally funded transit programs; comments by 7-27-81

Office of the Secretary—

30816 6-11-81 / Procurement regulations; options and consulting services; comments by 7-31-81

Research and Special Programs Administration—

25491 5-7-81 / Transport of radioactive materials; proposed changes to international regulations; comments by 7-31-81

TREASURY DEPARTMENT

Customs Service—

23755 4-28-81 / Instruments and apparatus for educational and scientific institutions; comments by 7-27-81

28172 5-26-81 / Proposed revision of the customs bond structure; comments by 7-27-81

[Corrected at 46 FR 29953, 6-4-81]

Deadlines for Comments On Proposed Rules for the Week of August 2 through August 8, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

27126 5-18-81 / Almonds grown in California; change in administrative rules and regulations for creditable advertising; comments by 8-7-81

[*See also* 46 FR 22901, 4-22-81]

Agricultural Stabilization and Conservation Service—

29453 6-2-81 / Experimental rural clean water program (RCWP); comments by 8-3-81

Commodity Credit Corporation—

30327 6-8-81 / Cooperative marketing associations; Eligibility requirements for price support; comments by 8-7-81

Federal Grain Inspection Service—

30322 6-5-81 / U.S. Grains Standards Act; revisions to regulations; comments by 8-4-81

CIVIL AERONAUTICS BOARD

29718 6-3-81 / Expedited procedures for processing licensing cases; Service of Documents; comments by 8-3-81

COMMERCE DEPARTMENT

Economic Analysis Bureau—

36715 7-15-81 / Survey of foreign direct investment in U.S. fish and seafood processing industries; comments by 8-6-81

DEFENSE DEPARTMENT

Corps of Engineers, Army Department—

34583 7-2-81 / Shipping safety fairways and anchorages, Gulf of Mexico; Administrative procedures; comments by 8-3-81

[Corrected at 46 FR 35123, 7-7-81]

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

36715 7-15-81 / Commonwealth of Massachusetts, department of public utilities; request for declaratory order; comments by 8-5-81

[Originally published at 46 FR 26353; 5-12-81]

35298 7-8-81 / Proposed revision of Form No. 80, licensed projects recreation report; comments by 8-3-81

ENVIRONMENTAL PROTECTION AGENCY

24602 5-1-81 / Air quality; interstate pollution abatement; petitions by New York and Pennsylvania; comments by 8-4-81

34817 7-6-81 / Approval and promulgation of Illinois State Implementation Plan; comments by 8-5-81

34816 7-6-81 / Approval and promulgation of implementation plans; Alabama; alternative control strategy for 3M Co., Alabama; comments by 8-5-81

34818 7-6-81 / Approval and promulgation of Implementation Plans; Georgia; revised permit for Union Camp Corp's. Power Boilers 11 and 12 in Savannah; comments by 8-5-81

35301 7-8-81 / Approval of portions of Colorado Regulation No. 7 "Control of Volatile Organic Compounds (VOC)"; comments by 8-7-81

34819 7-6-81 / Change in existing nonattainment designation for particulate matter (TSP) for an area in City of Dallas (Dallas 3) to attainment; comments by 8-5-81

11126 2-5-81 / Hazardous waste management system; standards applicable to owners and operators of treatment, storage, and disposal facilities permit program; comments by 8-4-81

[Corrected at 46 FR 11680, 2-10-81]

28314 5-26-81 / Standards applicable to owners and operators of hazardous waste treatment, storage and disposal facilities; comments by 8-4-81

FEDERAL COMMUNICATIONS COMMISSION

36871 7-16-81 / Amendment of the Commission's rules to allocate spectrum for, and to establish other rules and policies pertaining to, the use of radio in Digital Termination Systems for the Provision of Digital Communications Services; Order extending time for filing replies to oppositions to petitions for reconsideration; comments by 8-7-81

35532 7-9-81 / Elimination of harmful interference to radio communications involving safety to life and protection of property; reply comments by 8-3-81

35130 7-7-81 / FM broadcast station in Emporia, Kans.; proposed changes in table of assignments; comments by 8-7-81

35129 7-7-81 / FM broadcast station in Eureka Springs, Ark.; proposed changes in table of assignments; comments by 8-7-81

36217 7-14-81 / Use of subsidiary communications authorization for utility load management; comments extended to 8-7-81

[*See also* 46 FR 31290, 6-15-81]

FEDERAL MARITIME COMMISSION

32459 6-23-81 / Exemption of exclusive equipment interchange agreements from the filing and approval requirements of section 15 of the Shipping Act, 1916; comments by 8-7-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

35086 7-7-81 / Sodium zinc potassium polyphosphate; indirect food additives; (final rule); objections by 8-6-81

35087 7-7-81 / Tetrakis [methylene (3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate)]-methane; indirect food additives; (final rule); objections by 8-6-81

25107 5-5-81 / Vaginal contraceptive drug products for over-the-counter human use; establishment of a monograph; extension of time for comments; reply comments by 8-3-81

[Originally published at 45 FR 82014, 12-12-80]

INTERIOR DEPARTMENT

Fish and Wildlife Service—

29490 6-2-81 / Endangered and threatened wildlife and plants; propose redefinition of "harm"; comments by 8-3-81

INTERSTATE COMMERCE COMMISSION

32289 6-22-81 / Alternative Methods of Accounting for railroad track structures; comments by 8-6-81

35194 7-7-81 / Electronic transmission of loss and damage claims and freight bills; comments by 8-6-81

30839 6-11-81 / Elimination and accounting and reporting requirements of class II railroads; comments by 8-3-81

32460 6-23-81 / Interchange policies at international boundary lines; comments by 8-7-81

JUSTICE DEPARTMENT

Attorney General—

35301 7-8-81 / Exemption of the alcoholism program system from access provisions of the Privacy Act; comments by 8-7-81

Drug Enforcement Administration—

29484 6-2-81 / Schedules of controlled substances; proposed placement of ketamine into schedule III; comments by 8-3-81

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

32601 6-24-81 / Administrative matters, required sources of supplies and services, and transportation; availability of segment of draft Federal acquisition regulation; comments by 8-7-81

NUCLEAR REGULATORY COMMISSION

29712 6-3-81 / Upgraded emergency preparedness for certain fuel cycle and material licensees; comments by 8-3-81

STATE DEPARTMENT

30648 6-10-81 / Access to information—Privacy provisions; comments by 8-4-81

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration

32287 6-22-81 / Transportation of natural and other gas and hazardous liquids by pipeline; line markers at navigable waterways; comments by 8-6-81

29968 6-4-81 / Wet electric storage batteries; transportation requirements; comments by 8-3-81

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

34816 7-6-81 / Wine, distilled spirits, and malt beverages; ingredient labeling; comment period extended to 8-5-81 [*See also* 46 FR 24962, 5-4-81]

Customs Service—

34598 7-2-81 / Customs regulations; amendments relating to the importation of certain fresh, chilled, or frozen beef; comments by 8-3-81

VETERANS ADMINISTRATION

35123 7-7-81 / Post-liquidation agreements for indemnification of mobile home holders; clarification of regulations governing foreclosure or repossession of mobile home loans; comments by 8-6-81

Next Weeks Meetings:

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

36722 7-15-81 / Agency Decisional Processes Committee, Washington, D.C. (open), 7-31-81

AGRICULTURE DEPARTMENT

Forest Service—

33064 6-26-81 / East Carson National Forest Grazing Advisory Boards, Penasco, N. Mex. (open), 8-1-81

35323 7-8-81 / Continental Divide National Scenic Trail Advisory Council, Denver, Colo. (open), 7-30, 7-31 and 8-1-81

Science and Education Administration—

33573 6-30-81 / National Agricultural Research and Extension Users Advisory Board, Seattle, Wash. (open), 7-29 through 7-31-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

33396 6-29-81 / Humanities National Council Advisory Committee, Washington, D.C. (closed), 7-30-81

00000 7-15-81 / National Council on the Arts, Washington, D.C. (open), 7-31 through 8-2-81

35588 7-9-81 / Visual Arts Advisory Panel, Washington, D.C. (open), 7-30-81

CIVIL RIGHTS COMMISSION

32299 6-22-81 / Connecticut Advisory Committee, Cromwell, Conn. (open), 7-28-81

34612 7-2-81 / Washington Advisory Committee, Seattle, Wash. (open), 7-29-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

35139 7-7-81 / National Marine Fisheries Service and Fish and Wildlife Service, Discussion of Emergency Striped Bass Study as authorized by the amended Anadromous Fish Conservation Act, Wash., D.C. (open), 7-27-81

35717 7-10-81 / New England Fishery Management Council, Danvers, Mass. (open), 7-28 and 7-29-81

34360 7-1-81 / Western Pacific Fishery Management Council, Scientific and Statistical Committee and its Advisory Panel, Kailua-Kona, Hawaii, (open), 7-29 through 7-31-81

DEFENSE DEPARTMENT

Army Department—

32607 6-24-81 / Army Science Board, Washington, D.C. (closed), 7-28-81

Engineers Corps, Army Department—

32303 6-22-81 / National Hydropower Study, Fort Belvoir, Va. (open), 7-26 through 8-1-81

Office of the Secretary—

31305 6-15-81 / DOD Advisory Group on Electronic Devices, Working Group D (Mainly Laser Devices), Lexington, Mass. (closed), 7-29 and 7-30-81

31917 6-18-81 / DOD Wage Committee, Washington, D.C. (closed), 7-28-81

33356 6-29-81 / Defense Science Board Task Force on EW, Washington, D.C. (closed), 7-27-81

EDUCATION DEPARTMENT

36731 7-15-81 / Intergovernmental Advisory Council on Education, Washington, D.C. (partially open), 7-30 and 7-31-81

ENERGY DEPARTMENT

34624 7-2-81 / National Petroleum Council, Arctic Oil and gas Resources Committee, Environmental Protection Task Group, Anchorage, Alaska (open), 7-28-81

Federal Energy Regulatory Commission—

34635 7-2-81 / Idaho Power Co.; intent to prepare an environmental impact statement, Gooding, Idaho (open), 7-28-81

ENVIRONMENTAL PROTECTION AGENCY

33626 6-30-81 / Benefits analysis of National Ambient Air Quality Standards for sulfur oxides and particulate matter, Raleigh, N.C. (open), 7-27 and 7-28-81

33364 6-29-81 / Revised Motor Vehicle Compliance Program, Washington, D.C. (open), 7-29 and 7-30-81

FEDERAL COMMUNCIATIONS COMMISSION

35184 7-7-81 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 7-28-81

FEDERAL RESERVE SYSTEM

35786 7-10-81 / Consumer Advisory Council, Washington, D.C. (open), 7-29 and 7-30-81

HEALTH AND HUMAN SERVICES DEPARTMENT

National Institutes of Health—

33655 6-30-81 / Biometry and Epidemiology Contract Review Committee, National Cancer Institute, Bethesda, Md. (partially open), 7-30 and 7-31-81

29335 6-1-81 / Clinical Cancer Program Project and Cancer Support Review Committee, Bethesda, Md. (partially open), 7-30 through 8-1-81

32317 6-22-81 / General Research Support Review Committee, Bethesda, Md. (partially open), 6-25 and 6-26-81 rescheduled to 7-30 and 7-31-81

[*See also* 46 FR 24302, 4-30-81]

Public Health Service—

35553 7-9-81 / National Council on Health Care Technology, Washington, D.C. (closed), 7-30-81

INTERIOR DEPARTMENT

Land Management Bureau—

30706 6-10-81 / Battle Mountain Grazing Advisory Board, Tanopah, Nev. (open), 7-28 and 7-29-81

35562 7-9-81 / Elko District Advisory Council, Elko, Nev. (open), 7-30-81

33372 6-29-81 / Fairbanks District Advisory Council, Fairbanks, Alaska (open), 7-28 through 7-30-81

31777 6-17-81 / Moab District Grazing Advisory Board, Moab, Utah (open), 7-27-81

30705 6-10-81 / Multiple Use Advisory Council, Moab, Utah (open), 7-30 and 7-31-81

National Park Service—

35991 7-13-81 / Upper Delaware National Scenic and Recreation River Planning Team, Shohola, Pa. (open), 7-28-81

NATIONAL SCIENCE FOUNDATION

35829 7-10-81 / Earth Sciences Geophysics Advisory Committee, Geophysics Subcommittee, Princeton, N.J. (closed), 7-31 through 8-2-81

35829 7-10-81 / International Programs Advisory Committee, Washington, D.C., (open), 7-28 through 7-29-81

NUCLEAR REGULATORY COMMISSION

36017 7-13-81 / Reactor Safeguards Advisory Committee, Subcommittee on Reliability and Probabilistic Assessment, Inglewood, Calif. (open), 7-28 and 7-29-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

36032 7-13-81 / Radio Technical Commission for Aeronautics, Special Committee 146 on Airborne Automatic Direction Finding Equipment, Washington, D.C., (open), 7-29 and 7-30-81

Federal Railroad Administration—

32888 6-25-81 / Revision of State participation in railroad safety inspections and investigations, Washington, D.C., 7-30-81

TREASURY DEPARTMENT

Office of the Secretary—

35240 7-7-81 / Debt Management Advisory Committee, Washington, D.C., (closed), 7-28 and 7-29-81

VETERANS ADMINISTRATION

32989 6-25-81 / Station Committee on Educationsl Allowances, Muskogee, Okla., 7-28-81

Next Week's Public Hearings

ENERGY DEPARTMENT

Western Area Power Administration—

19808 3-31-81 / Power allocation applications; power marketing plan; draft plan recommendations, Sacramento, Ca., 7-27-81

ENVIRONMENTAL PROTECTION AGENCY

31279 6-15-81 / Hazardous Waste Management Program, Virginia Application for Interim Authorization, Phase I, Richmond, Va., 7-30-81

34698 7-2-81 / Predator control toxicants; information-gathering sessions, Denver, Colo., 7-28 and 7-29-81 and Washington, D.C., 7-31-81

INTERIOR DEPARTMENT

Land Management Bureau—

35562 7-9-81 / Casper District Office, Powder River Regional Coal Team, Casper, Wyo., 7-29 and Billings, Mont., 7-30-81

28951 5-29-81 / Outer Continental Shelf Offshore Southern California; availability of a draft environmental impact statement; proposed oil and gas lease sale No. 68, Santa Barbara, Calif., 7-28 and 7-29-81 and Long Beach, Calif., 7-30 and possibly 7-31-81

Surface Mining Reclamation and Enforcement Office—

34748 7-2-81 / Permanent and Interim Regulatory Programs; effluent limitations and sedimentation pond design criteria, Kansas, Mo., 7-28 and Denver, Colo., 7-30-81

34748 7-2-81 / Permanent and Interim Regulatory Programs; effluent limitations and sedimentation pond design criteria, Charleston, W.Va., 7-21 and Washington, D.C., 7-23-81

34348 7-1-81 / Permanent Regulatory Programs for Non-Federal and Non-Indian Lands, Washington, D.C., 7-28-81

INTERNATIONAL TRADE COMMISSION

32694 6-24-81 / Certain Modular pushbutton switches and components thereof, Washington, D.C., 7-27-81

LIBRARY OF CONGRESS

Copyright Office—

30649 6-4-81 / Compulsory License for Cable Systems, Washington, D.C., 7-28-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

00 7-13-81 / Metropolitan Washington Airports, Washington, D.C., 7-28 and 7-29-81

Federal Railroad Administration—

32889 6-25-81 / Revision of State safety participation regulations, Washington, D.C., 7-30-81

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

RULES GOING INTO EFFECT

36338 7-14-81 / ED—Law School Clinical Experience Program; final regulations

Note: Effective date of regulations will be published in the Federal Register at a later date.

APPLICATIONS DEADLINES

35990 7-13-81 / HHS / PHS—Cooperative agreements to Support a National Health Promotion Training Network; apply by 8-12-81

MEETINGS

36016 7-13-81 / NFAH—Humanities National Council Advisory Committee, Washington, D.C., (partially open), 8-13 and 8-14-81

OTHER ITEMS OF INTEREST

35953 7-13-81 / Commerce / Sec'y—Department administrative order on grants administration; effective 1-12-81

37072 7-17-81 / ED—National Direct Student Loan, College Work-Study and Supplemental Opportunity Grant; list of approved need analysis systems that institutions of higher education must use in making awards to students during 1981–1982

35991 7-13-81 / HUD / CPD—Director and Deputy Director, Office of Field Operations and Monitoring; Redelegation of Authority With Respect to the Transfer of and Administration of Appalachian Regional Commission, Title V Regional Commission, and Department of Defense Funds Under the Community Development Block Grant Program and the Comprehensive Planning Assistance Program

37101 7-17-81 / Labor / ETA—CETA; migrant and seasonal farmworker program; submission of preapplications for fiscal assistance for fiscal year 1982

36016 7-13-81 / NFAH—Handicapped; notice to all recipients of Federal financial assistance; compliance with section 504, Rehabilitation Act

36784 7-15-81 / NSF—Notification to recipients of federally assisted programs to comply with non-discrimination provisions for handicapped

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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