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Wednesday
September 2, 1981

Highlights

Briefings on How To Use the Federal Register—For details on briefing in **Lexington, Ky.**, see announcement in the **Reader Aids** section at the end of this issue.

44144 **Mediterranean Fruit Fly** USDA/APHIS imposes restrictions on interstate movement of regulated articles from portions of Los Angeles and San Benito Counties and remaining portion of Santa Cruz County.

44007 **Water Resources** USDA/FS proposes standards and procedures for water resource projects on wild and scenic rivers.

44140 **Grant Programs—Education** ED amends regulations for award of grants under Bilingual Education Training Projects Program. (Part II of this issue)

43966 ED issues final regulations for Continuing Education Outreach—Special Projects Program.

44122 **Veterans' Housing** VA announces availability of Condominium Program evaluation.

43963 **Social Security** HHS/SSA requires States and interstate instrumentalities to deposit contributions within 30 days after the end of each calendar month in which wages are paid.

43998 **Railroad Retirement** RRB proposes revision of regulations on annuity beginning and ending dates.

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Highlights

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There are no restrictions on the republication of material appearing in the **Federal Register.**

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

43955 **Aliens** Justice/INS changes rules on assignment of general attorneys to exclusion and deportation cases.

44055 **Federal Reserve System** FRS announces change in Federal Open Market Committee authorization for domestic open market operations.

44055 FRS issues Federal Open Market Committee Domestic Policy Directive of July 6–7, 1981.

44121 **Revenue Sharing** Treasury/RSO announces final date of adjustment demands and close of data definitions.

43957 **Air Rates and Fares** CAB revokes requirement that certified carriers provide fare summaries at all ticketing locations.

43958, 43959 **Air Carriers and Air Taxis** CAB exempts air carriers and air taxi operators from certain requirements of the Federal Aviation Act. (5 documents)

43960 CAB revises consumer credit regulations.

44083 **Environmental Protection** Mexico and United States, International Boundary and Water Commission prescribes policies and procedures to implement the National Environmental Policy Act and related laws and Executive orders.

43972 **Water Pollution Control** EPA extends compliance date for pretreatment standards for non-integrated electroplating facilities.

43976 **Endangered and Threatened Wildlife** Commerce/NOAA modifies sea turtle resuscitation procedures.

44000 **Liquor** Treasury/ATF proposes deregulation of bottle manufacturing industry.

43961 **Exports** Commerce/ITA requires validated license for export of technical data related to crime control and detection commodities.

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 915

Avocados Grown in South Florida; Amendment of Container Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment of the Florida avocado container regulation permits the use of another container for export shipments. This action is designed to promote orderly marketing and expand export markets for Florida avocados.

EFFECTIVE DATE: September 1, 1981.

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

SUPPLEMENTARY INFORMATION: This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This final rule amends § 915.305, effective Under 7 CFR Part 915—Subpart—Container and Pack Regulations, by authorizing the use of an additional container to be used only for export shipments. The container being authorized has inside dimensions of 14$^{9}/_{16}$ inches x 11$^{9}/_{16}$ inches x 4$^{3}/_{16}$ inches. The rule requires that avocados packed in such container be placed in one layer only and specifies a minimum net weight requirement of 8.8 pounds of avocados. The amendment permits the use of containers of a more appropriate size for packing avocados for the export market, especially Europe. This action is necessary to provide for standardized packing practices, maintain orderly marketing conditions and expand export markets for Florida avocados.

This amendment is issued under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Avocado Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this amendment until 30 days after publication in the **Federal Register** (5 U.S.C. 553), in that (1) the handling of Florida avocados is now in progress subject to container and pack regulations effective under the order, (2) the committee recommended the amendment at a public meeting at which all interested parties were afforded an opportunity to express their views, and (3) the amendment relieves restrictions on the handling of Florida avocados.

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

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Accordingly, § 915.305 is revised to read as follows:

§ 915.305 Florida avocado container regulation 5.

(a) On and after September 1, 1981, no handler shall handle any avocados for the fresh market from the production area to any point outside thereof in containers having a capacity of more than 4 pounds of avocados unless such containers meet the requirements specified in this section: *Provided*, That the containers authorized in this section shall not be used for handling avocados for commercial processing into products pursuant to § 915.55(c).

(1) Containers with inside dimensions of 11⅜ x 16 x 11 or 11 x 16¾ x 10 or 13½ x 16½ x 9 inches: *Provided*, That (i) the net weight of the avocados in such a container shall be not less than 34 pounds, except that for avocados of unnamed varieties, which are avocados that have not been given varietal names, and for Booth 1, Fuchs, and Trapp varieties, such weight shall be not less than 32 pounds; (ii) with respect to each lot of such containers, not to exceed 10 percent, by count, of the individual containers in the lot may fail to meet the applicable specified weight but no container in such lot may contain a net weight of avocados exceeding 2 pounds less than the specified net weight, and (iii) each avocado in such container in a lot shall weigh at least 16 ounces, except that not to exceed 10 percent, by count, of the fruit in the lot may fail to meet such weight requirement but not more than double such tolerance shall be permitted for an individual container in the lot.

(2) Containers with inside dimensions of 14$^{9}/_{16}$ x 11$^{9}/_{16}$ x 4$^{3}/_{16}$ inches: *Provided*, That such containers shall only be used for export shipments.

(3) Containers with inside dimensions of 13½ x 16½ x 3¼ inches.

(4) Containers with inside dimensions of 13½ x 16½ x 3¾ inches.

(5) Containers with inside dimensions of 13½ x 16½ x 4½ inches.

(6) Containers with inside dimensions of 13½ x 16½ x 5 inches.

(7) Containers with inside dimensions of 13½ x 16½ x 6 inches.

(8) Containers with inside dimensions of 13½ x 16½ and depth varying from 6½ to 8 inches.

(9) Such other types and sizes of containers as may be approved by the Avocado Administrative Committee for testing in connection with a research project conducted by or in cooperation with the said committee: *Provided*, That the handling of each lot of avocados in such test containers shall be subject to the prior approval, and under the supervision, of the Avocado Administrative Committee.

(10) With respect to the containers prescribed in paragraph (a)(2) of this section, all avocados packed in such containers shall be placed in one layer only and the net weight of all avocados in any such container shall be not less than 8.8 pounds: *Provided,* That not to exceed five percent, by count, of such containers in any lot may fail to meet such weight requirement.

(11) With respect to the containers prescribed in paragraphs (a)(3) through (a)(7) of this section, all avocados packed in such containers shall be placed in one layer only and the net weight of all avocados in any such container shall be not less than 12½ pounds: *Provided,* That not to exceed 5 percent, by count, of such containers in any lot may fail to meet such weight requirement.

(12) With respect to the containers prescribed in paragraph (a)(8) of this section, all avocados in such containers shall be placed in two layers and the net weight of the avocados in any such container shall be not less than 25 pounds: *Provided,* That not to exceed 5 percent, by count, of such containers in any lot may fail to meet the applicable net weight requirement: *Provided further,* That the requirement as to placing avocados in two layers only shall not apply to such container if each of the avocados therein weighs 14 ounces or less.

(b) The limitations set forth in paragraph (a) of this section shall not apply to master containers for individual packages of avocados: *Provided,* That the individual packages within such master container are of a capacity not exceeding four pounds and the markings or labels, if any, on such packages do not conflict with the markings or labels on the master container.

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

Dated August 28, 1981, to become effective September 1, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-25683 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1079

Milk in the Iowa Marketing Area; Temporary Revision of Shipping Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rules.

SUMMARY: This action temporarily relaxes the shipping requirements for pool supply plants under the Iowa Federal milk marketing order for the months of September, October and November 1981 to prevent uneconomic shipments of milk to the market and to maintain the pool status of producers who regularly supply the market. The revisions are made in response to a request of a pool supply plant operator who ships milk to several distributing plants regulated under the order.

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, United States Department of Agriculture, Washington, D.C. 20250, 202–447–7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding: proposed temporary revision of shipping percentages: issued August 6, 1981; published August 11, 1981 (46 FR 40703).

This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, not a major action.

Also, it has been determined that the need for adjusting certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register.** However, this would not permit the completion of the procedure in time to give interested parties timely notice that supply plant shipping requirements for September 1981 would be modified. The initial request for the action was received on July 30, 1981.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to assure that the market would be adequately supplied with milk for fluid use with a smaller proportion of milk shipments from pool supply plants.

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1079.7(b)(1) of the Iowa milk order.

Notice of proposed rulemaking was published in the **Federal Register** (46 FR 40703) concerning a proposed decrease in the shipping requirements for pool supply plants for the months of September, October, and November 1981. The public was afforded the opportunity to comment on the proposal by submitting written data, views and arguments. Seven comments were received in favor of the proposed reduction. No comments in opposition to the proposal were received.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and agruments filed, and other available information, it is hereby found and determined that the supply plant shipping percentage should be lowered by 10 percentage points from the present 35 percent to 25 percent for each of the months of September, October, and November 1981.

Pursuant to the provisions of § 1079.7(b)(1) the supply plant shipping percentages set forth in § 1079.7(b) may be increased or decreased by up to 10 percentage points during any month to encourage additional milk shipments to pool distributing plants for Class I use or to remove the need for milk shipments to such plants merely to qualify a supply plant for pooling under the order.

For the first seven months of 1981, the proponent has been "back-hauling" an average of 1.1 million pounds of milk per month from a pool distributing plant. "Back-hauling" means that milk is hauled to a plant for use there, but that some of it that is not needed is hauled back to the supply plant. The proponent has projected that during September, October and November 1981 he would be required to back-haul more than 5 million pounds each month in order to satisfy the supply plant shipping requirements if the temporary revision is not granted. The impact of the back-hauling has been to assure the continued pooling of the supply plant which has regularly supplied the market. If the supply plant shipping percentage is not reduced, as provided herein, the uneconomic movement of milk to assure pooling for the proponent's plant, and any others similarly affected, will have to continue during September, October and November.

The proposed reduction was supported by another proprietary handler supplying the market. This handler stated that the 35 percent fall season shipping requirement for supply plants was structured during a period of significantly higher Class I utilization in the market than is reflected in the current data. He stated that the average Class I utilization of producer receipts during 1977 and 1978 was 44 and 42 percent, respectively; and that during 1980, this utilization had dropped to 34.7

percent. He further stated that each month of 1981 has reflected a further reduction in Class I utilization over 1980. He concluded by urging a reduction of the supply plant shipping requirement to reflect current marketing conditions.

Five cooperative associations supported the full 10 percentage point reduction in the supply shipping percentage.

For the first seven months of 1981, producer milk receipts for the market were about 16 percent greater than for the same months last year while pounds of pooled Class I milk were 5.8 percent more than for the comparable period last year. From the market data available, it is estimated that for the months of September through November 1981, pooled producer milk will be greater than the same period last year while the volume of pooled Class I milk for the market will be only slightly above last year.

It is concluded from these data that producer milk supplies for the market, currently and prospectively, are increasing substantially more than Class I sales, and that consideration for lowering the supply plant shipping percentage temporarily is warranted.

The shipping percentage reductions are aimed at facilitating the delivery of milk to the market from supply plants for Class I use without requiring uneconomic shipments merely for pooling purposes. It is concluded that the supply-demand conditions in the market warrant a lowering of the shipping requirements, as set forth above, on a temporary basis.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of September, October and November, 1981;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of the proposed temporary revision was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision. All comments received were in favor of the proposal.

Therefore, good cause exists for making this temporary revision effective upon publication of this document in the **Federal Register**. (September 2, 1981).

It is therefore ordered, That the aforesaid provisions of the order are hereby revised for the months of September, October and November 1981.

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

Effective date: September 2, 1981.

Signed at Washington, D.C., on August 27, 1981.

H. L. Forest,

Director, Dairy Division.

[FR Doc. 81-25543 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 236 and 242

Exclusion of Aliens; Proceedings to Determine Deportability of Aliens in the United States: Apprehension, Custody, Hearings, and Appeal; Authority To Assign Trial Attorneys Revised

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule gives authority to the Immigration and Naturalization Service's chief legal officers, under the general supervision of the district directors, to assign general attorneys to exclusion and deportation cases. It also eliminates the power of the immigration judges to have general attorneys assigned to cases where the immigration judges request it. These amendments are based on the Service's Attorney Consolidation Plan, which provides that chief legal officers have immediate control over the general attorneys. The Service finds the assignment of general attorneys in every case where requested by the immigration judge to be unnecessary in certain uncontested cases. These amendments should result in more effective use of attorney time.

EFFECTIVE DATE: August 31, 1981.

FOR FURTHER INFORMATION CONTACT:

For general information:
Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536; Telephone: (202) 633–3048

For specific information:
Paul W. Schmidt, Deputy General Counsel, Immigration and Naturalization Service, 425 I Street, N.W., Washington, DC 20536; Telephone: (202) 633–3195

SUPPLEMENTARY INFORMATION: On July 28, 1980, the Associate Attorney General of the Department of Justice approved the Attorney Consolidation Plan to consolidate all Immigration and Naturalization Service attorney functions under the direction of the INS General Counsel. The plan developed from a joint study by INS and the Justice Management Division of the Department. Under this plan, supervisory attorney, designated as chief legal officers, have been named in each district office.

Previously, 8 CFR 236.2(c) and 242.9(b) provided for the district director to assign a trial attorney under specified circumstances only. This amendment to 8 CFR 236.2(c) and 242.9(b) substitutes "general attorney" for each reference to "trial attorney" and provides for the chief legal officer, under the district director's supervision, to assign a general attorney in specified cases. This amendment recognizes that the chief legal officers are the immediate supervisors of the general attorneys. The amendment should lead to the efficient assignment of attorneys within the discretion of the chief legal officers and their supervisors, the district directors.

The former 8 CFR 236.2(c) and 242.9(b) also provided for assignment of a trial attorney at the immigration judge's request. This amendment to 8 CFR 236.2(c) deletes that provision. Removal of this provision should result in more efficient use of attorney time. The mandatory assignment of attorneys to uncontested cases, including multiple deportation hearings where there are no issues of deportability, in every case when requested by the immigration judge is eliminated.

This amendment is exempt from sections 2 and 3 of Executive Order 12291 of February 17, 1981, under section 1(a)(3) of that order. The requirements of 5 U.S.C. 553 as to notice and delayed effective date are inapplicable because the rule relates to internal management functions.

In accordance with 5 U.S.C. 605(b), the Commissioner certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Accordingly, Chapter 1 of Title 8 of the Code of Federal Regulations is amended as follows:

PART 236—EXCLUSION OF ALIENS

In § 236.2, paragraph (c) is revised to read as follows:

§ 236.2 Hearing.

* * * * *

(c) *General attorney.* The district director shall direct the chief legal officer to assign a general attorney to each case in which an applicant's nationality is in issue. The district director may direct the chief legal officer to assign a general attorney to any case in which the district director deems such assignment necesary or advantageous. The duties of the general attorney include, but are not limited to, the presentation of evidence and the interrogation, examination, and cross-examination of the applicant and other witnesses. Nothing contained herein diminishes the authority of an immigration judge to conduct proceedings under this part.

* * * * *

(Secs. 103, and 236; 8 U.S.C. 1103, and 1226)

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

In § 242.9, paragraph (b) is revised to read as follows:

§ 242.9 Trial attorney.

* * * * *

(b) *Assignment.* The district director shall direct the chief legal officer to assign a general attorney to each case within the provisions of § 242.16(c) of this part, and to each case in which an unrepresented respondent is incompetent or under 16 years of age, and is not accompanied by a guardian, relative or friend. A general attorney shall be assigned to every case in which the Commissioner approves the submission of nonrecord information under § 242.17(a) of this part. In his discretion, whenever he deems such assignment necessary or advantageous, the district director may direct the chief legal officer to assign a general attorney to any other case at any stage of the proceeding.

* * * * *

(Secs. 103, and 242; 8 U.S.C. 1103, and 1252)

Dated: August 25, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-25481 Filed 9-1-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 331

[Docket No. 81-033F]

Designation of the State of Michigan Under the Federal Meat Inspection Act

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Secretary of Agriculture hereby designates the State of Michigan under section 301(c)(3) of the Federal Meat Inspection Act. The Governor of the State of Michigan has advised this Department that the State of Michigan will no longer be in a position to continue administering a State meat inspection program after October 2, 1981. Accordingly, effective October 3, 1981, all establishments operating under the Michigan meat inspection program shall be subject to the provisions of titles I and IV of the Federal Meat Inspection Act. By this designation, the Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Michigan, of administering the meat inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within that State.

The provisions concerning designated States are found in Part 331, Subchapter A, Chapter III, Title 9 of the Code of Federal Regulations.

EFFECTIVE DATES: This notice of designation is effective as of September 2, 1981.

The effective date of this amendment is October 3, 1981.

As a result of this amendment, the provisions of titles I and IV of the Federal Meat Inspection Act (9 CFR Part 331) will apply to such establishments and intrastate operations wholly within the State of Michigan on and after October 3, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Joe Blair, Director, Federal-State Relations Branch, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-6313.

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." The Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Michigan, of administering the meat inspection program with respect to establishments operating, and intrastate operations and transactions, wholly within that State. This action is being taken because the State of Michigan indicated it was no longer in a position to enforce requirements with respect to said establishments at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Since the Govenor of the State of Michigan has advised the United States Department of Agriculture that the State-operated meat inspection program will be discontinued due to the lack of funding, the Federal Government is mandated by law to assume the responsibilities for the meat inspection program with respect to establishments operating, and intrastate operations and transactions wholly within the State. Therefore, no alternative actions under the law are available to the Department.

Effect on Small Entities

Dr. Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. As stated above, the U.S. Department of Agriculture, pursuant to law, is assuming the responsibility, previously held by the State of Michigan, of administering the meat inspection program with respect to establishments operating, and operations and transactions, wholly within that State. This action will affect approximately 349 heretofore State inspected establishments in Michigan, most, if not all, of which may be presumed to be small businesses. However, this is not a substantial number of establishments given the approximately 10,000 small meat establishments nationwide, which are either federally or State inspected. Additionally, the application of certain Federal facility and other requirements to such establishments will be flexible insofar as each facility will be reviewed with regard to the circumstances peculiar to that establishment. Furthermore, it is not anticipated that significant costs will be incurred by

these Michigan establishments as a result of this action. Those specific establishments for which some upgrading of facilities is indicated will be provided up to 36 months in which to make such changes.

Background

The Governor of the State of Michigan has advised this Department that the State of Michigan will no longer be in a position to continue administering the State meat inspection program after October 2, 1981, and has requested the Department to assume the responsibility for carrying out the provisions of titles I and IV of the Federal Meat Inspection Act, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State, and with respect to intrastate operations and transactions concerning meat and meat food products and other articles and animals subject to the Federal Meat Inspection Act, and persons, firms, and corporations engaged therein.

The Secretary heretofore determined that the State of Michigan had developed and activated requirements at least equal to the requirements under titles I and IV of the Federal Meat Inspection Act. However, such titles contemplate a continuous, ongoing program, and in view of the termination date now applicable to the Michigan program, it is hereby determined that Michigan is not effectively enforcing requirements at least equal to those imposed under titles I and IV of the Federal Meat Inspection Act. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under section 301(c)(3) of the Federal Meat Inspection Act.

On and after October 3, 1981, the provisions of titles I and IV of the Federal Meat Inspection Act shall apply to intrastate operations and transactions in said State, and to persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce", within the meaning of the Federal Meat Inspection Act, and any establishment in the State which conducts any slaughtering or preparation of carcasses or parts or products thereof, as described above, must have Federal meat inspection or cease its operations, unless it qualifies for an exemption under section 23(a) or 301(c) of the Federal Meat Inspection Act.

Therefore, the operator of each such establishment who desires to continue any such operations after October 2, 1981, should immediately communicate with the Regional Director for Meat and Poultry Inspection as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment: Dr. K. O. McDougall, Director, North Central Region, Meat and Poultry Inspection Operations, U.S. Department of Agriculture, Room 419, U.S. Courthouse Building, East First and Walnut Streets, Des Moines, Iowa 50309, (515) 862–4042.

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Accordingly, Part 331 is amended to read as follows:

1. The authority citation for Part 331 reads as follows:

Authority: Secs. 21 and 301, 81 Stat. 584, 588, 592, 593, 595; 21 U.S.C. 621, 661.

§ 331.2 [Amended]

2. The table in § 331.2 of the Federal meat inspection regulations (9 CFR 331.2) is amended as follows:

In the "State" column, "Michigan" is added immediately below "Massachusetts".

In the "Effective date of application of Federal provisions" column, "October 3, 1981," is added on the line with "Michigan".

Donald L. Houston, Administrator, Food Safety and Inspection Service, has determined that it is necessary to designate the State of Michigan immediately, in accordance with section 301(c) of the Federal Meat Inspection Act, in order to carry out the Secretary's responsibilities under the Act.

Therefore, it does not appear that additional relevant information would be made available to the Secretary by public participation in this rulemaking proceeding. Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedures are impracticable and contrary to public interest.

Done at Washington, D.C. on August 17, 1981.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 81-25377 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-DM-M

CIVIL AERONAUTICS BOARD

14 CFR Part 221a

[Docket 35139; ER-1240]

Fare Summaries at Ticketing Locations; Removal of Requirement

AGENCY: Civil Aeronautics Board.

ACTION: Revocation of rule.

SUMMARY: The CAB is revoking its requirement, already suspended, that certificated carriers provide fare summaries at all ticketing locations. This action is taken because the rule imposed significant burdens on the carriers without corresponding benefits for consumers.

DATES: Adopted: August 17, 1981. Effective: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Rules & Legislation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5442.

SUPPLEMENTARY INFORMATION: In 1976, the Board adopted 14 CFR Part 221a, *Fare Summaries*. Until the effectiveness of that rule was suspended, Part 221a required certificated air carriers to provide consumers with pamphlets containing concise and easily understandable fare information at all ticket counters or by mail. The summaries listed both normal and discount fares, and the major qualifying conditions for each fare. The pamphlets had to be updated within 30 days of major changes or within 6 months of any minor changes.

American Airlines petitioned the Board to modify Part 221a to eliminate much of the required "forbidding detail," so that the summaries would be more comprehensible to the public. Delta argued that the entire rule should be revoked in order to give carriers flexibility to develop the most effective means to inform the public of their fares. In Order 79–8–116, August 23, 1979, the Board suspended the effectiveness of Part 221a because the rule appeared to impose significant burdens without corresponding benefits for consumers. The rule was temporarily suspended rather than revoked, pending a review of whether the rule should be amended to make it more usable to the public, or if it should be revoked. During this interim period, certificated carriers have not been required to provide fare summaries.

In EDR–424, 46 FR 25637, May 8, 1981, the Board proposed to revoke Part 221a. Since the Deregulation Act, discount

fares and their accompanying restrictions have been changing rapidly so that published information is often out of date. When the rule was in effect, relatively few passengers were aware that the summaries existed. A large percentage of passengers chose their flight and fare during a telephone conversation with a reservation clerk or a travel agent, so that they were not able to pick up a fare summary at a ticket sales location. Some passengers found the fare summaries too complex to understand. The information was of limited value to others because the summaries included only fares offered by a single carrier.

Comments on EDR-424 were filed by Air Midwest, American, Delta, Northwest Orient, Republic and one individual, Ted Mashos. All the carriers fully supported revocation of the rule. They noted that although the summaries were costly to produce, they were not an effective means of communicating fare information. Northwest observed that fare competition is now an established fact of life and fare advertising is one of a carrier's most important competitive tools. Only Mr. Mashos supported a continuation of the rule, arguing that fare summaries are the most effective method of assisting the traveler in pricing. Carriers, however, will still be free to offer pamphlets listing their fares. The revocation of this rule merely removes unnecessary governmental oversight, and gives carriers flexibility in their advertising methods.

Final Regulatory Flexibility Analysis

No comments were filed in response to the initial regulatory flexibility analysis in EDR-424. We have decided to revoke, rather than modify, Part 221a because we find that carriers themselves can best decide how to advertise their fares. The discussion above constitutes the Board's final regulatory flexibility analysis of this rule, pursuant to 5 U.S.C. 604. Copies of this document can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428, (202) 673-5432, by referring to the "ER" number at the top of the document.

PART 221a [REMOVED]

Accordingly, the Civil Aeronautics Board removes 14 CFR Part 221a, *Fare Summaries.*

(Secs. 204, 403, Pub. L. 96-726, as amended, 72 Stat. 743, 758; 49 U.S.C. 1324, 1373)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25674 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 291

[Amendment No. 6; ER-1242]

Domestic Cargo Transportation; Exemption Rules

AGENCY: Civil Aeronautics Board.

ACTION: Interpretative amendements.

SUMMARY: The CAB is amending its exemption rules to state clearly the Board's intent that an air carrier is exempt from the requirements of the Federal Aviation Act only if it complies with the terms of the Part containing the exemption.

DATES: Adopted: August 18, 1981. Effective: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Howard M. Schmeltzer, Chief, Legal Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5937.

SUPPLEMENTARY INFORMATION: A complete explanation concerning this amendment is included in ER-1241 issued today.

Since this is an interpretative and not a substantive rule, we find that notice and comment procedures are unnecessary and the rule may be made effective less than 30 days after publication.

PART 291—DOMESTIC CARGO TRANSPORTATION

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 291, *Domestic Cargo Transportation,* as follows:

1. The authority for Part 291 is:

Authority: Secs. 102, 204, 407, 408, 416, and 418, Pub. L. 85-726, as amended, 72 Stat. 740, 743, 766, 767, 771; 91 Stat. 1284; 49 U.S.C. 1302, 1324, 1377, and 1388.

2. The authority citations following §§ 291.31, 291.32 and 291.33 are removed.

3. In § 291.31(a) the introductory language is revised to read:

§ 291.31 Exemptions for the Act for direct air carriers.

(a) Each direct air carrier providing domestic cargo transportation is, with respect to such transportation, exempted from the following section or subsection of the Act only if and so long as it complies with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit it to conduct domestic cargo transportation operations: * * *

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25677 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 296

[Amendment No. 5; Regulation ER-1241]

Air Freight Forwarders and Cooperative Shippers Associations; Exemption Rules

AGENCY: Civil Aeronautics Board.

ACTION: Interpretative amendment.

SUMMARY: The CAB is amending its exemption rules to state clearly the Board's intent that an air carrier or foreign air carrier is exempt from the certification requirements and other requirements of the Federal Aviation Act only if it complies with the terms of the Part containing the exemption.

DATES: Adopted: August 18, 1981. Effective: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Howard M. Schmeltzer, Chief, Legal Division, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5937.

SUPPLEMENTARY INFORMATION: CAB rules (14 CFR 291.31, 296.10, 297.10, 298.11, 372.10 and 380.20) currently exempt air taxis and different classes of direct and indirect U.S. and foreign air carriers from the section 401 certification requirements and other specified sections of the Federal Aviation Act. Certain of these exempted carriers have operating authority from the CAB under sections 101 and 416 of the Act to enable them to provide service to the public without undergoing the time and expense involved in the section 401 certification or section 402 permit process.

When the Board replaced several different forms of charter operations with one form, Public Charters (Part 380), it worded the exemption clause (§ 380.20) to make clear its intent (as expressed, for example, in *Hawaiian Airlines v. Skyway Air Cargo,* 45 CAB 165 (1966)) that an exemption should benefit only charter operators complying with the rules, not those operating in violation of them. Section 380.20 makes the exemption dependent upon the charter operator's compliance with the terms in Part 380, and permits the exemption only so long as the charter operator's compliance continues.

The exemption sections in the various other parts might not make sufficiently clear this intent. These amendments reword the exemption sections in 14 CFR 291.31, 296.10, 297.10, 298.11, and 372.10 to conform to that in § 380.20. As amended, these exemption sections clearly state the Board's intent to deny an exemption to a domestic cargo carrier, U.S. or foreign indirect cargo air carrier, air taxi operator, or overseas military personnel carrier operator violating its rules.

Since this is an interpretative and not a substantive rule, we find that notice and comment procedures are unnecessary and the rule may be made effective less than 30 days after publication.

PART 296—AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATIONS

Accordingly, the Board amends 14 CFR Part 296, *Air Freight Forwarders and Cooperative Shippers Associations*, as follows:

1. The authority for Part 296 is:

Authority: Secs. 101(3), 102, 204, 407, 408, and 416 of Pub. L. 85-726, as amended; 72 Stat. 737, 740, 743, 766, 767, and 771; 49 U.S.C. 1301, 1302, 1324, 1377, 1378, and 1386.

2. In § 296.10, the introductory language of paragraph (a) is revised as follows:

§ 296.10 Relief and exemption from the Act.

(a) Indirect air carriers are hereby relieved from the following provisions of the Act only if and so long as they comply with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit them to organize and arrange their air freight shipments: * * *

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25676 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 297

[Amendment No. 2; ER-1243]

Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations; Exemption Rules

AGENCY: Civil Aeronautics Board.

ACTION: Interpretative amendment.

SUMMARY: The CAB is amending its exemption rules to state clearly the Board's intent that an indirect foreign air carrier is exempt from the foreign air carrier permit process and other requirements of the Federal Aviation Act only if it complies with the terms of the part containing the exemption.

DATES: Adopted: August 18, 1981. Effective: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Howard M. Schmeltzer, Chief, Legal Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5937.

SUPPLEMENTARY INFORMATION: A complete explanation concerning this amendment is contained in ER-1241 issued today.

Since this is an interpretative and not a substantive rule, we find that notice and comment procedures are unnecessary and the rule may be made effective less than 30 days after publication.

PART 297—FOREIGN AIR FREIGHT FORWARDERS AND FOREIGN COOPERATIVE SHIPPERS ASSOCIATIONS

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 297, *Foreign Air Freight Forwarders and Foreign Cooperative Shippers Associations*, as follows:

1. The authority for Part 297 is:

Authority: Secs. 204, 416, Pub. L. 85-726, as amended, 72 Stat. 743, 771; 49 U.S.C. 1324, 1386.

2. In § 297.10, the introductory language is revised to read:

§ 297.10 Exemption from the Act.

Foreign indirect air carriers with an effective registration under this part are exempted from the following section or subsections of the Act only if and so long as they comply with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit them to organize and arrange their air freight shipments: * * *

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25678 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 298

[Regulation ER-1244; Amdt. No. 16]

Classification and Exemption of Air Taxi Operators

AGENCY: Civil Aeronautics Board.

ACTION: Interpretative amendment.

SUMMARY: The CAB is amending its exemption rules to state clearly the Board's intent that an air taxi operator is exempt from the certification requirements and other requirements of the Federal Aviation Act only if it complies with the terms of the part containing the exemption.

DATES: Adopted: August 18, 1981. Effective: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Howard M. Schmeltzer, Chief, Legal Division, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5937.

SUPPLEMENTARY INFORMATION: A fuller explanation concerning this amendment is included in ER-1241, issued today.

Since this is an interpretative and not a substantive rule, we find that notice and comment procedures are unnecessary and the rule may be made effective less than 30 days after publication.

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Accordingly, the Board amends 14 CFR Part 298, *Classification and exemption of air taxi operators*, as follows:

1. The authority for Part 298 is:

Authority: Secs. 204, 401, 407, 416, 418, Pub. L. 85-726, as amended; 72 Stat. 743, 754, 766, 771; 91 Stat. 1284; 49 U.S.C. 1324, 1371, 1386, and 1388.

2. In § 298.11, the introductory language is revised to read:

§ 298.11 Exemption authority.

Air taxi operators are hereby relieved from the following provisions of Title IV of the Act only if and so long as they comply with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit them to conduct air taxi operations; * * *

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25679 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 372

[Regulation SPR-176; Amdt. No. 9]

Overseas Military Personnel Charters

AGENCY: Civil Aeronautics Board.

ACTION: Interpretative amendment.

SUMMARY: The CAB is amending its exemption rules to state clearly the Board's intent that an indirect air carrier is exempt from the certification

requirements and other requirements of the Federal Aviation Act only if it complies with the terms of the part containing the exemption.

DATES: Adopted: August 18, 1981. Effective: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Howard M. Schmeltzer, Chief, Legal Division, Civil Aeronautics Board, 1825 Connecticut Avenue N.W., Washington, D.C. 20428; 202-673-5937.

SUPPLEMENTARY INFORMATION: A fuller explanation concerning this amendment is included in ER-1241, issued today.

Since this is an interpretative and not a substantive rule, we find that notice and comment procedures are unnecessary and the rule may be made effective less than 30 days after publication.

PART 372—OVERSEAS MILITARY PERSONNEL CHARTERS

Accordingly, the Board amends 14 CFR Part 372, *Overseas Military Personnel Charters*, as follows:

1. The authority for Part 372 is:

Authority: Secs. 101(3), 204, 401, 402, 407, and 416 of Pub. L. 85-726, as amended; 72 Stat. 737, 743, 754, 757, 766, and 771; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, and 1386.

2. Section 372.10 is revised to read:

§ 372.10 Exemption.

Charter operators are hereby relieved from the provisions of section 401 of the Act only if and so long as they comply with the provisions of this part and the conditions imposed herein, and to the extent necessary to permit them to organize and arrange overseas military personnel charters.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25675 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

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14 CFR Part 374

[Regulation SPR-175; Docket 39547]

Implementation of the Consumer Credit Protection Act With Respect to Air Carriers and Foreign Air Carriers

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB is revising its consumer credit regulations to include its enforcement responsibilities under the Equal Credit Opportunity Act, the Fair Debt Collection Practices Act, and the Electronic Fund Transfer Act, and to explicitly state the Board's power to assess civil penalties for violation of the Consumer Credit Protection Act. This rulemaking is at the Board's initiative in order to implement the recent amendments.

DATES: Adopted: August 17, 1981. Effective: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the General Counsel, Rules & Legislation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: The Consumer Credit Protection Act, as amended, 15 U.S.C. 1601-1693r, and Regulations B and Z of the Federal Reserve Board, 12 CFR Parts 202 and 226, set forth requirements for consumer credit transactions. The Act explicitly states that if air carriers or foreign air carriers fail to meet this standard, it is a violation of the Federal Aviation Act of 1958 (the Act) and enforceable by the Board. The Board will find such violations unfair and deceptive practices, and unfair methods of competition under section 411 of the Act. The Board has authority to assess civil penalties for violations of the Consumer Credit Protection Act.

SPDR-81, 46 FR 25321, May 6, 1981, proposed to amend Part 374 to incorporate recent amendments to the Consumer Credit Protection Act and to clarify certain ambiguities. No comments were filed, and this final rule makes the changes as proposed.

14 CFR Part 374 as revised requires that each U.S. and foreign air carrier comply with the requirements of the Consumer Credit Protection Act and Regulations B and Z of the Federal Reserve Board. A description of the Board's responsibilities under the 1976 amendments to the Equal Opportunity Act and under the recently enacted Fair Debt Collection Practices Act and the Electronic Fund Transfer Act has been added to § 374.3. The citations to the Consumer Credit Protection Act in Part 374 have been changed from the relatively inaccessible Titles found in the Public Laws and Statutes at Large to those of the United States Code. The citation for Regulation Z is corrected and portions of the rule have been rewritten for clarity.

No final regulatory flexibility analysis is required. The Board certified in SPDR-81 that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

Accordingly, the Civil Aeronautics Board revises 14 CFR Part 374 to read:

PART 374—IMPLEMENTATION OF THE CONSUMER CREDIT PROTECTION ACT WITH RESPECT TO AIR CARRIERS AND FOREIGN AIR CARRIERS

Sec.

374.1 Purpose.
374.2 Applicability.
374.3 Compliance with Consumer Credit Protection Act and regulations.
374.4 Enforcement procedure.

Authority: Secs. 204, 411, Pub. L. 85-726, as amended, 72 Stat. 743, 769, 49 U.S.C. 1324, 1381; Consumer Credit Protection Act, as amended, 82 Stat. 147, 84 Stat. 49, 1126, 88 Stat. 1511, 89 Stat. 1159, 90 Stat. 197, 198, 251, 91 Stat. 161, 162, 874, 92 Stat. 2676, 3728, 15 U.S.C. 1601-1693r; 12 CFR Parts 202 and 226.

§ 374.1 Purpose.

The purpose of this part is to state the Board's responsibility to enforce air carrier and foreign air carrier compliance with Subchapters I, III, IV, V and VI of the Consumer Credit Protection Act and Regulations B and Z of the Board of Governors of the Federal Reserve System.

§ 374.2 Applicability.

This part is applicable to all air carriers and foreign air carriers engaging in consumer credit transactions.

§ 374.3 Compliance with the Consumer Credit Protection Act and regulations.

(a) Each air carrier and foreign air carrier shall comply with the requirements of the Consumer Credit Protection Act, 15 U.S.C. 1601-1693r. Any violation of the following requirements of that Act will be a violation of the Federal Aviation Act of 1958, enforceable by the Board:

(1) The Truth in Lending Act, as supplemented by the Fair Credit Billing Act, 15 U.S.C. 1601-1667, requiring disclosure of credit terms to the consumer and prohibiting inaccurate or unfair credit billing and credit card practices.

(2) The Fair Credit Reporting Act, 15 U.S.C. 1681-1681t, setting forth requirements to be met by consumer credit reporting agencies and persons who use consumer credit reports.

(3) The Equal Credit Opportunity Act, 15 U.S.C. 1691-1691f, prohibiting discrimination in credit transactions on the basis of race, color, religion, national origin, sex, marital status, age, or receipt of public assistance, or against applicants who have exercised their rights under that Act.

(4) The Fair Debt Collection Practices Act, 15 U.S.C. 1692-1692o, prohibiting abusive, deceptive, and unfair debt collection practices.

(5) The Electronic Fund Transfer Act, 15 U.S.C. 1693–1693r, establishing the rights, liabilities, and responsibilities of participants in electronic fund transfer systems.

(b) Each air carrier and foreign air carrier shall comply with the requirements of Regulation B, 12 CFR Part 202, and Regulation Z, 12 CFR Part 226, of the Board of Governors of the Federal Reserve Board. Any violation of the requirements of those regulations will be a violation of the Federal Aviation Act of 1958, enforceable by the Board.

§ 374.4 Enforcement procedure.

The statutes and regulations referred to in § 374.3 may be enforced by an enforcement procedure as set forth in Subpart B of Part 302 of this chapter or by the assessment of civil penalties under section 901 of the Federal Aviation Act of 1958.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25680 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 379 and 399

Crime Control and Detection; General License GTDR

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

ACTION: Final rule.

SUMMARY: Section 6(j) of the Export Administration Act of 1979 requires a validated export license for the export of crime control and detection instruments and equipment to any country other than members of NATO, Japan, Australia, New Zealand and other countries that the President designates. Section 376.14 of the Regulations specifies that this restriction applies also to technical data related to such instruments and equipment, but § 379.4, which deals with restricted technical data, currently makes no mention of this restriction. Accordingly, this revision, which neither expands nor limits the provisions of the Regulations, conforms § 379.4 with § 376.14. In addition, a footnote to an entry on the Commodity Control List (Supplement No. 1 to § 399.1) is revised to indicate the countries to which specified commodities in that entry may be exported under General License GLV (shipments of limited value).

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff, Office of Export Administration, Washington, D.C. 20230 (Telephone: (202) 377–5247 or 377–4811).

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

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

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

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

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

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

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

Accordingly, Part 379 of the Export Administration Regulations (15 CFR 368 *et seq.*) and the Commodity Control List (Supplement No. 1 to Part 399) are amended as follows:

PART 379—TECHNICAL DATA

1. A new paragraph (h) is added to § 379.4 to read as follows:

§ 379.4 General license GTDR: Technical data under restriction.

* * * * *

(h) *Restrictions applicable to technical data related to crime control and detection commodities.* The export of technical data related to crime control and detection instruments and equipment under General License GTDR is authorized *only* to Australia, Belgium, Canada, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey, and the United Kingdom. An individual validated export license is required for the export of such technical data to any other destination, unless the export is authorized under General License GTDA (§ 379.3). (See § 376.14 for a list of the Commodity Control List items affected by the validated license requirement.)

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

§ 399.1 [Amended]

2. Footnote 2 to entry Number 1585A of the Commodity Control List (Supplement No. 1 to § 399.1) is revised to read as follows:

* * * * * * *

[2] For sub-item (5C) of this entry, General License GLV applies only to exports to Australia, Belgium, Denmark, France, the Federal Republic of Germany (including West Berlin), Greece, Iceland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Turkey and the United Kingdom.

* * * * * * *

Authority: Sections 4(e), 5, 6, 10, 12(e), 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. section 2401 *et seq.*; Executive Order No. 12214 (45 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Order 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980).

Dated: April 17, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81-25470 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-25-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 9111]

Household Finance Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order dismisses the Commission's June 13, 1978 complaint charging one of the largest small-loan companies in the United States with violating the Truth in Lending Act (TILA). The Commission held that the company's practice of requiring customers to repay loans discharged in bankruptcy before receiving a new loan constituted "refinancing" under the TILA and therefore the amount of the discharged debt need not be disclosed as part of the "finance charge."

DATES: Complaint issued June 13, 1978. Final order issued August 6, 1981.[1]

FOR FURTHER INFORMATION CONTACT:
FTC/PD, David G. Grimes, Jr., Washington, D.C. 20580, (202) 724-1156.

SUPPLEMENTARY INFORMATION: In the Matter of Household Finance Corporation, a corporation.

The Final Order is as follows:

This matter has been heard by the Commission upon the appeal of respondent from the initial decision and upon briefs and oral argument in support of and in opposition to the appeal. For the reasons stated in the accompanying Opinon, the Commission has determined to sustain respondent's appeal. Complaint Counsels' motions to disregard a letter presented by respondent at oral argument and to request a statement of views from the Federal Reserve Board are granted and denied, respectively. Accordingly,

It is ordered that the complaint is dismissed.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-25672 Filed 9-1-81; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint, Initial Decision, Opinion and Final Order filed with the original document.

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-18066]

Dissemination and Display of Transaction Reports, Last Sale Data, and Quotation Information

AGENCY: Securities and Exchange Commission.

ACTION: Rule amendment.

SUMMARY: In order to allow time for final implementation and testing of certain quotation processing facilities, the Commission extends the effective date of portions of its rule governing the dissemination and display of market information to October 1, 1981.

EFFECTIVE DATE: August 26, 1981.

FOR FURTHER INFORMATION CONTACT:
Robert Colby, 202-272-2888, Room 390, Securities Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: On February 19, 1980, the Commission announced the adoption of Rule 11Ac1-2 ("Vendor Display Rule") under the Securities Exchange Act of 1934 ("Act").[1] The Vendor Display Rule generally establishes minimum requirements governing the manner in which transaction, quotation and other market information is displayed by vendors of securities information. The Vendor Display Rule requires, among other things, that vendors providing quotation information provide either a best bid and offer display ("BBO") derived from quotations from all reporting market centers, or a montage of such quotations. The Commission has extended the effective date of the Rule on two previous occasions [2] to provide an opportunity for the participants in the Consolidated Quotation Plan ("CQ Plan") to jointly develop a central facility which would calculate and provide vendors with a BBO display.

The CQ Plan participants authorized the Securities Industry Automation Corporation ("SIAC"), the CQ Plan processor, to construct a BBO central processor. SIAC has proceeded to develop the BBO central processor, and in July and August 1981 commenced initial testing with CQ Plan participants and vendors of the compilation and dissemination of the BBO display; however, SIAC has indicated that it will not be able to provide the BBO display to vendors in a fully operational form until August 28, 1981. Certain vendors have indicated to the Commission that this schedule leaves insufficient time for certain vendors to adequately test their systems prior to the September 1, 1981, effective date of the Vendor Display Rule. Consequently, the Commission has decided to extend the effective date of Rule 11Ac1-2 from September 1, 1981, until October 1, 1981, to provide vendors an additional period in which to complete the testing necessary to ensure the reliability of their systems displaying the BBO.

Because of the urgency of extending the effective date of the Rule prior to its taking effect on September 1, 1981, and pursuant to the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, the Commission finds for good cause that notice and public comment procedures for this amendment are impracticable, unnecessary, and contrary to the public interest, and that there is good cause for making this amendment effective immediately.[3] The Commission also finds that adoption of the Rule Amendment does not impose any burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act.

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

The Securities and Exchange Commission, acting pursuant to the Act, hereby revises paragraph (h) of § 240.11Ac1-2 of Title 17 of the Code of Federal Regulations to postpone to October 1, 1981 the effective date of paragraphs (b)(2)(ii), (b)(2)(vi) and (c)(2)(i), (ii), (iv), (v) of § 240.11Ac1-2.

The text of the amendment is as follows:

§ 240.11Ac1-2 Display of transaction reports, last sale data, and quotation information.

* * * * *

(h) *Effective date.* The effective date of this section shall be April 5, 1980, except for paragraph c(2)(vi), which shall become effective on July 5, 1980, and paragraphs (b)(2)(ii), (b)(2)(vi) and (c)(2)(i), (ii), (iv), (v) which shall become effective on October 1, 1981

[1] Securities Exchange Act Release No. 16590 (February 19, 1980) 45 FR 12391.

[2] The effective date of Rule 11Ac1-2 was first extended from October 5, 1980 to January 3, 1981. Securities Exchange Act Release No. 16924 (June 24, 1980) 45 FR 44922. The second extension was from January 3, 1981 to September 1, 1981. Securities Exchange Act Release No. 17368 (December 11, 1980) 45 FR 83477.

[3] Thus, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, is inapplicable to this amendment, since this act is applicable only if a proposed action is subject to public notice and comment.

By the Commission.

George A. Fitzsimmons,

Secretary.

August 28, 1981.

[FR Doc. 81-25502 Filed 9-1-81; 8:45 am]

BILLING CODE 6010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Coverage of Employees of State and Local Governments; Final Regulations

AGENCY: Social Security Administration, HHS.

ACTION: Final regulations.

SUMMARY: These amendments finalize interim regulations governing the frequency with which States and interstate instrumentalities (which are treated as States to the extent practicable) must deposit social security contributions on wages and salaries paid to covered employees. These regulations require States and interstate instrumentalities to deposit contributions within 30 days after the end of each calendar month in which wages are paid. These regulations reflect section 503 of the Social Security Disability Amendments of 1980, enacted on June 9, 1980. They were published as interim regulations on October 31, 1980, at 45 FR 72110.

DATES: The amendments made by paragraph 1 below were effective July 1, 1980, the same date the statutory change became effective. The amendments made by paragraph 2 below were effective January 1, 1981. These dates were set by publication of the interim regulations.

FOR FURTHER INFORMATION CONTACT: Armand Esposito, Legal Assistant, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone 301-594-7455.

SUPPLEMENTARY INFORMATION: We published these amendments as interim regulations on October 31, 1980, at 45 FR 72110. We allowed the public until December 30, 1980, to comment on them. We received no comments on the interim regulations.

Section 218 of the Social Security Act (the Act) (42 U.S.C. 418) requires the Secretary of Health and Human Services, at a State's request, to enter into an agreement to provide social security coverage of the services of employees of that State and its local government units. All States (and about 65 interstate instrumentalities which are treated as States to the extent practicable) have such agreements. Prior to July 1, 1980 (the effective date of section 503 of the Social Security Disability Amendments of 1980), section 218(e)(1) of the Act gave the Secretary of Health and Human Services discretion to promulgate regulations governing when and how often States and interstate instrumentalities were to pay contributions equivalent to the social security taxes on wages. The regulations in effect prior to July 1, 1980 (20 CFR 404.1255(a)) required payment from the States by deposit in a Federal Reserve Bank on or before the 15th day of the second month after the calendar quarter in which wages were paid. For an interstate instrumentality, the contribution payments for a calendar quarter were due and payable on or before the last day of the first month of the next calendar quarter. These depository requirements were considerably less restrictive for State and local governmental employers than for private employers and resulted in losses of interest earnings to the Social Security trust funds. Consequently, the Social Security Administration undertook, by regulations, to accelerate the schedule of deposits. These final regulations (20 CFR 404.1255a) were published at 43 FR 54083 (November 20, 1978) with a delayed effective date of July 1, 1980. (Section 7 of Pub. L. 94-202 precluded a change in the frequency or due dates for payments and reports until at least 18 months after the change had been published in final form in the **Federal Register**.) These regulations provided that the State pay contributions for wages paid in a month as follows:

(a) For each of the first 2 months in a calendar quarter the payments were to be due on or before the 15th day of the following month; and

(b) For the third month in the calendar quarter, the payments were to be due on or before the 15th day of the second month of the next quarter. (For interstate instrumentalities, the payments for the third month were to be due on or before the last day of the following month.)

In addition, because of the cost savings and other advantages of annual wage reporting, which Congress mandated for the private employment sector beginning in 1978, we published final regulations prescribing annual wage reporting for State and local government employers. These regulations were published on June 28, 1979 (44 FR 37604), to go into effect on January 1, 1981. (The delayed effective date was to comply with Pub. L. 94-202.) While these regulations did not make any change in the frequency with which deposits were to be made, we amended the regulations (20 CFR 404.1255a) to require the filing of a contribution return when the contributions are paid.

On June 9, 1980, the Social Security Disability Amendments of 1980, Pub. L. 96-265, became law. Section 503 of that law amends section 218(e) of the Social Security Act to provide that States must pay their social security contributions within 30 days after the end of each calendar month in which wages are paid. That provision became effective July 1, 1980. These regulations (which supersede those on frequency of deposits which were published on November 20, 1978) reflect that statutory change.

Section 503(c) provides that the 18 months delay in the effective date required by Pub. L. 94-202 shall not apply to changes to regulations that carry out section 503(a).

Also, to carry out the clear intent of Congress, these regulations provide that contributions are to be deposited no later than the preceding workday where the last day for paying contributions falls on a Federal nonworkday and do not contain a good cause provision for permitting late payments without charging interest.

Effect on Wage Reports and Contribution Returns

The changes in the dates contributions are due did not affect the date contribution returns and wage reports were due during the period July 1 through December 31, 1980. They were still due quarterly rather than monthly.

Effective January 1, 1981, the annual reporting regulations (44 FR 37604, June 28, 1979) changed the date contribution returns and wage reports are due. Wage reports are due by February 28 of each year.

Contribution returns, however, are to be filed on the same date the contribution payment is due (§ 404.1255a(c)(2)(iii)). We are not changing this rule. However, due to the change in the date the contributions must be paid, there is an actual change in the date the contribution returns must be filed.

Changes to Interim Regulations

We have modified § 404.1255a(c)(2) to reflect the date and **Federal Register** page on which the interim regulations were published. A correction notice containing this change was published on November 26, 1980, at 45 FR 78633. We have also corrected a drafting omission

by adding three asterisks at the end of § 404.1255a(c)(2). The addition of these asterisks means that §§ 404.1255a(c)(2)(i), (c)(2)(ii), and (c)(2)(iii) are unchanged.

Accordingly, these rules are adopted as set forth below.

These regulations reflect a non-discretionary statutory change. They have been reviewed in that context against E.O. 12291 and do not meet any of the criteria for a major regulation. Therefore a Regulatory Impact Analysis is not required.

These regulations impose no reporting/record keeping requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance Program Nos. 13.802–13.805, Social Security Program)

Dated: July 28, 1981.

John A. Svahn,

Commissioner of Social Security.

Approved: August 11, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950—)

20 CFR Part 404 is amended as follows:

1. Effective July 1, 1980 § 404.1255a, paragraphs (a) and (c)(5) are revised to read as follows:

§ 404.1255a Place and time for filing contribution returns, and wage reports and making deposits of contributions—for months on or after July 1, 1980.

(a) *Deposits.* Contribution payments for wages paid in a month shall be made as prescribed in § 404.1223. Except as provided in paragraph (c)(2) of this section, contribution payments for wages paid in a calendar month are due and payable within the thirty-day period following the last day of that month.

* * * * *

(c) * * *

(5) *Due date is a Federal nonworkday.* If the due date for paying contributions for the wages paid in a month (as specified in paragraph (a) of this section) falls on a Federal nonworkday, the contributions shall be paid no later than the preceding Federal workday. If the last day for filing any wage report or contribution return falls on a Federal nonworkday, the contribution return or wage report may be filed on the next Federal workday.

* * * * *

2. Effective January 1, 1981, the heading and paragraphs (c)(2) and (c)(5) of § 404.1255a as published on June 28, 1979, at 44 FR 37608, are revised to read as follows:

§ 404.1255a Place and time for filing contribution returns, wage reports, and making deposits of contributions for months on or after January 1, 1981.

* * * * *

(c) *Contribution returns and wage reports*—(1) * * *

(2) *When to be filed.* (For the rules in effect during the period July 1, 1980 through December 31, 1980 see 43 FR 54087, November 20, 1978 and 45 FR 72110, October 31, 1980. * * *

* * * * *

(5) *Due date is a Federal nonworkday.* If the due date for paying contributions for the wages paid in a month (as specified in paragraph (a) of this section) falls on a Federal nonworkday, the contributions shall be paid, and the contribution return shall be filed, no later than the preceding Federal workday. If the last day for filing any wage report falls on a Federal nonworkday, the wage report may be filed on the next Federal workday.

* * * * *

(Secs. 205, 218, 1102, Social Security Act; 53 Stat. 1368, as amended, 64 Stat. 514 as amended, and 49 Stat. 647, as amended (42 U.S.C. 405, 418, 1302))

[FR Doc. 81-25548 Filed 9-1-81; 8:45 am]

BILLING CODE 4110-07-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP OH5260/T70; PH-FRL-1924-8]

Tolerances for Pesticides in Food; Propetamphos

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This temporary food additive regulation establishes a regulation permitting residues of the insecticide propetamphos [(*E*)-1-methylethyl 3-[[(ethylamino)methoxyphosphinothioyl] oxy]-2-butenoate] in or on food resulting from its use in a proposed experimental program involving application of a 1.0 percent concentration in food handling establishments at 0.1 part per million (ppm). This regulation was requested by Sandoz, Inc.

EFFECTIVE DATE: Effective on September 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: William H. Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 403, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7040).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of July 23, 1980 (45 FR 49147) that Sandoz, Inc., 480 Camino Del Rio South, San Diego, CA 92108, had submitted a food additive petition (OH5260) to the EPA. The petition proposed that 21 CFR Part 193 be amended by establishing a regulation permitting residues of the insecticide, propetamphos [(*E*)-1-methylethyl 3-[[(ethylamino)methoxyphosphinothioyl] oxy]-2-butenoate] in or on food resulting from its use in a proposed experimental program involving application of a 1.0 percent concentration in food handling establishments at 0.1 part per million (ppm).

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

The scientific data reported and other relevant material were evaluated and it was determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended.

The toxicological data considered in support of the regulation included a 6-month dog feeding study and an interim report of a chronic mouse feeding study (at 77 weeks), both showing no observable effect levels (NOEL) of 0.05 mg/kg/day; a 13-week feeding study in rats with a NOEL of 4 ppm; an acute delayed neurotoxicity test in hens which showed that the chemical was not a delayed neurotoxic agent; a teratology study in rabbits which was negative; and an interim report on a three-generation rat reproduction study with results through generation three, litter two which showed no significant effects at dosages up to 20 ppm.

The acceptable daily intake (ADI) for humans, based on the NOEL of 0.05 mg/kg/day in the 6-month dog study and using a safety factor of 10 for cholinergic effects, has been calculated to be 0.005 milligrams (mg)/kilogram (kg) of body weight (bw) per day; the maximum permissible intake (MPI) is 0.3 mg/day for a 60 kg human. The theoretical maximum residue contribution (TMRC) in the human diet from the regulation is 0.15 mg/day; this value represents 50.0 percent of the ADI. There are no regulatory actions pending against registration of the pesticide, and no

temporary or permanent tolerance has previously been established.

No other considerations are involved in establishing this food additive regulation.

The metabolism of the pesticide is adequately understood for the purposes of this temporary food additive regulation and an adequate analytical method (gas chromatography using either a flame photometric detector or an alkali flame ionization detector) is available for enforcement purposes.

It is concluded that the pesticide may be safely used in accordance with the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to FIFRA, as amended. (86 Stat. 973; 89 Stat. 973; 89 Stat. 751; U.S.C. 135(a) *et seq.*). Therefore, 21 CFR Part 193 is amended as set forth below.

Any person adversely affected by this regulation may, on or before October 2, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. 3708 (A–110), 401 M St., SW., Washington, DC 20460. Such must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that the regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

Effective on September 2, 1981.

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

Dated: August 10, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR Part 193 is amended by adding § 193.375 to read as follows:

§ 193.375 Propetamphos.

(a) A food additive regulation is established for residues of the insecticide propetamphos [(*E*)-1-methylethyl 3-[[(ethylamino)methoxyphosphinothioyl] oxy]-2-butenoate] in food items at 0.1 part per million resulting from the application of a 1.0 percent concentration of the insecticide in food handling establishments. Such residues may be present therein only as a result of application with the provisions of an experimental use permit and this regulation which expire August 11, 1982.

(b) Residues in food items not in excess of 0.1 part per million resulting from the use as described in paragraph (a) of this section remaining after expiration of the experimental use program will not be considered actionable if the insecticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and food additive regulation.

(c) Sandoz, Inc. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm will also keep records of production, distribution, and performance, and on request make the records available to any authorized officer or employer of the EPA or the Food and Drug Administration.

[FR Doc. 81–25571 Filed 9–1–81; 8:45 am]

BILLING CODE 6560–32–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2673

Termination for Multiemployer Plans; Announcement of Effective Date

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of effective date of final rule.

SUMMARY: The purpose of this notice is to advise the public that the Pension Benefit Guaranty Corporation's regulation on Termination for Multiemployer Plans is effective as of September 2, 1981. On July 20, 1981, the PBGC published a final regulation on Termination for Multiemployer Plans (46 FR 37244). The regulation prescribes the contents and procedures for a Notice of Termination which must be be filed by terminated multiemployer plans under Title IV of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980. The Regulation was to be effective on the later of 30 days after publication in the **Federal Register** or receipt of approval from the Office of Management and Budget of the reporting requirements contained in the regulation, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). OMB approval was given on August 21, 1981. Accordingly, this regulation is effective as of the publication of this notice.

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), 2020 K Street, N.W., Washington, D.C. 20006; 202–254–4862.

Issued at Washington, D.C., on this 28th day of August 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81–25592 Filed 9–1–81; 8:45 am]

BILLING CODE 7708–01–M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 212

Private Organizations on Military Installations

AGENCY: Department of the Army, DOD.

ACTION: Final rule; Technical correction.

SUMMARY: This document corrects the inadvertent removal of Part 212—Private Organizations on DOD Installations, 46 FR 37634, July 22, 1981.

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. John O. Roach, II, Office of the Adjutant General, Attn: DAAG–AMR–R, Washington, DC 20310, Telephone: (202) 325–6163.

Dated: August 28, 1981.

John O. Roach II,

Army Liaison Officer with the Federal Register.

PART 212—PRIVATE ORGANIZATIONS ON DOD INSTALLATIONS

Accordingly, Part 212 is hereby reinstituted.

[FR Doc. 81-25594 Filed 9-1-81; 8:45 am]
BILLING CODE 3710-08-M

DEPARTMENT OF EDUCATION

34 CFR Part 606

Continuing Education Outreach—Special Projects Program

AGENCY: Department of Education.
ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations for the Continuing Education Outreach—Special Projects Program. The regulations implement statutory changes contained in the Education Amendments of 1980. The regulations govern the administration of a program designed primarily to demonstrate the effectiveness of alternative providers and approaches to postsecondary education that serve the needs of underserved adult learners. The regulations insure that a wide range of applicants, including institutions of higher education, public and private organizations, States, business, industry, and labor, will be eligible to participate in the program.

DATES: These regulations are expected to take effect 45 days after they are transmitted to the Congress. Regulations are usually transmitted to the Congress several days before they are published in the **Federal Register.** The effective date is changed by statute if Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

ADDRESS: Any questions concerning these regulations should be addressed to Mr. John E. Donahue, U.S. Department of Education (Room 3717, ROB-3), 400 Maryland Avenue, SW., Washington, D.C. 20202-3310.

FOR FURTHER INFORMATION CONTACT: Mr. John E. Donahue. Telephone: (202) 245-9868.

SUPPLEMENTARY INFORMATION: The Continuing Education Outreach—Special Projects Program is the successor to the Community Service and Continuing Education—Special Projects Program. The primary focus has been changed from assisting in the solution of national and regional problems to expanding access to continuing education opportunities for underserved adult learners. Eligibility for grants and contracts has been expanded to include public and private organizations, States, community-based educational institutions, business, industry and labor, in addition to institutions of higher education.

The President has proposed budget rescissions to the Congress that may eliminate funds for this program. If the Congress approves the proposed rescissions, a notice to the public will be published in the **Federal Register,** stating that the rescissions have been approved.

A Notice of Proposed Rulemaking was published in the **Federal Register** on December 30, 1980 (45 FR 86315-86317). Interested persons were given 60 days in which to submit written comments. One comment was received. That comment, and the Secretary's response to it, follow.

Section 606.11 Funding Priorities

Comment: The commenter expressed concern over the inclusion in the regulations of a provision stating that the Secretary of Education may establish annual funding priorities. The commenter felt that this section of the regulations exceeded the scope of the Secretary's statutory authority. The commenter also felt that priorities would limit the potential of the field to respond to the objectives of the program.

Response: No change is made. The Secretary of Education is granted substantive rulemaking authority under Section 414 of Title IV of the Department of Education Organization Act (Pub. L. 96-88, 20 U.S.C. 3474). This section provides, in pertinent part, that—

(a) The Secretary is authorized to prescribe such rules and regulations as the Secretary determines necessary and appropriate to administer and manage the functions of the Secretary or the Department * * *

Under this provision the Secretary is empowered to establish rules and regulations that apply to any program for which the Secretary is, by law, administratively responsible.

These rules and regulations may include rules affecting the process by which the Secretary awards discretionary grants and contracts. It is within the Secretary's discretion to establish annual funding priorities consistent with the objectives of a program statute if the Secretary determines that the use of program funds by recipients to conduct certain activities, serve certain populations, or investigate certain topics would be the most promising means of promoting the efficient and effective use of the limited resources available.

Under a recent amendment to the Education Department General Administrative Regulations (EDGAR), the Secretary has established procedures under which the Secretary may set annual funding priorities, invite applications that address a priority, and give competitive or absolute preference to an application that meets the priority (34 CFR 75.105).

The objectives of the Continuing Education Outreach—Special Projects Program are extremely broad in scope. In addition, there are few restrictions on who may apply for funds. Given the almost unlimited range of potential applicants and permissible activities, and the fact that program funds will always be relatively scarce, annual priorities establish programmatic focus and promote the effective and efficient use of limited resources. As long as the priorities are consistent with the objectives of the statute, and are published in the **Federal Register,** their establishment does not exceed the scope of the Secretary's statutory authority.

Other Changes

Provisions in §§ 606.20 and 606.32 of the NPRM relating to project length and continuation grants have been eliminated from the final regulations. Other editorial changes have been made.

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 final regulations.

(Catalog of Federal Domestic Assistance number not yet assigned)

Dated: August 28, 1981.

T. H. Bell,
Secretary of Education.

The Secretary revises Part 606 of Title 34 of the Code of Federal Regulations to read as follows:

PART 606—CONTINUING EDUCATION OUTREACH—SPECIAL PROJECTS PROGRAM

Subpart A—General

Sec.

606.1 Continuing Education Outreach—Special Projects Program.
606.2 Eligible grantees.
606.3 Regulations that apply to the Continuing Education Outreach—Special Projects Program.
606.4 Definitions that apply to the Continuing Education Outreach—Special Projects Program.

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

Sec.
606.10 Eligible activities.
606.11 Funding priorities.

Subpart C—How Does One Apply for a Grant?

606.20 How to apply for funds.

Subpart D—How Does the Secretary Make a Grant?

606.30 Procedures for evaluating applications.
606.31 Criteria for evaluating applications.

Subpart E—What Condition Must be Met by a Grantee?

606.40 Matching requirement.

Authority: Title I of the Higher Education Act of 1965, as amended by Pub. L. 96-374 (20 U.S.C. 1016), unless otherwise noted.

Subpart A—General

§ 606.1 Continuing Education Outreach—Special Projects Program.

Under the Continuing Education Outreach—Special Projects Program, the Secretary awards grants and contracts for projects designed primarily to demonstrate the effectiveness of alternative providers and approaches in increasing access to postsecondary continuing educational opportunities for underserved adult learners. These regulations govern the award of grants under this program.

(20 U.S.C. 1016)

§ 606.2 Eligible grantees.

The following parties are eligible to receive grants under this program:

(a) Institutions of higher education.

(b) Public and private institutions and organizations, including business, industrial, and labor organizations.

(c) States.

(d) Any combination of these institutions, organizations, or States.

(20 U.S.C. 1016)

§ 606.3 Regulations that apply to the Continuing Education Outreach—Special Projects Program.

The following regulations apply to the Continuing Education Outreach—Special Projects Program:

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

(b) The regulations in this Part 606.

(20 U.S.C. 1016; 20 U.S.C. 1221e-3(a)(1))

§ 606.4 Definitions that apply to the Continuing Education Outreach—Special Projects Program.

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

Applicant
Application
Budget period
Contract
EDGAR
Fiscal year
Grant
Grantee
Private
Project
Project period
Public
Secretary
State

(b) *Definitions that apply to this part.* The following definitions apply to this part:

"Act" means Title XII of the Higher Education Act of 1965, as amended.

"Adults whose educational needs have been inadequately served" means individuals 18 years of age or older who—because of circumstances of age, sex, low income, handicap, minority status, rural isolation, status of unemployment or underemployment, lack of education, or other significant barriers—have been discouraged from obtaining equal educational opportunities.

"Continuing education" means postsecondary instruction and support services designed to meet the educational needs of adults, including the expansion of available learning opportunities for adults whose educational needs are inadequately served by current educational offerings in their communities.

(20 U.S.C. 1018)

Subpart B—What Kinds of Projects Does the Secretary Assist Under This Program?

§ 606.10 Eligible activities.

The Secretary makes grants for projects that:

(a) Develop and evaluate innovative delivery systems, particularly those involving alternative providers, that increase access to postsecondary education for underserved adults;

(b) Expand the range of educational and community resources that meet the needs of underserved adults for continuing education;

(c) Promote the development of interstate educational delivery systems, cooperative and consortial arrangements, and programs—including telecommunications—that more effectively address regional needs for continuing education;

(d) Stimulate and evaluate creative approaches to the problems of access for adults inadequately served by existing educational offerings;

(e) Develop statewide, regional, or national programs to coordinate educational and occupational information, including information on student financial assistance, through the creation and expansion of data banks for the more effective coordination and dissemination of that information;

(f) Assist States to perform more effectively their functions of authorizing institutions of higher education in their State;

(g) Provide preservice and inservice training to the teachers and administrative personnel involved in child care, including the recruitment and training of low-income parents for positions in child care;

(h) Provide specialized training in early childhood education; or

(i) Develop improved teacher certification criteria for child-care programs.

(20 U.S.C. 1016)

§ 606.11 Funding priorities.

(a) For any fiscal year the Secretary establishes priorities for the funding of proposed projects. The priorities are consistent with the objectives listed in § 606.10. The Secretary announces priorities in the **Federal Register.**

(b) To be eligible for funding, a proposed project must respond to one of the priorities established by the Secretary.

(20 U.S.C. 1016)

Subpart C—How Does One Apply for a Grant?

§ 606.20 How to apply for funds.

An applicant requesting funds under this part shall use the following procedures:

(a) The procedures contained in EDGAR (34 CFR Part 75, Subpart C); and

(b) The following special application procedures:

(1) On or before the deadline date for submitting its application to the Secretary, the applicant shall submit a copy of its application, with a letter asking for comment, to the State agency responsible for comprehensive postsecondary educational planning under section 1203 of the Act (Federal-State relationship agreements).

(2) The applicant shall attach to its application to the Secretary a copy of its letter requesting the State agency to comment on the application.

(20 U.S.C. 1016)

Subpart D—How Does the Secretary Make a Grant?

§ 606.30 Procedure for evaluating applications.

(a) The Secretary evaluates an application on the basis of the criteria in § 606.31.

(b) The Secretary awards up to 100 points for these criteria.

(c) The maximum score for each criterion is indicated in parentheses.

(d) The Secretary considers the rank order of applications in selecting projects to be awarded grants.

(20 U.S.C. 1016)

§ 606.31 Criteria for evaluating applications.

(a) *Plan of Operation.* (10 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;

(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.* (7 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 paragraphs (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 racial or ethnic minority groups, women, handicapped persons, and 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.* (5 points)

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

(2) The Secretary looks for information that shows—

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

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

(d) *Evaluation plan.* (12 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project. (See 34 CFR 75.590—Evaluation by the grantee.)

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

(e) *Adequacy of resources.* (3 points)

The Secretary looks for information that shows—

(1) The facilities that the applicant plans to use are adequate; and

(2) The equipment and supplies that the applicant plans to use are adequate.

(f) *Innovation.* (10 points)

The Secretary reviews each application to determine the extent to which the proposed project differs from current or past activities in the field of continuing education.

(g) *Responsiveness to priorities.* (14 points)

The Secretary reviews each application to determine the extent to which the proposed project is responsive to one of the priorities established under § 606.11 for the fiscal year in which the application is submitted.

(h) *Replicability.* (12 points)

The Secretary reviews each application to assess the potential replicability or adaptability of the proposed project by other providers of continuing education.

(i) *Dissemination.* (12 points)

The Secretary reviews each application for information that describes the methods the applicant plans to use to disseminate the results of the project to the public and to professionals in the field of continuing education.

(j) *Value to the field of continuing education.* (15 points)

The Secretary reviews each application to assess the degree to which the proposed project would employ, or result in the development of, new approaches, methods, or materials of value in increasing the effectiveness of continuing education programs.

(20 U.S.C. 1016)

Subpart E—What Condition Must Be Met by a Grantee?

§ 606.40 Matching requirement.

A grantee shall pay from non-Federal funds at least one-third of the cost of its project funded under this part.

(20 U.S.C. 1019)

[FR Doc. 81-25507 Filed 9-1-81; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 1908-1]

Approval and Promulgation of Implementation Plans; California Rule Revisions for Two Air Pollution Control Districts

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve revisions to rules of the Bay Area and the South Coast Air Quality Management Districts and to incorporate them into the California State Implementation Plan (SIP). The intended effect of this action is to update rules and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: October 2, 1981.

ADDRESS: A copy of the revisions is located at: The Office of the Federal Register, 1100 "L" Street, NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Louise P. Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105. Attn: Douglas Grano, (415) 556-2938.

SUPPLEMENTARY INFORMATION: On April 2, June 2, July 10, July 25, and August 15, 1980, the California Air Resources Board (ARB) submitted to EPA revisions to the

rules of two Air Quality Management Districts (AQMDs) for inclusion in the California SIP. Revised rules which are being acted upon by this notice include the following subjects:

Definitions, Storage Tank Seals, Submerged Fill Pipes, Exceptions From Organic Emissions, Nitrogen Oxides Emissions, Descriptions, Emission Standards, Violations Not Authorized, Circumvention Not Permitted, Regulations Not Intended to Apply to Workroom Atmosphere, Separation of Emissions, Combination of Emissions, Metric Governs, Severability, Equipment Malfunction, Administrative Procedures, Open Burning, Particulate Matter and Visible Emission, Lead, Rendering Plants, Asphalt Air Blowing, Sandblasting, Sulfur Dioxide, Fees, Anniversary Date, Exemptions, Change in Operation Parameters, Authority to Construct, Permit to Operate, and Lead Smelters—Sulfur Oxides.

A list of the rules being considered by this action can be found in the Notice of Proposed Rulemaking published on May 7, 1981 (46 FR 25481). As described in the Notice of Proposed Rulemaking, the rules were evaluated and found consistent with 40 CFR Part 51 requirements, with certain exceptions. Public comments were invited on the proposed rulemaking. EPA received comments from the Bay Area AQMD and the ARB.

Comment: The District noted that there has been no relaxation in sulfur dioxide (SO_2) emission limits since 1974. Therefore, they requested approval of Regulation 9–1–300 through 303, *Sulfur Dioxide Standards.*

Response: EPA has reevaluated these rules and determined that they should be approved since the Bay Area is attainment for SO_2 and the new rules do not represent any significant change from existing requirements.

Comment: The ARB noted that EPA's proposal to approve Regulation 1–520, *Emission Monitoring,* and retain the analogous, currently approved Rule 2:3210.5(B) could be confusing. The Bay Area AQMD indicated that Regulation 1–520 could be approved following transmittal to EPA of the District's Manual of Procedures (MOP). Further, in response to EPA's proposed no action on certain regulations which reference the MOP, the District noted that they had recently requested the ARB to formally transmit the MOP to EPA.

Response: EPA will address these rules in a future notice, after submittal of the MOP and EPA's subsequent review.

Comment: The District noted that Regulation 6–310.1, *Incineration or Salvage Operations,* is not a relaxation of requirements for 100 tons per day incinerators since there are no such sources existing in the District and since any new source exceeding 50 tons per day must meet more stringent particulate emission limitations.

Response: Based on this clarification, EPA is approving Regulation 6–310.1.

Comment: The District noted that approval of certain rules listed in the May 7, 1981 notice is unnecessary since they have been recodified.

Response: EPA agrees with the District and the changes are reflected in today's rulemaking notice.

It is the purpose of this notice to take final action on the rule revisions as described in the May 7 notice and modified above. Thus, all rules listed in the proposal notice are approved and incorporated into the California SIP, with the following exceptions.

No action is being taken on the following rules as they are not appropriate for incorporation into the SIP: Rule 6–305, *Visible Particles,* and Rule 9–1–309, *Emission Limitations for New Sulfuric Acid Plants.*

No action is being taken on the following rules at this time: Rules 1–112, *Breakdown,* 1–113, *Discretionary Enforcement Breakdown,* 1–520, *Emission Monitoring,* 1–600 through 1–604, 6–600 and 6–601, 9–1–600 through 9–1–605, and 11–1–600 through 11–1–603, all entitled *Manual of Procedures* and Rules 11–1–500, *Monitoring and Recording,* and 11–1–501, *Monitoring.* They will be acted upon in a later **Federal Register** notice.

In addition, on July 10, 1981 ARB submitted as a SIP revision changes to Rules 1–206, 1–218, 6–311 and 9–4–302 in order to correct typographic errors in the previously submitted rules. Since there are no substantive changes to these rules which are addressed in the May 7, 1981 proposed notice, EPA finds that good cause exists for going directly to final rulemaking.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

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

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. The miscellaneous SIP approvals announced today are not Major because they only approve state actions. They impose no new regulatory requirements.

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

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

(Sec.110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)).

Dated: August 27, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart F—California

1. Section 52.220, paragraphs (c)(67)(ii), (70)(i)(B), (79)(ii), (86)(i)(C), and (88)(ii) are added as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(67) * * *

(ii) Bay Area AQMD.

(A) New or amended Regulation 9, Rules 9–4–100, 9–4–101, 9–4–200 to 9–4–203, 9–4–300, 9–4–301, 9–4–303, and 9–4–400 to 9–4–404.

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(70) * * *

(i) * * *

(B) New or amended Rule 1101.

* * * * *

(79) * * *

(ii) Bay Area AQMD.

(A) New or amended Regulation 1, Rules 1–100 to 1–111, 1–114, 1–200 to 1–205, 1–207 to 217, 1–219 to 1–232, 1–400 to 1–402, 1–410 to 1–412, 1–420, 1–430 to 1–434, 1–440, 1–441, 1–500 to 1–502, 1–510, 1–521, 1–530, 1–540, 1–541, 1–543, 1–544; Regulation 5, Rules 5–100, 5–101, 5–110, 5–111, 5–200 to 5–207, 5–300, 5–301, 5–400 to 5–404; Regulation 6, Rules 6–100, 6–101, 6–200 to 6–204, 6–300 to 6–304, 6–310, 6–312, 6–320, 6–330, 6–400, 6–401, 6–500 to 6–502; Regulation 11, Rules 11–1–100 to 11–1–102, 11–1–300 to 11–1–303; Regulation 12, Rules 12–2–100, 12–2–101, 12–2–200, 12–2–201, 12–2–300, 12–2–301, 12–2–500, 12–2–501, 12–3–100, 12–3–101, 12–3–300, 12–3–301, 12–3–500, 12–3–501–12–4–100 to 12–4–102, 12–4–200 to 12–4–212, and 12–4–300 to 12–4–307.

* * * * *

(86) * * *

(i) * * *

(C) New or amended Regulations, Rules 1–206, 1–218, 6–311, 9–1–100, 9–1–101, 9–1–110 9–1–200 to 9–1–204, 9–1–300 to 9–1–308, 9–1–310, 9–1–311, 9–1–400 to 9–1–404, 9–1–500 to 9–1–502, and 9–4–302.

* * * * *

(88) * * *

(ii) Bay Area AQMD.

(A) New or amended Regulation 3, Rules 3–100 to 3–103, 3–200 to 3–206, 3–208 to 3–211, 3–300 to 3–311, and 3–400 to 3–408.

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[FR Doc. 81-25583 Filed 9-1-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL 1913-7]

Approval and Promulgation of Implementation Plans; Tennessee: 1979 Revisions for Nonattainment Areas, Supplemental Submittals

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today announces its approval of portions of the implementation plan revisions which the Tennessee Air Pollution Control Division submitted pursuant to the terms of the conditional approval given to the Memphis carbon monoxide revisions on February 6, 1980 (45 FR 8004). This action will be effective 60 days from the date of this notice unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective November 2, 1981.

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

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

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

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

Tennessee Air Pollution Control Division, 256 Capitol Hill Building, Nashville, Tennessee 37203

Division of Air Pollution Control, Memphis-Shelby County Health Department, 814 Jefferson Avenue, Memphis, Tennessee 38105.

Comments should be addressed to EPA Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Drew Peake, Environmental Protection Agency, Region IV, Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365, 404/881–2864 or FTS 257–2864.

SUPPLEMENTARY INFORMATION: The State of Tennessee was required to submit additional information by March 15, 1980, to satisfy the conditions of approval for the Memphis carbon monoxide (CO) control plan as stipulated in the February 6, 1980 **Federal Register** (45 FR 8004). Tennessee complied with this requirement, but there was a recognized deficiency in the submittal. The implementation schedule for the Memphis Vehicle Inspection and Maintenance Program (I/M) included in the submittal had some commitment dates which had already been missed. The Memphis and Shelby County Office of Planning and Development has modified the I/M schedule and forwarded it to the Technical Secretary of the Tennessee Air Pollution Control Board for formal inclusion in the Tennessee SIP. This schedule was submitted to EPA as a State Implementation Plan (SIP) revision on December 30, 1980.

The other conditions specified in 45 FR 8004 were satisfied as follows:

(1) On March 20, 1980 Tennessee Air Pollution Control Board (TAPCB) submitted a revised § 2.12.3.5 Appendix II to the EPA. This, coupled with correspondence from the Mayor of Memphis (dated August 24, 1979) and a Resolution from the Memphis Metropolitan Planning Office Executive Board and Executive Staff (dated September 5, 1979) committing to the implementation and enforcement of Transportation Control Measures (TCM), satisfies the first condition.

(2) Condition two was satisfied when TAPCB submitted a schedule for the analysis of the alternative transportation control measures under Section 108 as a SIP revision on March 20, 1980. Commitments were obtained in the correspondence mentioned in the preceding paragraph.

(3) The TAPCB submitted a Resolution (dated October 24, 1979) of the Memphis Area Transit Authority Board of Directors as a SIP revision on March 20, 1980. This submittal satisfied the third condition.

(4) The fourth condition was satisfied by the section 174 Memorandum of Understanding submitted (on March 20, 1980) to EPA as a SIP revision.

EPA has chosen to proceed directly to the final rule removing the conditions on the approval of the 1979 CO plan for Memphis, because further notice and comment are unnecessary. The public has already had the opportunity to comment on the conditions. The conditions were clearly stated and no comments were received. The State has satisfied these conditions.

Pursuant to the provisions of 5 U.S.C. section 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only 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 would have no significant economic impact. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

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

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

(Sections 110 and 172 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7502))

Dated: August 27, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart RR—Tennessee

1. In § 52.2220, paragraph (c) is amended by removing the last sentence of subparagraph (30), dealing with conditional approval of the Memphis CO plan, and by adding subparagraph (37), as follows:

§ 52.2220 Identification of plan.

* * * * *

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

* * * * *

(37) Transportation related commitments and schedules, submitted on March 20 and December 17, 1980, by the Tennessee Division of Air Pollution Control to correct deficiencies in the Memphis CO plan given conditional approval on February 6, 1980.

§ 52.2225 [Amended]

2. In § 52.2225, paragraph (a), dealing with conditional approval of the Memphis CO plan, is removed.

[FR Doc. 81-25581 Filed 9-2-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 180

[OPP-300052A; PH-FRL-1925-2]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Butyl Benzyl Phthalate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for the inert (or occasionally active) ingredient butyl benzyl phthalate when applied to cotton when used as an inert plasticizer in the formulation of controlled-released dispensers of the attractant gossyplure to disrupt the mating of the pink bollworm. This regulation was requested by Herculite Products, Inc.

EFFECTIVE DATE: Effective on September 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: Peter Gray, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of June 19, 1981 (46 FR 32038) that Herculite Products, Inc., had requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, establish an exemption from the requirement of a tolerance for the inert ingredient butyl benzyl phthalate, when used as an inert ingredient in laminated dispensers, when dispensing gossyplure (a synthetic pheromone) on cotton only, to disrupt the mating of the pink bollworm.

No comments or request for referral to an advisory committee were received in response to this of proposed rulemaking.

Therefore, it is concluded that the amendment to 40 CFR Part 180 will protect the public health, and it is established as set forth below.

Any person adversely affected by this regulation may, on or before October 2, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities.

A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: August 21, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

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

Therefore, Subpart D of 40 CFR Part 180 is amended by adding § 180.1062 to read as follows:

§ 180.1062 Butyl benzyl phthalate; exemption from the requirement tolerance.

Butyl benzyl phthalate is exempt from the requirement of a tolerance for residues in or cottonseed, when used as an inert plasticizer in the formulation of controlled-release laminated dispensers of the attractant gossyplure [(*Z,Z*) and (*Z,E*) 7,11-hexadecadien-1-ol acetate] to disrupt the mating of the pink bollworm.

[FR Doc. 81-25572 Filed 9-1-81; 8:45 am]

BILLING CODE 6560-32-M

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40 CFR Part 180

[OPP-300024A; PH-FRL-1924-7]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 1,2-Benzisothiazolin-3-One

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends 40 CFR 180.1001(d) by establishing an exemption from the requirement of a tolerance for the inert (or occasionally active) ingredient 1,2-benzisothiazolin-3-one in pesticide formulations. This regulation was requested by ICI Americas, Inc.

EFFECTIVE DATE: Effective on September 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: Peter Gray, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of June 15, 1981 (46 FR 31279) that ICI Americas, Inc., Wilmington, DE 19897, had requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, establish an exemption from the requirement of a tolerance for the inert ingredient 1,2-benzisothiazolin-3-one in all pesticide formulations.

No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Therefore, it is concluded that the amendment to 40 CFR 180.1001(d) will protect the public health, and it is established as set forth below.

Any person adversely affected by this regulation may, on or before October 2, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St., SW., Washington, DC 20460. Such

objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities.

A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on September 2, 1981.

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(d)(e)))

Dated: August 21, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

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

Therefore, 40 CFR Part 180 is amended as follows:

1. Section 180.1001(d) is amended by alphabetically inserting "1,2-benzisothiazolin-3-one * * *" in the table to read as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Use
* * * * *		
1,2-benzisothiazolin-3-one.	Not more than 0.1 pct of formulation. Not more than 0.02 lb to be applied per acre.	Preservative/stabilizer.
* * * * *		

§ 180.1044 [Removed]

2. Section 180.1044 *1,2-benzisothiazolin-3-one; exemption from the requirement of a tolerance* is removed.

[FR Doc. 25570 Filed 9-1-81; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 413

[WH-FRL-1911-6]

Electroplating Point Source Category; Effluent Limitations Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Correction to final amendments.

SUMMARY: On January 28, 1981, the Environmental Protection Agency promulgated amendments to its pretreatment standards for the electroplating industry, 46 FR 9462. These standards establish limits on the amounts of certain pollutants which may be introduced into publicly owned treatment works by operations in the Electroplating Point Source Category. Facilities which do not combine electroplating wastestreams with other wastestreams before treatment, referred to as non-integrated facilities, were required to comply with these regulations by May 12, 1983. EPA is today amending these regulations to extend the compliance date for these facilities to January 28, 1984.

DATES: The effective date of this amendment is October 2, 1981. In accordance with 40 CFR 100.01, these regulations shall be issued for purposes of judicial review at 1:00 p.m. eastern time on September 16, 1981.

The compliance date for non-integrated facilities shall be January 28, 1984.

ADDRESS: The record for this rulemaking is available for inspection and copying at the EPA Public Information Reference Unit, Room 2402 (Rear) PM-213 (EPA Library). The EPA public information regulations (40 CFR Part 2) provide that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Kinch, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Telephone (202) 426-2582.

SUPPLEMENTARY INFORMATION: On January 28, 1981, the Environmental Protection Agency (EPA) promulgated amendments to its pretreatment standards covering all firms in the Electroplating Point Source Category that introduce pollutants into publicly owned treatment works (POTWs), 40 CFR Part 413, 46 FR 9462. The operations covered by these standards include electroplating, anodizing, conversion coating, electroless plating, chemical etching and milling, and the manufacture of printed circuit boards. These standards contain specific numerical limitations on the indirect discharge of cyanide and the following metals: lead, cadmium, copper, nickel, chromium, zinc and silver. In addition, these standards limit total metal discharge, which is defined as the sum of the individual concentrations of copper, nickel, chromium and zinc. For plants with a daily process wastewater flow of less than 38,000 liters (10,000 gallons), these standards limit only lead, cadmium and cyanide. The electroplating pretreatment standards cover both integrated and non-integrated facilities. Integrated facilities are defined in § 413.02(h) of the regulations. Any facility which is not an "integrated facility" is "non-integrated."

These standards were originally scheduled to be effective on March 16, 1981. However, in accordance with the President's Memorandum of January 29, 1981, their effective date was deferred until March 30, 1981, (46 FR 11972, February 12, 1981).

On January 28, 1981, EPA also promulgated amendments to its general pretreatment regulations, 40 CFR Part 403, 46 FR 9404. These amendments included changes to the provisions for variances from categorical pretreatment standards, such as the electroplating standards; amendments to the removal credit provision (which allow industrial facilities to increase their effluent limits by a factor that takes account of removal achieved by POTWs); and inclusion of a combined wastestream formula to determine discharge limits for integrated facilities that combine waste streams. These amendments were originally scheduled to take effect on March 13, 1981. Their effective date was deferred until March 30, 1981 under the President's Memorandum of January 29, 1981, (46 FR 11972, February 12, 1981). On March 25, 1981, the Vice President announced that the effective date of the general pretreatment amendments would be further deferred and that EPA would perform a Regulatory Impact Analysis on the pretreatment program in accordance with Executive Order 12291. On April 2, 1981, EPA published notice in the **Federal Register** announcing that the effective date of the general pretreatment amendments would be deferred pending further examination, 46 FR 19936. The general pretreatment regulations promulgated in 1978 (43 FR 27736, June 26, 1978) are, for the most part, currently in effect.

The deferral of the effective date of the amendments to the general pretreatment regulations is of special significance to the electroplating pretreatment standards. First, under § 413.01 of the electroplating standards, the compliance date for integrated facilities is three years from the effective date of the combined wastestream formula contained in § 403.6(e) of the amendments to the general pretreatment regulations. Since the effective date of this provision has been deferred, so too has the compliance date for integrated facilities under the electroplating pretreatment standards. Secondly, since the variances and amendments to the removal credit provisions contained in the amendments to the general pretreatment regulations are not in effect, non-intergrated facilities cannot take advantage of them.

Under section 307(b)(1) of the Clean Water Act EPA is to establish a compliance date for pretreatment standards which must be within three years of their date of promulgation. As stated above, these electroplating pretreatment standards were promulgated on January 28, 1981. Therefore, EPA could establish a date for compliance up to January 28, 1984. A compliance date of May 12, 1983 was established for non-integrated facilities when these regulations were promulgated in January based on a Settlement Agreement between EPA and the National Association of Metal Finishers and the Institute for Interconnecting and Packaging Electronic Circuits. Representatives of the non-integrated electroplating facilities have informed the Agency that in order to meet the present deadline for compliance they will have to begin committing capital and ordering equipment shortly.

The Agency has decided to extend the compliance date for non-integrated facilities until January 28, 1984. EPA is taking this action for several reasons. First the statute authorizes a period for compliance up to three years and given the circumstances presented here, EPA believes the full statutory period of time should be provided. In fact, the original version of these regulations provided three years for compliance (44 FR 52590, September 7, 1979). Second, this extension should allow EPA to complete its Regulatory Impact Analysis of the general pretreatment program under Executive Order 12291 before the industry has to commit substantial funds to comply with the electroplating standards. This analysis may suggest that the electroplating standards or related provisions of the general pretreatment regulations should be modified.

Extension of the non-integrated electroplating compliance date will also give EPA time to repromulgate necessary variance and credit provisions. In addition, representatives of the National Association of Metal Finishers, have requested EPA to evaluate alternatives to the treatment technologies upon which the regulations are based. EPA has requested the industry to provide specific suggestions for changes to the regulations. Upon receipt of such information, EPA will determine if any modification to the standards is appropriate. The extension of the compliance date will allow this evaluation of alternatives to occur before members of the industry must make substantial financial commitments to meet the current standards. If EPA decides to make substantial changes to the electroplating pretreatment standards or general pretreatment regulations, it will propose these changes for public comment.

Promulgation Without Notice and Comment

The Administrator has determined that there is good cause to promulgate this eight-month extension of the compliance date for non-integrated facilities without prior opportunity for public comment because these facilities will have to commit funds to meet the present compliance date for these standards before notice and comment procedures on the issue of extending the compliance date could be completed. Therefore, it would be impracticable and would defeat the purpose of this action to first propose this change. Furthermore, it is in the public interest to promulgate this change now in order to avoid uncertainty within the industry. EPA has estimated that there are approximately 2700 non-integrated facilities covered by the regulations. Many of these are small and economically vulnerable. It is therefore important that the extension of the compliance date be accomplished without the delay and uncertainty inherent in a notice and comment procedure.

Regulatory Impact Analysis and Regulatory Flexibility Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This correction notice is not major because it imposes no new obligations and merely extends the date for complying with existing obligations. This notice was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

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

Dated: August 21, 1981.

Anne M. Gorsuch,

Administrator.

PART 413—ELECTROPLATING POINT SOURCE CATEGORY

Accordingly, EPA is amending 40 CFR Part 413 by revising the last sentence of § 413.01 as follows:

§ 413.01 Applicability.

(a) * * * The compliance deadline for non-integrated facilities is January 28, 1984.

(Sections 301, 304(g), 307, 501(a) of the Clean Water Act, as amended (33 U.S.C. 1311, 1314(g), 1317, 1341(a)))

[FR Doc. 81-25598 Filed 9-1-81; 8:45 am]

BILLING CODE 6560-29-M

GENERAL SERVICES ADMINISTRATION

41 CFR 101

[FPMR Temp. Reg. E-75]

Requirement for Offices Purchasing From GSA Federal Supply Schedules, FSC Group 66

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This regulation requires purchasing offices ordering from GSA Federal Supply Schedule contracts to send GSA a copy of any purchase order exceeding $10,000 for items in FSC Group 66, Instruments and Laboratory Equipment. The information will be used to identify expensive items in high Government-wide demand. Better negotiated prices and increased price competition will be sought for these items.

DATES:

Effective date: August 1, 1981.
Expiration date: July 31, 1983.
Comments due on or before: October 31, 1981.

ADDRESS: Comments should be addressed to the General Services Administration, Federal Supply Service (FA), Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: Mr. Warren F. Morris, Office of Acquisition Planning (703–557–1583).

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.

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

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter E to read as follows:

Federal Property Management Regulations—Temporary Regulation E–75

August 7, 1981.

To: Heads of Federal agencies.

Subject: Requirement for offices purchasing from GSA Federal Supply Schedule FSC Group 66.

1. *Purpose.* This regulation requires Federal purchasing offices to submit a copy of any purchase order exceeding $10,000 for items from a GSA Federal Supply Schedule contract within FSC Group 66.

2. *Effective date.* This regulation is effective August 1, 1981.

3. *Expiration date.* This regulation expires on July 31, 1983.

4. *Applicability.* The provisions of this regulation apply to all executive departments and agencies of the Federal Government and any organization authorized to use GSA Federal Supply Schedule contracts.

5. *Background.* A major objective for improving GSA Federal Supply Schedule contracts is to secure increased price competition for expensive items offered to Federal agencies. Accomplishing this objective requires information from ordering offices on schedules contract purchases exceeding $10,000. With this ordering information, expensive items can be standardized, nationwide demand for a general item can be determined, and competitive procurements undertaken. This process would maximize economies of scale thereby providing substantially lower unit prices to the Government. A purchase order is the only single source document containing inclusive information, such as consignee, item identification, quantity ordered, and unit price necessary to undertake the desired improvements.

6. *Submission of information.* Each executive agency and any authorized organization shall submit one legible information copy to GSA of each purchase order exceeding $10,000 and any amendments thereto issued for Federal Supply Schedule items in FSC Group 66, Instruments and Laboratory Equipment. The information copies shall be submitted at the time of issuance to:

General Services Administration, Federal Supply Service (FA), Schedules Ordering Information, Washington, DC 20406

Each purchase order should include the name, address, and telephone number of the person issuing it.

7. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations should be submitted to the General Services Administration, Federal Supply Service (FA), Washington, DC 20406, no later than October 31, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–25512 Filed 9–1–81; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 5980

[OR 23735]

Oregon; Withdrawal for Administrative Sites and Airport Surface Zone Protection

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 514.18 acres of public lands from the mining laws for protection of the McDermitt Airport approach, transitional, and primary surface zones and for Bureau of Land Management administrative sites.

EFFECTIVE DATE: September 2, 1981.

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

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

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, but not the mineral leasing laws, and reserved for the protection of airport zones.

Willamette Meridian

T. 41 S., R. 42 E.,
Sec. 12, E½E½SE¼;
Sec. 13, That portion of Lot 1 lying north and east of a line described as follows: Beginning at a point where the east boundary of the Camp McDermitt Hay Reservation intersects the east and west center line of the NE¼ of Section 13, thence northwesterly along the east boundary of the Hay Reservation to a point due south of the E–E¼₄ corner of Sections 12 and 13, thence north to the E–E¼₄ corner of Sections 12 and 13; and that portion of the SE¼NE¼ lying north of the Camp McDermitt Hay Reservation.

T. 41 S., R. 43 E.,
Sec. 7, S½ of Lot 1, Lots 2, 3, and 4, SW¼NE¼NW¼, W½SE¼NW¼, and E½SW¼;
Sec. 18, Lots 1, 2, 6, and 7, and E½NW¼.

The areas described aggregate 514.18 acres in Malheur County, Oregon.

2. Subject to valid existing rights, including those created by paragraph 1, the following described lands which are included within the withdrawal boundary established in paragraph 1, are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the mining laws, 30 U.S.C. Ch. 2, but not the mineral leasing laws, and reserved for protection of Bureau of Land Management administrative sites.

T. 41 S., R. 43 E.,
Sec. 7, E½ of Lot 4, and SE¼SW¼;
Sec. 18, That portion of Lot 2 lying within the SW¼, and Lots 6 and 7.

Aggregating approximately 123 acres.

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

4. The withdrawals shall remain in effect for a period of 20 years from the date of this order.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

August 27, 1981.

[FR Doc. 81–25610 Filed 9–1–81; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-108; RM-3689]

FM Broadcast Station in Newberry, S.C.; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 292A to Newberry, South Carolina, in response to a petition filed by Service Radio Company, Inc. The proposed station would provide a first local FM broadcast service to Newberry.

DATE: Effective October 26, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 20, 1981.

Released: August 25, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Newberry, South Carolina); report and order (proceeding terminated).

1. The Commission herein considers a *Notice of Proposed Rule Making*, 46 FR 15757, published March 9, 1981, which seeks the assignment of Channel 292A to Newberry, South Carolina, as its first FM assignment. The *Notice* was issued in response to a petition filed by Service Radio Company, Inc. ("petitioner"), licensee of AM Station WKMG, Newberry, South Carolina. Supporting comments were filed by the petitioner, restating its intent to apply for the channel, if assigned.

2. Newberry (pop. 9,866),[1] seat of Newberry County (pop. 31,111), is located approximately 65 kilometers (40 miles) northwest of Columbia, South Carolina. It is served locally by daytime-only AM Station WKMG (licensed to petitioner) and fulltime AM Station WKDK.

3. The *Notice* requested petitioner to furnish additional engineering data to demonstrate that city grade service could be provided to Newberry taking into account the need for an 11 kilometer (7 mile) site restriction. From the information submitted, it appears that the proposed transmitter site can provide a 70 dBu signal over the community.

4. In view of the apparent need for a first FM assignment, the Commission believes that the public interest would be served by assigning Channel 292A to Newberry, South Carolina. The transmitter site will be restricted to 11 kilometers (7 miles) northeast of the city to comply with spacing requirements and to avoid short spacing to Station WKET(FM), Toccoa, Georgia, and Station WYMX(FM), Augusta, Georgia.

5. Accordingly, pursuant to Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered, that effective October 26, 1981, the FM Table of Assignments (§ 73.202(b) of the Rules) is amended with respect to the following community:

City	Channel No.
Newberry, South Carolina	292A

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

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25535 Filed 9-1-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-107; RM-3690]

FM Broadcast Station in Selmer, Tenn.; Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 288A to Selmer, Tennessee, in response to a petition filed by James E. Wolfe, Jr. The proposed station would provide a first local FM broadcast service to Selmer.

DATE: Effective October 26, 1981.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 20, 1981.

Released: August 25, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Selmer, Tennessee); report and order (proceeding terminated).

1. The Commission herein considers a *Notice of Proposed Rule Making*, 46 FR 15756, published March 9, 1981, which seeks the assignment of Channel 288A to Selmer, Tennessee, as its first FM assignment. The *Notice* was issued in response to a petition filed by James E. Wolfe, Jr. ("petitioner"). Supporting comments were filed by Steve Smith.

2. Selmer (pop. 3,979),[1] seat of McNairy County (pop. 22,525), is located approximately 123 kilometers (80 miles) east of Memphis, Tennessee. It is served by daytime-only AM Station WDTM.

3. Smith, in comments, states that Selmer would benefit substantially from its own local aural facility. He also states that he will apply for the channel, if assigned.

4. The Commission believes that the public interest would be served by assigning Channel 288A to Selmer, since it would provide the community with an opportunity for its first local FM broadcast station. The transmitter site is restricted to 8 kilometers (5 miles) northwest of the city. Although the petitioner has not responded to our *Notice* (showing of a continued interest in the channel) we do have an expression of interest in the channel from another party.

5. Accordingly, pursuant to Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules, it is ordered that, effective October 26, 1981, the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) is amended with respect to the following community:

City	Channel No.
Selmer, Tennessee	288A

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

7. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-25536 Filed 9-1-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Population figures are taken from the 1980 U.S. Census.

[1] Population figures are taken from the 1980 U.S. Census.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

Regulations Modifying Threatened Sea Turtle Resuscitation Procedures

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rule.

SUMMARY: The National Marine Fisheries Service (NMFS) is amending the resuscitation procedures for threatened sea turtles described in 50 CFR 227.72(e)(1)(i) (1980). The procedures described in 50 CFR 227.72(e)(1)(i) require fishermen to attempt resuscitation of comatose threatened sea turtles incidentally caught in commercial fishing operations by turning them on their back and pumping their breastplate by hand or foot. These regulations add an alternative resuscitation technique, allow relocation of turtles to non-shrimping areas, and establish a method for release of turtles from vessels.

EFFECTIVE DATE: These regulations are effective September 2, 1981.

ADDRESS: Regional Director, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

FOR FURTHER INFORMATION CONTACT: Charles A. Oravetz, Fishery Administrator, 9450 Koger Boulevard, St. Petersburg, Florida 33702, Telephone 813-893-3366, FTS 826-3366.

SUPPLEMENTARY INFORMATION:

Background

On October 7, 1980 (45 FR 66460), the National Marine Fisheries Service (NMFS) promulgated emergency regulations that modified the resuscitation procedures for threatened sea turtles described in 50 CFR 227.72(e)(1)(i) (1980). As provided by the Endangered Species Act of 1973, as amended, the emergency regulations were effective for 240 days, beginning on October 7, 1980 and expiring on June 3, 1981.

In the summer of 1980, approximately 1,850 sea turtle carcasses were reportedly washed up on southeast U.S. beaches. These wash-ups prompted a meeting of conservationists, shrimp industry representatives, State and NMFS officials in Charleston, South Carolina, on September 18, 1980. The group considered several options to reduce the mortality of sea turtles incidentally caught in shrimp trawls. There was agreement that the procedures for resuscitating incidentally caught sea turtles needed to be amended. Sea turtles caught and held under water are physiologically stressed and often become comatose and appear dead. However, death usually cannot be determined by appearance or lack of movement alone. A turtle often recovers after its lungs are drained. A comatose turtle thrown into the water before it has a chance to recover will drown.

The emergency regulations provided two methods of resuscitating sea turtles: (1) placing the comatose sea turtle on its breastplate (plastron) and elevating the turtle's hindquarters several inches, or (2) placing the turtle on its back (carapace) and pumping its breastplate with hand or foot. The regulations required that turtles be released over the stern of the boat, in areas where they were unlikely to be recaptured in trawls or injured by vessels, and that the vessel's engine gears be in neutral and trawls not be in use when turtles were released.

The agency has determined that the permanent implementation of these regulations is required in order to mitigate the loss of these threatened species. The effective implementation of these regulations will enhance the agency's overall turtle conservation effort and, coupled with sound enforcement, will be of significant benefit to the threatened turtle populations in the southeast United States. Delay in implementation would contribute to continued sea turtle mortalities.

Comments Received on Emergency Regulations

Simultaneous with publication of the regulations, NMFS invited comments on the desirability of finalizing and modifying the emergency regulations for 60 days ending December 8, 1980. Comments were received from nine sources including individuals, the Federal government, universities, state governments and businesses. The following summarizes the comments and suggestions received and actions taken.

Three commenters made no recommendations on the regulations except to support them. Other commenters suggested changes in the regulations to clarify them.

Several commenters questioned the use of the description "unquestionably dead" in 50 CFR 227.72(e)(1)(i) (A) and (B). The term was originally included to insure that reasonable and prudent efforts are made to resuscitate comatose turtles. Section B includes a requirement to return all turtles to the water if they fail to move within several hours and this provides adequate guidelines for determining if a turtle is dead. To avoid confusion, these sections have been revised to eliminate the word "unquestionably."

One reviewer suggested that all dead turtles be made available for scientific research. Although this would be advantageous from a scientific viewpoint, it could create an economic hardship for commercial interests to attempt to locate appropriate state and Federal officials to receive dead turtles. It would also hamper Federal and state conservation officers' efforts to enforce the prohibition against taking of a listed species. Therefore, the provision to make dead sea turtles available for scientific research is not added to these regulations.

Another commenter, Dr. Jack Frazier of the National Zoological Park, raised the question of whether resuscitated turtles survive more than a few hours after being returned to the sea. The NMFS has evidence that sea turtles survive for at least several weeks after being resuscitated and returned to the sea.

Applicability to Other Laws, Regulations, and Requirements

National Environmental Policy Act

The NMFS considers promulgation of these regulations a non-major Federal action and thus no environmental documents need be prepared pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*). Even if these regulations were considered a major Federal action they would, nonetheless, be exempt from the NEPA environmental document requirements pursuant to Section (6)(c)(1) of the revised NOAA Directive Implementing NEPA and Executive Order No. 12114 (45 FR 49312 (1980)). Section (6)(c)(1) categorically exempts amendments to actions within the scope of the major action described in a previously published Environmental Impact Statement (EIS). The environmental impacts of the original resuscitation procedures were fully addressed in the Final EIS regarding the Listing and Protecting of the Green Sea Turtle (*Chelonia mydas*), Loggerhead Sea Turtle (*Caretta caretta*), and Pacific Ridley Sea Turtle (*Lepidochelys olivacea*) under the ESA. These regulations do not alter the context or intensity of impact described in that document.

Executive Order 12291

These regulations have been effective for eight months on an emergency basis

and have had no apparent adverse economic effect on the shrimp fishing industry. The regulations allow shrimpers to attempt sea turtle resuscitation with little disruption to their normal fishing operations. Shrimpers will be able to continue their resuscitation and relocation efforts according to these regulations with which they are now familiar and which they have reviewed and endorsed.

Consequently, these regulations are unlikely to result in: (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries or government agencies; and (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States based enterprise to compete with foreign-based enterprises in domestic or export markets. I have determined, therefore, that these regulations do not constitute a major rule and require no regulatory impact analysis under Executive Order 12291 (February 17, 1981).

Regulatory Flexibility Act

For the same reasons described above, I have determined according to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, that this rule will have no significant economic impact on a substantial number of small entities. Therefore a regulatory flexibility analysis is not required.

Paperwork Reduction Act

I have also determined that the requirements of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, are inapplicable to these regulations as they impose no collection of information requirements on any persons or agencies, instrumentalities, or employees of the United States.

Administrative Procedures Act

Unless these regulations take effect immediately, large numbers of threatened sea turtles may be lost through incidental drowning during the current shrimping season. Although the existing sea turtle resuscitation regulations help reduce incidental mortalities, effective implementation of these regulations will enhance the agency's overall sea turtle conservation effort and coupled with sound enforcement, will be of significant benefit to the threatened sea turtle populations in the Southeast United States. I, therefore, for good cause find that a delay of 30 days in effectiveness under 5 U.S.C. 553 is impracticable and contrary to the public interest. These regulations thus become effective upon publication.

Authority: The Endangered Species Act of 1973, as amended (16 U.S.C. 1533(d))

The regulations are set forth below.

Dated: August 27, 1981.

Robert K. Crowell,

Acting Executive Director, National Marine Fisheries Service.

PART 227—THREATENED FISH AND WILDLIFE

The amendments to 50 CFR Part 227 are as follows:

§ 227.72 [Amended]

1. 50 CFR 227.72(e)(1)(i) is revised to read as follows:

* * * * *

(e) * * *

(1) * * *

(i) Any specimen so taken must be handled with due care to prevent injury to live specimens, observed for activity, and returned to the water according to the following procedures:

(A) Sea turtles that are dead or actively moving must be released over the stern of the boat. In addition, they must be released only when trawls are not in use, when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels.

(B) Resuscitation must be attempted on sea turtles that are comatose or inactive but not dead by: (*1*) placing the turtle on its back (carapace) and pumping its breastplate (plastron) with hand or foot, or (*2*) placing the turtle on its breastplate (plastron) and elevating its hindquarter several inches for a period of one up to twenty-four hours. The amount of elevation depends on the size of the turtle; greater elevations are needed for larger turtles.

Sea turtles being resuscitated must be shaded and kept wet or moist. Those that revive and become active must be released over the stern of the boat only when trawls are not in use, when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels. Similarly, sea turtles that fail to move within several hours (up to twenty-four if possible) must be returned to the water in the same manner.

* * * * *

[FR Doc. 81-25513 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 661

Ocean Salmon Fisheries Off the Coasts of California, Oregon, and Washington

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

ACTION: Notice of final determinations and closure of the recreational fishery in subarea B.

SUMMARY: The Director, Northwest Region, (Regional Director) National Marine Fisheries Service (NMFS), has reviewed the most recent coho abundance and distribution information, ocean fishing effort, and coho harvests to date. The review confirms the accuracy of the preseason estimates of coho abundance and allowable ocean harvest north of Cape Falcon. Therefore, the commercial all-species ocean salmon fisheries in subareas A and B, and the recreational ocean fishery in subarea A, which were closed on August 21 and August 26, respectively, will not be reopened. To avoid exceeding any further the overall harvest guideline for both the recreational and commercial fisheries, the recreational fishery in subarea B is also being closed by this notice.

EFFECTIVE DATE: August 26, 1981 through September 20, 1981. Public comments on this notice of final determination are invited until September 17, 1981.

ADDRESS: Comments should be sent to: H. A. Larkins, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, Washington 98115.

FOR FURTHER INFORMATION CONTACT: H. A. Larkins, 206–527–6150.

SUPPLEMENTARY INFORMATION: Emergency regulations implementing the fishery management plan as amended in 1981 (50 CFR Part 661), were published in the **Federal Register** (46 FR 30633) and became effective on June 5, 1981. The emergency regulations were extended for an additional 45 days through September 3, 1981 (46 FR 37705). Those regulations specify at § 661.12(b)(2) that the Regional Director will, within 24 days of the opening of the commercial all-species season, based on catch data, make a preliminary projection of the total ocean harvests of coho that will occur by the end of the commercial and recreational salmon fishing seasons in subareas A, B, and C. The preliminary determinations for subareas B and C appeared in the **Federal Register** August 4, 1981 (46 FR 39634). The preliminary determinations for subarea A appeared

in the **Federal Register** August 21, 1981 (46 FR 42485).

The emergency regulations also specify in § 661.12(b)(3) that within 40 days following the opening of the commercial all-species season in subareas A or B, or the closest working day following, the Regional Director, following consultation with the Chairman of the Pacific Fishery Management Council, the Director of the Washington Department of Fisheries, and the Director of the Oregon Department of Fish and Wildlife, and taking into consideration information received will estimate coho stock abundance south of Cape Falcon, Oregon, and north of Cape Falcon and will make a final projection of fishing effort and total ocean harvests by the commercial and recreational fisheries that will occur by the end of the scheduled fishing seasons. The all-salmon species commercial season in subarea B opened on July 1, and in subarea A opened July 15.

If, based on the final projection and any other relevent data received by that time, the Regional Director determines that (1) actual condition of abundance and distribution of coho salmon and of fishing effort and catches differ from conditions anticipated prior to the opening of the fishing season, or (2) inseason modifications are reasonably necessary to provided adequate escapement of coho salmon from the ocean fisheries for spawing, to meet treaty Indian allocation requirements, or to maintain the historical harvest ration between commercial and recreational coho fisheries (60 percent for commercial trollers, 40 percent for recreational fishermen in subarea A; 71 percent for commercial trollers, 29 percent for recreational fishermen in subareas B and C) he may modify the open seasons or catch limits as necessary in subareas A and B.

On the 40th day following the opening of the all-species salmon season in subarea B, another determination was issued for subarea B and C on August 19, 1981 (46 FR 42070) which concluded that because of a lack of definitive data, a final determination regarding coho abundance for subareas B and C could not be made until August 24 when final determinations were to be made for subarea A.

Findings and final determinations of the Regional Director for subareas A, B, and C are as follows:

Coho Harvest to Date

Subarea A

An estimated 490,100 coho have been harvested by the ocean fisheries in subarea A as of August 9, 1981 (the latest date for which catch data are available). About 186,500 coho were caught by the recreational fishery, of which 156,100 were caught off Washington and 30,400 off Oregon north of Cape Falcon. Of the 303,600 caught by the commercial trollers, about 272,700 were caught off Washington and 30,900 off northern Oregon. The 303,600 caught by the commercial troll fishery to August 9 compares with 293,800 and 466,300 caught by corresponding dates in 1980 and 1979. The 1979 commercial troll season opened two weeks earlier than the 1980 and the 1981 seasons which accounts for the larger catches in 1979. The 186,500 coho caught by the recreational fishery compares with 334,000 and 221,800 caught by comparable dates in 1980 and 1979.

Subareas B and C

An estimated 554,600 coho have been harvested by the ocean fisheries in subareas B and C as of August 9. Of these about 101,200 were caught by the recreational fishery, 94,200 off Oregon south of Cape Falcon, and 7,000 off California. Of the 453,400 coho caught by the commercial trollers, 399,200 were caught off Oregon south of Cape Falcon, and 54,200 off California. The 453,400 caught by the troll fishery by August 9 compares with 301,700 and 716,000 by corresponding dates in 1980 and 1979. The 101,200 caught by the recreational fishery by August 9 compares with 263,100 and 128,700 caught to the corresponding date in 1980 and in 1979.

Effort Data

Subarea A

Commercial fishing effort through August 9 off Washington is about 14 percent above 1980 but about 20 percent below 1979. The 1979 effort was higher primarily because the all-species season opened July 1 rather than July 15. Commercial effort in Oregon north of Cape Falcon is 89 percent above 1980 and 15 percent below 1979.

Recreational effort off Washington is down considerably from both 1980 (21 percent) and 1979 (25 percent). Recreational effort off northern Oregon is 12 percent below 1980 and about comparable to 1979.

Subareas B and C

Troll effort through August 15 in California is 8 percent below 1980 and 6 percent below 1979. For Oregon south of Cape Falcon, the troll effort through August 9 is 19 percent above 1980 because the all-species season opening was delayed in 1980 until July 15 and is 28 percent less than effort to the corresponding date in 1979.

Recreational fishing effort off California is 20 percent below 1980 and 30 percent below 1979. Recreational effort off Oregon south of Cape Falcon also is below both 1980 (by 15 percent) and 1979 (by 5 percent).

Abundance Evaluations and Projections for the 1981 Season

Subarea A

The most recent coho abundance and distribution information, ocean fishing effort, and coho harvests to date by the commercial and recreational fisheries give no reason to modify the estimates of coho abundance or the allowable total ocean harvest (harvest guideline) north of Cape Falcon. In earlier action, the Regional Director predicted that the harvest guideline of 372,000 coho for the commercial fishery in subarea A would be met on August 21; the fishery was closed effective at midnight (PDT) on that date. Likewise the harvest guideline of 248,000 coho for the recreational fishery was predicted to be met on August 26th and the fishery was closed effective at midnight (PDT) on August 26th.

Subareas B and C

Available information on coho harvests and inseason stock assessment suggests that the preseason estimate of OPI stocks was low. Expected 1981 catch levels and contributions of coho from private hatcheries for the OPI areas are higher than preseason estimates. In concert, these factors suggest that the preseason estimate of stock abundance and the ocean harvest guideline south of Cape Falcon should be increased by 22,600 coho from 772,000 to 794,600. Latest information and projections indicate that the commercial harvest guidelines of 564,200 coho were exceeded (by about 135,000) before the fishery was closed by field order on August 21. In addition, the commercial fishing season in Oregon waters of subarea B, by unanticipated action of the Oregon Fish and Wildlife Commission (Commission), was kept open an additional 3 days (until August 24). This action was estimated to result in an additional overharvest of 25,000–30,000 coho by the commercial fishery.

Catch by the recreational fishery in subareas B and C was projected to be 145,000 coho as of August 21. No action was taken by the Commission to shorten the recreational season in Oregon waters south of Cape Falcon (scheduled to end September 20), although it did propose to close the recreational fishery

in Oregon waters north of Cape Falcon on September 7, 12 days after the Federal closure for the recreational fishery in subarea A (August 26).

Thus it appears that the total revised harvest guideline for subareas B and C of 794,600 coho already has been exceeded by 50,000–60,000 coho and further coho fishing in the fishery conservation zone of subarea B, either recreational or commercial, must be prevented to avoid exceeding any further the revised harvest quota. Few coho remain now in subarea C, so the salmon fisheries there will not need to be closed until their scheduled closures.

Field Order, Comments, and Subsequent Actions

Effective at midnight PDT on August 29, 1981 through September 20, 1981, the recreational fishery in the fishery conservation zone in subarea B is closed.

In accordance with § 661.12(b)(6) of the emergency regulations, the Regional Director finds that public comment on these final determinations, for a period ending September 17, 1981, would be in the best interest of the public and the resources involved. Comments will also be considered in relation to final regulations which are to be effective after September 3. Relevant data on which these projections and determinations were based may be reviewed at the office of the Regional Director (address above).

(16 U.S.C. 1801 *et seq.* and 50 CFR 661.12)

Dated: August 28, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-25542 Filed 8-28-81; 12:31 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 170
Wednesday, September 2, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1001

[Docket No. AO-14-A58]

Milk in the New England Marketing Area; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends certain changes in the New England milk order based on industry proposals considered at a public hearing in September 1980. The principal change would increase the total amount of transportation allowance on milk moved from country locations to city plants in order to reflect more nearly the actual costs of transportation. Related changes would lower the zone 21, or base zone, Class I price and would restructure some of the pricing zones in southern New England. Other changes would permit the use of storage tanks at a non-pricing reload point, allow Class I classification of ending inventories of fluid milk products, and increase the level of allowable diversions of producer milk to nonpool plants. Changes also are made in the procedure for applying location adjustments to shipments from supply plants. The recommended changes are necessary to reflect current marketing conditions and to assure orderly marketing in the New England area.

DATE: Comments are due on or before September 22, 1981.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:
Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202/447-6273).

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior document in this proceeding:

Notice of Hearing: Issued August 11, 1980, published August 14, 1980 (45 FR 54066).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the New England marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by September 22, 1981. The exceptions should be filed in four copies. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing held at Framingham, Massachusetts, on September 9-11, 1980, pursuant to notice thereof issued August 11, 1980 (45 FR 54066).

The material issues on the record of the hearing relate to:

1. Plant location adjustments.
   (a) Revision of the base zone Class I price level.
   (b) Automatic change in location adjustments.
2. Transportation credit on milk moved between pool plants.
   (a) Set-aside allowance.
   (b) Classification of inventories.
3. Plant definition.
4. Diversion of producer milk.
5. Butterfat accounting.
6. Proposals not supported.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Plant location adjustment.*

The total transportation allowance for milk moved from country plant locations to city plants should be increased to reflect the full costs of reloading and hauling milk. The allowance for variable costs of hauling should be increased from the present 1.8 cents to 2.5 cents per hundredweight for every 10-mile zone that milk is moved between zone 21 and zone 1. Between zones 14 and 15, the fixed hauling cost allowance should be changed from 8 cents to 12 cents per hundredweight, and the provision for reload costs increased from 6 cents to 10 cents per hundredweight. The combined effect of these changes will be to increase the Class I and blended price adjustment at zone 1 from the present 50 cents to 72 cents per hundredweight over the zone 21 prices. At locations beyond zone 21, Class I and blended prices should be adjusted downward by 2.5 cents per hundredweight per 10 miles rather than at the present rate of 1.5 cents.

Under the present terms of the order, milk from producers is priced at the location of the plant at which it is first received. The same plant location adjustment rates apply to Class I and producer blended prices. Prices are adjusted from the 201-210 mile base zone (zone 21), which is measured from Boston. The Class I milk price is increased 1.8 cents for each 10-mile zone less distant than the twenty-first zone and reduced 1.5 cents for each 10-mile zone more distant than zone 21. In addition to the transportation adjustments associated with distance, a 14-cent differential (8 cents per hundredweight for fixed costs of hauling and 6 cents per hundredweight for the cost of reloading milk from supply plants) between zones 14 and 15 is applicable to milk received at plants in zones 1-14.

A federation of cooperatives and a milk dealers' association submitted nearly identical proposals to change the location adjustment schedule in the New England order. A variable hauling rate allowance of 2.3 cents per

hundredweight per 10-mile zone, and allowances of 12 cents per hundredweight for fixed hauling costs and 10 cents per hundredweight for costs of reloading milk, were requested. However, both groups proposed maintaining the present 1.8-cent per hundredweight per zone price differences within the first 8 zones where most of the distributing plants are located. A price difference of 5.8 cents, rather than 1.8 cents, would then occur between zones 8 and 9 to absorb the amount of hauling costs at the 2.3-cent rate per zone for the first 8 zones that would not be reflected in the 1.8-cent rate for those zones. Originally, cooperatives proposed that prices for zones beyond zone 25 continue to be adjusted at the current 1.5-cent rate, while the milk dealers proposed that price adjustments beyond zone 25 be at the same rate as within the first 25 zones. During the hearing, however, both groups reversed their positions on this issue, each adopting the other's proposal.

These proposals to increase price differentials between zones are designed to include within the order transportation allowances that adequately provide for the cost of hauling bulk milk. Proponent witnesses testified to the necessity of reflecting the full cost of hauling in the location adjustment schedule in order to achieve equity between handlers who buy milk from different sources and between producers who sell milk priced at different locations.

Handlers who buy milk directly from producers and cooperatives pay for it at the price applicable at their plant locations, with the producers or cooperatives paying any hauling costs incurred in delivering the milk to that location. Transportation costs on milk purchased from supply plants and assigned to Class I, however, are presently credited to the selling handler by charging him the Class I price effective at his location while he collects the higher Class I price effective at the location of the buying handler in payment for his milk. When the price difference between the two locations is not great enough to defray the expenses of hauling milk from one to the other, either the buyer or seller must make up the difference. A buying handler who pays for the transportation of his milk supply will experience a cost disadvantage in competition with a distributing plant operator who purchases milk directly from producers. If a cooperative-operated supply plant subsidizes transportation costs not covered under the order, reduced proceeds from the sale of milk must be reblended in lower prices to member producers, creating inequity between them and non-member producers and encouraging them to leave the cooperative.

Inadequate adjustment of prices by location results in producer inequity when producers deliver milk to handlers at different locations. A producer delivering milk to a city distributing plant receives a price which is too low to recover the cost of hauling milk there, while a producer whose milk is received at a country manufacturing plant is paid a price which is too high in relation to the plant's distance from the city market. Dairy farmers whose milk is direct-delivered to the city are then at a competitive disadvantage to those whose milk is received at nearby country plants.

If the order is to fulfill its purpose of providing stable and orderly marketing conditions for producers and for the handlers through whom they market their milk, it is necessary that transportation allowances contained in the order do not fall too far short of the full costs of hauling bulk milk. A regression analysis of transportation costs for July 1980 which clearly demonstrates the inadequacy of present transportation allowances was introduced by a witness for the proponent cooperatives. The hauling rates negotiated with milk haulers by cooperatives on 47 different routes, each covering 50–250 miles between supply plants or reload points and city plants, were analyzed. This cost analysis shows that the fixed cost of hauling bulk milk in July 1980 was 12.12 cents per hundredweight, with a variable cost of 2.55 cents per hundred-weight per 10-mile zone. A cooperative representative further testified that in a survey of cooperative association managers an average cost of reloading milk at supply plants of 10 cents per hundredweight was determined.

In a February 1978 hearing concerning location pricing, a similar regression analysis for August 1977 was introduced showing a variable hauling rate of 1.99 cents per hundredweight per 10-mile zone. At that time, the rate proposed for inclusion in the transportation allowance was 1.8 cents, which rate was adopted in the final decision issued in September 1978. Witnesses in the current proceeding testified that the 1.8-cent rate was obsolete before it was adopted, and as hauling costs have increased steadily since that time the transportation allowance has become increasingly insufficient.

It is apparent from the evidence presented that the transportation allowance in the New England order should be updated. However, adoption of the proposed rate of 2.3 cents per hundredweight per 10-mile zone would seem to invite the same problems encountered after the most recent proceeding dealing with this issue. Incorporation of a variable hauling allowance of 2.3 cents per hundredweight per 10-mile zone when the actual cost just prior to the hearing was 2.55 cents would ensure that the amended order would be out of date before it could be adopted. Accordingly, the 2.55 cents variable cost rounded to 2.5 cents per hundredweight per 10-mile zone should become part of the order's amended location adjustment provision.

As requested by proponents and supported by testimony, allowances of 12 cents per hundredweight for fixed hauling costs and 10 cents per hundredweight for costs of reloading milk should be incorporated in the location adjustment schedule. The fixed hauling cost allowance is supported by the regression analysis, and the reload cost by the only testimony offered on that subject. No evidence or testimony was presented to dispute either rate. As in the present location adjustment schedule, allowances for fixed hauling and reload costs should be inserted between zones 14 and 15. There are no pool distributing plants outside zone 14, and most supply plants and reload points are located in zone 15 and beyond. Insertion of these allowances between zones 14 and 15 will avoid disrupting competitive relationships between distributing plants. The addition of these allowances, totalling 22 cents per hundredweight, will cover the cost of moving milk from the production area to the primary consumption centers and line up the cost of nearby direct-shipped milk with that of more distant reloaded and supply plant milk.

In the proponents' proposed location adjustment schedule the present 1.8-cent per hundredweight price relationship between zones is retained through zone 8, with a 5.8-cent differential between zones 8 and 9. Proponent witnesses justified retaining the 1.8-cent price difference within the interior zones on the basis that nearly all of the distributing plants are located in these zones and that increased price differences there would disrupt competition. The change from the previous nearby plant zone, within which most of the plants in the present zones 1–8 were subject to the same price, had been in effect for only two years, they maintained, and handlers need more time to adjust to the present

price differences before changes are made.

Several proprietary handlers objected to aspects of the proposed location adjustment schedule that they felt would disadvantage their operations relative to those of other handlers. A distributing plant operator located in zone 7, in competition with a zone 12 handler, asserted that the proposed schedule, with a price break between zones 7 and 9, would increase the present 9-cent price difference between zones 7 and 12 to 14.5 cents. This price difference, he claimed, would reflect more than the actual variable cost of hauling milk a distance of 5 zones, and would advantage his competitor unfairly. A zone 1 handler repeated the zone 7 handler's concern over the state of competition with a zone 12 handler if price relationships in zones 1–8 were to be frozen with more rapidly declining prices outside zone 8.

Establishing different price adjustments between zones 1–8 than between zones outside zone 8, with the proposed price break between zones 8 and 9, would disrupt competitive equity between plant operators located in zones 1–8 and those located beyond zone 8. Location adjustments exist for the purpose of getting milk from where it is produced to where it is needed for processing and packaging. Hauling costs have not been shown to be any less in zones 1–8 than in other zones. Accordingly, the 2.5-cent per hundredweight rate should be used to adjust prices between zones 1 through 8. There is, however, a basis for restructuring the zoning within the old nearby plant zone.

At the time of the last hearing on this subject, a shift in the primary production area from Vermont to New York was observable. More milk was moving from west to east, while north to south movements were declining a proportion of market production production. It was determined, therefore, that the zoning of the secondary consumption areas west of Boston and Providence should be computed on the basis of the distances of Hartford and Springfield from the nearer of Boston or Providence. Since it is 70 miles from Providence to Hartford, and 77 miles from Providence to Springfield, the Hartford area was designated zone 7, and the Springfield area zone 8. Since the last hearing, however, the trend of production for the New England market has been northward. The percentage of production from Vermont farms in December 1979 was 39.3%, compared to 37.8% in December 1977. New York production pooled on Order 1 over the same period changed from 27.8% to 27.0% of total pool milk. At the same time, an examination of New York milk production pooled in New England, by county, shows a shift from southeast and east central counties to counties in northeast New York.

In New England, milk movements from northwest to southeast and north to south rather than from west to east result in diminishing the difference in distances between the major production area and the primary and secondary consumption areas. Hartford, Springfield and Worcester remain significantly closer to any primary production area than Boston or Providence, and should be in lower-priced zones to encourage milk to move on into the primary consumption area. However, price zone differences should be reduced between the Hartford, Springfield, and Worcester areas and zone 1 to make these secondary consumption centers more competitive in the procurement of milk from the north and northwest portions of the production area for the market. This would require an average decrease of approximately 20 miles, or 2 zones, in the relative distances from the principal production areas to Hartford/Springfield/Worcester and from those production areas to Boston/Providence.

The area presently designed as zone 1 should be unchanged. All plants located in the State of Rhode Island, the Massachusetts counties of Barnstable, Bristol, Dukes, Norfolk, Plymouth, or Suffolk, or the area between Boston and Massachusetts highway number 128 are in zone 1. This zone includes the major cities of Boston and Providence and is generally described as southeastern New England. The Class I price at plants in this zone would be 72 cents per hundredweight above the Class I price at the 21st (base) zone.

Plants located in that portion of Middlesex County, Massachusetts, south of Massachusetts highway 2 and not in zone 1 and the Worcester County townships of Berlin, Blackstone, Bolton, Douglas, Hopedale, Mendon, Milford, Millville, Northborough, Northbridge, Southborough, Sutton, Upton, Uxbridge, Westborough, and that portion of Harvard township south of Massachusetts highway number 2 should be in zone 2. The Class I price in this zone would be 2.5 cents less than that in zone 1, and 69.5 cents more than the zone 21 Class I price.

All plants located in the eastern Connecticut counties of Middlesex (except the townships of Cromwell, Durham, Haddam, Middlefield, Middletown, and Portland), New London, Tolland (except the townships of Ellington and Somers), and Windham; or in the Worcester County, Massachusetts, townships of Auburn, Boylston, Charlton, Clinton, Dudley, Grafton, Holden, Lancaster, Leicester, Millbury, Oxford, Paxton, Shrewsbury, Southbridge, Sterling, Webster, West Boylston, and Worcester City should be in zone 3. The Class I price there would be 5 cents less than the zone 1 price and 67 cents more than the Class I price at the 21st zone.

The designation of the present zone 7 (western Connecticut) should be changed to zone 5. This area consists of the Connecticut counties of Fairfield, Hartford, Litchfield, New Haven; the townships of Cromwell, Durham, Haddam, Middlefield, Middletown and Portland in Middlesex County; and the townships of Ellington and Somers in Tolland County. In addition, the Massachusetts townships of Brimfield, Holland, Monson, Palmer and Wales in Hampden County; the township of Ware in Hampshire County; and the townships of Brookfield, East Brookfield, Hardwick, New Braintree, North Brookfield, Oakham, Spencer, Sturbridge and West Brookfield in Worcester County should be included in zone 5. In this zone, which includes the city of Hartford, the Class I price would be 10 cents less than in zone 1, and 62 cents greater than the Class I price in zone 21.

The area presently designated zone 8, which includes the city of Springfield, should be changed to zone 6. This zone consists of the Massachusetts counties of Hampden (except the townships of Brimfield, Holland, Monson, Palmer, and Wales) and Hampshire (except the township of Ware). At plants located in this area, the Class I price would be 12.5 cents less than at plants in zone 1, and 59.5 cents greater than for locations at zone 21.

The zone location of any plant located outside the specific zones previously listed should be determined on the basis of its highway mileage from Boston. In general, this area encompasses the territory north and west of the zones specified. Since plants located outside the specified zones are generally on a direct line between the major production and consumption areas, they should be zoned on a straight mileage basis.

Restructuring the present designated zones in Connecticut and Massachusetts was not the specific method proposed by proponents. However, this rezoning would result in very little change in price relationships among pool distributing plants, as requested by the proponents. The Class I price difference between zone 1 and the Springfield area would change from 12.6 cents to 12.5

cents. From zone 1 to the Worcester area, Class I prices would be reduced by 5 cents rather than by 5.4 cents. The Class I differential at Hartford would be 10 cents less than at zone 1, as compared to the present 10.8-cent difference. The rezoning adopted in this decision will also incorporate the actual variable hauling rate throughout all zones, avoiding the sharp price difference between zones 8 and 9 which several handlers testified would hurt them competitively. At the same time, the revised zone structure more accurately reflects the relative distances of the primary and secondary consumption areas from the primary sources of production.

A handler located in Franklin, Massachusetts, objected to the present designation of that location as zone 1, claiming that it is closer to the production areas of Vermont than Boston is, and that zone 4 (with a 5.4-cent lower Class I price) is less than 10 miles away from the plant location. He requested that a zone 3 designation for this location be considered, which would lower his present Class I price by 3.6 cents.

There is no justification for placing this handler in a lower-priced zone. Franklin, Massachusetts, is approximately the same distance from points in Vermont as Boston is, and is midway between Boston and Providence, the two population centers of zone 1. Furthermore, it is located more than 20 highway miles from any of the nearest zone 4 competitors in the Worcester area.

Another zone 1 handler located north of Boston expressed a desire to see location differentials updated to reflect the full cost of moving raw milk from the farm to the city, but also requested that the old nearby plant zone be reinstated so that all handlers in southern New England might compete on the basis of the same Class I price. This witness maintained that it is difficult for handlers located in zone 1 to compete in further-out zones with handlers who are subject to lower Class I prices. Furthermore, he claimed, by adjusting prices within the nearby plant zone government contributes to urban decay by encouraging industry to move out of the central city area where costs are higher.

This witness overlooks the principle behind location adjustments, which is to ensure that milk will be moved to where it is needed. Zone differentials cannot reflect the cost of moving milk to the city if no differentiation is to be made between cities which are varying distances from production areas. If the location adjustments reflect the cost of moving milk only to the periphery of the consumption area, the allowance would not be adequate for hauling milk into Boston. At the same time, if the cost of moving milk to Boston were incorporated into a Class I price that applies throughout the entire nearby plant zone, the expense of hauling milk to Springfield or Hartford would be overcompensated, attracting unneeded supplies of milk to those cities. As transportation costs and allowances increase, the inequity of either of these situations would become more pronounced.

It is not likely, as the handler contends, that the present pricing concept would encourage handlers to move their distributing plant operations to outlying areas. Handlers who move out of the central city in order to obtain lower raw product prices would incur higher costs in moving packaged milk to the city that would more than offset the lower costs for raw milk.

A handler whose plant is located in Rhode Island expressed a need for increased hauling allowances to cover the extra cost of moving milk from northern Vermont, past Boston, to Rhode Island without having to pay a Class I price greater than that in Boston. In a post-hearing brief filed by this handler, it was suggested that the extra cost be covered by a 7-cent pool credit allowed on Class I supply plant milk shipped to Rhode Island and southeastern Massachusetts. The transportation credit allowed handlers regulated under the New York-New Jersey milk order (Order 2) was used as a justification for the proposed 7-cent credit.

The transportation credit in the New York New-Jersey order exists because of farm point pricing. It covers part of the handler's cost of getting milk from the farm to the plant of first receipt. The handler credit is not applied to the entire pool but only to the proceeds due producers whose milk is moved in bulk form.

In New England, where milk is priced at the plant of first receipt, producers pay the hauling costs associated with moving their milk to a plant. If southeastern New England is significantly farther from the production area than Boston is, the price of milk to the handler should be enough to cover the additional cost of hauling. However, there was no testimony supporting a higher price in southeastern New England than in Boston. In testimony received at the hearing, The Rhode Island handler stated that the cost of hauling milk to his plant from zone 25 in northern Vermont was 21 cents more than the present transportation allowance in the order. This decision adopts an increase in the transportation allowance from zone 25 to zone 1 of 26 cents, from 56 cents to 82 cents. This increase would more than cover the handler's current shortfall in transportation allowance.

As advocated by producer groups, reduction of Class I and producer prices by zone should continue beyond zone 21 at a rate reflecting the full cost of hauling (2.5 cents/cwt/zone). Witnesses opposed maintaining the present "kink" in the rate of adjustment beyond zone 21. They maintained that no reduction in hauling costs outside zone 21 was indicated in the analysis of hauling costs. Furthermore, milk is customarily hauled from as far as zone 25 to zone 1, and the transportation allowance on that milk should cover the full cost of hauling over that distance. Several witnesses testified that zoning, and adjustment of prices, should cease for locations farther out than zone 24 or zone 25. They expressed the opinion that the cessation of zoning for farther-out locations would discourage the "leap-frogging" of distant producers over closer-in producers since the hauling costs from the distant areas would not be fully covered. The record, however, does not reveal that this is happening to any significant extent. Moreover, in the absence of zoning, handlers would be able to pool farther-out producers at manufacturing plants beyond zone 25 at the zone 25 price, thereby diluting the pool and the blend price for all closer-in producers. Accordingly, adjustment of Class I and blend prices by zone should continue downward beyond zone 21 at the same variable rate as prices for the inner zones.

(a) *Revision of the base zone Class I price level.*

The 22-cent increase in location adjustments between zone 21 and zone 1 should not be applied as a full 22-cent increase in Class I prices at zone 1. Instead, the Class I price at zone 21 should be reduced 14 cents, resulting in an 8-cent increase at zone 1. At the present time, the Class I price differential at zone 21, which is added to the basic formula price for the second preceding month, is $2.42. With transportation allowances, the Class I differential at zone 1 is $2.92.

The milk dealers' association proposed that with an 18-cent increase on location differentials, the Class I differential at zone 21 should be reduced 12 cents to avoid the full 18-cent increase in the zone 1 Class I price. Under this proposal, the zone 1 Class I price differential would be increased 6

cents, or to $2.98. The dealers testified that any greater price increase would seriously disrupt intermarket competition with handlers regulated under Order 2, and would increase the total returns to producers. They expressed the belief that although producer prices need to be realigned, a significant net increase in producer prices under current supply-demand conditions would encourage even greater milk production in a market with declining Class I sales.

Producer groups opposed reducing the Class I price differential at any zone. One representative of a cooperative association asserted that increased costs of hauling should be passed through marketing channels to consumers, not absorbed by producers. Another witness pointed out that the handlers' proposed price reduction at zone 21 would have a net price reduction outside zone 14 where one-third of the producer milk and 10 percent of Class I milk in New England is priced. In view of the increases in cost of production indices of 20 to 25 percent since 1978, to which he testified, this witness expressed the opinion that no producer prices should be reduced. Also, two cooperative representatives testified that the historical price difference between Order 1 and Order 2 at the 21st zone has been 17–18 cents. Justification of that difference based on the relative differences in distance of the two markets from Eau Claire, Wisconsin, was cited from a 1968 decision. On that basis, one witness claimed, the Order 1 price should not only be maintained at 17 cents over the Order 2 price, but the difference should be increased to 24 cents.

The addition of the full 22-cent transportation increase at zone 1, with the rezoning adopted herein for southern New England, would result in a weighted average Class I price increase for the market of 20 cents and an increase in the blend price to producers of about 11 cents. In the face of increased production and declining Class I use, there is no economic basis for enhancing producer returns. Under the price support program, higher production costs (not including hauling costs) result in increased prices paid by the Commodity Credit Corporation for manufactured dairy products. Changes in support prices are then reflected in order prices for both Class II and Class I milk through the Minnesota-Wisconsin price series for manufacturing grade milk. There is, therefore, no reason to reflect in the location pricing structure of the order those increased production costs represented by the indices introduced in testimony.

The cooperatives' proposal to add to the Class I prices in the first 8 zones all of the increase in the cost of hauling milk from zone 21 to zone 1 implies that all of the milk needed for Class I use at all locations in the old nearby plant zone must be moved from distant areas. This is not the case. Much of the milk received by distributing plants in southern New England comes from farms relatively close to these plants. An analysis of the market administrator's statistics describing where milk is produced, by county, shows that production from within the States of Connecticut, Massachusetts, and Rhode Island, the southernmost counties of Vermont and New Hampshire, and the southeastern counties of New York is of great enough volume to satisfy about two-thirds of the Class I needs of the New England marketing area. Under the current supply arrangements in this market, increasing the zone 1 Class I price by 8 cents and reducing the Class I price at other zones at the rate of 2.5 cents per zone would result in approximately the same total returns to producers as a group. The 14-cent reduction in the zone 21 Class I differential that would result would reflect the relative decline due to increased hauling costs in the value of milk produced and delivered in the country compared to that of milk produced and delivered closer to city locations.

Although the zone 21 Class I price difference between Order 1 and Order 2 has historically been 17–18 cents, the intermarket price relationship at that zone has become less important over time with the growth of direct delivery of producer milk to city locations. Much more milk is priced at city locations now than in 1968. Since 1968, location pricing in both orders has evolved with the object of encouraging milk to move where it is needed for fluid use. Location adjustments were revised most recently for New England in 1978, and for New York-New Jersey in 1977. Since those revisions, the Class I price difference between New York City and Boston has been 16 cents (New York City: $2.25 Class I differential at 201–210 mile zone plus 36-cent location adjustment plus 15-cent direct delivery differential equals $2.76; Boston: $2.42 Class I differential at 201–210 mile zone plus 50-cent location adjustment equals $2.92). Under a recent decision on proposed pricing changes for Order 2 that were considered at a June 1980 hearing, the Class I price differential effective at New York City would be $2.84, compared to a differential price of $3.00 at Boston under the changes adopted herein.[1] The difference in prices effective at the two cities, therefore, would remain at 16 cents.

An increase in the present Class I price in the lower-numbered zones by the amount of the added transportation allowance would result in a misalignment of prices with Order 2, increasing the incentive for Order 2 handlers to distribute milk in Order 1. Both dealer and cooperative association witnesses, even those protesting the proposed reduction of zone 21 Class I prices, stressed the importance of price alignment between Order 1 and Order 2. Several witnesses also commented on the need to consider the results of the June 1980 Order 2 hearing. The problem of interorder alignment occurs because the procurement and sales areas of both orders overlap. The importance of interorder alignment has recently become greater as some trade barriers established by health department regulations have been removed. According to one witness, three New York handlers are now licensed to sell milk in Massachusetts.

Several areas were mentioned in testimony as being of primary concern in an examination of interorder price alignment. None of the testimony received, however, indicated that price relationships presently existing between Order 1 and Order 2 in these areas present any alignment problems. Interorder price alignment probably would remain fairly satisfactory, therefore, if price relationships in these areas remain relatively unaltered.

An Order 1 handler in Danbury, Connecticut, with sales in the Order 2 area competes with handlers in the New York metropolitan area. If this handler were to adjust his sales volume between the two markets to become pooled under Order 2, he would still maintain sales in the Order 1 area in competition with Order 1 handlers. In these circumstances, orderly marketing would be maintained in this handler's sales area if the Class I price level at Danbury were the same, or nearly so, under both orders. Danbury is presently in zone 7 of Order 1 and in the 41–50 mile zone of Order 2. The Order 1 price at Danbury is presently 12.4 cents higher than the Order 2 price. Under the revised Order 1 zone structure, Danbury would be in zone 5, while remaining in the 41–50 mile zone in Order 2. Under the changes

[1] Official notice is taken of the Assistant Secretary's decision on proposed amendments to the New York-New Jersey order that was issued on June 22, 1981 (46 FR 33006).

adopted in this decision and the very recent Order 2 decision regarding the location adjustment schedules for both orders, the Order 1 price at Danbury would be 14.8 cents higher than the Order 2 price. If full hauling costs were incorporated into the Order 1 location adjustment schedule without adjusting the zone 21 Class I differential downward, however, the price difference between the two orders at Danbury would increase to 28.8 cents. A price discrepancy of that size might encourage the Danbury handler to adjust sales so as to be pooled in Order 2 at a lower price, while still competing with Order 1 handlers in New England.

Handlers located in southwestern New England should not be subject to Class I prices that make them unable to compete with Albany, New York, area handlers selling milk in the Hartford, Connecticut, or Springfield, Massachusetts, areas. The importance of alignment between these points has increased with the licensing of several New York handlers to sell milk in Massachusetts. The Class I price differences between Albany and Hartford and Albany and Springfield effective during the period preseding the most recent amendment proceedings for the two markets have been 43.6 and 41.8 cents, respectively. Albany is in the 131–140 mile zone in Order 2. The recent decision for Order 2 establishes a Class I price differential of $2.404 at that location. As a result of the changes adopted herein, the Class I price differential at Hartford would be $2.90, and at Springfield, $2.875, this widening the price differences between these locations and Albany to 49.6 and 47.1 cents, respectively.

Order I Class I prices in southwestern New England should not be so high as to exceed significantly the Order 2 Class I price at Albany plus the cost of hauling packaged milk from there to Hartford or Springfield. Misalignment problems could result if Albany handlers were able to transport packaged milk to Hartford and Springfield at a Class I price differential cost that is below the Order 1 Class I price differential cost to handlers in those areas. In the earlier Order 1 decision on this subject, the cost of hauling packaged milk from Albany to Hartford, 102 miles away, was determined to be 42.6 cents per hundredweight. On the basis of the same formula, using a Purdue University study of 1976 packaged milk transportation costs, the cost of hauling packaged milk 82 miles to Springfield from Albany was 36.2 cents. Because 1976 transportation costs are obsolete, that formula should be updated. Using the rate of change experienced in bulk hauling costs since 1977, as determined from the regression analysis of those costs submitted by proponents, fixed hauling costs have risen 29% and variable costs 28%. A rate of increase of thirty percent can, therefore, be employed to estimate the change in packaged milk transportation costs since 1976. As a result, hauling costs of about 55 cents from Albany to Hartford and about 47 cents from Albany to Springfield may be calculated.

The Class I differential cost to any Albany handler for packaged milk moved to the Hartford area would then become $2.404 + .55, or $2.954, compared to the Hartford area handler's Order 1 Class I price differential of $2.90. An Albany handler would experience no advantage in transporting fluid packaged milk to Springfield, either, at a differential cost of $2.404 + .47, or $2.874, which would be the same as a Springfield handler's Order 1 differential cost for Class I milk. If the cooperatives' proposal were adopted, however, and no downward adjustment at zone 21 were made to partially offset the increase in transportation allowances, Class I price differentials at Hartford and Springfield would become $3.04 and $3.015, respectively, giving Albany area handlers a potential competitive advantage of more than 8 cents at Hartford and 14 cents at Springfield.

(b) *Automatic change in location adjustments.*

Proposals to revise location adjustment rates automatically through the use of a formula, so that transportation allowances will follow transportation costs as represented by fuel prices, should not be adopted. Identical proposals were submitted by a federation of cooperatives and by an association of milk dealers to adjust zone price differentials for every 5-cent change in the price of a gallon of "Diesel to commercial customers, New England" as reported monthly by the Bureau of Labor Statistics of the U.S. Department of Labor. The proposed adjustment of .05 cents per hundredweight per zone was derived mathematically from the effect a 5-cent change in fuel prices has on the cost of hauling 100 pounds of milk 10 miles. Price differences between the first 8 zones, however, would be kept constant by using the 1-cent adjustment that would be computed for Zone 1 ($.05 \times 20$ zones $= 1$ cent) for each of the first 8 zones. Prices in Zones 9–20 would be adjusted upward by .05 cents per zone for each 5–cent increase in diesel fuel prices. The Zone 21 price would remain unchanged, whatever the fluctuations in fuel prices, with prices in Zones 22 and beyond being adjusted downward for each 5-cent increase in the price of diesel fuel.

A provision for automatically updating location adjustments by formula has become necessary, proponents testified, primiarly because of increasing fuel costs, which had more than doubled between December 1978 and the time of the hearing. Increases in costs of other items affecting hauling were summarized over a period of three years preceding the hearing. Rates of increase for these costs, including equipment, labor, and tires, ranged from 32.5 percent to 45.6 percent. In the face of rapidly rising transportation costs, both cooperative association and dealer witnesses expressed a desire to see the order incorporate a means of updating transportation allowances automatically without going through the time-consuming hearing procedure.

The formula proposed is designed to adjust transportation allowances only according to changes in fuel prices, and only for the proportionate impact of fuel prices on total hauling costs. It was emphasized by more than one witness that the proposed automatic adjustment is not "indexing" in the sense that total hauling costs would be recovered through location adjustments which no incentive for handlers or haulers to minimize those costs. Instead, the fuel prices used in the formula would be prices reported as determined by market forces. Competition in a milk hauling industry described as presently "highly competitive" by a consultant with the University of Vermont studying milk hauling in Vermont would serve to keep costs, and rates, at a minimum. By basing the adjustment formula solely on fuel price changes, witnesses testified, less than one-third of the total hauling costs would be incldued in the formaula. The formula, therefore, should result in transportation allowance adjustments that are conservative in relation to actual cost increases.

Witnesses testified that a large cooperative in New England and one in the Order 2 market rely on fuel formulas to adjust automatically rates paid to contract haulers, thereby avoiding contract re-negotiations as hauling rates increase. The importance of adjusting rates for every 5-cent increase in fuel prices, rather than waiting for 10-cent increments, was stressed in order that transportation allowances stay current with price increases. Adjustments at 5-cent increments under the proposed formula would result in ½-mill rate adjustments, which some handlers claimed would be difficult to

incorporate into already existing data processing systems. Other witnesses maintained that such changes would not be burdensome when compared to the problems resulting from inadequate location adjustments.

An exhibit was introduced which tracked the operation of the proposed formula as if it had been in effect since December 1978. The base location adjustment rate per zone with which this exhibit began was the 1.8-cent rate adopted in December 1978 which, according to testimony, was obsolete when adopted. Application of the proposed formula yielded an adjusted 2.25-cent rate for August 1980, which is comparable with the proposed 2.3-cent transportation allowance rate requested by proponents.

Using the actual variable 1.99-cent rate determined by regression analysis for August 1977 as a base rate for December 1978 and applying the proposed formula, an adjusted rate of 2.45 cents per zone would result for August 1980. This rate is more nearly comparable with the 2.55-cent variable cost rate determined for July 1980 by regression analysis than is the 2.25-cent rate computed from a base of 1.8 cents. If a base rate reflecting actual variable hauling costs is selected, therefore, adjustments computed by use of the proposed formula would appear to follow closely actual variations in hauling costs over the period August 1977 through July 1980.

The concept of adjusting transportation allowances automatically appears to have merit. Use of the hearing process to adjust relative prices according to location is time-consuming. In a period when the cost of hauling is increasing rapidly, transportation costs effective at the time a hearing is held are often out of date by the time a decision is issued and a revised adjustment rate is adopted. The formula proposed for use in keeping transportation allowances current would, on the basis of the exhibit simulating its operation, result in adjustments to those allowances which would differ little from actual changes in hauling costs as determined by regression analysis. However, the proposed application of the formula adjustor would result in automatically increasing Class I and producer prices with no opportunity for review of such increases. Price misalignment, both within the market and with other markets, would be likely to ensue.

The proposed application of adjustments determined by formula would increase prices at zone 1 through zone 8 locations by the amount of adjustment computed for transportation over a full 200 miles, even though two-thirds of the milk received at city locations for fluid use moves a much shorter distance. With automatic revisions of location adjustments, no control could be exercised over the effect of those revisions on Class I differentials in the interior zones. The greatest impact of the proposed rate adjustments would be in the first 8 zones where over ninety percent of Class I and two-thirds of producer milk is priced. Such an application would have a potentially great price-increasing effect with no opportunity for reviewing the desirability of increased prices. Automatically increasing prices which would be effective to Order 1 handlers competing with handlers regulated under Order 2 would very likely have a deleterious effect on interorder price alignment. With a 50-cent diesel fuel price increase, prices to handlers competitive with those in Order 2 would increase 10 cents, putting them at a serious competitive disadvantage.

As proposed in the fuel formula adjustor, the 1-cent increase computed for zone 1 for each 5-cent increase in the price of diesel fuel would also be applied to the location adjustments for zones 2–8 in order to maintain the present price relationships between those zones. A proponent witness asserted that the inclusion of the formula adjustor in the order would be important to maintain realigned prices within the market. If zoning within the old "nearby plant zone", however, is to reflect the relative distances of the principal consumption areas from the primary production areas, the rate adjustments for location between those zones should also change, or at least be reviewed, whenever transportation allowances are adjusted to reflect changes in hauling costs. Other witnesses expressed a valid concern that the proposed application of the formula would widen the present and proposed price differences between zones 8 and 9, giving handlers located outside zone 8 a growing competitive advantage over handlers in the lower-numbered zones. A steadily growing price difference at that location would have no economic justification.

The idea of revising location adjustment rates automatically on the basis of a formula using some measure of hauling costs is not intrinsically unacceptable, but several problems with the proposed application of such a formula would have to be overcome. First, Class I price increases for all zones less distant than the 201–210 mile zone would enhance producer returns by more than the additional amount needed to cover increased hauling costs, since on the average milk need not be moved as much as 200 miles to meet Class I needs of the market. The record gives only limited information about which zone would be representative of that distance, but shows clearly that the 201–210 mile zone is not. Second, in the absence of any evidence that variable hauling costs for moving milk to some zones differ from the costs of moving milk to other zones, revisions of location adjustment rates should be applied uniformly to all zones in order to maintain intraorder price alignment. Third, maintenance of interorder price alignment should be considered in the application of any formula to adjust location pricing. Fourth, a formula that purports to respond to less than one-third of the costs associated with the transportation of bulk milk would not be likely to keep pace with changes in those costs over any extended period of time. Finally, although the prospect of further cost savings resulting from advanced technology or procedures was dismissed by one witness as improbable, factors of that nature are difficult to predict. Any provision for adjusting transportation allowance rates automatically by formula could not be formulated in a satisfactory manner on the basis of the evidence adduced at the hearing.

2. *Transportation credit on milk moved between pool plants.*

Proposals to modify the classification of inventories, and to increase the level of "set-asides" in assigning a handler's receipts to his utilization, are designed to effect more uniform costs to handlers between milk received at distributing plants from country supply plants and milk received directly from producers and cooperative associations, and to reduce the reclassification of supply plant milk, both at pool time and on subsequent audits. The basic problems toward which these proposals are directed can be solved more directly by changing the provisions for classifying and assigning receipts of supply plant milk so as to account for it as Class I, unless Class II use is requested by both handlers; and by using a different "set-aside" provision to determine the amount of supply plant milk on which transportation credit will be allowed. To make supply plant milk more competitive with direct-delivered milk, and to allow for unavoidable Class II use, a set-aside provision that permits transportation credit on transfers of plant milk of up to 110 percent of skim milk in Class I and 150 percent of butterfat in Class I after subtraction of direct receipts should be included in the

computation of location adjustment credits. A proposal to expand the definition of Class I inventory should be modified to allow handlers to claim Class I classification of inventory held for fluid use in months with abnormally large inventories.

(a) *Set-aside allowance.*

Under the present provisions of the order, milk received at a pool plant from other pool plants is assigned to the receiving plant's Class I utilization only after direct receipts of producer milk and cooperative association bulk tank milk have been assigned. An amount of direct receipts equal to 6 percent of skim milk and 25 percent of butterfat in the plant's Class I route disposition is assigned, or set aside, to Class II before the remainder of direct receipts and receipts from pool plants are assigned. The intent of the Class II set-aside is to allow for unavoidable Class II use at pool distributing plants and increase the Class I assignment of receipts from other pool plants so that transportation allowances would be realized. The unavoidable uses on which the present set-aside percentages are based are cream from standardization, shrinkage and route returns.

A cooperative federation proposed increasing the set-aside allowance to 10 percent of skim milk in Class I while leaving butterfat at 25 percent. A dealers' association proposed increasing the skim milk set-aside to 15 percent and the butterfat allowance to 50 percent. Representatives of both producer and dealer groups testified that the present level of set-aside is not adequate to cover "unavoidable" Class II use at pool distributing plants. Unavoidable uses were described by both groups as Class II products which are necessarily associated with a Class I handler, in addition to those uses which are presently included in the set-aside.

Cream, sour cream, milk shake mix and yogurt were mentioned as Class II products which should be processed by a handler who wishes to maintain a full line of dairy products for consumers. It was stated by one witness that because the production and packaging of these items often use the same tanks, pasteurizers, and fillers that are needed for processing fluid milk products, such products may be produced more efficiently at the city plant than in a country location where capital is needlessly duplicated. In addition, because items such as cream and yogurt are not condensed in processing and are more costly to haul as packaged finished products than as bulk milk they may, when transportation is considered, be processed more economically in a city plant.

The result of these proposals would be to increase the amount of supply plant milk to which transportation allowances are applied by increasing the amount of such milk which is assigned to Class I at a distributing plant. Supply plant operators currently ship milk to the city assuming that it will be used in Class I and that it will be covered by the transportation allowance. If supply plant milk is not assigned to Class I, it is reclassified to Class II and thus no transportation allowance is reflected under the order. Frequently, upon receipt of handler reports and on subsequent audits of the purchasing handlers, supply plant milk is reclassified by the market administrator in applying the assignment provisions of the order.

The reclassification part of this problem can be remedied by classifying and assigning all transfers between pool plants as Class I unless both handlers request that they be Class II. The selling handler should be obligated to the pool for the Class I price at the location to which the milk is delivered. The buying handler would purchase it at that price and then be credited with a transportation allowance on the amount of supply plant milk needed for Class I use and unavoidable Class II use as determined according to a revised set-aside provision. Under this arrangement, the transportation allowance would be at the rate determined by the difference between the Class I prices appliciable at the selling and buying handlers' plant locations. In this way, a distributing plant operator has an incentive to purchase from a supply plant no more milk than is needed for Class I use plus unvavoidable Class II use unless he is willing to pay transportation costs on supply plant milk not included in the transportation credit.

Transportation allowances are to be applied only to milk transferred from more distant plants to distributing plants which is needed to meet Class I and unavoidable Class II uses. Milk used in manufactured products is processed and reduced in volume more economically in the country before being transported to the city than it is when moved in bulk form to be processed at a city plant. The "pool" covers the cost of moving supply plant milk to the city at the expense of all pooled producers, since the application of location adjustments to supply plant milk reduces the handler's pool obligation, the total value of the pool, and the blended price to producers. Alternatively, milk moved directly to city plants from producers' farms moves at the expense of those producers. Dairy farmers whose milk is moved long distances at substantial expense to themselves have an incentive to find an outlet for their milk located closer to their farms. When hauling costs on supply plant milk are covered under the order, however, neither buying nor selling handlers have an incentive to assure that the milk is not moved unnecessarily. Only when country plant milk is actually required to meet the market's fluid needs, therefore, should the "pool" bear the expense of moving it to the city.

The Class II uses advocated by proponents as unavoidable should not be included in the set-aside allowance. Milk shake and frozen dessert mixes require the use of a significant amount of condensed or powdered ingredients while the cream requirements for those products and for cream products can be met by utilizing the surplus butterfat derived from standardization, which is included in the set-aside allowance. Arguments that transportation of yogurt as a packaged product and duplication of capital equipment are more costly than processing it in the city are persuasive although no testimony about rate or cost differences was introduced. Yogurt, however, is processed at relatively few distributing plants, and an allowance large enough to cover yogurt production at those plants would permit the application of transportation credit on excessive amounts of Class II use at distributing plants not processing yogurt. A further consideration is that if a handler achieves transportation and operational savings from processing Class II products in the city in great enough amounts to justify moving milk there from country plants, perhaps the handler rather than the market's producers should bear those hauling costs.

While it is important to ensure that country plant milk not be moved unnecessarily to city plants at the expense of the pool, it is appropriate for reasons of equity between handlers that use supply plant milk and those that use direct-delivered milk that all truly unavoidable Class II use at distributing plants be included in the set-aside allowance. City handlers should be indifferent as to where their milk is obtained, and raw product costs to competing handlers should be comparable. A handler reimbursing a supply plant operator for hauling milk needed for Class I but assigned to Class II pays more for his milk than a handler whose receipts are delivered directly from producers who are bearing the entire cost of transportation. A further inequity results when cooperatives operating supply plants subsidize the

hauling of their members' milk to the city to avoid losing their outlets to competition from direct-delivered milk. The hauling subsidy must then be reblended in a lower payout to produces, disadvantaging cooperative members with respect to nonmember producers. An adequate allowance for unavoidable Class II utilization of not only direct-delivered receipts, but of supply plant receipts as well, in determining the applicability of location adjustments to supply plant milk is therefore important for achieving both handler and producer equity. The present set-aside allowance provides for unavoidable Class II use only at plants that have direct-delivered receipts. The allowance for unavoidable Class II use should be made applicable as well at a plant that receives milk from supply plants only.

When only genuinely unavoidable Class II uses are considered, the present set-aside allowances can be shown to be inadequate. Variations in inventory from one month to the next and an increase in the removal of butterfat from producer milk for standardization should be included in the set-aside allowance as unavoidable Class II use and considered in the determination of the application of transportation allowances to receipts from supply plants. Allowances for Class II use in shrinkage and route returns as presently provided for in the set-aside are adequate. Two percent of both skim milk and butterfat is generally considered a sufficient allowance for shrinkage, or receipts that are not accounted for in use, and experience of the New England market as shown in the market administrator's statistical reports indicates that total shrinkage represents intended Class I use that is returned to the handler by distributors. Such use is not identified specifically in statistical reports, but is usually included in livestock feed. Over the period represented by the statistical reports, use in livestock feed averaged 0.1 percent of Class I use, while the set-aside allowance for route returns is one percent.

Standardization, or the removal of butterfat from producer milk to achieve a lesser butterfat content for fluid use, is presently provided for in the set-aside allowance. The standardization allowance for butterfat, however, is not sufficient. According to the market statistics, the amount of butterfat that must be removed from producer milk for standardization is forty-one percent of the amount of butterfat in Class I dispositions. Skim milk that is removed with butterfat in standardization represents nearly two percent of the skim milk in Class I.

Variation in ending inventory is not presently included in the set-aside allowance, but should be considered as an unavoidable Class II use. The volume of ending inventory may vary considerably, depending on whether the last day of the month occurs on a day of the week on which the handler packages fluid milk products. Milk in inventory at the end of a month is not included in a distributing plant's Class I use on which location credits for the supply plant are determined. Not until the following month are fluid milk products in ending inventory during the prior month distributed on routes and included in Class I sales on which location adjustment credit apply. During the period of August 1979 through July 1980, for which pool statistics were submitted, the change in ending inventory from one month to the next for the market as a whole ranged from 0.04 percent to 5.7 percent of Class I use. An allowance of four percent of skim milk and butterfat in Class I use for inventory variation would cover the extent of that variation for eleven out of twelve months.

On the basis of data presented by the market administrator, a distributing plant primarily engaged in the processing of fluid milk products reasonably could have unavoidable Class II use in an amount up to ten percent of the skim milk and fifty percent of the butterfat contained in its Class I disposition.

No provision should be made for allowing an unused portion of a set-aside allowance at one plant to be used at another plant of the same handler. The witness for the dealers' association testified that inasmuch as some multi-plant handlers specialize in some Class II uses at certain plants, they should be entitled to share the set-aside allowances between all plants of a handler. Because the Class II products requested to be covered by the set-aside provision are not to be included, the potential benefits to the handler of their part of the dealers' proposal would be lost. Moreover, if the allowance adopted for unavoidable Class II use is more than is actually needed, it would detract from the intent of the limit on the allowance to accommodate pool transportation credit for supply plant milk intended for Class II product operations at another plant.

(b) *Classification of inventories.*

The provision for classifying fluid milk products in inventory at the end of each month should be changed to allow handlers more latitude in requesting that ending inventory be considered Class I. A handler who operates a pool distributing plant should be entitled to claim Class I classification on any or all inventories of fluid milk products at the end of each month, pending the final disposition of such fluid milk products. Also, the order should continue to provide that in the case of a handler who claims no Class II classification for any fluid milk product received, ending inventories of those fluid milk products should be classified as Class I, pending their final disposition.

At the present time, the inventory classification provision specified that inventories of fluid milk products may be classified as Class I only if the handler who requests such classification receives no milk directly from producers or cooperatives, or if a handler claims no Class II classification of any fluid milk product received. Under this provision, supply plant milk received for fluid use but held in inventory at a distributing plant which also receives direct-shipped milk must be classified as Class II, and thus is not eligible for any transportation allowance. The cooperative federation and the dealers' association made identical proposals that the inventory classification provision be amended to allow a handler who receives milk directly from producers or from cooperatives to request that fluid milk products in inventory at the end of the month be classified as Class I.

Witnesses testified that the present classification of inventory in Class II is responsible for large and frequent Class II classification of supply plant milk shipped to distributing plants. An ending inventory large enough to increase total Class II use over the amounts to be assigned under the set aside allowance may cause milk moved to a distributing plant for fluid use to be assigned to Class II. Proponents asserted that as the number of days in the week on which handlers bottle milk decreases, the occurrence of large fluid inventories becomes more frequent.

The classification of inventories also affects the amount of milk received from supply plants on which transportation credit is allowed. Milk transferred for fluid use but held in inventory and classified as Class II is not subject to transportation credit. Presently, large ending inventories expand the amount of Class II utilization to which receipts are assigned, increasing the likelihood that a handler will have greater Class II utilization than that provided for in the "set-aside" allowance. The receipts assigned to this excess Class II use caused by large ending inventories are supply plant receipts which are thereby denied the application of transportation

allowances. The representative for the dealers' association testified that the ability of handlers to classify some ending inventory as Class I would enable them to level off assignements of milk to Class II from month to month. The proposal was described as a means for relieving the effects of large inventory variations on transportation credits for supply plant milk.

To a great extent, the problems addressed by this proposal have been remedied elsewhere in this decision. The Class II classification of supply plant milk will be curtailed by the transfer of milk between pool plants on an agreed class basis. Milk moved for fluid use will be reported as Class I and assigned to Class I before receipts of producer milk are assigned. However, under the revised "set-aside" provision, assignment of supply plant milk to Class I will not ensure transportation allowances on that milk. While the increased "set-aside" percentages include an allowance for inventory variation established on the basis of market-wide averages, it cannot be expected that each handler will operate within the "set-aside" allowance for inventory variation every month, or that all handlers will experience similar inventory variations. A handler with an unusual inventory variation should be allowed to place some or all of his ending inventory in Class I in order to even out the effect extreme variations in inventory may have on the applicability of transportation credits to his receipts.

In the first month in which inventory is classified as Class I, it may be expected to have a significant impact on the amount of skim milk and butterfat available for location adjustment. In subsequent months, however, continued classification of inventory in Class I would be offset by Class I beginning inventory assigned to Class I use and deducted before the amount available for location adjustment is determined. It is not expected that use of this provision will result in any detrimental effects on the pool. The ultimate classification of producer milk is determined by its final use. Classification in inventory is always subject to adjustment in the following month, depending on the handler's actual utilization in that month. The effective use of Class I classification of inventory, then, would be to correct for inventory variations greater than those allowed for in the "set-aside" provision. The primary impact of allowing inventory to be reported as Class I on a handler's use value is that the handler pays the Class I price for milk in the month previous to its use in that class. At present interest rates, the cost of unnecessarily classifying inventory in Class I would be as must as 5 cents per hundredweight.

At the time a handler reports receipts and utilization of milk products to the market administrator for a particular month, the use of milk in inventory at the end of the month would be known to the handler. The handler should therefore be able to designate the classification of milk held in inventory on the last day of the month for use on the first day of the following month. Supply plant milk received for fluid use is more likely to be classified according to the use for which it was intended, and transportation credits are more likely to be allowed on such milk, if handlers are allowed more discretion in classifying inventory as Class I.

3. *Plant definition.*

The order should be changed to provide that a facility at which milk is reloaded through stationary storage enroute from producers' farms to processing plants, but at which no processing or packaging takes place, may be designated by the handler as a non-pricing point upon written notice to the market administrator before the first day of the period in which such designation is to be effective. Designation as a non-pricing point may be changed to give the facility status as a pricing location under the same notification requirements. A proposal to allow stationary storage facilities to be non-pricing points on the premises of a manufacturing or processing plant should not be adopted.

The order presently describes a plant as premises on which milk or milk products are received, processed, or packaged. Milk received at a plant is priced at the location of that plant. Bulk reload points, where milk is reloaded from one tank truck to another enroute from diary farmers' farms to a plant, are specifically excluded from the plant definition unless stationary storage tanks are maintained and used on the premises. Milk reloaded at bulk reload points is priced at the location of the plant where it is later received. If stationary storage tanks are in use at the reload point, however, the reloaded milk is considered a receipt there and priced at that location.

Cooperative and dealer groups both proposed that the definition of a reload point be expanded to include stationary storage facilities. The dealers' association proposed that no prohibition on the use of a pipeline connecting a stationary storage tank with a manufacturing or processing plant be included. Both groups requested that a handler have the option of designating a reload point with stationary storage as a pricing point. Proponents contended that the inclusion of stationary storage at a reload point, or non-pricing point, would help alleviate the competitive equity problem of supply plant milk relative to direct-delivered milk by allowing milk that is presently considered a supply plant receipt to be accounted for as a direct delivery to a distributing plant.

The representative of the proponent federation of cooperatives testified that reloaded milk will continue to be an important part of the milk supply in New England, and that stationary storage is an important factor in handling that milk supply efficiently and economically and in maintaining its quality. He stated that in areas relatively close to the interstate highway system and city consumption centers, the structure of dairy farming is not conducive to the use of large tractor trailers. The topography in these areas in southern Vermont and New Hampshire is often hilly, with narrow winding roads and small bridges making the use of tractor trailers hazardous. He indicated that many farms are not set up to have their milk picked up by large over-the-road tankers, and the density of the farms is often not great enough to make the use of such vehicles economical. For these reasons, he noted, it is unlikely that the trend toward farm pickup by over-the-road tankers will advance much further. In some areas, milk will continue to be picked up at the farm in smaller assembly vehicles and reloaded into tractor trailers to be hauled to plants.

According to witnesses for cooperatives, the presence of stationary storage facilities at reload points would contribute to the maintenance of milk quality by enabling handlers to unload, wash and sanitize assembly vehicles immediately upon completion of their routes rather than waiting for the arrival of a delivery vehicle. Furthermore, they stated, milk temperature would be better maintained and poor quality milk segregated more easily through the use of stationary storage tanks.

Proponents of both cooperative and dealer proposals, as well as other cooperative representatives, testified that the use of stationary storage at reload points would promote hauling efficiency and economy. Storage tanks would provide a margin for short-time fluctuations between volumes of milk receipts and shipments at country plants, giving handlers more flexibility in directing deliveries of milk as needed on a daily basis and accommodating the prevailing trend toward reduced numbers of bottling days at distributing plants. It was asserted that if stationary storage facilities were available at

reload points, gaps between assembly and delivery schedules would not require that trucks and drivers wait upon the completion of other routes. As a consequence, fewer assembly and delivery trucks may be required, resulting in savings in the costs of milk handling. Witnesses testified that unnecessary costs of 4 cents per hundredweight are presently incurred at ten to twelve locations where parked trailers are in use as "mobile" storage facilities. At some reload points the presence of stationary storage tanks which cannot be used without causing the location to become a pricing point represent a cost to handlers of unused capacity. No difficulties were foreseen in properly accounting for the disposition of producer milk reloaded through stationary storage facilities.

The proponent cooperative federation, although not originally proposing that a handler be allowed the option of designating a non-pricing reload point with stationary storage as a pricing point, modified their proposal during testimony to make such a choice available to a handler during any month of the year. The dealers' association had proposed that handlers be able to include such a facility as a "plant" in a group of plants during July through December in order to meet supply plant performance standards. The dealers' witness advocated the adoption of this option to enable a handler to meet qualifying shipments for his group of supply plants flexibly and efficiently. Cooperative witnesses pointed out that in the absence of their proposed option, a handler with no other plant may be unable otherwise to qualify his producers or his milk supply for pooling. Further, under an expanded reload point definition and without such an option, a plant at which processing has been taking place would lose its pricing status if its processing activities cease, potentially disrupting the pricing of producer milk received there. Witnesses from both groups testified that the market administrator should be notified in advance of a handler's intention to change the designation of his "reload point" to a "plant" or vice versa, so that milk handled there might be pooled, classified and priced properly. A cooperative witness suggested that it might be necessary for administrative reasons to limit a handler's use of the proposed option to certain months, or for the status of a reload facility with stationary storage to remain unchanged throughout the qualifying period.

The dealers' association proposal would allow a storage tank at a milk processing plant to be a non-pricing point, even if connected to the processing operation by a pipeline. The cooperative proposal would prohibit the connection by pipeline of non-pricing storage facilities with processing or packaging operations. The witness representing the milk dealers speculated that potential difficulties encountered by the market administrator in identifying a "pipeline" would make such a prohibition troublesome to administer. He stated that the use of a manufacturing plant as a non-pricing point would increase a handler's flexibility in the assembly and transportation of milk. Furthermore, he contended, when the list of activities presently allowed at a reload point is considered, it is apparent that such a facility may already be considered a complex milk plant at which processing, as well as stationary storage, would be a logical extension of permissible activities. Cooperative witnesses argued that a facility receiving milk should be either a pricing point or a non-pricing point, and should not perform in both capacities on the same premises at the same time. It was pointed out that administrative difficulties in determining whether a producer's milk had been received at a pricing or a non-pricing point would no doubt result from a provision of this nature. Determining whether milk delivered to city distributing plants is received from supply plants or through reload points would also become more difficult. The proponent witness conceded the difficulty of accounting for milk received at and reloaded from stationary storage tanks at a processing plant.

The record indicates that allowing the use of stationary storage tanks at non-pricing reload points will contribute to the marketing of milk in a more efficient and economic manner. It is apparent that handlers are incurring expenses of maintaining extra tank truck trailers for storages purposes which are operationally inefficient in order to circumvent the provision of the order that requires milk to be priced at a reload point if the milk is held in a stationary tank. The problem of whether the cost of hauling plant milk which is assigned to Class II will be paid by the buyer or the seller is currently avoided by reloading milk from mobile storage tanks and causing it to be priced as direct-delivered milk instead of plant milk. Convincing arguments were presented that significant efficiencies other than saving the expense of operating mobile storage facilities may be made in the operations of handlers assembling and delivering milk if stationary storage is permitted at reload points. If assembly and delivery trucks no longer need wait on each other and are free to complete more routes, both capital and labor savings may be accomplished through the need for reduced numbers of trucks and drivers. Idle storage facilities may be put into use without making a location a pricing point, freeing the trailers now being used as mobile storage for the transportation of milk. A facility that receives milk should remain within the definition of a plant. However, if no processing or packaging occurs on the premises of the plant during the same month in which milk is received and held there in stationary storage tanks to be reloaded and moved to other plants, the facility may be designated a non-pricing reload point by the handler.

Milk delivered to a facility and held in stationary storage on premises where processing or packaging is performed should be priced at that location. Allowing a handler to designate one portion of a manufacturing plant as a non-pricing point would result in insurmountable problems in determining whether producer milk received into stationary storage had been commingled with plant milk, and whether milk "reloaded" from there was producer milk or plant milk. The problem of defining a "pipeline" will be avoided by prohibiting the processing and packaging of milk on the same premises as a non-pricing point. The addition of stationary storage to those activities presently permitted on the premises of a reload point will not afford any increased ability to alter the characteristics of producer milk. If processing or packaging activities are present, however, maintaining the identity of producer milk would become a problem.

Some handlers may find it neccessary to retain plant status for a reload facility with stationary storage during some months of the year in order to qualify individual producers, or their entire milk supply, for pooling. When plant status is not required for pooling, however, those handlers should be allowed to exercise the same option available to other handlers of designating their facilities as non-pricing points. There is no need to require a handler to maintain either pricing or non-pricing status for such a facility throughout an entire year, and that requirement would be unnecessarily restrictive. Furthermore, a plant at which no processing or packaging occurs need not maintain the same pricing status for the entire August through December period during which supply plants must make minimum shipments if they want to be

automatically pooled in later months. Supply plant performance is determined each month for both individual plants and groups of plants. There is no basis for requiring any plant to be eligible to meet those standards for the entire period, or for prohibiting the plant from performing as a pool supply plant only for those months needed for qualifying producers for diversion.

The market administrator should be notified in writing of the designation of a reload point with stationary storage facilities as a non-pricing point, or the reversal of such designation before the first day of the month for which the pricing status is to be changed. Sufficient notification will ensure that producer milk received or reloaded there will be pooled, classified and priced properly. In addition, the status of the plant will be determined in time for handlers purchasing milk from or through that location to be aware of the manner in which the order will be applied to those receipts.

4. *Diversion of producer milk.*

Limits on the proportion of producer milk that may be diverted to nonpool plants and still be eligible for pooling should be increased to more nearly reflect the percentage of milk on the market that is in excess of the market's fluid needs. A handler's diversions of producer milk to nonpool plants should be limited to 35 percent of milk pooled in the months of September through November and 45 percent in the other months of the year instead of the present limit of 25 percent in each month. This modification should enable handlers to avoid uneconomic handling of milk that may currently be undertaken to qualify all of a handler's milk supply for pooling.

A spokesman for the cooperative proposing that the 25 percent limit on diversions of producer milk to nonpool plants be deleted testified that such a limit restricts only the method used to move milk to nonpool plants, and not the amount of milk. In addition, he pointed out that the present requirements for delivery of producer milk to pool plants are much more rigorous year-round than shipping standards for pool supply plants. The witness stated that his organization incurs substantial freight costs in addition to costs of 10–12 cents per hundredweight solely to move milk through its supply plants for the purpose of qualifying it for pooling, a procedure which is not only expensive but fuel-inefficient. A handler who sells a substantial portion of Class II milk to nonpool plants, he claimed, bears an undue and unfair burden of marketing costs in these unnecessary movements of milk. The witness further testified that the order provisions for individual producer qualifications assure that producers are adequately associated with the market, describing as stringent a requirement that a majority of shipments of a producer's milk be delivered to a pool plant for at least 2 months of a qualifying period. He stated that the diversion limit does nothing to ensure the adequate attachment of producers to the pool, and thereby preclude dilution of the pool. A final point made by this witness was that the Class I needs of the order currently are not only being met, but are declining; and that in a market with only 50 percent Class I use, a 75 percent delivery requirement is excessive.

A witness representing most of the cooperative on the market testified in opposition to the elimination of limits on diversions of producer milk to nonpool plants. He asserted that deleting the diversion limit would allow supplies of milk that are not really associated with the fluid market to share in the Class I pooling base, thereby reducing the uniform price to producers who are serving the Class I market. Since the diversion limit discourages pool riding by irresponsible parties who would be able regularly to divert milk to locations remote from the market, this witness expressed his conviction that milk would be available for Class I use whenever necessary only if the limit is retained. He pointed out that there are numerous pool manufacturing plants to which milk be diverted and still qualify for pooling.

The proponent's witness testified only generally about the extra costs resulting from unnecessarily hauling, receiving, and shipping milk for qualifying purposes, and did not indicate the extent to which such inefficient handling of milk is required of his organization. Cooperatives operating pool manufacturing plants are likely to experience few difficulties in pooling their milk within the diversion limits. Cooperatives without such outlets, however, may indeed operate at a disadvantage in meeting pool delivery requirements even if the actual utilization of their milk differs little from that of producer groups possessing pool manufacturing facilities.

In the absence of any testimony regarding the magnitude of the proponent's need for relief from the inefficiencies caused by operating within the present diversion limits, the only evidence available upon which to base a determination of an appropriate level for such limits is the extent to which producer milk is needed for fluid use on a marketwide average. The percentage of producer milk assigned to Class I use over the course of 1 year is contained in the monthly statistical reports for August 1979 through July 1980 submitted by the market administrator. These reports show a range in percent of Class I utilization of producer milk of 47 percent to 63 percent during that period, with an average of 56 percent. Since over half of the milk pooled in New England is needed for fluid use, some limit on the proportion that may be diverted to nonpool plants for manufacturing should be retained to ensure that groups of producers whose milk is to be pooled will maintain a regular association with the fluid milk market. A requirement that 75 percent of producer milk be delivered to pool plants when less than 65 percent in any month will be used in Class I, however, would appear to be overly restrictive.

The months in which the highest proportion of producer milk is used in Class I are the fall and winter months, including September through November when supply plant performance standards are highest. With a Class I utilization percentage that is slightly less than 65 percent in those months, a limit of 35 percent of diversions of producer milk to nonpool plants should ensure an adequate supply for fluid needs. For other months, in which the percent of Class I use averaged slightly less than 55 percent during the period for which statistics were submitted, a 45-percent limit on diversions ought to be sufficient to meet the market's need for fluid milk. Increased diversion allowances will better reflect the proportion of producer milk that is surplus to fluid needs and should alleviate, if not eliminate, the necessity of unnecessary hauling and handling for purposes of qualifying reserve milk supplies for pooling.

5. *Butterfat accounting.*

Three related proposals to change provisions relating to butterfat sampling and testing methods, shrinkage allowances and overage accounting should not be adopted.

One proposal, as written, would decrease the amount of time allowed a handler after the end of each sampling period to notify producers of their average butterfat tests as determined under certain testing procedures. Additionally, the proposed amendment would create contradictory requirements within the order for the time allowed to notify producers of some test results. The proponent's representative indicated in testimony, however, that the intent of this proposal is to establish the State or

commonwealth in which the milk is received as the authority for determinig whether sampling and testing methods used by the handler are acceptable. The market administrator or his representative would not be prohibited from doing independent testing and would continue to notify producers and handlers of the result of such testing. However, the witness specified that the market administrator would not be allowed to interfere with the normal and reasonable sampling and testing operations of a hauler or handler's representative.

No testimony was presented to indicate that the market administrator presently interferes, or has ever interfered, with a hauler or handler's testing operations or that any of the procedures followed by the market administrator in the performance of his verification duties are contrary to the methods approved by the States or commonwealths having jurisdiction in the marketing area. In addition, a witness representing most of the cooperative associations in the market testified that his organization would experience difficulties in meeting the proposed notification requirements, both in amount of time allowed after the end of the testing period (7 days instead of 10) and in frequency of notification (3 times per month instead of 2 because the use of the random fresh sampling technique results in 3 10-day sampling periods).

In view of the difficulties which adoption of this proposal would create for handlers and because no need was shown for further specifying the authority having jurisdiction over sampling and testing procedures, the proposal should not be adopted.

Another amendment proposed by the same handler would increase the Class II shrinkage allowance from 2 percent to 3 percent for butterfat receipts established on the basis of 4 or fewer samples during the month. Witnesses for the proponent testified that a combination of sampling problems makes it difficult to obtain accurate representative samples from either farm bulk tanks or over-the-road tankers when the methods used are those which are commonly practiced in the dairy industry.

Some evidence was presented that farm tests exhibit a bias in favor of the producer, overstating the butterfat for which a handler must account and resulting in excess butterfat shrinkage. Witnesses agreed that when more samples are used to determine butterfat content a more accurate test should be expected, but concerns over the administrative difficulties involved in keeping separate records for those receipts having been tested 4 or fewer times from those tested more than 4 times were expressed by two representatives of producer groups. One witness further commented that his proposal would result in differing butterfat shrinkage allowances to handlers depending on their testing procedures, protesting that such unequal treatment would not be permissible under the Act.

No evidence supporting the necessity for an increase in the allowance for Class II butterfat shrinkage was introduced. In fact, witnesses for the proponent testified that equipment that can sharply reduce sampling error and thereby eliminate one of the primary causes of butterfat shrinkage is currently available at a reasonable cost. An examination of the statistics in the record shows that total butterfat shrinkage as a percentage of producer butterfat averaged just over 1 percent during the period August 1979–July 1980. During none of these months did the percentage of shrinkage exceed 1.47 percent for the market as a whole. During each month some handlers apparently exceeded their shrinkage allowances since some Class I butterfat shrinkage appeared in each month, in amounts which averaged only 0.21 percent of butterfat in producer milk per month. Class I butterfat shrinkage ranged from 0.09 percent to 0.42 percent during August 1979–July 1980, never approaching the 1 percent additional allowance that the proponent requested. It would appear from these data that while some milk handlers may experience difficulty operating within the Class II butterfat shrinkage allowance provided by the order, others are able to do so while using little more than half of that allowance. When combined with the aspects of this proposal that would make its administration difficult and its impact on handlers inequitable, the failure to demonstrate its necessity makes it apparent that the proposal should be denied.

The third proposal regarding butterfat accounting would result in no charge being imposed on a handler who experiences an amount of butterfat overage which can be offset by skim milk shrinkage in the same month. The proposal limits the amount of offset not subject to charge to 1 percent of butterfat in milk handled during the month and the occurrence of such an offset to once every quarter in a year. The witness for the proponent testified that a handler's butterfat overages are often due to inaccurate sampling of producer milk and therefore the handler should not be charged for butterfat used in excess of butterfat received.

A provision of this sort would reflect the concept that there could be no actual butterfat overage if there were no overuse of total product. As an opponent of the proposal pointed out, however, an overage represents milk (or butterfat) which has been used by the handler but for which the producer has not been paid. A butterfat overage occurring with a skim shrinkage may be the result of sampling, testing or accounting errors in areas of a handler's operation other than receipts of producer milk. Such a provision, then, would eliminate the means by which producers are paid for receipts unreported by handlers.

With regard to exempting butterfat overages from a charge only once per quarter, while it is true that the situation for which the proposal was designed should occur infrequently, it should also occur randomly if due to no systematic error. Truly random occurrences would be just as likely in consecutive months as once per quarter, and no such restriction could be placed upon them. Frequent occurrence, however, would indicate that some constant problem exists in sampling, testing or accounting for milk received and used. One opponent of the proposal stated that such a provision would remove a handler's incentive to try to rectify accounting problems that lead to overage and excess shrinkage by removing the penalties associated with those problems.

As in the case of the other proposals related to butterfat accounting, neither need for nor benefit from any change in the current provisions was demonstrated by the proponents. No evidence was presented to show that existing allowances are inadequate. Instead, the only evidence available indicates that the experience of milk handlers falls well within the present allowances.

6. *Proposals not supported.*

Two proposals by the milk dealers' association which were included in the notice of hearing, but not supported in testimony, should be denied. One of these proposals would reduce supply plant shipping requirements 10 percentage points per month for the period August through December and allow diverted milk to be included as qualifying shipments. A representative of the cooperative federation testified on behalf of the federation that changes made in shipping standards by a December 1978 order amendment had alleviated sufficiently earlier problems

in meeting those requirements. The witness testified that while there may be isolated instances of handlers unable to maintain the present shipping standards, such occurrences were temporary and probably the result of recent abnormal producer shifts. Supply plant shipping standards in New England were characterized as modest when compared with those in other orders. A significant reduction in shipping requirements, it was feared, would lead to unneeded supplies of milk becoming attached to and pooled in New England, resulting in an adverse impact on producer blend prices.

The other proposal which was not supported by testimony was an alternative to the proposals to increase location adjustment rates and to adjust those rates automatically by a formula. This proposal would add a new section to the order in which supply plants would, in addition to current transportation allowances of milk assigned to Class I, be allowed an additional 8-cent credit for receiving and reloading costs and an additional ½ cent per hundredweight for each zone difference in location between the supply and distributing plants. The rate per hundredweight for each zone distant from Zone 1 would be adjusted by .05 cents for each 5-cent change in diesel fuel prices. A proprietary handler stated his intention to testify against this proposal if any testimony was received in favor of it.

Given the absence of testimony supporting either of these proposals, the failure to establish a need for revising supply plant performance standards, and the adoption of part of the proposal to increase transportation allowances elsewhere in this decision, there is no reason to adopt either of these proposals.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the New England marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1001—MILK IN THE NEW ENGLAND MARKETING AREA

1. In § 1001.4 paragraph (b) is revised to read as follows:

§ 1001.4 Plant.

* * * * *

(b) Bulk reload points (separate premises used for the purpose of transferring bulk milk from one tank truck to another tank truck while en route from dairy farmers' farms to a plant). If stationary storage tanks are used for transferring milk at the premises, the operator of the facility shall make an advance written request to the market administrator that the facility be treated as a reload point; otherwise it shall be a plant. The cooling of milk, collection or testing of samples, and washing and sanitizing of tank trucks at the premises shall not disqualify it as a bulk reload point.

2. In § 1001.15 paragraph (c) is revised to read as follows:

§ 1001.15 Diverted milk.

* * * * *

(c) Milk moved, as described in paragraphs (a) and (b) of this section, from dairy farmers' farms to nonpool plants in excess of 35 percent in the months of September through November and 45 percent in other months, of the total quantity of producer milk received (including diversions) by the handler during the month shall not be diverted milk. Such milk, and any other milk reported as diverted milk that fails to meet the requirements set forth in this section, shall be considered as having been moved directly from the dairy farmers' farms to the plant of physical receipt, and if that plant is a nonpool plant the milk shall be excluded from producer milk. If the handler fails to designate the dairy farmers whose milk is to be so excluded, the entire quantity of milk that the handler caused to be moved from dairy farmers' farms directly to nonpool plants during the month shall be excluded from producer milk.

3. Section 1001.41 is revised to read as follows:

§ 1001.41 Classification of inventories.

(a) A handler who operates a pool distributing plant may claim a Class I classification of some or all inventories of fluid milk products at the end of each month pending final disposition of such fluid milk products.

(b) If a handler does not claim a Class II classification of any fluid milk products received, inventories of fluid milk products at the end of each month shall be classified as Class I milk pending final disposition of such fluid milk products.

4. In § 1001.47 paragraphs (a), (b) and (c) are revised to read as follows:

§ 1001.47 Additional assignments to Class I and Class II milk.

(a) Assign to Class I milk bulk fluid milk products received from other pool plants, unless Class II utilization was requested by the transferee and transferor handlers.

(b) Assign to Class I milk the receipts of producer milk that have not been previously assigned pursuant to § 1001.43(d) and receipts of milk from cooperative associations in their capacity as handlers under § 1001.9(d).

(c) Assign to Class I milk the bulk fluid milk products received from other pool plants that have not been previously assigned.

* * * * *

§ 1001.50 [Amended]

5. In § 1001.50(a), the amount "$2.42" is changed to "$2.28".

6. In § 1001.52, paragraph (a) is revised, paragraphs (b), (c) and (d) are removed and reserved, and paragraph (g) is revised, as follows:

§ 1001.52 Plant location adjustments.

* * * * *

(a) The following zones are defined for the purpose of determining location adjustments:

(1) Zone 1 shall include the State of Rhode Island and the Massachusetts counties of Barnstable, Bristol, Dukes, Norfolk, Plymouth and Suffolk, and between Boston and Massachusetts highway route number 128.

(2) Zone 2 shall include the Massachusetts counties of Middlesex (only that portion south of Massachusetts highway route number 2 not included in Zone 1) and Worcester (only the townships of Berlin, Blackstone, Bolton, Douglas, Hopedale, Mendon, Milford, Millville, Northborough, Northbridge, Southborough, Sutton, Upton, Uxbridge, Westborough and that portion of Harvard township south of Massachusetts highway route number 2).

(3) Zone 3 shall include:

(i) The Connecticut counties of Middlesex (except the townships of Cromwell, Durham, Haddam, Middlefield, Middletown, and Portland), New London, Tolland (except the townships of Ellington and Somers), and Windham.

(ii) The Massachusetts county of Worcester (only the townships of Auburn, Boylston, Charlton, Clinton, Dudley, Grafton, Holden, Lancaster, Leicester, Millbury, Oxford, Paxton, Shrewsbury, Southbridge, Sterling, Webster, West Boylston, and Worcester City).

(4) Zone 5 shall include:

(i) The Connecticut counties of Fairfield, Hartford, Litchfield, Middlesex (only the townships of Cromwell, Durham, Haddam, Middlefield, Middletown and Portland), New Haven, and Tolland (only the townships of Ellington and Somers).

(ii) The Massachusetts counties of Hampden (only the townships of Brimfield, Holland, Monson, Palmer and Wales), Hampshire (only the township of Ware), and Worcester (only the townships of Brookfield, East Brookfield, Hardwick, New Braintree, North Brookfield, Oakham, Spencer, Sturbridge and West Brookfield).

(5) Zone 6 shall include the Massachusetts counties of Hampden (except the townships of Brimfield, Holland, Monson, Palmer and Wales), and Hampshire (except the township of Ware).

(b)–(d) [Reserved]

* * * * *

(g) The location adjustments for each plant shall be the amounts shown in the following table for the zone in which the plant is located:

Location Adjustments for Determination of Zone Price

Distance to Boston (miles)	Plant location zone	Class I and blended price adjustments (cents per hundredweight)
1 to 10	1	+72.0
11 to 20	2	+69.5
21 to 30	3	+67.0
31 to 40	4	+64.5
41 to 50	5	+62.0
51 to 60	6	+59.5
61 to 70	7	+57.0
71 to 80	8	+54.5
81 to 90	9	+52.0
91 to 100	10	+49.5
101 to 110	11	+47.0
111 to 120	12	+44.5
121 to 130	13	+42.0
131 to 140	14	+39.5
141 to 150	15	+15.0
151 to 160	16	+12.5
161 to 170	17	+10.0
171 to 180	18	+7.5
181 to 190	19	+5.0
191 to 200	20	+2.5
201 to 210	21	+0.0
211 to 220	22	−2.5
221 to 230	23	−5.0
231 to 240	24	−7.5
241 to 250	25	−10.0
251 and over	[1] 26	[2]

[1] Includes 26 and over.

[2] Class I and blended price location adjustments applicable to plants located in subsequent zones shall be obtained by extending the table at the rate of 2.5 cents for each additional 10 miles except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month.

7. In § 1001.53, the word "and" at the end of paragraph (f) is removed, the period at the end of paragraph (g) is changed to a semicolon followed by the word "and", and a new paragraph (h) is added to read as follows:

§ 1001.53 Determination of applicable zone locations for pricing purposes.

* * * * *

(h) For purposes of computing the value of fluid milk products at class prices, any fluid milk products moved in bulk from a pool plant to another pool plant at which a higher Class I price applies and which is classified as Class I milk shall be priced at the Class I price applicable at the location of the plant to which the milk was moved subject to a location adjustment credit for the transferee-plant determined by the market administrator as follows:

(1) After the assignments pursuant to § 1001.46 for the transferee-plant, multiply the remaining pounds of Class I skim milk by 110 percent and the remaining pounds of Class I butterfat by 150 percent;

(2) Subtract the respective pounds of skim milk and butterfat in bulk fluid milk products physically received at the plant from the following sources:

(i) Producers;

(ii) Cooperative associations in their capacity as handlers under § 1001.9(d);

(iii) Receipts of diverted milk from pool plants; and

(iv) Receipts (other than diverted milk) from pool plants at which the same or a higher Class I price applies;

(3) Assign any pounds remaining (which are not in excess of Class I transfers) to skim milk and butterfat in bulk receipts of fluid milk products (except diverted milk) from other pool plants at which a lower Class I price applies in sequence according to the zone location of the plants, beginning with the plant in the lowest numbered zone; and

(4) Multiply the hundredweight computed for each transferor-plant in paragraph (h)(3) of this section by the difference in the Class I prices applicable at the transferee-plant and transferor-plant and total such amounts.

8. In § 1001.60 paragraphs (a) (1) and (3), and (i) are revised to read as follows:

§ 1001.60 Computation of value of fluid milk products at class prices.

* * * * *

(a) * * * (1) Producer milk assigned under §§ 1001.43(d) and 1001.47(b) except that for any cooperative association in its capacity as a handler under § 1001.9(d) the quantity of producer milk shall be reduced by the total quantity of milk moved to pool plants during the month, to the limit of the quantity of producer milk;

(2) * * *

(3) Milk received at a pool plant from a cooperative association in its capacity as a handler under § 1001.9(d) and assigned under § 1001.47(b).

* * * * *

(i) Add together the amounts obtained under paragraphs (a) through (d) of this section, subtract therefrom the sum of the amounts obtained under paragraphs

(e) through (h) of this section, and subtract the amount of the location adjustment credit computed pursuant to § 1001.53(h).

Signed at Washington, D.C., on August 28, 1981.

William T. Manley,

Acting Administrator.

[FR Doc. 81-25600 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Parts 1006, 1012, and 1013

[Docket Nos. AO-356-A17, AO-347-A20, AO-286-A28]

Milk in the Upper Florida, Tampa Bay, and Southeastern Florida Marketing Areas; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends certain changes in the Upper Florida, Tampa Bay, and Southeastern Florida milk orders based on industry proposals considerd at a public hearing in July 1981. Under each of the orders the classification of eggnog would be changed from Class I milk to the lower priced Class II milk. This recommended change in the Florida orders would provide more uniform classification of eggnog among Federal milk orders and is needed to insure orderly marketing in the marketing areas covered by the orders.

DATE: Comments are due on or before September 14, 1981.

ADDRESS: Comments (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202/447-6273).

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued June 25, 1981; published June 30, 1981 (46 FR 33529).

This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

It is determined that this proposed action would not have a significant economic impact on a substantial number of small entities. There are only 26 handlers regulated under the Florida orders and this action pertains to less than 2 percent of the sales of regulated handlers in only two months of the year. Moreover, the action would remove an intermarket competitive disadvantage faced by Florida handlers.

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreements and orders regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing areas. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by the 10th day after publication of this decision in the **Federal Register**. The period for filing exceptions needs to be limited in order to complete the prescribed procedures in this proceeding in the time span requested by the industry. The exceptions should be filed in four copies. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing held at Orlando, Florida, on July 14, 1981, pursuant to notice thereof issued June 25, 1981 (46 FR 33529).

The material issue on the record of the hearing relates to the classification of eggnog under the three Florida orders.

Findings and Conclusions

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

Classification of eggnog. Skim milk and butterfat in eggnog disposed of by handlers should be classified as Class II use under each of the Florida orders. The Florida orders now classify eggnog in Class I. Reclassification to Class II will provide greater uniformity in classification of eggnog on an intermarket basis and, thus, will provide for more orderly marketing conditions for handlers regulated under the Florida orders.

The lower priced Class II classification of eggnog was proposed by a regulated handler that operates pool distributing plants in each of the Florida markets. In support of the proposal proponent witness pointed out that a number of out-of-State processors distribute eggnog in Florida. He contended that such processors are procuring their raw milk ingredients at prices comparable to the Class II prices under the Florida orders. Proponent claimed that he is thus disadvantaged under the Florida orders with respect to his sales of eggnog as a Class I use. Proponent urged that eggnog be classified under the Florida orders in a manner comparable to the classification of eggnog now prevailing under Federal orders for out-of-State markets.

At the hearing another handler who operates pool distributing plants in each of the Florida markets also testified in support of the proposed Class II classification of eggnog. The witness for this handler pointed out that one of the plants his firm operates at Jacksonville, Florida, has extensive milk and milk product sales competition with handlers regulated under the Georgia Federal order which classifies eggnog in Class II use. The proposal was not opposed by interested parties. A witness for cooperative associations in the Florida markets noted that although the proposal would mean a reduction in the minimum order price for skim milk and butterfat disposed of in eggnog, he recognized that it would be desirable to provide uniform classification on an intermarket basis under Federal milk orders.

It is in the interest of orderly marketing that eggnog be classified as Class II in each of the Florida orders. Such classification will place Florida handlers on a comparable basis with handlers in other regulated markets as to their cost under the orders for skim milk and butterfat disposed of as eggnog. None of the Federal orders except the Florida orders provides for Class I classification of eggnog. Florida handlers are in sales competition with out-of-State handlers, particularly handlers regulated under the Georgia order which classifies eggnog in an intermediate Class II classification.

Milk processors with plants in Albany, Atlanta, Columbus, and Waycross, Georgia, have sales routes in the Upper Florida marketing area. Also, a plant in Opelika, Alabama, has sales routes in the Upper Florida market. In turn, the sales routes of some Upper Florida regulated handlers extend into

Georgia and Alabama. Moreover, there is intermarket sales competition among handlers in each of the Florida order markets. Upper Florida area handlers distribute eggnog in the Tampa Bay and Southeastern Florida order marketing areas. Handlers regulated under the other Florida orders distribute eggnog in the Upper Florida marketing area.

The Class I classification of eggnog under the Florida orders places handlers at about a 6-cent per quart disadvantage in the cost of raw milk ingredients compared to their out-of-State competitors who are faced with the lower priced Class II classification of eggnog. A Class II classification for eggnog under the Florida orders would provide comparable pricing of skim milk and butterfat disposed of in eggnog on an intermarket basis in competition with out-of-State handlers. The Class II price under the Florida orders is 15 cents per hundredweight over the basic formula price (Minnesota-Wisconsin price). The same basic formula price plus 10 cents per hundredweight has been the pricing formula generally used for Class II pricing in other Federal order markets.

Eggnog sales in Florida are made only during the months of November and December. In 1980 eggnog sales by Florida regulated handlers amounted to 797,487 pounds in November and 3,277,332 pounds in December. These sales represented 0.5 percent of the total Class I sales of regulated handlers in November and 1.9 percent of regulated handlers' Class I sales in December. Classifying eggnog in Class II, rather than in Class I, thus will have a very limited impact on returns to producers in the Florida markets.

A number of changes in each of the Florida orders are required to implement the new classification of eggnog. Under the amendments adopted herein, eggnog is deleted from the "fluid milk product" definition. It should be noted, however, that flavored milk drinks (including eggnog flavor) would continue to be classified in Class I. As stated by proponent, only eggnog that meets the standards of identity issued by the Food and Drug Administration, United States Department of Health and Human Services, would be changes to a Class II classification.

In the other source milk definition, receipts of eggnog would be treated as a receipt of other source milk. This would be so irrespective of whether the product is received from other pool plants, other Federal order plants, or unregulated plants. No handler obligation would apply to such receipts of eggnog. Such receipts would be allocated directly to the handler's Class II utilization.

Eggnog disposed of from a pool plant would be classified as a Class II product, irrespective of whether it is distributed on routes or transferred to another plant. No change need be made in the transfer provisions with respect to the classification of eggnog since it is not likely that it would be used in other than a Class II use. Inventory of eggnog at the end of the month would be included in Class II. The ending Class II inventory, as Class II inventory on hand at the beginning of the following month, would be allocated in such following month directly to the handler's Class II utilization.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid tentative marketing agreements and orders:

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreements and Orders Amending the Orders

The recommended marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the orders, as hereby proposed to be amended. The following order amending the orders, as amended, regulating the handling of milk in the Upper Florida, Tampa Bay, and Southeastern Florida marketing area, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

1. In § 1006.14 paragraph (b) is revised to read as follows:

1006.14 Other source milk.

* * * * *

(b) Receipts of packaged fluid cream products and eggnog from other plants;

* * * * *

2. Section 1006.15 is revised to read as follows:

1006.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk, flavored milk drinks (including milkshake mix), filled milk, and concentrated milk.

3. In § 1006.40 paragraphs (b)(1–a) and (4) are revised to read as follows:

1006.40 Classes of utilization.

* * * * *

(b) * * *

(1–a) Skim milk butterfat disposed of in eggnog and in the form of a fluid cream product;

* * * * *

(4) Skim milk and butterfat in inventory of eggnog, fluid cream products, and bulk fluid milk products at the end of the month;

* * * * *

4. In § 1.006.44 paragraph (a)(2–c) is revised to read as follows:

1006.44 Classification of producer milk.

* * * * *

(a) * * *

(2–c) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in each of the following:

(i) Inventory of eggnog at the beginning of the month; and

(ii) Inventory of packaged fluid cream products at the beginning of the month;

* * * * *

PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

1. In § 1012.14 paragraph (b) is revised to read as follows:

§ 1012.14 Other source milk.

* * * * *

(b) Recipts of packaged fluid cream products and eggnog from other plants;

* * * * *

2. Section 1012.15 is revised to read as follows:

§ 1012.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk, flavored milk drinks (including milkshake mix), filled milk, and concentrated milk.

3. In § 1012.40 paragraphs (b)(1–a) and (4) are revised to read as follows:

§ 1012.40 Classes of utilization.

* * * * *

(b) * * *

(1–a) Skim milk and butterfat disposed of in eggnog and in the form of a fluid cream product;

* * * * *

(4) Skim milk and butterfat in inventory of eggnog, fluid cream products, and bulk fluid milk products at the end of the month;

* * * * *

4. In § 1012.44 paragraph (a)(2–c) is revised to read as follows:

§ 1012.44 Classification of producer milk.

* * * * *

(a) * * *

(2–c) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in each of the following:

(i) Inventory of eggnog at the beginning of the month; and

(ii) Inventory of packaged fluid cream products at the beginning of the month;

* * * * *

PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

1. In § 1013.14 paragraph (b) is revised to read as follows:

§ 1013.14 Other source milk.

* * * * *

(b) Receipts of packaged fluid cream products and eggnog from other plants;

* * * * *

2. Section 1013.15 is revised to read as follow:

§ 1013.15 Fluid milk product.

"Fluid milk product" means milk, skim milk, buttermilk, acidophilus milk, flavored milk, flavored milk drinks (including milkshake mix), filled milk, and concentrated milk.

3. In § 1013.40 paragraphs (b)(1–a) and (4) are revised to read as follows:

§ 1013.40 Classes of utilization

* * * * *

(b) * * *

(1–a) Skim milk and butterfat disposed of in eggnog and in the form of a fluid cream product;

* * * * *

(4) Skim milk and butterfat in inventory of eggnog, fluid cream products, and bulk fluid milk products at the end of the month;

* * * * *

4. In § 1013.44 paragraph (a)(2–c) is revised to read as follows:

§ 1013.44 Classification of producer milk.

* * * * *

(a) * * *

(2–c) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in each of the following:

(i) Inventory of eggnog at the beginning of the month; and

(ii) Inventory of packaged fluid cream products at the beginning of the month;

* * * * *

Signed at Washington, D.C., on August 28, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-25682 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1011

[Docket No. AO-251-A22]

Milk in the Tennessee Valley Marketing Area; Extension of Time for Filing Exceptions to the Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Extension of time for filing exceptions.

SUMMARY: This action extends the time for filing exceptions to a recommended decision concerning proposed amendments to the Tennessee Valley milk order. Dairymen, Inc., a cooperative association which represents a majority of the producers associated with the market, requested the additional time.

DATE: Exceptions are now due on or before September 11, 1981.

ADDRESS: Exceptions (four copies) should be filed with the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5443.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Tennessee Valley Order

Notice of Hearing: Issued February 11, 1980; published February 14, 1980 (45 FR 9942).

Correction: Published February 21, 1980 (45 FR 11503).

Notice of Rescheduled Hearing: Issued February 28, 1980; published March 5, 1980 (45 FR 14218).

Recommended Decision: Issued July 1, 1981; published July 8, 1981 (46 FR 35264).

Extension of Time: Issued July 28, 1981, published August 3, 1981 (46 FR 39440).

Tennessee Valley Order (Reopening) and 28 Other Orders

Notice of Hearing: Issued July 10, 1980; published July 15, 1980 (45 FR 47432).

Supplemental Notice of Hearing: Issued July 21, 1980; published July 25, 1980 (45 FR 49584).

Recommended Decision: Issued February 11, 1981; published February 18, 1981 (46 FR 12709).

Extension of Time: Issued March 9, 1981; published March 12, 1981 (46 FR 16270).

Extension of Time: Issued March 19, 1981; published March 25, 1981 (46 FR 18558).

Final Decision: Issued July 8, 1981; published July 14, 1981 (46 FR 36151).

Order Amending Order: Issued August 25, 1981; published August 28, 1981 (46 FR 43371).

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Tennessee Valley marketing area

which was issued on July 1, 1981 (46 FR 35264), is hereby extended to September 11, 1981.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on August 28, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-25681 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-02-M

RAILROAD RETIREMENT BOARD

20 CFR Parts 214, 218, 232, and 237

Annuity Beginning and Ending Dates

AGENCY: Railroad Retirement Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Railroad Retirement Board proposes to amend several parts of its regulations to create a new Part 218, Annuity Beginning and Ending Dates, under the Railroad Retirement Act. Amendment of the regulations is a part of an ongoing project of the Railroad Retirement Board to review, revise and reorganize its regulations.

DATES: Comments must be submitted on or before October 2, 1981.

ADDRESS: Secretary, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: Marilyn Berg or Eloise Sandle, Bureau of Retirement Claims, Railroad Retirement Board, Room 943, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4818 (FTS 387-4818).

SUPPLEMENTARY INFORMATION: Effective January 1, 1975, the Railroad Retirement Act of 1974 replaces the Railroad Retirement Act of 1937. Many of the Board's regulations, including the parts herein proposed to be revised, were promulgated under the Railroad Retirement Act of 1937 and are in need of revision to update them to the Railroad Retirement Act of 1974. In connection with this change in law and the emphasis placed on the revision of regulations to make them more readily understandable, the Board undertook a project to review and revise all of its regulations. The magnitude of such a massive revision has proved to be greater than was anticipated at the outset of the project. These proposed regulations are among the first portions of the revised regulations to be developed.

The proposed new Part 218 consolidates portions of Parts 214, 232, and 237 of the current regulations which concern the beginning and ending dates of annuities. For the most part the Railroad Retirement Act of 1974 did not make substantive changes in the beginning and ending dates of annuities or in the factors that might affect the beginning or ending date of an annuity. However, the Railroad Retirement Act of 1974, unlike the Railroad Retirement Act of 1937, does provide for the addition of a windfall benefit component to certain annuities, and the proposed Part 218 sets out in Subpart E the provisions for the beginning and ending of windfall benefits. Subpart E is being revised in accord with the recently enacted Budget Reconciliation Act and is not currently being published. The Railroad Retirement Act of 1974 provides that a disability benefit ceases at age 65 with the individual becoming eligible for a retirement annuity. Under the 1937 Act, entitlement to a disability annuity would continue after age 65. This change is reflected in section 218.26.

Under the Railroad Retirement Act of 1974 an employee, spouse or survivor annuity may begin on the first day of the month all eligibility requirements are met. Under the 1937 Act such annuities did not begin until the actual date the eligibility requirement was met. This change is reflected in section 218.5.

The proposed Part 218 reflects, more closely, the language of the Railroad Retirement Act of 1974, and reorganizes the regulations in a manner which makes them much easier to understand and to use. Sections 218.28 through 218.30 and 218.35 through 218.40 have been reserved because of recent legislative changes but will be dealt with in a subsequent rulemaking. Finally, the proposed Part 218 has been written in plain English to make it more understandable.

Title 20, Chapter II, is amended as follows:

PART 214—ANNUITY BEGINNING DATE [REMOVED]

1. Part 214 is removed. Regulations on annuity beginning dates are incorporated into a new Part 218.

2. Part 218 is added to read as follows:

PART 218—ANNUITY BEGINNING AND ENDING DATES

Subpart A—General

Sec.

218.1 Introduction.
218.2 Definitions.

Subpart B—When an Annuity Begins

Sec.

218.5 General rules.
218.6 When a supplemental annuity begins.
218.7 How to choose an annuity beginning date.
218.8 When chosen annuity beginning date is more than three months after filing date.
218.9 When an applicant can change the annuity beginning date.

Subpart C—How Work and Special Payments Affect an Employee or Spouse Annuity Beginning Date

218.15 Introduction.
218.16 Work started after annuity beginning date.
218.17 Vacation pay.
218.18 Sick pay.
218.19 Pay for time lost.
218.20 Separation, displacement, or termination pay.

Subpart D—When Annuity Ends

218.25 Employee age annuity.
218.26 Employee disability annuity.
218.27 Supplemental annuity.
218.28 Spouse annuity. [Reserved]
218.29 Surviving spouse annuity. [Reserved]
218.30 Child's annuity. [Reserved]
218.31 Parent's annuity.

Subpart E—When Windfall Benefit Begins and Ends

218.35 When an employee windfall benefit begins. [Reserved]
218.36 When an employee windfall benefit ends. [Reserved]
218.37 When a spouse windfall benefit beings. [Reserved]
218.38 When a spouse windfall benefit ends. [Reserved]
218.39 When a surviving spouse windfall benefit begins. [Reserved]
218.40 When a surviving spouse windfall benefit ends. [Reserved]

Authority: Sec. 5, Pub. L. 93-445, 88 Stat. 1332-1334 (45 U.S.C. 231d). Sec. 7, Pub. L. 93-445, 88 Stat. 1339 (45 U.S.C. 231f).

Subpart A—General

§ 218.1 Introduction.

This part tells when a person's entitlement to a monthly railroad retirement annuity begins and ends. The beginning and ending dates of the dual benefit windfall are also shown. Ordinarily, an annuity begins at the earliest date permitted under the Act. This part also tells when and how a person can select a later beginning date. Included is an explanation of how work and certain types of special payments affect the beginning date of an employee or spouse annuity.

§ 218.2 Definitions.

As used in this part—

"Applicant" means a person who signs an application for an annuity for

himself, herself or for some other person.

"Application" means a form described in § 217.6 of this chapter.

"Award" means to process a form to make a payment. An annuity is awarded on the date the payment form is processed. This date is shown on an award letter.

"Claimant" means a person who files for an annuity for himself or herself or the person for whom an application is filed.

"Filing date" means the date on which an application or written statement is filed with the Board.

Subpart B—When An Annuity Begins

§ 218.5 General rules.

(a) An employee, spouse or survivor annuity begins on the first day of the month in which the claimant becomes eligible for that annuity, as explained in Part 216 of this chapter, but not earlier than—

(1) The first day of the twelfth month before the month in which the application is filed;

(2) The date the applicant requests that the annuity being;

(3) The day after the claimant for an employee or spouse annuity stops working for a railroad employer or his or her last non-railroad employer; or

(4) The date the employee annuity begins if the claimant is a spouse.

(b) An annuity may not begin on the thirty-first day of a month, unless the claimant would lose benefits if the annuity beings on the first of the following month. No annuity is payable for the thirty-first day of any month.

§ 218.6 When a supplemental annuity begins.

A supplemental annuity begins on the first day of the month in which the employee becomes entitled, as shown in subpart C of part 216 of this chapter, but not earlier than the date the employee annuity begins. If the employee is entitled to a disability annuity and is eligible for a supplemental annuity before he or she becomes age 65, as shown in § 216.12(e) of this chapter, the supplemental annuity cannot begin more than 12 months before the month in which the employee gives up the right to return to work.

§ 218.7 How to choose an annuity beginning date.

(a) *When application is filed.* The applicant may choose an annuity beginning date by—

(1) Naming a specific date in an application accepted by the Board; or

(2) Including with the application a signed statement which tells when the annuity should begin.

(b) *After application is filed.* After an application has been filed, the applicant may choose an annuity beginning date by preparing a signed statement which tells when the annuity should begin.

§ 218.8 When chosen annuity beginning date is more than three months after filing date.

If the applicant for any type of annuity wants the annuity to begin in a month which is more than three months after the date the application is filed, the Board will deny the application (see § 217.30 of this chapter). The applicant must file a new application no earlier than three months before the month he or she wants the annuity to begin.

§ 218.9 When an applicant can change the annuity beginning date.

(a) *Before annuity is awarded.* An applicant may change the annuity beginning date to a date that agrees with the rules in other sections of these regulations if—

(1) The applicant requests the change in a signed statement; and

(2) The statement is received on or before the date of the claimant's death.

(b) *After annuity is awarded.* If the annuity has been paid, a change in the annuity beginning date is usually allowed under the rules on reopening final decisions. However, an employee receiving an age or disability annuity with a beginning date before July 1, 1974 may not change the annuity beginning date to July 1, 1974 or later to make the employee eligible for an employee annuity, as described in § 216.5(a)(2) of this chapter, or the spouse eligible for a spouse annuity, as described in § 216.20(c)(1) of this chapter. An award can be reopened to change the annuity beginnig date to a later date if—

(1) The annuitant requests the change in a signed statement;

(2) The statement is received on or before the date of the annuitant's death;

(3) The annuitant shows that it is to his or her advantage to have a later annuity beginning date; and

(4) All payments made for the period before the later annuity beginning date are recovered by cash refund or setoff.

Subpart C—How Work and Special Payments Affect an Employee or Spouse Annuity Beginning Date

§ 218.15 Introduction.

The rules in this subpart apply only to an employee, spouse, and supplemental annuity. They do not apply to any type of survivor annuity.

§ 218.16 Work started after annuity beginning date.

(a) *General.* An annuity can begin only after an employee or spouse stops any work for a railroad or last non-railroad employer. However, if the employee or spouse starts work after an "intent to retire" is established, that work will have no effect on the annuity beginning date. An annuity cannot be paid for any month the employee or spouse returns to work for a railroad or for the last non-railroad employer for whom he or she worked before the "intent to retire" was established.

(b) *Intent to retire.*

(1) *Disability annuity.* An "intent to retire" is established to pay a disability annuity when—

(i) The applicant files for a disability annuity; or

(ii) The employee gives up all rights to return to work for a railroad and any last non-railroad employer before starting any new work.

(2) *Age annuity.* An "intent to retire" is established to pay an employee age or spouse annuity when—

(i) The employee or spouse gives up all rights to return to work for a railroad or last non-railroad employer before starting any new work; or

(ii) The employee or spouse does not continue working through the chosen annuity beginning date or begin any new work for at least 6 months after that date.

§ 218.17 Vacation pay.

(a) *From railroad employer.* Vacation pay may be credited to the vacation period due the employee or to the last day of actual work for the railroad employer. If the vacation pay is credited to the vacation period, the annuity can begin no earlier than the date after the vacation period ends.

(b) *From non-railroad employer.* Vacation pay will not usually affect the annuity beginning date. The annuity can begin as early as the day after the employee or spouse last works for a non-railroad employer. However, if an employee or spouse is carried on the payroll during a vacation period, the annuity can begin no earlier than the day after the vacation period ends.

§ 218.18 Sick pay.

(a) *From railroad employer.* If the employee is carried on the payroll, the annuity can begin no earlier than the day after the last day of sick pay. However, sick pay received under an approved wage continuation plan established through company policy or a labor agreement is not considered

compensation and does not affect the annuity beginning date.

(b) *From non-railroad employer.* An employee or spouse who receives sick pay under a formal plan or system maintained by the employer is not considered to be working for that employer after the last day of actual work. The annuity can begin as early as the day after the employee or spouse last works for the employer. However, if the employer does not have a formal sick pay plan and carries the employee or spouse on the payroll, the annuity can begin no earlier than the day after the last day of sick pay.

§ 218.19 Pay for time lost.

Pay for time lost because of personal injury must be credited to an actual period of time lost. The annuity can begin no earlier than the day after that period ends. If a period of time lost is reported that extends beyond the date on which the annuity can otherwise begin, the employee may request the employer to credit the payment to an earlier period.

§ 218.20 Separation, displacement, or termination pay.

When an employee receives separation, displacement, termination, or similar pay from a railroad employer, the annuity beginning date depends on whether the payments are a separation allowance or monthly compensation payments, as follows:

(a) *Separation allowance.* When an employee accepts a separation allowance, the employee gives up his or her job rights. A separation allowance may be credited by the employer and the Board to the last day of actual work or the day the employee gives up job rights. The annuity can begin as early as the day after the day the separation allowance is credited.

(b) *Monthly compensation payments.* An employee who receives monthly compensation payments keeps his or her job rights while the payments are being made. The annuity cannot begin until after the end of the period for which payments are made.

Subpart D—When Annuity Ends

§ 218.25 Employee age annuity.

An employee annuity based on age ends with the month before the month in which the employee dies.

§ 218.26 Employee disability annuity.

(a) *Ending date.* An employee annuity based on disability ends with the earliest of—

(1) The month before the month in which the employee dies;

(2) The month before the month in which the employee becomes age 65 (the disability annuity is changed to an age annuity); or

(3) The second month following the month in which the disability ends.

(b) *Effective of ended disability annuity on eligibility for a later annuity.* The ending of a disability annuity will not affect an employee's rights to receive any annuity to which he or she later becomes entitled. When a disability annuity ends before an employee becomes 65 years old, any additional railroad service the employee has after the disability annuity ends can be credited as if no annuity had previously been paid.

§ 218.27 Supplemental annuity.

A supplemental annuity ends with the earliest of—

(a) The month the employee age or disability annuity ends; or

(b) The month before the month in which the employee returns to work for a railraod employer after the supplemental annuity closing date (see § 216.13 of this chapter).

§ 218.28 Spouse annuity. [Reserved]

§ 218.29 Surviving spouse annuity. [Reserved]

§ 218.30 Child's annuity. [Reserved]

§ 218.31 Parent's annuity.

A parent's annuity ends with the earliest of—

(a) The month before the month the parent dies;

(b) The month before the month the parent remarries after the employee's death; or

(c) The month before the month the parent becomes entitled to a larger survivor annuity under Part 216 of this chapter, unless he or she elects to be paid the smaller annuity (see § 216.92 of this chapter).

Subpart E—When Windfall Benefit Begins and Ends

§ 218.35 When an employee windfall benefit begins. [Reserved]

§ 218.36 When an employee windfall benefit ends. [Reserved]

§ 218.37 When a spouse windfall benefit begins. [Reserved]

§ 218.38 When a spouse windfall benefit ends. [Reserved]

§ 218.39 When a surviving spouse windfall benefit begins. [Reserved]

§ 218.40 When a surviving spouse windfall benefit ends. [Reserved]

PART 232—SPOUSE[S'] ANNUITIES

§ 232.205 [Removed]

§ 232.403 [Removed]

3. Part 232 is amended by correcting the spelling of the title, Spouse's to Spouses', and by removing § 232.205 of Subpart B and § 232.403 of Subpart D.

PART 237—INSURANCE ANNUITIES AND LUMP SUMS FOR SURVIVORS

§ 237.411 [Removed]

4. Part 237 is amended by removing § 237.411 of Subpart D.

Dated: August 28, 1981.

By authority of the Board.

Beatrice Ezerski,

For the Board.

[FR Doc. 81-25673 Filed 9-1-81; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 5, 19, 170, 173, 194, 250 and 251

[Notice No. 382]

Deregulation of Liquor Bottle Manufacturers and Other Miscellaneous Amendments

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to eliminate 27 CFR Part 173, Returns of Substances, Articles, or Containers. All sections pertaining to liquor bottle manufacturers will be deleted. Liquor bottle indicia requirements will be simplified and moved to 27 CFR Parts 19, 250 and 251. A section will be added to 27 CFR Part 194 to allow individuals to collect used liquor bottles for the purpose of recycling the glass. All sections of Part 173 which pertain to articles, substances, and containers will be moved to 27 CFR Part 170. Deregulation of the liquor bottle manufacturing industry is being proposed because registration and recordkeeping requirements have been determined to be of little benefit to ATF and an unnecessary burden on the affected industry. In addition to these changes, the Bureau is also proposing to simplify the distinctive liquor bottle regulations to allow the bottler or importer to get distinctive liquor bottles approved

without submission of sample bottles except where doubt exists as to the acceptability of the bottles. Several miscellaneous, clarifying and editorial changes are also proposed.

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

ADDRESS: Comments should be submitted to the Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385

FOR FURTHER INFORMATION CONTACT: Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, 202-566-7626.

SUPPLEMENTARY INFORMATION:

Liquor Bottle Manufacturers

Liquor bottle manufacturers have not been identified by the Bureau as a source of jeopardy to the Federal revenue nor is there any evidence that requiring them to register with ATF is a deterrent to illegal liquor operations. Therefore, ATF proposes to deregulate the liquor bottle manufacturing industry. To accomplish this objective, ATF proposes to delete 27 CFR Part 173, Returns of Substances, Articles, or Containers. All sections of Part 173 pertaining to liquor bottle manufacturers will be eliminated. Liquor bottle manufacturers will no longer be required to register with ATF, and ATF Form 4328, Notice of Intent to Manufacture Liquor Bottles and Assignment of Manufacturer's Number, will become obsolete. Since ATF will no longer assign liquor bottle manufacturers' numbers, these number will no longer be required on liquor bottles. However, liquor bottles bearing the obsolete manufacturer's number as part of the indicia may continue to be used. Under the proposed regulations liquor bottle indicia requirements for both domestic and imported liquor bottles will be simplified to require only the words "Liquor Bottle" and will be moved to the appropriate sections of 27 CFR Parts 19, 250 and 251. Additional information may be marked on liquor bottles as long as it does not conflict with the required marking. This proposal to deregulate the liquor bottle manufacturing industry will result in manpower savings to the Government and be more convenient to the industry. This proposal will not result in increased cost to the industry.

Substances, Articles or Containers

All sections of Part 173 which pertain to articles, substances and containers will be moved to 27 CFR Part 170 and added as Subpart B—Returns of Substances, Articles, or Containers. These sections of regulations are still required to ensuer that ATF has the necessary tools to effectively combat illegal liquor operations. All mention of Form 169 or 169A will be changed to read Form 3330.3, Return of Articles, Containers or Substances.

Recycling Liquor Bottles

The regulation in 27 CFR Part 194 governing possession of used liquor bottles will be revised to allow any person to assemble used liquor bottles for the purpose of recycling the glass. However, regulations in Part 194 prohibiting reuse/refilling of liquor bottles by unauthorized persons will remain in effect.

Elimination of References to Part 173

Due to the deletion of Part 173, minor changes will be made to Parts 5, 19, 250 and 251 in order to eliminate references previously citing Part 173.

Distinctive Liquor Bottles

Regulations in 27 CFR Parts 19, 250 and 251 will be changed to simplify the procedures whereby applicant proprietors, bottlers, or importers obtain approval to use distinctive liquor bottles. Proprietors, bottlers and importers will no longer be required to submit letter applications to get distincitive liquor bottles approved. Instead, the proprietor, bottler or importer will submit Form 1649, Application for and Certification of Label Approval under FAA Act, to the Director for approval. The applicant will certify as to the total capacity of a representative sample bottle before closure (expressed in milliliters) on Form 1649 in lieu of submitting the actual bottle or model. In addition, the applicant will affix a readily legible photograph (both front and back of the bottle) to the front of each copy of Form 1649, along with the label(s) to be used on the bottle. The applicant will not submit an actual bottle or an authentic model unless specifically requested to do so. Any applicant who wishes to use the same label on several different distinctive liquor bottles will be required to get new label approval for each botle on Form 1649. This procedure for getting distinctive liquor bottles approved as part of the label approval process is currently in effect as an alternate procedure. (See ATF Ruling 80-4; ATF Quarterly Bulletin 1980-2.) The proposed regulations will make the prior method of obtaining approval for distinctive liquor bottles on letter applications obsolete.

Regulatory Flexibility Act

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

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

Executive Order 12291

In compliance with Executive Order 12291 the Bureau has determined that this proposal is not a major rule since it will not result in:

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

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

(c) 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.

Public Participation

ATF invites all interested persons and industry members to submit written comments for consideration. All comments received before the closing date will be carefully evaluated. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action. Copies of this notice and of the comments will be available for public inspection during normal business hours at the following location: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC 20226.

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

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 90 day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing should be held.

Drafting Information

The principal author of this document is Robert L. White, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel from other offices of the Bureau and from the Treasury Department participated in developing the document, both on matters of substance and style.

Authority and Issuance

This notice of proposed rulemaking is issued under the authority contained in 26 U.S.C. 7805 (68A Stat. 917, as amended) and in 27 U.S.C. 205 (49 Stat. 981, as amended).

In consideration of the foregoing, ATF proposes to amend Title 27 of the Code of Federal Regulations as follows:

PART 173—RETURNS OF SUBSTANCES, ARTICLES, OF CONTAINERS [REMOVED]

Par. 1. In 27 CFR Chapter I, Part 173 is removed from the table of contents.

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

§ 5.2 [Amended]

Par. 2. Section 5.2 is amended by removing "27 CFR Part 173—Returns of Substances, Articles or Containers." as a related regulation.

PART 19—DISTILLED SPIRITS PLANTS

§ 19.3 [Amended]

Par. 3. Section 19.3 is amended by removing "27 CFR Part 173—Returns of Substances, Articles or Containers." as a related regulation.

Par. 4. Section 19.632 is revised to eliminate reference to 27 CFR Part 173. As revised, this section reads as follows:

§ 19.632 Bottles authorized.

Liquor bottles shall conform to the applicable standards of fill provided in Subpart E of 27 CFR Part 5, including those for liquor bottles of less than 200 ml capacity. The use of any bottle size other than as authorized in Subpart E of 27 CFR Part 5 is prohibited for the packaging of distilled spirits for domestic purposes, except that 100 ml bottles may be used for packaging distilled spirits for sale in intrastate commerce only. Bottles bearing the indicia required under § 19.633 may be used, but need not be used, in bottling spirits for export.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

Par. 5. Section 19.633 is revised to eliminate reference to Part 173 and to specify the indicia requirements on liquor bottles used for packaging spirits for domestic use. As revised, this section reads as follows:

§ 19.633 Indicia for bottles.

Except as provided in § 19.634, all liquor bottles for domestic use shall be legibly blown, etched, sandblasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director with the words "Liquor Bottle." Additional information may also be placed on the liquor bottles provided such information does not conflict with information required to be placed on labels and is so located as not to obscure indicia required by this section or interfere with the labeling or stamping of the bottle, when filled, as provided in this part.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

Par. 6. Section 19.634 is revised to simplify the procedure whereby a proprietor can obtain approval of domestic liquor bottles of distinctive shape or design. As revised, this section reads as follows:

§ 19.634 Distinctive liquor bottles.

(a) *Application.* A proprietor desiring approval of domestic liquor bottles of distinctive shape or design, including bottles of less than 200 ml capacity, whether or not such bottles bear the indicia required under § 19.633, or, to use such distinctive liquor bottles, shall submit Form 1649, Application for an Certification of Label Approval under FAA Act, in duplicate to the Director for approval. The applicant shall certify as to the total capacity of a representative sample bottle before closure (expressed in milliliters) on each copy of the form. In addition, the applicant shall affix a readily legible photograph (both front and back of the bottle) to the front of each copy of Form 1649, along with the label(s) to be used on the bottle. The applicant shall not submit an actual bottle or an authentic model unless specifically requested to do so.

(b) *Approval.* Properly submitted Forms 1649 for approval of distinctive liquor bottles shall be approved by the Director if the bottles are found to—

(1) Meet the requirements of 27 CFR Part 5;

(2) Be distinctive:

(3) Be suitable for their intended purpose;

(4) Not jeopardize the revenue; and

(5) Not be deceptive to the consumer.

If Form 1649 is approved, the Director shall send one copy of the approved form, including one approved photograph (both front and back) of the distinctive liquor bottle, to the applicant. If Form 1649 is disapproved, the applicant shall be notified of the Director's decision and the reasons therefor.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

Par. 7. Section 19.638 is revised to eliminate reference to Part 173. As revised, this section reads as follows:

§ 19.638 Bottles not constituting approved containers.

The Director shall disapprove for use as a liquor bottle any bottle, including a bottle of less than 200 ml capacity, which he determines to be deceptive. Any such bottle, whether or not it bears the indicia required under § 19.633, is not an approved container for the purposes of § 19.581 of this part, and shall not be used for packaging distilled spirits for domestic purposes.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

Par. 8. The table of sections to 27 CFR Part 170 is amended to change the center heading "Subparts B–D—[Reserved]" and to reflect the addition of Subpart B—Returns of Substances, Articles, or Containers, immediately following Subpart A—Restamping Packages of Distilled Spirits. As amended, the table of sections reads as follows:

* * * * *

Subpart B—Returns of Substances, Articles, or Containers

Sec.

170.21 Scope of subpart.
170.22 Forms prescribed.
170.23 Meaning of terms.
170.24 Returns required; substances and articles.

Sec.
170.25 Returns required: containers.
170.26 Rendition of returns.
170.27 Records required.
170.28 Tax.

Subparts C–D—[Reserved]

* * * * *

Par. 9. The regulations are revised to show a Subpart B center heading, to add §§ 170.21 through 170.28, and to show a Subparts C–D—[Reserved] center heading. As revised, the Subpart B center heading, §§ 170.21 through 170.28, and the Subparts C–D—[Reserved] center heading read as follows:

Subpart B—Returns of Substances, Articles, or Containers

§ 170.21 Scope of subpart.

The regulations in this subpart relate to the returns and records of the disposition of articles from which distilled spirits may be recovered, of the disposition of substances of the character used in the manufacture of distilled spirits, and of the disposition of containers of the character used for the packaging of distilled spirits.

§ 170.22 Forms prescribed.

(a) The Director is authorized to prescribe all forms required by this subpart, including bonds, applications, notices, reports, returns and records. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this subpart.

(b) ATF Publication 1322.1, Public Use Forms, is a numerical listing of forms issued by the Bureau of Alcohol, Tobacco, and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) Requests for forms should be mailed to the ATF Distribution Center, 3800 Four Mile Run Drive, Arlington, Virginia 22206.

§ 170.23 Meaning of terms.

When used in this subpart and in forms prescribed under this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning as ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine. The terms "include", "includes" and "including" do not exclude things not enumerated which are in the same general class.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this subpart.

Articles. Denatured spirits or any product or preparation which contains more than 25% by volume of denatured spirits.

CFR. The Code of Federal Regulations.

Container. Any receptable, vessel, barrel, cask, keg, bottle, jug, can, or jar of the character used for the packaging of distilled spirits.

Demand letter. The "demand letter" is the formal requirement of the special agent in charge that a person disposing of any article, container, or substance shall render a correct return.

Denatured spirits. Spirits to which denaturants have been added pursuant to formulas prescribed in Part 212 of this chapter.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C.

Dispose. "Dispose" and all forms of the word shall mean and include consign, sell, transfer, deliver, destroy, or lose, and all forms of those words.

Distilled spirits or spirits. That substance known as ethyl alcohol, ethanol, or spirits of wine in any form (including all dilutions and mixtures thereof, from whatever source or by whatever process produced), but not denatured spirits unless specifically stated.

Importer. A person authorized to import distilled spirits into the United States.

Liquor bottle. A bottle made of glass or earthenware, or of other suitable material approved by the Director, designed or intended for use as a container for distilled spirits for sale for beverage purposes.

Person. An individual, trust, estate, partnership, association, company, or corporation.

Region. A Bureau of Alcohol, Tobacco and Firearms region.

Regional regulatory administrator. The principal ATF regional official in charge of regulatory enforcement.

Render. To deliver the completed return to the office indicated in the demand letter, not later than the date required by the demand letter, or to mail such completed return, in an envelope properly addressed and stamped, in sufficient time for such envelope to be postmarked by the U.S. Postal Service not later than the date required by the demand letter. The time and date of the United States postmark shall constitute the time and date of delivery of the return to the designated office.

Special agent in charge. The principal official responsible for the ATF criminal enforcement program within an ATF district.

Substance. Includes any of the following: Any grade or type of sugar, syrup, or molasses derived from sugar cane, sugar beets, corn, sorghum, or any other source; starch; potatoes; grain, or corn meal, corn chops, cracked corn, rye chops, middlings, shorts, bran, or any other grain derivative; malt; malt sugar, or malt syrup; oak chips, charred or not charred; yeast; cider; honey; fruits; grapes; berries; fruit, grape, or berry juices or concentrates; wine; caramel; burnt sugar; gin flavor; Chinese bean cake or Chinese wine cake; urea; ammonium phosphate, ammonium carbonate, ammonium sulphate, or any other yeast food; ethyl acetate or any other ethyl ester; any other material of the character used in the manufacture of distilled spirits, or any chemical or other material suitable for promoting or accelerating fermentation; any chemical or material of the character used for the production of distilled spirits by chemical reaction; or any combination of any such materials or chemicals.

This chapter. Title 27, Code of Federal Regulations, Chapter I (27 CFR Chapter I).

United States. The several States and the District of Columbia.

U.S.C. The United States Code.

§ 170.24 Returns required; substances and articles.

Every person in the United States who disposes of any substance or article, as defined in § 170.23, shall, when required by a demand letter issued by the special agent in charge and until notified to the contrary in writing by such officer, render in writing a correct return on Form 3330.3, Returns of Articles, Containers or Substances, or on such other form authorized by the special agent in charge. The return shall enable the special agent in charge to make a determination in accordance with law as to whether all taxes due with respect to any distilled spirits produced or recovered from such substances or articles have been paid. The return shall be rendered for the periods specified in the demand letter and shall show—

(a) The date of each disposition of such substances or articles, and in such quantities, as shall be specified by the special agent in charge in the demand letter;

(b) The quantity and kind of each substance or article disposed of;

(c) The name and complete address of each purchaser, consignee, and other person actually receiving such

substances or articles, and of any other person for, by, or through whom the substances or articles were ordered or disposed of;

(d) The date and method of shipment or delivery; and

(e) If delivered or shipped by truck or other conveyance, the State or city registration number of such truck or conveyance, and the name and complete address of the operator of such truck or conveyance as shown by his operator's license, giving the number of such operator's license and the State where issued. Where shipment is made by a common carrier, such as a railroad, trucking company, steamboat line, etc., the information required by paragraph (e) of this section need not be reported, but in lieu thereof there shall be furnished the complete routing of the shipment, full name and address of first carrier, and railroad car number or name of ship.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1373, as amended (26 U.S.C. 5291))

§ 170.25 Returns required; containers.

Every person in the United States who disposes of any containers, as defined in § 170.23, shall, when required by a demand letter issued by the special agent in charge, and until notified to the contrary in writing by such officer, for the purpose of protecting the revenue, render in writing a correct return on Form 3330.3 or on such other form authorized by the special agent in charge. The return shall be rendered for the periods specified in the demand letter and shall show—

(a) The date of each disposition of such containers, and in such quantities, as may be specified by the special agent in charge in the demand letter;

(b) The quantity and kind of containers disposed of;

(c) The name and address of each purchaser, consignee, and other person actually receiving such containers and of any other person for, by, or through whom the containers were ordered or disposed of;

(d) The date and method of shipment or delivery; and

(e) If delivered or shipped by truck or other conveyance, the State or city registration number of such truck or conveyance, and the name and complete address of the operator of such truck or conveyance as shown by his operator's license, giving the number of such operator's license and the State where issued. Where shipment is made by a common carrier such as a railroad, trucking company, steamboat line, etc., the information required by paragraph (e) of this section need not be reported, but in lieu thereof there shall be furnished the complete routing of the shipment, full name and address of first carrier, and railroad car number or name of ship.

(Sec. 201, Pub. L. 85-589, 72 Stat. 1374, as amended (26 U.S.C. 5301))

§ 170.26 Rendition of returns.

(a) The return shall be rendered on Form 3330.3 to the officer or employee of the Bureau of Alcohol, Tobacco and Firearms designated in the demand letter. However, the special agent in charge may authorize the return to be rendered in another from requiring the same information in lieu of Form 3330.3 where it is shown that this is necessary in order to use tabulating equipment, or business machines, and will not (1) unduly hinder the effective administration of this part or (2) jeopardize the revenue. A person who proposes to use a form other than Form 3330.3 shall submit a letterhead application to do so to the special agent in charge. Such application shall describe the proposed form and set forth the need therefor. The special agent in charge shall determine whether there is a need for the substitute form and whether approval thereof would unduly hinder the effective administration of this part or result in jeopardy to the revenue. The special agent in charge shall inform the applicant of his decision and the reasons therefor. A substitute form shall not be employed until approval is received from the special agent in charge.

(b) The return shall be prepared and rendered in accordance with the instructions contained in the demand letter for the designated reporting period.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1373, as amended, 1374, as amended (26 U.S.C. 5291, 5301))

§ 170.27 Records required.

Every person who has been required to render a return shall maintain at his place of business such books, records, documents, papers, invoices, bills of lading, etc., relating to or connected with any such disposition, as will enable such person to make the required return. Such books, records, documents, papers, invoices, bills of lading, etc., shall be maintained for a period of three years and shall be kept readily available for, and open to, inspection by any officer of the Bureau of Alcohol, Tobacco and Firearms during the hours of business of such person.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1373, as amended, 1374, as amended (26 U.S.C. 5291, 5301))

§ 170.28 Tax.

Any person who produces, withdraws, sells, transports, or uses denatured distilled spirits, or articles, as defined in § 170.23, in violation of law or regulations shall be required to pay tax on such denatured distilled spirits or articles, as provided by 26 U.S.C. 5001(a)(6).

(Sec. 201, Pub. L. 85-859, 72 Stat. 1314, as amended (26 U.S.C. 5001))

Subparts C-D [Reserved]

PART 173—RETURNS OF SUBSTANCES, ARTICLES, OR CONTAINERS [REMOVED]

Par. 10. Part 173 is removed from Title 27 CFR. All sections in Part 173 which deal with articles, substances or containers have been moved to Part 170, Subpart B.

PART 194—LIQUOR DEALERS

Par. 11. Section 194.263 is revised by the addition of paragraph (c) authorizing possession of used liquor bottles for recycling, and by making editorial changes. Section 194.263 is revised to read as follows:

§ 194.263 Possession of used liquor bottles.

The possession of used liquor bottles by any person other than the person who empties the contents thereof is prohibited except for the following:

(a) The owner or occupant of any premises on which such bottles have been lawfully emptied may assemble the same on such premises—

(1) For delivery to a bottler or importer on specific request of such bottler or importer;

(2) For destruction, either on the premises on which the bottles are emptied or elsewhere, including disposition for purposes which will result in the bottles being rendered unserviceable as bottles; or

(3) In the case of unusual or distinctive bottles, for disposition or sale as collectors' items or for other purposes not involving the packaging of any product for sale.

(b) Any person may possess, offer for sale, or sell unusual or distinctive bottles for purposes not involving the packaging of any product for sale.

(c) Any person may assemble used liquor bottles for the purpose of recycling the glass.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

Par. 12. Section 250.313 is revised by eliminating references to Part 173 and by including the requirements of liquor bottle indicia. As revised, § 250.313 reads as follows:

§ 250.313 Indicia for bottles.

Except as provided in § 250.314, all liquor bottles used for bringing distilled spirits into the United States from Puerto Rico or the Virgin Islands shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director with the words "Liquor Bottle." Additional information may be marked on liquor bottles provided such information does not conflict with information required to be placed on labels and is so located as not to obscure indicia required by this section or interfere with the labeling or stamping of the bottle, when filled, as provided in this part.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended, (26 U.S.C. 5301))

Par. 13. Section 250.314 is revised to simplify the procedure whereby an importer (filled bottles) or a bottler (empty bottles) can obtain approval to bring distinctive liquor bottles into the United States from Puerto Rico or the Virgin Islands. As revised, § 250.314 reads as follows:

§ 250.314 Distinctive liquor bottles.

(a) *Application.* Liquor bottles of distinctive shape or design, including bottles of less than 200 ml capacity, whether or not such bottles bear the indicia required under § 250.313, may be brought into the United States from Puerto Rico or the Virgin Islands by an importer (filled bottles) or a bottler (empty bottles). The importer or bottler, as applicable, shall submit Form 1649, Application for and Certification of Label Approval under FAA Act, in duplicate to the Director for approval prior to bringing such bottles into the United States. The applicant shall certify as to the total capacity of a representative sample bottle before closure (expressed in milliliters) on each copy of the form. In addition, the applicant shall affix a readily legible photograph (both front and back of the bottle) to the front of each copy of Form 1649, along with the label(s) to be used on the bottle. The applicant shall not submit an actual bottle or an authentic model unless specifically requested to do so.

(b) *Approval.* Properly submitted Forms 1649 to bring distinctive liquor bottles, either filled or empty, into the United States from Puerto Rico or the Virgin Islands shall be approved provided such bottles are found by the Director to—

(1) Meet the requirements of 27 CFR Part 5;

(2) Be distinctive;

(3) Be suitable for their intended purpose;

(4) Not jeopardize the revenue; and

(5) Not be deceptive to the consumer.

If Form 1649 is approved, the Director shall send one copy of the approved form, including one approved photograph (both front and back) of the distinctive liquor bottle, to the applicant. If Form 1649 is disapproved, the applicant shall be notified of the Director's decision and the reasons therefor. The applicant is responsible for furnishing a copy of the approved Form 1649, including a photograph of the distinctive liquor bottle, to Customs officials at each affected port of entry where the merchandise is examined.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

§ 250.316 [Amended]

Par. 14. Section 250.316 is amended by changing the reference to "Part 173 of this chapter" in the last sentence to read "§ 250.313".

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

Par. 15. Section 251.203 is revised by eliminating references to Part 173 and by including the requirements for liquor bottle indicia. As revised, § 251.203 reads as follows:

§ 251.203 Indicia for bottles.

Except as provided in § 251.204, all liquor bottles used for the importation of distilled spirits for sale shall be legibly blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director with the words "Liquor Bottle." Additional information may be marked on the liquor bottles provided such information does not conflict with information required to be placed on labels and is so located as not to obscure indicia required by this section or interfere with the labeling or stamping of the bottle, when filled, as provided in this part.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

Par. 16. Section 251.204 is revised to simplify the procedure whereby an importer (filled bottles) or a bottler (empty bottles) can obtain approval to bring distinctive liquor bottles into the United States. As revised, § 251.204 reads as follows:

§ 251.204 Distinctive liquor bottles.

(a) *Application.* Liquor bottles of distinctive shape or design, including bottles of less than 200 ml capacity, whether or not such bottles bear the indicia required under § 251.203, may be imported by an imported (filled bottles) or a bottler (empty bottles). The importer or bottler, as applicable, shall submit Form 1649, Application for and Certification of Label Approval under FAA Act, in duplicate to the Director for approval prior to importation of the bottles. The applicant shall certify as to the total capacity of a representative sample bottle before closure (expressed in milliliters) on each copy of the form. In addition, the applicant shall affix a readily legible photograph (both front and back of the bottle) to the front of each copy of Form 1649, along with the label(s) to be used on the bottle. The applicant shall not submit an actual bottle or an authentic model unless specifically requested to do so.

(b) *Approval.* Properly submitted Forms 1649 to import distinctive liquor bottles shall be approved provided such bottles are found by the Director to—

(1) Meet the requirements of 27 CFR Part 5;

(2) Be distinctive;

(3) Be suitable for their intended purpose;

(4) Not jeopardize the revenue; and

(5) Not be deceptive to the consumer.

If Form 1649 is approved, the Director shall send one copy of the approved form, including one approved photograph (both front and back) of the distinctive liquor bottle, to the applicant. If Form 1649 is disapproved, the applicant shall be notified of the Director's decision and the reasons therefor. The applicant is responsible for furnishing a copy of the approved form 1649, including a photograph of the distinctive liquor bottle, to Customs officials at each affected port of entry whre the merchandise is examined.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

§ 251.206 [Amended]

Par. 17. Section 251.206 is amended to change the reference to "Part 173 of this chapter" in the last sentence to read "§ 251.203".

Signed: May 1, 1981.

G. R. Dickerson,

Director.

Approved: June 1, 1981.

John P. Simpson,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-25703 Filed 9-1-81; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 204

Danger Zone; Pacific Ocean at San Miguel Island, California

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of proposal rulemaking.

SUMMARY: The Corps of Engineers proposed to amend the regulations which establish a danger zone in the Pacific Ocean at San Miguel Island, California. This amendment if approved will allow the regulations to continue, with a review in 5 years, make editorial changes to reflect a redesignation by the Navy, update sources for danger zone information, and change the agency authorized to permit landing on the Island.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Roman Zawadzki, at (213) 688-5606, or Mr. Ralph T. Eppard at (202) 272-0199.

SUPPLEMENTARY INFORMATION: Regulations were promulgated under 33 CFR 204.203 on January 21, 1966, to govern the use and navigation of a danger zone located in the Pacific Ocean at San Miguel Island, Santa Barbara County, California. This danger zone was established to meet security requirements of the U.S. Navy, Pacific Missile Range and the exceptional hazards to persons and property due to missile firings and related activities. At the request of the Navy we are proposing to make the following amendments:

a. Change all references to "Commander, Pacific Missile Range" to read "Commander, Pacific Missile Test Center." This reflects a recent redesignation by the Navy.

b. Change all references to "missile firings" to read "bomb drops." This reflects the current activities in the area.

c. Delete statements indicating that notices of bomb drops will appear in local newspapers and on bulletin boards outside Port Control offices at Santa Barbara, Port San Luis, Morro Bay, Port Hueneme, Santa Monica and at the Ventura and Channel Island marinas. Also, replace announcements on marine radio commencing 24 hours prior to operations with announcements at 0800 and 1200 local time, and/or one hour prior to operations.

d. Delete the provision that, when operations are about to be undertaken, surface craft in the zone will be informed by surface patrol boats or aircraft equipped with a loudspeaker system. It has been determined that the air units using the zone can adequately clear the area without use of extra resources from the mainland.

e. Change the agency authorized to permit landings on San Miguel Island from "Commander, Pacific Missile Test Center" to "Superintendent, Channel Islands National Park."

f. Change the review period from two years to five years to reduce paperwork and the related administrative burden. The Navy estimates that operations, at the rate of 250 per year, will continue unchanged over the next five years. The Corps of Engineers proposes to amend 33 CFR 204.203 with respect to paragraph (c) *The regulations.*, as set forth below.

Note.—This regulation is issued with respect to a military function of the Defense Department and accordingly the provisions of Executive Order 12291 do not apply. The Department of the Army has determined that this regulation will not have a significant economic impact on a substantial number of entities and thus does not require preparation of a regulatory flexibility analysis.

PART 204—DANGER ZONE REGULATIONS

Paragraph (c) of § 204.203 is revised to read as follows:

§ 204.203 Pacific Ocean at San Miguel Island, California; Naval Danger Zone.

* * * * *

(c) *The regulations.* (1) Except as prescribed in this section or in other regulations, the danger zone will be open to fishing and general navigation. Bomb drops between designated hours are expected to be intermittent, and when safe to do so, commercial fishing boats and other small craft will be granted permission to proceed through the danger zone. All vessels permitted to enter the zone during a scheduled bomb drop period, other than those owned or operated by the U.S. Government, shall proceed across the zone by the most direct route and clear the area as soon as possible. When bomb drops are not scheduled, the zone may be occupied without restriction.

(2) The anchoring, stopping, or loitering of any vessel, fishing boat, or recreational craft within the danger zone during scheduled firing/drop hours is expressly prohibited.

(3) The bomb drops will take place in the danger zone at frequent and irregular intervals throughout the year. Danger zone usage demands are identified in the Eleventh Coast Guard District, "Local Notice to Mariners." Announcements will also be made on marine radio channel 16, at 0800 local time 1200 local time and/or 1 hour prior to bomb drop operations. Status of the zone and/or permission to enter, may be requested by calling "Plead Control" on marine channel 16 or by calling the Pacific Missile Test Center (PMTC) on telephone number (805) 982-8280 or 982-8841.

(4) The Commander, PMTC will extend full cooperation relating to the public use of the danger zone area and will fully consider every reasonable request for its use in light of requirements for national security and safety of persons and property.

(5) No seaplanes, other than those approved for entry by the Commander, PMTC, may enter the danger zone during firing periods.

(6) Landing or going ashore on San Miguel Island is specifically prohibited without prior permission of the Superintendent, Channel Islands National Park. Applications for such permission should be made to: Superintendent, Channel Islands National Park, 1699 Anchors Way Drive, Ventura, California 93003.

(7) The regulations in this section shall be enforced by personnel attached to the Pacific Missile Test Center, Point Mugu, California, and by such other agencies as the Commandant, 11th Naval District, San Diego, California, may designate.

(8) The regulations in this section shall be in effect until further notice. They shall be reviewed in 1986.

(33 U.S.C. 1, 3)

Dated: August 25, 1981.

Richard T. Robinson,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 81-25603 Filed 9-1-81; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 296

Water Resources Projects on Wild and Scenic Rivers

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal establishes standards and procedures for carrying out agency obligations under Section 7 of the Wild and Scenic Rivers Act by creating a new Part 296, Water Resources Projects on Wild and Scenic Rivers. Section 7 provides for the protection of these rivers from the effects of construction of any water resources projects. These standards apply only to wild and scenic rivers administered by the Department of Agriculture.

DATE: Comments must be received by October 2, 1981.

ADDRESS: Comments should be sent to: R. Max Peterson, Chief (LMP), Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Douglas W. Shenkyr, Forest Service, Land Mgmt. Planning, P.O. Box 2417, Washington, D.C. 20013, Telephone: (202) 447-6390, or
James B. Snow, Attorney, U.S. Dept. of Agriculture, Office of the General Counsel, Natural Resources Division, Washington, D.C. 20250, Telephone: (202) 447-5769.

SUPPLEMENTARY INFORMATION: These regulations will provide a procedure to assist Federal agencies in securing compliance with the requirements of Section 7 of the Wild and Scenic Rivers Act (16 U.S.C. 1278) in the licensing or other authorization of water resources projects proposed for construction on rivers designated as components of the Wild and Scenic Rivers System or rivers designated for possible inclusion in the System. These regulations are intended to establish standards by which the applicability of Section 7 requirements to particular projects can be determined.

The scope and application of Section 7 of the Wild and Scenic Rivers Act was the subject of the lawsuit, *National Wildlife Federation, et al. v. Bergland*, Civil Action No. 80-1780, U.S.D.C., Dist. of Columbia. In that suit, the plaintiffs challenged the process and legal interpretations utilized by the Secretary of Agriculture in making a Section 7 determination for a water resources project on the Skagit Wild and Scenic River. As part of a Stipulation of Settlement and Dismissal of the lawsuit, the Department of Agriculture agreed to undertake and complete rulemaking on the scope and application of Section 7. These regulations are to be published by September 1981.

These regulations will apply only to Wild and Scenic Rivers administered by the Department of Agriculture. Various components and study rivers in the National Wild and Scenic Rivers System are under the jurisdiction of the Department of the Interior, and that Department may provide differing procedures for carrying out its responsibilities under Section 7. This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and it has been determined that this regulation is not a major rule. The regulation will have little or no effect on the economy since Section 7 of the Wild and Scenic Rivers Act only applies to Federal agencies. The regulation should decrease costs to industry and federal agencies since it clarifies and streamlines for the first time the congressionally mandated review requirements of Section 7. Because the regulation is essentially procedural and applicable only to federal agencies, the regulation will not adversely affect competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete on the foreign market.

This regulation has also be reviewed to assess whether there are administrative alternatives which would result in greater overall benefits to society at a reduced cost. There are no alternatives to the issuance of some regulation since that is required by the order of a federal court. Additionally, it is deemed that the procedure proposed by this regulation does maximize net benefits. By better defining the scope of Section 7 through this regulation, the consideration of wild and scenic river resources can be better integrated into agency planning and environmental analyses of water resources projects.

The Assistant Secretary of Agriculture for Natural Resources and the Environment has determined that this action will not have a significant economic impact on a substantial number of small entities because it is principally a procedural regulation applicable to other agencies of the federal government and does not directly affect the private sector. Furthermore, it does not indirectly result in additional procedures or paperwork not already required by the National Environmental Policy Act or other provisions of law.

For the reasons set out in the preamble, the Department of Agriculture, Forest Service, proposes to add a new Part. Accordingly, Part 296, is added to 36 CFR Chapter II to read as follows:

PART 296—WATER RESOURCES PROJECTS ON WILD AND SCENIC RIVERS

Sec.
296.1 General.
296.2 Scope and Application.
296.3 Definitions.
296.4 Requirements for Federal Agencies.
296.5 Consent.
296.6 Environmental Analysis requirements.

Authority: 16 U.S.C. 551, 1278(c), 1281(d).

§ 296.1 General.

Section 7 of the Wild and Scenic Rivers Act (16 U.S.C. 1278), as amended, provides for the protection of the free-flowing, scenic and natural values of rivers designated as components or potential components of the National Wild and Scenic Rivers System from the effects of construction of any water resources projects.

§ 296.2 Scope and application.

These regulations apply to Federal assistance in the construction of water resources projects affecting Wild and Scenic Rivers or Study Rivers administered in whole or part by the Secretary of Agriculture.

§ 296.3 Definitions.

(a) "Federal assistance" means any assistance by an authorizing agency including, but not limited to, the following:

(1) A license, permit, preliminary permit, or other authorization granted by the Federal Energy Regulatory Commission pursuant to sections 4(e) and 4(f) of the Federal Power Act, 16 U.S.C. 797(e,f);

(2) A license, permit, or other authorization granted by the Corps of Engineers, Department of the Army, pursuant to the Rivers and Harbors Act of 1899 (33 U.S.C. 401 *et seq.*), and Section 404 of the Clean Water Act (33 U.S.C. 1344); and,

(3) Any other license, permit, or authorization which may be required by an agency or Department of the Federal Government before, during, or after construction of a water resources project.

(b) "Construction" means any activity carried on with federal assistance affecting the free-flowing characteristics or the scenic or natural values of a Wild and Scenic River or Study River.

(c) "Water Resources Project" means any man-made structure of which any part may affect the scenic or natural values or the free-flowing

characteristics of a Wild and Scenic River or Study River.

(d) "Wild and Scenic River" means a river which has been designated a component of the National Wild and Scenic Rivers System pursuant to section 3(a) or 2(a)(ii) of the Wild and Scenic Rivers Act (16 U.S.C. 1273(a), 1274(a)).

(e) "Study River" means a river which is designated for study as a potential addition to the National Wild and Scenic Rivers System pursuant to Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)).

§ 295.4 Requirements for Federal agencies.

(a) No license, permit, or other authorization for a federally-assisted water resources project on any portion of a Wild and Scenic River or Study River within the scope of this regulation can be issued without consent of the Secretary of Agriculture.

(b) At least 60 days prior to the date of proposed agency action, a notice of intention to issue such license, permit, or other authorization shall be sent by the authorizing agency to the Chief, Forest Service, Department of Agriculture, Box 2417, Washington, D.C. 20013.

(c) The notice shall include the following information:

(1) Name and location of affected river.

(2) Location of the project.

(3) Nature of the permit or other authorization proposed for issuance.

(4) A description of the proposed activity.

(5) Any relevant information, such as plans, maps, and environmental studies, assessments, and invironmental impact statements.

§ 296.5 Consent.

Consent will not be given for the issuance of any Federal license, permit, or other authorization if it is determined that:

(a) The water resources project will have a direct and adverse effect on the values for which a Wild and Scenic River was or may be designated, as of the date of designation for study or as a system component, when the project is located:

(1) Within the area of the designated boundaries of a Wild and Scenic River; or

(2) Within the area of the upper and lower termini and one-quarter mile on either side of a Study River (or the Study River boundary if one is proposed by Congress), for a period of at least 3 fiscal years of the Act of Congress designating such river for study, or such additional time as may be provided by statute.

(b) The effects of the water resources project will invade or unreasonably diminish the scenic, recreational, and fish and wildlife values of the river, when the project is located:

(1) Above, below, or outside the designated boundaries of a Wild and Scenic River; or

(2) Above, below, or outside the upper and lower termini and one-quarter mile on either side of a Study River (or the Study River boundary if one is proposed by Congress) for a period of at least 3 fiscal years of the Act of Congress designating such river for study, or such additional time as may be provided by statute.

(c) Authorizing agencies are encouraged to consult with the Forest Service in order to identify measures which could eliminate any direct and adverse effects, thereby increasing the likelihood of securing consent. If consent is denied, the Forest Service will recommend measures to eliminate adverse effects and authorizing agencies may submit revised plans.

§ 296.6 National Environmental Policy Act environmental analysis requirements.

(a) The determination of the effects of a proposed water resources project shall be made in compliance with the National Environmental Policy Act (NEPA). To the extent possible, authorizing agencies should ensure that any environmental studies, assessments, or environmental impact statements prepared for a water resources project adequately address the environmental effects on resources protected by the Wild and Scenic Rivers Act.

John B. Crowell, Jr.,

Assistant Secretary, Natural Resources and Environment.

August 25, 1981.

[FR Doc. 81-25563 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-11-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-563; RM-3752]

FM Broadcast Station In Cheney, Grand Coulee, and Spokane, Wash.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes three alternative FM channel assignment plans involving Spokane, Cheney and Grand Coulee, Washington, at the request of Romarge-Turnbeaugh.

DATES: Comments must be filed on or before October 19, 1981, and reply comments on or before November 9, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 12, 1981.

Released: August 26, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Cheney, Grand Coulee, and Spokane, Washington).

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Romarge-Turnbeaugh ("petitioner"), proposing the assignment of Channel 266 to Cheney, Washington, and the deletion of that channel from Grand Coulee, Washington, where it is presently unused.

(b) The proposed channel can be assigned in compliance with the applicable minimum distance requirements.

(c) Petitioner states that it will apply for the channel, if assigned. No responses to the petition have been received.

2. *Community Data:*

(a) *Population:* Cheney—6,358; Spokane—170,516; Spokane County—287,487; Grand Coulee—1,302; Grant County—41,881.[2]

(b) *Location:* Cheney is located in Spokane County approximately 21 kilometers (13 miles) southwest of Spokane, Washington. Grand Coulee is located in Grant County approximately 120 kilometers (75 miles) west of Spokane, Washington.

(c) *Local Aural Service:* Cheney has one noncommercial educational station (KEWC); Grand Coulee has fulltime AM Station KNCW and two unused FM assignments, Channels 253 and 266.

3. *Economic Considerations:* Petitioner has submitted little information concerning the economic growth and needs of Cheney. This omission should be corrected in its comments. In addition, as we discuss herein, data is requested concerning Spokane's demographics.

4. *Preclusion Considerations:* Forty-four communities of greater than 1,000

[1] Public Notice was given on September 19, 1980, Report No. 1248.

[2] Population data was taken from the 1970 U.S. Census.

population would sustain preclusion on one or more channels as a result of the proposed Channel 266 assignment. Petitioner does not list alternative channels for precluded communities; instead it states that such communities can receive service from channels allocated to larger cities. Petitioner should list alternative channels available to individual precluded communities of 1,000 or more population.

5. Canadian concurrence is required for the proposal.

6. Petitioner has established that Grand Coulee with two unoccupied Class C channels would not be deprived of service if Channel 266 were reassigned to Cheney. Our established policy is to reserve Class C channels for larger urban areas, a category which is descriptive of Spokane but not Cheney. Further, given the proximity of Cheney to Spokane, we must question which city the proposed Class C facility would actually serve. Petitioner has proposed a site two miles east of Cheney, which would provide a city grade signal over Spokane. In light of these considerations, which petitioner should address in its comments, a Class C assignment may not be appropriate for Cheney. Petitioner should supply a *Roanoke Rapids/Anamosa* study. If it can be determined that another Class C channel is warranted for this area, we believe that the larger and more important city of Spokane may be the more appropriate location for assignment. See *Albuquerque and Alameda, New Mexico*, BC Docket No. 80–160, 46 FR 10724, published February 4, 1981. We are also proposing, as an alternative, a Class A channel for Cheney which we believe to be more appropriate for assignment to this small community.

7. In a related proceeding involving Coeur D'Alene, Idaho, and Spokane, Washington, Station KRBX in Spokane has been ordered to switch channels from 216 to 212. As a result, the proposed Channel 266 assignment herein would require a site restriction of 6.4 miles west of the community. (I.F. spacing for 54 channels removed.) Petitioner should follow that proceeding (BC Docket No. 80–50) to determine if in fact the site restriction will be required. If this restriction is not desirable, then petitioner may search for a different Class C channel without the site restriction problem.

8. In view of the foregoing, we find it in the public interest to explore the possible assignment of Channel 266 to Cheney or to Spokane, Washington, or Channel 237A to Cheney, Washington, in a rule making proceeding.

Accordingly, we propose the following alternative revisions in the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with respect to the following communities:

Alternative I

City	Channel No.	
	Present	Proposed
Spokane, Washington	225, 229, 251, 260, 280A, 289, 300	225, 229, 251, 266, 280A, 289, 300
Grand Coulee, Washington	266, 253	253
Alternative II		
Cheney, Washington		266
Grand Coulee, Washington	266, 253	253
Alternative III		
Cheney, Washington		237A

9. The Commission's authority to institute rule making proceedings showings required, cut-off procedures and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

10. Interested parties may file comments on or before October 19, 1981, and reply comments on or before November 9, 1981.

11. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making To Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

12. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632–7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons

acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-25537 Filed 9-1-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-593; RM-3872]

FM Broadcast Station in Spearfish, S. Dak.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 296A to Spearfish, South Dakota, as that community's first FM assignment. This action is in response to a petition filed by Spearfish Communications Company.

DATES: Comments must be filed on or before October 26, 1981, and reply comments on or before November 16, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 20, 1981.

Released: August 26, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Spearfish, South Dakota).

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making [1] was filed by Spearfish Communications Company ("petitioner") proposing the assignment of FM Channel 296A to Spearfish, South Dakota, as its first FM channel. No comments opposing this proposal have been received. A letter expressing another interest in an assignment to Spearfish has been filed by CO-RAY-VAC.

(b) The proposed channel may be assigned to Spearfish in compliance with the applicable minimum distance requirements.

(c) Petitioner has expressed its intent to apply for the channel, if assigned.

2. *Demographic Data:*

(a) *Location:* Spearfish is located in Lawrence County near the South Dakota-Wyoming border approximately 280 kilometers (175 miles) west of Pierre, South Dakota.

(b) *Population:* Spearfish-5,251 [2] Lawrence County-18,339.

(c) *Present Aural Service:* Spearfish is currently served by noncommercial FM Station KBHU (Channel 206).

3. According to the petitioner, Spearfish is a growning college community located on the edge of the South Dakota Black Hills. Besides Black Hills State College, other major employers include saw mills, health care centers, contractors and agricultural related businesses.

4. Because the assignment of 296A to Spearfish would be that community's first FM assignment, a preclusion study has not been submitted. However, the assignment to Spearfish would not affect any of the existing stations or allocations within a 105 mile radius of Spearfish.

5. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to Spearfish, as follows:

City	Channel No.	
	Present	Proposed
Spearfish, South Dakota		296A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

[1] *Public Notice* of the petition was given on April 7, 1981, Report No. 1279.

[2] Population figures are taken from the 1980 U.S. Census unless otherwise indicated.

7. Interested parties may file comments on or before October 26, 1981, and reply comments on or before November 16, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceedings, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 81-25540 Filed 9-1-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-582; RM-3864]

FM Broadcast Station in Winamac, Ind.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 261A to Winamac, Indiana, as that community's first FM assignment. This action is in response to a petition for rule making filed by Thomas Jurek.

DATES: Comments must be filed on or before October 20, 1981, and reply comments must be filed on or before November 9, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 18, 1981.

Released: August 26, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Winamac, Indiana).

1. *Petitioner, Proposal, Comments:*

(a) A petition for rule making [1] was filed by Thomas Jurek ("petitioner") proposing the assignment of FM Channel 261A to Winamac, Indiana.

(b) The proposed channel can be assigned to Winamac, Indiana, in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

(c) Petitioner has stated that he will apply for the channel, if assigned.

2. *Demographic Data:*

(a) *Location:* Winamac, the seat of Polaski County, is located approximately 80 kilometers (50 miles) southeast of Gary, Indiana.

(b) *Population:* Winamac–2,370 [2] Pulaski County–13,258.

(c) Presently, neither Winamac nor Pulaski County has any local broadcast service.

3. The proposed assignment of Channel 261A to Winamac would provide a first FM service to an area of 371 square miles and a second FM service to an area of 249 square miles. Furthermore, the assignment of Channel 261A to Winamac would not cause new preclusion to any community of over 1,000 population.

4. Since the requested assignment is within 402 kilometers (250 miles) of the U.S. Canadian border, Canadian concurrence must be obtained.

5. In light of the above, we find it in the public interest to propose the following amendment to the FM Table of Assignments, § 73.202(b) of the Commission's Rules:

City	Channel No.	
	Present	Proposed
Winamac, Indiana		261A.

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note— A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before October 20, 1981, and reply comments on or before November 9, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. *See, Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

[1] Public Notice of the petition was given on March 27, 1981, Report No. 1277.

[2] Population data are taken from 1980 U.S. Census.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Proceedings.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-25538 Filed 9-1-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-595; RM-3828]

FM Broadcast Stations in Agana, Guam; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rules.

SUMMARY: This action proposes the assignment of FM Channel 262 to Agana, Guam, in response to a petition filed by Guam Radio Services, Inc. The proposed assignment could provide Agana with a third FM broadcast station.

DATES: Comments must be filed on or before October 26, 1981, and reply comments on or before November 16, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: August 20, 1981.

Released: August 26, 1981.

In the matter of amendment of § 73.202(b), Table of Assignments, FM broadcast stations (Agana, Guam).

1. *Petitioner, Proposal, Comments:* (a) A petition for rule making[1] was filed by Guam Radio Services, Inc. ("petitioner") proposing the assignment of FM Channel 262 to Agana, Guam. No comments opposing the assignment have been received.

(b) The proposed channel can be assigned to Agana, Guam, in compliance with the minimum distance separation requirements.

2. *Demographic Data:*

(a) *Location:* As the largest and most populated island in the Mariana Archipelago, 214 square miles, Guam is 3,700 miles west of Honolulu, Hawaii. Its capital is Agana.

(b) *Population:* Agana—2,119, Guam—84,990.[2]

(C) *Local Aural Broadcast Service:* Agana is currently served by three full-time AM stations and two FM stations (Channels 230 and 238).

3. *Economic Considerations:* According to the petitioner, Guam's population in 1979 was approximately 110,000. In addition to Federal Government expenditures, the economy is supported by tourism, construction, manufacturing and retailing.

4. The assignment of Channel 262 to Agana would exceed Commission population guidelines. However, due to the geographic isolation of the island and the large number of channels presently available to it, the Commission feels that there is no need to restrict the number of assignments. For that reason a preclusion study is not necessary for the proposed assignment.

5. In light of the above, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Agana, Guam	230, 238	230, 238, 262

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before October 26, 1981, and reply comments on or before November 16, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not

[1] Public Notice of the petition was given on January 27, 1981, Report No. 1267.

[2] Population figures are taken from the 1970 U.S. Census.

apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-25539 Filed 9-1-81; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1057

[Ex Parte No. MC-43 (Sub-No.13)]

Lease and Interchange of Vehicles

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Interstate Commerce Commission proposed to modify its existing leasing regulations, set forth at 49 CFR Part 1057, to (a) require specifically performance of lease provisions by carriers, (b) specify that payment to owner-operators for trip leases be made by the permanent lease carriers, (c) limit the paperwork which carriers may require prior to payment to owner-operators, (d) require carriers to furnish owner-operators with rated freight bills in all instances, regardless of the method of compensation, (e) require carriers to pay fines for overweight and oversize trailers in certain instances, (f) requires carriers to give refunds for returned base plates, and (g) require carriers to specify the amount of charge-back items and require refunds, with interest, on excessive deductions.

If the Commission is to promote efficient transportation and fair working conditions, it is imperative that owner-operators be free to negotiate contracts which prevent regulated carriers from taking unfair advantage when using their services. This proceeding arises out of attempts to solve serious and longstanding problems facing owner-operators.

DATE: Comments are due October 19, 1981.

ADDRESS: Send an original and 15 copies, if possible, of comments to: Ex Parte No. MC-43 (Sub-No. 13), Room 5416, Office of Proceedings, Interstate Commerce Commission, Washington, DC 20423

FOR FURTHER INFORMATION CONTACT: Wayne W. Miller, 202-633-6981, or Edward E. Guthrie, 202-275-7691.

SUPPLEMENTARY INFORMATION: The Motor Carrier Act of 1980 expands somewhat the transportation policy of the United States Government. Thus, 49 U.S.C. 10101(a) includes among its policy objectives (a) the promotion of safe, adequate, economical and efficient transportation and (b) encouragement of fair working conditions in the transportation industry. If the Commission is to promote efficient transportation and fair working conditions, it is imperative that owner-operators be free to negotiate conracts which prevent regulated carriers from taking unfair advantage when using their services. This proceeding arises out of attempts to solve serious and longstanding problems facing owner-operators. The proposed modifications or clarifications of the leasing rules reflect some of the concerns owner-

operators have expressed in meetings with representatives of this Commission and the Department of Transportation. We believe that the proposed modifications are important in the context of continued owner-operator participation in the surface transportation industry.

Discussion of Material Issues

1. *Performance by Carriers of Terms of Lease.* In a recent case, the Commission sought an injunction against a carrier for failure to pay its owner-operators within 15 days, as required by 49 CFR 1057.12(g). The carrier argued, and the Court agreed, that the Commission's regulations only required that the payment provision be included in the lease. The Court found that failure by the carrier to make the payment is a breach of contract, and that recourse would be by the owner-operator, rather than this Commission, in a court of law. We believe that forcing owner-operators to take their carriers to court gives an expensive and time-consuming remedy which may be inadequate to prevent carriers from breaching their agreements with owner-operators.

In Ex Parte No. MC–43 (Sub-No. 7), *Lease and Interchange of Vehicles*, 131 M.C.C. 286 (1978), the Commission stated its intention that the required provisions of a lease are to be adhered to by the carrier, and that failure to do so is grounds for Commission action. In order to clarify this intent in the regulations, we propose to modify Rule 1057. 12 specifically to provide that the required lease provisions shall be adhered to and performed by the carrier. Alternatively, this provision could be placed in 49 CFR 1057.1-Applicability, as follows:

The regulations in this part apply to the following actions, and shall govern the performance of such actions by motor carriers holding permanent or temporary operating authority. . . .

2. *Payment Within 15 Days.* We propose to modify 49 CFR 1057.12(g) to specify that payment to the owner-operator for trip-leases must be made by the permanent lease carrier within 15 days from the submission of necessary paperwork. The present rule does not clearly indicate whether the permanent lease carrier or the trip lease carrier is to make such payment. Carriers frequently refuse to pay trip leases citing lack of payment from the originating or trip lease carrier as a defense. Since the permanent lease carrier is frequently responsible for securing the trip lease and had dealt directly with the trip lease carrier it appears that the permanent carrier has more beverage than the owner-operator to collect the funds due. We believe that clarification of this rule to specify the obligations of the parties will reduce the need for difficult and costly case-by-case enforcement actions and should facilitate voluntary compliance with the leasing regulations.

3. *Required Paperwork.* We also propose to modify 49 CFR 1057.12(g) to specify what paperwork may be required by carriers prior to payment to owner-operators. Currently, the 15-day requirement is triggered by the owner-operator's submitting whatever required paperwork is demanded by the carrier. The rules are silent as to what paperwork is required, but the lease must specify what paperwork is a prerequisite to payment. Occasionally, carriers have abused their ability to specify paperwork to avoid their obligation to make prompt payments. For example, some carriers are now requiring the submission of a clean bill of lading (one on whcih no exceptions have been taken) as a prerequisite to payment. This, we believe, should not be permitted, since it allows carriers to withhold payment on shipments where a claim has not yet been and may never be, filed, and where the owner-operator may not be in any way responsible. As we stated in Ex Parte No. MC-43 (Sub-No. 7), *Lease and Interchange of Vehicles*, 131 M.C.C. 141, 146 (1979), it is not intended that any event, condition or requirement, other than submission of delivery documents and other paperwork, could frustrate the prescribed payment period. We, therefore, intend to limit the paperwork that may be required in a lease to those documents necessary for the carrier to secure payment from the shipper, such as freight bills and delivery receipts. Other documents, such as log books, could be required by the carrier, but not as a condition for payment. The owner-operators also indicated that carriers have imposed a private requirement that the owner-operator must submit the required paperwork to the carrier within 24 hours of completion of the run to trigger the 15-day payment period. We believe that this type of requirement is contrary to the rules and should be prohibited.

4. *Rated Freight Bills.*

Part 1057.12(h) requires that a copy of a rated freight bill be provided to the owner-operator only when payment is based on a percentage of total freight charges. We propose to modify this part to provide that the owner-operator be furnished with a copy of a rated freight bill in all instances, regardless of the method of compensation. The basis for this proposal is that, if the owner-operator is aware of the total revenues earned by the carrier (and generated by the owner-operator), he will be in a better position to bargain for an equitable distribution of revenues.

5. *Fines.* Owner-operators often are required to pay fines for overweight and oversize trailers. This might be appropriate where the owner-operator has a substantial measure of control over the load and its distribution in the trailer. However, when the trailer is preloaded, sealed, or the load is containerized, we believe that it is unreasonable to require the owner-operator to bear these fines. Although it seems that ultimately the shipper who loads the trailer should bear the risk of fines, shippers are not contracting parties. Since the carrier is in a position to bargain with and apply pressure to shippers to conform to the law, we believe that it should assume this risk. Similar treatment should be accorded to fines for improperly permitted over dimension loads, because proper permitting is the carrier's responsibility. Accordingly, we propose that 49 CFR 1057.12(f) be modified to require carriers to assume the risks and costs of fines for overweight and oversize trailers when the trailers are pre-loaded, sealed, or the load is containerized and for improperly permitted over dimension loads.

6. *Base Plates.* Carriers typically impose cost of base plates (ranging from $800 to $1,600), upon owner-operators but require that the plate be issued in the carrier's name. Our information is that refunds are rarely given for returned plates. An owner-operator would, therefore, suffer a substantial loss if he did not remain leased to the carrier until time for renewal of the base plates. If an owner-operator leases to a new carrier prior to that time, and additional expenditure of from $800 to $1,600 would have to be made for a new base plate. We also have evidence that some carriers repeatedly sell the same base plate without providing refunds and each new operator is charged the full fee. In order to counteract this practice, we propose that 49 CFR 1057.12(f) be further amended to require carriers to give pro-rated refunds for returned base plates issued in the name of the carrier.

7. *Charge Backs.* It appears that, in certain instances, carriers are defeating the intent of the present regulations by profiting from charge-back items at the expense of owner-operators. Chargebacks are items that may be paid for initially by the authorized carrier, but ultimately deducted from the lessor's compensation at the time of

payment or settlement. We believe that all legitimate charge-backs and deductions should be clearly specified and identified in the lease and agreed upon between the parties. The carrier should not be in a position to manipulate these expenses in such a way that it makes a profit in its handling of these matters. To the extent that charge-backs to owner-operators reduce the carrier's legitimate expenses, resulting in losses to the owner-operator and a profit to the carrier, they are not legitimate charge-backs or deductions.

Currently, 49 CFR 1057.12(i) provides that the lease must specify what items, if any, a carrier may charge back to the owner-operator. We propose to modify this part to provide that the lease must specify not only what items are subject to charge back, but also how the amount for each item, including administrative costs, is calculated in clear and precise language. This modification allows owner-operators to anticipate their costs with a degree certainty.

We also propose to modify 49 CFR 1057.12(i), to require carriers to refund all amounts paid to the carriers which exceed the amount owed. Additionally, interest is to be paid and with interest computed by the same method as on escrow funds, for that portion of the amount deducted from owner-operator compensation which exceeds 110 percent of the amount which properly should have been deducted. This, we believe, will encourage carriers to calculate more closely the amount required to be deducted from owner-operator compensation and will discourage improper or excessive deductions. In this connection, we note that excessive charge-backs often occur in the area of public liability and cargo insurance, as carriers abuse their ability to pass on insurance costs by marking up the cost of insurance they pass on. The owner-operator generally has no real idea of the insurance he is purchasing. For this reason, we propose to modify 49 CFR 1057.12(k)(1) to require the carrier to summarize the insurance coverage provided to the owner-operator.

The proposed rules are set forth in the appendix to this notice.

Regulatory Flexibility, Environmental, and Energy Considerations

This decision will not have a significant economic impact on a substantial number of small entities. To the extent that it does, we believe such impact will be wholly beneficial.

We do not believe that the proposed rules will have any significant impact upon the quality of the human environment. We anticipate that further action by the Commission on this proceeding will improve motor carrier operating efficiencies, reduce empty mileages and increase productivity of revenue equipment, thus contributing to the conservation of energy resources. We invite comments which identify significant effects this proceeding may have on these matters.

This notice is issued under the authority contained in 49 U.S.C. 10321 and 11107, and at 5 U.S.C. 553.

Decided: August 24, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix

PART 1057—LEASE AND INTERCHANGE OF VEHICLES

We propose to modify Title 49 CFR Part 1057 as follows: [Deletions in the existing regulations are bracketed.]

1. Section 1057.1 would be revised to read as follows:

§ 1057.1 Applicability.

The regulations in this part apply to the following actions, and shall govern the performance of such actions by motor carriers holding permanent or temporary operating authority from the Commission to transport property:

(a) The leasing of equipment with which to perform transportation regulated by the Commission.

(b) The leasing of equipment to motor private carrier or shippers.

(c) The interchange of equipment between motor common carriers in the performance of transportation regulated by the Commission.

2. The introductory text and paragraphs (f), (g), (h), (i), and (k)(1) of § 1057.12 would be revised to read as follows:

§ 1057.12 Written lease requirements.

Except as provided in the exemptions set forth in subpart C of these regulations, the written lease required under section 1057.11(a) shall contain the following provisions. The required lease provisions shall be adhered to and performed by the authorized carrier.

* * * * *

(f) *Items specified in lease.* The lease shall clearly specify the responsibility of each party with respect to the cost of fuel, taxes, empty mileage, permits of all types, tolls, ferries, detention and accessorial services, base plates and licenses, and any unused portions of such items. The authorized carrier lessee shall assume the risks and costs of fines for overweight and oversize trailers when the trailers are pre-loaded, sealed, or the load is containerized, and for improperly permitted over dimension loads. Upon the return of base plates purchased by the lessor from, and issued in the name of, the authorized carrier, the authorized carrier shall refund, in full, the amount paid for the base plates by the lessor.

(g) *Payment period.* The lease shall specify that payment to the lessor under permanent or trip lease to the authorized carrier shall be made by the permanent lease carrier within 15 days after submission of the necessary delivery documents and other paperwork concerning a trip in the service of the authorized carrier. The paperwork required before the lessor can receive payment is limited to those documents necessary for the authorized carrier to secure payment from the shipper. The authorized carrier may require the submission of additional documents by the lessor but not as a prerequisite to payment. Payment to the lessor shall not be made contingent upon submission of a bill of lading to which no exceptions have been taken. The authorized carrier shall not set time limits for submission by the lessor of required delivery documents and other paperwork.

[The lease shall clearly specify the delivery documents and other paperwork that must be submitted before the lessor can receive payment].

(h) *Copies of freight bill.* Subject to the right of the authorized carrier to delete the names of shippers and consignees shown on the freight bill, the lease shall specify that the authorized carrier shall give the lessor a copy of the rated freight bill before or at the time of settlement. [To those lessors whose revenue is based on a percentage of the gross revenue for a shipment.] The lease shall clearly specify the right of the lessor [regardless of the method of compensation] to examine copies of the carrier's tariff.

(i) *Charge-back items.* The lease shall clearly specify all items and the amount of such items, including administrative costs, that may be initially paid for by the authorized carrier, but ultimately deducted from the lessor's compensation at the time of payment of settlement. The carrier shall refund, with interest computed by the same method as on escrow funds under section 1057.12(1)(5), on deductions which exceed 110 percent of the amount shown on the lease as deductible from the lessor's compensation.

(k) *Insurance.* (1) The lease shall clearly specify the legal obligation of the authorized carrier to maintain insurance coverage for the protection of the public pursuant to Commission regulations under 49 U.S.C. 10927. The lease shall further specify who is responsible for providing any other insurance coverage for the operation of leased equipment, such as bobtail insurance. If the authorized carrier will make a charge-back for any of this insurance, the lease shall specify the amount which will be charged-back to the lessor. The authorized carrier shall summarize in the lease the insurance coverage provided by it to the lessor.

* * * * *

[FR Doc. 81-25546 Filed 9-1-81; 8:45 am]
BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 170
Wednesday, September 2, 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 Crop Insurance Corporation

Barley Crop Insurance Regulations; Extension of Sales Closing Date

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of extension of sales closing date.

SUMMARY: Under the authority contained in the Federal Crop Insurance Act, as amended, the Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the closing date for accepting applications for barley crop insurance in certain states and counties effective for the 1982 crop year only. This action is necessary because the rapid expansion of the FCIC program has delayed implementation of the marketing system for such insurance which could extend beyond the closing date, thereby having an adverse effect on applicants.

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

SUPPLEMENTARY INFORMATION: Under the provisions of 7 CFR Part 419, Barley Crop Insurance Regulations, the closing date for accepting applications for such insurance in certain states and counties, and on file in the office for the county, is prior to September 30. (Some areas; August 31, others on September 15)

Because of a delay in establishing a marketing system in these states and counties, it is possible that there will not be sufficient time before the September 30 date to properly contact potential policyholders.

Under the authority contained in 7 CFR 419.7(b) of the Barley Crop Insurance Regulations, such closing date may be extended by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon determination that no adverse selectivity will result during the period of such extension. If adverse conditions should develop during such period, FCIC will immediately discontinue the acceptance of applications.

Accordingly, under the authority contained in 7 CFR 419.7(b), FCIC herewith gives notice that the closing date for accepting applications for barley crop insurance is hereby extended until the close of business on September 30, 1981, in the following states and counties, to be effective for the 1982 crop year only:

States	Counties
Colorado	All Counties.
Kansas	Do.
Massachusetts	Do.
New Mexico	Do.
New York	Do.
Oklahoma	Do.
Texas	Do.

Done in Washington, D.C., on August 28, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: August 28, 1981.

Approved:

Melvin E. Sims,

Chairman.

[FR Doc. 81-25605 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-08-M

Wheat Crop Insurance Regulations; Extension of Sales Closing Date

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of Extension of Sales Closing Date.

SUMMARY: Under the authority contained in the Federal Crop Insurance Act, as amended, the Federal Crop Insurance Corporation (FCIC) herewith gives notice of the extension of the closing date for accepting applications for wheat crop insurance in certain states and counties effective for the 1982 crop year only. This action is necessary because the rapid expansion of the FCIC program has delayed implementation of the marketing system for such insurance which could extend beyond the closing date, thereby having an adverse effect on applicants.

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

SUPPLEMENTARY INFORMATION: Under the provisions of 7 CFR Part 418, Wheat Corp Insurance Regulations, the closing date for accepting applications for such insurance in certain states and counties and on file in the FCIC office for the county, is prior to September 30. (Some areas August 31, others on September 15)

Because of a delay in establishing a marketing system in these states and counties, it is possible that there will not be sufficient time before the September 30 date to properly contact potential policyholders.

Under the authority contained in 7 CFR 418.7(b) of the Wheat Crop Insurance Regulations, such closing date may be extended by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon determination that no adverse selectivity will result during the period of such extension. If adverse conditions should develop during such period, FCIC will immediately discontinue the acceptance of applications.

Accordingly, under the authority contained in 7 CFR 418.7(b), FCIC herewith gives notice that the closing date for accepting applications for wheat crop insurance is hereby extended until the close of business on September 30, 1981, in the following states and counties, to be effective for the 1982 crop year only:

States	Counties
Colorado	Kit Carson, Lincoln, Elbert, El Paso, Pueblo, Las Animas, and all counties lying south and east thereof.
Kansas	All counties.
Maine	Do.
Massachusetts	Do.
Nebraska	Do.
New Mexico	Do.
New York	Do.
Oklahoma	Do.
South Dakota	All counties except: Carson, Campbell, Edmunds, Spink, Beadle, Jerauld, Aurora, Douglas, Bon Homme Counties, and all counties lying north and east thereof.
Texas	All counties.
Wyoming	Do.

Done in Washington, D.C., on August 28, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: August 28, 1981.

Approved:

Melvin E. Sims,

Chairman.

[FR Doc. 81-25600 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-08-M

Forest Service

North Kaibab Grazing Advisory Board; Meeting

The North Kaibab Grazing Advisory Board will meet at 1:00 P.M., Tuesday, October 6, 1981, at the Conconino County Building, Fredonia, Arizona.

The purpose of this meeting is:

1. Development of Allotment Management Plans.

2. Utilization of Range Betterment Funds.

The meeting will be open to the public. Persons who wish to attend should notify: Forest Supervisor, Kaibab National Forest, 800 South 6th Street, Williams, Arizona 86046, Telephone: (602) 635-2681.

Those attending may express their views when recognized by the chairman.

Dated: August 27, 1981.

Leonard A. Lindquist,

Forest Supervisor.

[FR Doc. 81-25607 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-11-M

Packers and Stockyards Administration

Farmers Live Stock Exchange, Inc., Boonsboro, Maryland, et al.; Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No.	Name, and location of stockyard	Date of posting
MD-102	The Farmers Live Stock Exchange, Inc., Boonsboro, Maryland.	Oct. 14, 1969.
MD-106	Dukes Stockyard, Inc., Eden, Maryland.	Dec. 12, 1968.
MD-118	Meteor Stables, Inc., Capitol Heights, Maryland.	July 18, 1975.
NC-104	Norwood Stock Yard, Inc., Charlotte, North Carolina.	Apr. 1, 1959.
NC-109	Franklin Livestock Auction, Franklin, North Carolina.	Apr. 3, 1959.
NC-110	D. F. Foust Livestock Auction Market, Inc., Greensboro, North Carolina.	Apr. 7, 1959.
NC-111	Greenville Live Stock Sales, Greenville, North Carolina.	Apr. 30, 1958.
NC-112	Jarman Stables, Greenville, North Carolina.	May 15, 1967.
NC-115	Kinston Stockyards, Kinston, North Carolina.	May 13, 1959.
NC-133	Shelby Stockyards, Shelby, North Carolina.	Apr. 1, 1969.
Va-129	Petersburg Livestock Market, Petersburg, Virginia.	Mar. 9, 1959.
VA-151	Abingdon Livestock Market, Inc., Abingdon, Virginia.	Aug. 10, 1978.
WV-113	Point Pleasant Livestock Co., Inc., Point Pleasant, West Virginia.	Nov. 5, 1959.

Notice or other public procedure has not proceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a change relieving a restriction and may be made effective in less than 30 days after publication in the **Federal Register.** This notice shall become effective upon September 2, 1981.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.*)

Done at Washington, D.C., this 28th day of August 1981.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 81-25601 Filed 9-1-81; 8:45 am]

BILLING CODE 3410-02-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Approval of Affirmative Action Plan

On August 13, 1981, the Federal Inspector, John T. Rhett, approved the Alaska Northwest Natural Gas Transportation Company's Affirmative Action Plan for employment and procurement activities on its segment of the Alaska Natural Gas Transportation System (ANGTS).

On May 12, 1980, the Equal Opportunity Regulations (43 CFR Part 34) for ANGTS became effective. These regulations were promulgated to carry out the requirements of Section 17 of the Alaska Natural Gas Transportation Act and Condition 11 of the President's *Decision*, directing Federal Officers and agencies to take affirmative action to ensure that no person will be excluded on the grounds of race, creed, color, national origin, or sex from participating in ANGTS-related activities. Section 34.8(a)(1) of the Regulations, 43 CFR 34.8(a)(1), requires project sponsors to have acceptable affirmative action plans approved by the Federal Inspector.

Alaska Northwest's Affirmative Action Plan contains the following goals for minority and femal employment and procurement:

1981 Employment Goals

	Minority (percent)	Female (percent)
Officials and managers	7.8	12.7
Professionals	9.4	8.7
Technicians	12.6	9.4
Clerical	20.0	45.6
Craft	14.9	2.9
Operatives	17.3	3.3
Laborers	21.5	5.5

The plan contains employment goals for each year through completion of construction. However, the goals were based upon 1985-1986 project completion, the outyear goals will have to be revised to reflect the new schedule (the project schedule has slipped at least one year).

Procurement

The plan projects Minority Business Enterprise (MBE)/Female Business Enetrprise (FBE) goals on an annual basis throughout construction. The goals are firm for 1981, and projected for later years. The dollar goals are given in 1980 dollars and are based on a project cost estimate that is being reviewed by the Federal Energy Regulatory Commission. A detailed chart showing the contractable opportunities and goals is contained in the affirmative action plan. Because this chart was based upon a 1985-1986 project completion date, the specific out-year opportunities and goals will have to be revised to reflect the new schedule. A summary of the goals is given below:

Year	Contractable opportunities (billions)	MBE/FBE (millions)
Pre 1981	$150	$15
1981	208	[1]35
Outyears (1982-completion)	4.484	430
Totals	4.842	480

[1] Minority businesses—$31 million or 15 percent of contractable opportunities. Female businesses—$4 million or 2 percent of contractable opportunities.

For Further Information Contact: Mr. John Alexander, Director, Equal Employment Opportunity/Minority Business Enterprise, Office of the Federal Inspector (ANGTS), Room 3212, Post Office Building, 1200 Pennsylvania Ave., NW, Washington, D.C. 20044 (202) 275-0582.

Dated: August 28, 1981.

John T. Rhett,

Federal Inspector.

[FR Doc. 81-25690 Filed 9-1-81; 8:45 am]

BILLING CODE 6820-AW-M

CIVIL AERONAUTICS BOARD

[Order 81-8-169; Docket 39835]

Application of Gulf Air for Certificate Authority Under Section 401(d)(3)

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 81-8-169 application of Gulf Air Transport, Inc. for a certificate of public convenience and necessity for interstate and overseas charter air carrier authority, Docket 39835.

SUMMARY: The Board is proposing to grant a certificate of public convenience and necessity to Gulf Air Transport to authorize it to provide interstate and overseas charter air service and is tentatively determining that is fit, willing, and able to provide this service.

DATE: Objections: All interested persons having objections to the Board's issuing the proposed authority or to its tentative finding of fitness, shall file, and serve upon all persons listed below no later than September 15, 1981, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDRESS: Objections should be filed in Docket 39835, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: James Lawyer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5088.

SUPPLEMENTARY INFORMATION: Objections should be served upon Gulf Air. The complete text of Order 81-8-169 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a post card request for Order 81-8-169 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 27, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25686 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 34808; Order 81-8-162]

Cochise Airlines, Inc.; Order Fixing Final Subsidy Mail Rate

August 27, 1981.

By Order 81-8-133, dated August 21, 1981, the Board directed Cochise Airlines, Inc., to show cause why the Board should not adopt the final subsidy mail rate set forth in that order as the fair and reasonable final rate to be paid Cochise for the transportation of mail or for the provision of facilities and services for the transportation of mail over Cochise's subsidy-eligible system for the period December 4, 1978, through June 30, 1981.

The time designated for filing notice of objection has elapsed, and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision fixing the rate.

The Board, upon consideration of the record, hereby reaffirms and makes final all of the findings and conclusions set forth in Order 891-8-133.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 204(a) and 406, the Board's Procedural Regulations (14 CFR 302), and the authority duly delegated by the Board in its organization Regulations (14 CFR 385.14(b)):

1. The fair and reasonable final rate of compensation to be paid Cochise Airlines, Inc., for the transportation of mail over its subsidy-eligible system as constituted for the period December 4, 1978, through June 30, 1981, the facilities used and/or useful therefore, and/or the services connected therewith, shall be the rate set forth in Order 81-8-133.

2. This order shall be conditional upon the Board's issuance of an order in Docket 35035 removing or raising the annual subsidy ceiling set forth in the certificate of public convenience and necessity of Cochise Airlines, Inc.

3. This order shall be effective the date of service.

4. Persons entitled to petition the Board for review of this order pursuant to the Board's regulations (14 CFR 385.50) may file such petitions within ten days after the date of service of this order. Provided, however, that the filing of any such petition shall not preclude this order from being effective and becoming the action of the Civil Aeronautics Board upon the date of service. The Board has found under 14 CFR 385.6 that immediate action is required for the reason, *inter alia*, that there is an overall interest in the expedited finalization and settlement of the rates set forth in the order to show cause (Order 81-8-133). Moreover, the disposition of this matter is governed by Board precedent and policy, and, as indicated previously, ample opportunity to file notice of objection was given and none was filed.

5. This order shall be served on Cochise Airlines, Inc., and the Postmaster General of the United States.

This order shall be published in the **Federal Register.**

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25687 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-8-170]

Fitness Determination of Northern Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—Order 81-8-170, order to show cause.

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

DATE: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than September 14, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESS: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-8-170.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-8-170 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-8-170 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 27, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25685 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-8-164; Docket 37294]

Orders Concerning Mail Rates

Order 81-8-164, August 27, 1981, Docket 37294, makes final the domestic service mail rates proposed in Order 81-6-134 (46 FR 33352, June 29, 1981) for the period July 1 through December 31, 1981.

Order 81-8-165, August 27, 1981, Docket 37392, makes final the international service mail rates proposed in Order 81-6-135 (46 FR 33352, June 29, 1981) for the period July 1 through December 31, 1981.

Copies of the orders are available from the CAB Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-25684 Filed 9-1-81; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Wisconsin Advisory Committee; Agenda and Notice of Open Meetings

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 Wisconsin Advisory Committee to the Commission will convene at 6:00 p.m. and will end at 9:00 p.m., on September 21, 1981, at the Wisconsin Higher Educational Aide Board (Masonic Temple), Suite 40, 600 W. Walnut Street, Milwaukee, WI 53212. The purpose of this meeting is to review the Assessment of Bilingual Education in Wisconsin Project; to elect officers; to discuss and approve a new project and to hear a report from the Subcommittee on Vocational Education Study.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Herbert Hill, 2127 Van Hise Ave, Madison, WI 53705, 608/236-6647, or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, 312/353-7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., August 27, 1981.

John I. Binkley,

Advisory Committee Management.

[FR Doc. 81-25573 Filed 9-1-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

Economic Development Administration

SES Performance Review/Executive Review Board; Redesignation and Membership Change

On January 18, 1980, the Economic Development Administration (EDA) published a notice in the **Federal Register** (45 FR 3626) announcing the establishment and composition of a General Performance Review Board for the Senior Executive Service (SES) at EDA.

As described in the January 1980 notice, the purpose of the board is to review performance agreements, performance appraisals and ratings, recommendations for certain personnel actions and other related materials, and to make appropriate recommendations to EDA's SES appointing authority concerning such matters in a manner that will assure fair and equitable treatment of senior executives and the organizations of which they are members.

The purpose of this notice is to redesignate the Board as the Executive Resource and Performance Review Board (ERPRB) and to update the list of members of the Board. No change is made to the function or purpose of the Board.

The current ERPRB members are:

Mr. John E. Corrigan, Director, Philadelphia Regional Office, Philadelphia, Pennsylvania
Mr. Edward G. Jeep, Director, Chicago Regional Office, Chicago, Illinois
Mr. Craig M. Smith, Director, Denver Regional Office, Denver, Colorado
Mr. Joseph B. Swanner, Director, Austin Regional Office, Austin, Texas
Ms. Phyllis Lamphere, Director, Seattle Regional Office, Seattle, Washington
Mr. H. W. Williams, Acting Assistant Secretary for Economic Development, Washington, D.C.
Mr. Edward M. Levin, Jr., Chief Counsel, Washington, D.C.
Mr. Lorin L. Goodrich, Director, Office of Management and Administration, Washington, D.C.
Mr. Charles W. Coss, Director, Office of Public Investments, Washington, D.C.
Mr. Thomas S. Francis, Director, Office of Eligibility and Industry Studies, Washington, D.C.
Mr. Charles E. Oxley, Special Assistant for Indian Affairs, Washington, D.C.
Mr. John B. Roose, Director, Office of Business Programs, Industry and Trade Administration, Washington, D.C.
Mr. Hugh L. Brennan, Director, Office of Organization and Management Systems, Office of the Secretary, Washington, D.C.

Persons desiring further information about the ERPRB or its membership may contact Ms. Michelle Oppenheimer, Chief, Personnel Management Division, Economic Development Administration, Washington, D.C. 20230, 202/377-3203.

Dated: August 28, 1981.

H. W. Williams,

Acting Assistant Secretary for Economic Development.

[FR Doc. 81-25577 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-24-M

International Trade Administration

[Case No. 607]

Robert C. Johnson; Order

The Office of Export Administration, United States Department of Commerce has initiated administrative proceedings pursuant to Section 11(c) of the Export Administration Act of 1979, (50 U..C. app. 2401, *et seq.* (Supp. III 1979)) (the "Act") and the export Administration Regulations (15 CFR Part 368, *et seq.* (1980)) (the "Regulations") against Robert C. Johnson (Johnson) 11470 Summit Wood Road, Los Altos Hills, California 94022. The charging letter alleged that the respondent violated Sections 387.2, 387.4 and 387.6 of the Regulations promulgated pursuant to the Export Administration Act of 1969, as amended (50 U.S.C. 2401, et seq. (1976)).

The Department and the respondent have entered into a consent agreement, 15 CFR 388.17, whereby each party agreed to settle this matter (1) by a denial of all export privileges to Johnson to certain countries for a five-year period terminating on August 31, 1986, and (2) by a denial of validated export license privileges to Johnson to all other destinations for the period ending on August 31, 1986.

The terms of the consent agreement are approved by the undersigned. Therefore, pursuant to the authority vested in me, 15 CFR Part 388, it is Ordered:

FIRST. For a five-year period ending on August 31, 1986, Johnson is denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities

or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations, with respect to the following countries: Albania, Bulgaria, Cuba, Czechoslovakia, Estonia, German Democratic Republic (including East Berlin), Hungary, Laos, Kampuchea, Latvia, Lithuania, Mongolian People's Republic, North Korea, Poland, Romania, the Union of Soviet Socialist Republics and Vietnam. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation (i) as a party or as a representative of a party to any validated export license application; (ii) in the preparation of filing of any export license application or reexport authorization, or of any document to be submitted therewith; (iii) in the obtaining or using of any validated or general export license or other export control document; (iv) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States; and (v) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

SECOND. For a five-year period ending on August 31, 1986, Johnson is denied all privileges of participating, directly or indirectly, in any manner of capacity, in any transaction which (1) requires a validated export license or reexport authorization from the Office of Export Administration, and (2) involves commodities or technical data subject to the Export Administration Regulations which are exported or to be exported from the United States in whole or in part. Without limiting the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation (I) as a party or as a representative of a party to any validated export license application; (ii) in the preparation or filing of any export license application or reexport authorization; and (iii) in the obtaining or using of any validated export license.

THIRD. During the periods of denial of export privileges described above, the respondent must promptly inform the Hearing Commissioner of any changes in his affiliation, ownership, control, position of responsibility or other connection in the conduct of export trade or services related thereto with any person, firm, corporation or other business organization. An appropriate Order may be entered as necessary to reflect changes in related party status, following notice and opportunity for Johnson and any related party to comment.

The charging letters, the consent agreements, and this Order are available for public inspection. 15 CFR 388.20(c).

This Order is effective September 1, 1981.

Dated this 26th day of August, 1981.

Bertram Freedman,

Hearing Commissioner.

[FR Doc. 81-25475 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-25-M

[Case No. 594]

Ulrich Schneemann; Order Denying Export Privileges

In the matter of: Ulrich Schneemann, Martinstrasse 122, 3400 Klosterneuburg, Austria, Victoria, Republic of Seychelles, Respondent.

The Office of Export Administration, U.S. Department of Commerce, initiated proceedings by the service of a charging letter (January 1980) against Ulrich Schneemann. The letter alleged that Schneemann, then the general manager of Rohde & Schwarz Tektronix Gesellschaft, M.B.H.,[1] violated the Export Administration Act, 50 U.S.C. Supp. 2401 *et seq.*, as amended and supplemented, and the Regulations, 15 CFR Part 368. The respondent was charged with knowingly reexporting U.S. manufactured and controlled commodities (an oscilloscope and amplifier) to the U.S.S.R., in violation of law and regulations.[2]

Schneemann appeared in this matter by his lawyer. Although several extensions of time in which to answer were granted, the lawyer did not file an answer before he withdrew from the case in June 1981. Since then Schneemann has been afforded an opportunity to appear and defend himself. But letters addressed to him have been returned with advice that he may be operating from another country. Although he has been afforded a continued opportunity to reply and submit evidence and testimony in his own behalf, nevertheless, he is now in default. I find it is reasonably necessary for the national security and enforcement of the Export Administration Regulations to resolve this matter on the present evidence of record, subject to reopening at the request of the respondent.

An affidavit voluntarily submitted by Schneeman on September 3, 1980 in Vienna, makes clear that the respondent was general manager of Rohde & Schwarz Tektronix Gesellschaft M.B.H. and that he did voluntarily negotiate the sale and reexport of a controlled oscilloscope and amplifier with Franz Eggling and/or Memisco Anstalt, which parties were then denied all export privileges. Furthermore, he knew that the commodities would be reexported to the U.S.S.R. There is no doubt that Schneemann knew that a reexport license was necessary to ship the commodities to the U.S.S.R. and he also knew, if formally requested, there was but a remote likelihood that a license would be issued. He voluntarily allowed himself to become an active participant in a scheme to subvert and violate the law and regulations.

I find that the respondent violated the Export Administration Act and regulations as alleged in the charging letter. Accordingly, I find that an order denying Schneemann all export privileges is reasonably necessary for the protection of the national security and the public interest and to permit and facilitate enforcement of the Export Administration Act and implementing regulations. Therefore, it is hereby

Ordered

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or of any

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[1] Rohde & Schwarz, originally, were parties in this proceeding in the capacity of the employer of the respondent. The firm was exonerated of any active participation in Ulrich Schneemann's illegal activities. See Order Case No. 594, May 14, 1981.

[2] Respondent was also charged with doing business with the denied parties, Franz Eggling and Memisco Anstalt. [32 FR 7223 May 13, 1967] [45 FR 43818, June 30, 1980].

document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United Sates, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any named respondent or related party, or whereby any named respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any named respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of the Export Administration Regulations, the respondents may move at any time to vacate or modify this denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 3810, 14th and Constitution Avenue, NW., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which if requested shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. At the request of Ulrich Schneemann the case may be re-opened to allow him to interpose a defense and to afford him a hearing. This order shall remain in effect until September 30, 1996.

Dated: August 26, 1981.

Bertram Freedman,

Hearing Commissioner.

[FR Doc. 81-25604 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-25-M

Consolidated Decision on Applications for Duty-Free Entry of Thin Layer Chromatographs With Flame Ionization Detection

The following is a consolidated decision on applications for duty-free entry of thin layer chromatographs with flame ionization detection pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e)).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW, Washington, D.C. 20230.

Docket Number: 81-00208. Applicant: University of California, San Diego, 3175 Miramar Road, La Jolla, CA 92093. Article: Iatroscan TH-10 TLC/FID Analyzer. Manufacturer: Iatroscan Laboratories, Japan. Intended use of article: See Notice on page 31446 in the **Federal Register** of June 16, 1981. Advice submitted by: Department of Health and Human Services: August 6, 1981. Article ordered: March 30, 1981.

Docket Number: 81-00216. Applicant: University of California at Los Angeles, Laboratory of Nuclear Medicine, 900 Veteran Avenue, Los Angeles, California 90024. Article: Iatroscan TH-10, Mark III and Accessories. Manufacturer: Iatron Laboratories, Japan. Intended use of article: See Notice on page 35328 in the **Federal Register** of July 8, 1981. Advice submitted by: Department of Health and Human Services. Article ordered: March 17, 1981.

Comments: No comments have been received in regard to either of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article combines thin-layer chromatography on coated chromatographic rods with flame ionization detection. The Department of Health and Human Services (HHS) advises in its respectively cited memoranda that the capabilities of the articles cited above are pertinent to the purposes for which each of the foreign articles is intended to be used. HHS also advises that it knows of no domestic instrument of apparatus of equivalent scientific value to the foreign articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foregin articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which were being manufactured in the United States at the time the articles were ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-25578 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-25-M

Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number: 81-00168. Applicant: The Pennsylvania State University, Department of Chemistry, Whitmore Laboratory, University Park, PA 16802. Article: Mass Spectrometer Instrumentation. Manufacturer: Kratos Scientific Instruments, United Kingdom. Intended use of article: See Notice on page 24222 in the **Federal Register** of April 30, 1981. Advice submitted by: Department of Health and Human Services: July 9, 1981.

Docket Number: 81-00173. Applicant: Stanford University, 851 Welch Road, Palto Alto, CA 94304. Article: Parts for GX-13 X-Ray Generator. Manufacturer: Marconi-Elliott Systems, Ltd., United Kingdom. Intended use of article: See Notice on page 27744 in the **Federal Register** of May 21, 1981. Advice submitted by: Department of Health and Human Services: July 9, 1981.

Docket Number: 81-00186. Applicant: Temple University School of Medicine, Department of Microbiology & Immunology, 3400 North Broad Street, Philadelphia, Pennsylvania 19104. Article: Bulk Specimen Holder Accessory, Model H-5001B. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use of article: See Notice on page 28204 in the **Federal Register** of May 26, 1981. Advice submitted by: Department of Health and Human Services: July 23, 1981.

Docket Number: 81-00187. Applicant: University of Maryland, Baltimore County, 5401 Wilkens Avenue, Catonsville, Maryland 21228. Article: 35mm Camera, Model JEM 100CX-A35-4 for Electron Microscope Model 100CX. Manufacturer: Japan Electron Optics Laboratory, Japan. Intended use of article: See Notice on page 28204 in the **Federal Register** of May 26, 1981. Advice submitted by: Department of Health and Human Services: July 23, 1981.

Docket Number: 81-00202. Applicant: New York State Department of Health, Empire State Plaza Tower Bldg., Division of Labs and Research, Albany, New York 12201. Article: Compensating Coil (Choke). Manufacturer: Emile Haefely, Switzerland. Intended use of article: See Notice on page 31466 in the **Federal Register** of June 16, 1981. Advice submitted by: Department of Health and Human Services: August 6, 1981.

Docket Number: 81-00205. Applicant: Naval Medical Research Institute, Bethesda, MD 20014. Article: Cryokit, Model 14800-3 Complete. Manufacturer: LKB Produkter, Sweden. Intended use of article: See Notice on page 31466 in the **Federal Register** of June 16, 1981. Advice submitted by: Department of Health and Human Services: August 6, 1981.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States.

Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufatured by the manufacturers which produced the instruments with which they are intended to be used. We are adivsed by the Department of Health and Human Services in its respectively cited memoranda that the accessories are pertinent to the applicant's intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign article are intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-25579 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-25-M

Steel Wire Rope From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce, International Trade Administration.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on steel wire rope from Japan. The review covers the 116 known manufacturers and exporters of this merchandise to the United States. In general, the analyses cover the period April 1, 1978 through September 30, 1980. This review indicates the existence of dumping margins in particular periods for certain manufacturers and exporters.

As a result of this review the Department has preliminarily determined to assess dumping duties for individual exporters equal to the calculated differences between United States price and foreign market value or constructed value on each of their shipments during the period of review.

Where company-supplied information was inadequate or no information was received, the Department has used the best information available.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Fredi-Ellen Bove or Joseph Fargo, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-3460).

SUPPLEMENTARY INFORMATION:

Procedural Background

On October 15, 1973, a dumping finding with respect to steel wire rope from Japan was published in the **Federal Register** as Treasury Decision 73-296 (38 FR 28571). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511-20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on steel wire rope from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of steel wire rope, except brass electroplated steel truck tire cord of cable construction specially packaged for protection against moisture and atmosphere. The steel wire rope covered by the review is currently classifiable under item numbers 642.1200, 642.1400, 642.1500, 642.1600, and 642.1700 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of a total of 115 Japanese firms and 1 transshipper engaged in the manufacture and exportation of steel wire rope to the United States. In general, this review covers the period April 1, 1978 through September 30, 1980.

We have a number of unanalyzed responses covering periods prior to April 1, 1978. These responses will be analyzed and the results published in the subsequent administrative reviews.

The issue of the Department's obligation to conduct administrative review of entries, unliquidated as of January 1, 1980 and covered by previously issued appraisement instructions ("master lists"), is under review. Liquidation has been suspended pending disposition of the issue.

Fifty-six exporters stated that they did not export steel wire rope to the U.S. during the period April 1, 1979 through September 30, 1980. The estimated deposit rate for those firms shall be the most recent information for each firm, or if no prior rate for the firm is available, the highest rate for responding firms with shipments in the most recent period. Fourteen exporters failed to respond to our questionnaire for the most recent time period, April 1, 1979 through September 30, 1980. One firm failed to respond for the prior period. For these non-responsive firms we used the best information available to determine the assessment and estimated deposit rates. The best information available is the most recent rate (master list) for the firm, if higher than the rates for responding firms with shipments in the relevant review period, or, if no information is available, the highest fair value rate, if higher than the rates for responding firms with shipments in the relevant review period.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772 of the Tariff Act or section 203 of the 1921 Act, as appropriate.

Purchase price was based on the packed price, either to an unrelated purchaser in the United States or to an unrelated Japanese trading company for export to the United States, as appropriate. Where applicable, deductions were made for inland freight, storage at a forwarding agent, customs clearance fees, a weighing and measuring list fee, ocean freight, insurance, brokerage charges, U.S. duty, other shipping charges, and loading charges. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value the Department used home market price, or prices in third countries when home market sales were insufficient, or constructed value when sufficient sales (as described below) did not exist in the home market or in third countries, all as defined in section 773 of the Tariff Act, or sections 205 or 206 of the 1921 Act. The foreign market values were adjusted, where applicable, for inland freight, commissions to unrelated parties, packing differentials, and interest cost differentials. No other adjustments were claimed or allowed. Constructed values were calculated as the sum of materials; labor, fabrication costs, general expenses, profit, and the cost of packing. The amount added for general expenses constituted at least ten percent of the sum of materials, labor and fabrication costs. Profit was calculated at eight percent of the sum of all general expenses and cost.

For the period April 1, 1978 through March 31, 1979, the Department requested cost of production from all Japanese steel wire rope producers. Although complying in most respects, all Japanese manufacturers refused to supply to the Department the actual cost of wire rod, the major input in wire rope, and substituted the trigger price for wire rod for the actual prices. The Department did not use trigger prices and did use as best evidence the price for wire rod published in the Japanese trade magazine: Japan Metal Bulletin.

Many of the cost submissions the Department received were inadequate in other respects. A response was considered inadequate if a manufacturer (1) did not disggregate cost data to the level of coating, core, construction, and size (diameter) of wire rope, and (2) did not use size-specific physical input coefficients, derived from production experience, for materials and labor, but rather allocated materials and labor costs across sizes by a weight or sales value allocation factor. For each firm, the Department used the cost of each input given in the firm's submitted data if the input cost had been derived in the way defined in the preceding sentence. If not, cost of production data for the input was taken from a manufacturer that had derived the cost data in a satisfactory manner.

The Department decided to use ordinary least squares regressions to estimate the cost of production for the types of wire rope for which it lacked adequate information from any manufacturer. The Department used linear and non-linear regression models in which the cost or quantity of each input was a function of diameter (in millimeters) of the rope. For some inputs, the Department separated the wire rope data into different coatings and different cores, different constructions, and large and small sizes, and ran separate regressions for each subset of data. The Department used the regression coefficients to predict the cost of each input for each type of rope for which it lacked data. The Department summed the cost of all inputs for a particular type of rope, and thereby derived total cost for each of the 264 types of wire rope for which the Department lacked data.

Where sales of a particular type of wire rope in the home market or to purchasers in third countries were made over an extended period of time in substantial quanties, and at prices which did not permit recovery of all costs within a reasonable period of time, the Department excluded these sales from the analysis. A "type" of wire rope is defined by the four characteristics: core, coating, construction and size (diameter). If the remaining sales of a particular type of wire rope in the home market or to purchasers in third countries were not sufficient, the Department used constructed value.

The Department's analysis for the period April 1, 1978 through March 31, 1979 indicated that seven manufacturers had an insignificant amount of home market sales below cost. For the period April 1, 1979 through September 30, 1980 the Department requested cost of production date from those manufacturers who had not demonstrated an insignificant level of sales below cost in the previous period. For those firms which received a cost questionnaire and did not respond, the Department used the cost data applied to the company in the period April 1, 1978 through March 31, 1979, inflated by the Bank of Japan Wholesale Price index for iron and steel.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value or constructed value, we preliminarily determine that the following margins exist:

Manufacturer/exporter	Time period	Margin (percent)
Ace Industrial Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Ako Rope & Wire Mfg. Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Asahi Mini Rope Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Chrysanthemum Nippon Wire Rope Co., Ltd./ Watanabe Trading Co.	4/1/78 to 3/31/79	.77
	4/1/79 to 9/30/80	1.08
Chrysanthemum Nippon Wire Rope Co., Ltd./ Kent-Moore Japan Ltd.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	3.27
Chrysanthemum Nippon Wire Rope Co., Ltd./ C. Itoh & Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	0

Manufacturer/ exporter	Time period	Margin (per-cent)
Chuo Seisakusho Ltd./Kinyo Co., Ltd.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Chuo Seisakusho Ltd./ Kohshin Co.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Chuo Seisakusho Ltd./ Other Trading Companies.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80	0
Daido Corp	4/1/79 to 9/30/80[1]	5.68
Daisen Kogyo	4/1/79 to 9/30/80[1]	5.68
Daishin Shoji Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	0.43
Daishin Shoji Co., Ltd./ Vanguard Steel Ltd. (transshipper).	4/1/79 to 9/30/80	0
Daiwa Steel Co., Ltd.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80[1]	5.68
Daiwa Kogyo, K.K.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Dia Enterprises, Ltd.	4/1/78 to 3/31/79	11.88
	4/1/79 to 9/30/80[1]	5.68
F. A. Industries Corp.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80	9.68
J. Gerber & Co., Ltd.	4/1/78 to 3/31/79[1]	11.86
Godo Tessen Co., Ltd.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80[1]	5.68
Hakko Sangyo K.K./Mitsui and Co.		0
	4/1/79 to 9/30/80[1]	0
Hannan Wire Rope Mfg. Ltd./ Higashishiba & Co.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80[1]	5.68
Hori Trading	4/1/79 to 9/30/80[1]	5.68
Igeta Wire Rope Co., Ltd./Mitsui & Co., Ltd.	4/1/78 to 3/31/79	3.81
	4/1/79 to 9/30/80[1]	3.81
Igeta Wire Rope Co., Ltd./Kimura Shoten, Ltd.	4/1/78 to 3/31/79[1]	3.81
	4/1/79 to 9/30/80	3.81
Ito-Ume and Co., Inc.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80[1]	5.68
Iwata Wire Rope Mfg. Co., Ltd./ Mitsui and Co., Ltd.	4/1/78 to 3/31/79	.47
	4/1/79 to 9/30/80[1]	.47
Kasuga Seiko Co., Ltd./ Higashishiba & Co.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Kasuga Seiko Co., Ltd./Kohshiri Co.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80[1]	0
Kasuga Seiko Co., Ltd./Nissho-Iwai.	4/1/78 to 3/31/79	.12
	4/1/79 to 9/30/80[1]	.12
Kasuga Seiko Co., Ltd./Sumitomo Shoji Kaisha, Ltd.	4/1/78 to 3/31/79	1.89
	4/1/79 to 9/30/80	3.42
Kawashima Trading Co., Ltd.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80[1]	5.68
Kawatetsu Wire Products Co., Ltd./Mitsui and Co.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80[1]	0
K-M International	4/1/78 to 3/31/79[1]	11.88
Kinki Steel Wire Rope Mfg. Co. Ltd./S.M. Industries.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	5.68
Kinki Steel Wire Rope Mfg. Co., Ltd./Yutoko and Co.	4/1/78 to 3/31/79	11.86
	4/1/79 to 9/30/80[1]	11.88
Kobayashi Metals, Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Kokoku Steel Wire Ltd./Nichimen Co., Ltd.	4/1/78 to 3/31/79	.28
	4/1/79 to 9/30/80	0
Kokoku Steel Wire Ltd./Nissho-Iwai.	4/1/78 to 3/31/79	.33
	4/1/79 to 9/30/80	0
Kokoku Steel Wire Ltd./Itotaka International.	4/1/78 to 3/31/79	.31
	4/1/79 to 9/30/80[1]	.31
Kokoku Steel Wire Ltd./Shinko Shoji Kaisha.	4/1/78 to 3/31/79	1.76
	4/1/79 to 9/30/80[1]	1.76
Kokoku Steel Wire Ltd./Mitsui and Co.	4/1/78 to 3/31/79	1.01
	4/1/79 to 9/30/60	2.55
Kokoku Steel Wire Ltd./Sumitomo Shoji Kaisha Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	0
Kokoku Steel Wire Ltd./Kanematsu-Gosho Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	0
Kokoku Steel Wire Ltd./Yutoko & Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	0
Kondo Iron Works Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Koshihara Iron Works Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Kyosei Industry Co., Ltd.	4/1/78 to 3/31/79[1]	0
	4/1/79 to 9/30/80[1]	0
Kyowa Bussan, K.K.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80	9.68
Kyowa Wire Rope Mfg. Co., Ltd./ Mitsui and Co.	4/1/78 to 3/31/79	.07
	4/1/79 to 9/30/80	0
Maruka Machinery Co., Ltd.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80[1]	5.68
Marusen Wire Rope Mfg. Co., Ltd./S. M. Industries.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	9.68
Meiji Rope Mfg. Co., Ltd./Mitsui and Co.	4/1/78 to 3/31/79[1]	0
	4/1/79 to 9/30/80[1]	0
Misawa Trading Co., Ltd.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80[1]	5.68
Naigai Rope Mfg. Co., Ltd./Mitani Kogyo Co.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80[1]	0
Naniwa Wire Rope Mfg. Co. Ltd./ Mitsui and Co.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Naniwa Wire Rope Mfg. Co., Ltd./ Higashishiba & Co.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80	2.59
Naniwa Wire Rope Mfg. Co., Ltd./ Other than Mitsui or Higashishiba.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80	9.68
Nankai Senshu Steel Wire & Rope Co., Ltd./ Sumitomo Shoji Kaisha.	4/1/78 to 3/31/79[1]	0
	4/1/79 to 9/30/80[1]	0
Nanri Trading Co., Ltd.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80[1]	5.68
Nihon Miniature Rope Mfg. Co., Ltd./S.M. Industries.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/60	9.68
Nihon Miniature Rope Mfg. Co., Ltd./Yutoko and Co., Ltd.	4/1/78 to 3/31/79	11.86
	4/1/79 to 9/30/80	9.68
Nikko Steel Wire Rope Mfg. Co., Ltd./Union Co.	4/1/78 to 3/31/79	11.88
	4/1/79 to 9/30/60	9.68
Nippon Miniature Rope Co., Ltd./ Kinyo Co., Ltd.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80[1]	0
Nippon Steel Wire Rope Co., Ltd./ Mitsui and Co.	4/1/78 to 3/31/79	0.13
	4/1/79 to 9/30/80	0
Nishimura Wire Rope Mfg. Co., Ltd./Kinyo Co., Ltd.	4/1/78 to 3/31/79	.35
	4/1/79 to 9/30/80[1]	.35
Nishimura Wire Rope Mfg. Co., Ltd./K-M International.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80	5.68
Nisshi-Nippon Fujikara Co., Ltd.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80[1]	5.68
Nishiya Wire Rope Co., Ltd./Mitsui and Co.	4/1/78 to 3/31/79	.06
	4/1/79 to 9/30/80	.06
Nobuhara Mfg. & Supply Co.	4/1/79 to 9/30/60[1]	5.68
Osaka Wire Rope Mfrs. Assn./ Mitsui and Co.	4/1/78 to 3/31/79[1]	0
	4/1/79 to 9/30/80[1]	0
Rope Service K.K.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	9.68
Ryoei Shoji Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Sakai & Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Sanko Wire Rope Mfg. Co., Ltd./ Tokyo Trading Co.	4/1/78 to 3/31/79[1]	0
	4/1/79 to 9/30/80[1]	0
Sanwa Seiko Co., Ltd./J. Gerber & Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	5.68
Sanyo Shokai K.K/ J. Gerber & Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	5.68
Sasaki Kogyo Co., Ltd.	4/1/79 to 9/30/80[1]	9.68
Seiko Wire Rope Co., Ltd./Okura Trading Co., Ltd.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 8/3/79	0
Seiko Wire Rope Co., Ltd./Kinyo Co., Ltd.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Seiko Wire Rope Co., Ltd./Syuto Co., Ltd.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80	9.68
Shibamoto & Co., Ltd.	4/1/79 to 9/30/80[1]	5.68
Shigeyama & Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.66
Shinko Wire Rope Co./Mitsui and Co.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Shinko Wire Rope Co./Shinko Shoji Kaisha.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Shinko Wire Rope Co./Nissho-Iwai.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Shinko Wire Rope Co./Kanematsu-Gosho Ltd.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80[1]	0
Shinko Wire Rope Co./Watanabe Trading Co., Ltd.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80[1]	0
Shinyo Ropes Mfg. Co., Ltd./ Higashishiba & Co.	4/1/78 to 3/31/79	0
	4/1/79 to 8/7/80	0
Shinyo Ropes Mfg. Co., Ltd./Mitsui and Co.	4/1/78 to 3/31/79	.08
	4/1/79 to 8/7/80	0
Shinyo Ropes Mfg. Co., Ltd./S. M. Industries, Inc.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 8/7/80	0
Shinyo Ropes Mfg. Co., Ltd./ Vanguard Steel Ltd. (transshipper).	4/1/79 to 9/30/80	0
Shinyo Ropes Mfg. Co., Ltd./Yutoko and Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	0
Shinyo Ropes Mfg. Co., Ltd./Other Trading Companies.	4/1/78 to 3/31/79	.80
	4/1/79 to 9/30/80	0
Showa Boeki Co., Ltd.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Sumiyoshi Kinzoku Kogyo.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80	9.68
Taiho Seiko/Kinyo Co.	4/1/78 to 3/31/80	0
	4/1/79 to 9/30/80[1]	0
Taisei International Corp.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80[1]	5.68
Y. Takeuchi and Co.	4/1/78 to 3/31/79[1]	11.86
	4/1/79 to 9/30/80[1]	5.68
Tanaka Metals Corp.	4/1/78 to 3/31/79[1]	11.88
	4/1/79 to 9/30/80[1]	5.68
Teikoku Sangyo Co., Ltd./ Sumitomo-Shoji Kaisha, Ltd.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Teikoku Sangyo Co. Ltd./The Tosho Co., Ltd.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Teikoku Sangyo Co., Ltd./Mitsui and Co.	4/1/78 to 3/31/79	0
	4/1/79 to 9/30/80	0
Teikoku Sangyo Co., Ltd./ Nissho-Iwai.	4/1/78 to 3/31/79	1.09
	4/1/79 to 9/30/80[1]	1.09
Teikoku Sangyo Co., Ltd./ Watanabe Trading Co., Ltd.	4/1/78 to 3/31/79[1]	1.00
	4/1/79 to 9/30/80	0

Manufacturer/ exporter	Time period	Margin (percent)
Teikoku Sangyo Co., Ltd./ Mitsubishi Corporation.	4/1/78 to 3/31/79 [1]	0
	4/1/79 to 9/30/80	0
Tokyo Rope Mfg. Co., Ltd./C. Itoh & Co., Ltd.	4/1/78 to 3/31/79	1.71
	4/1/79 to 9/30/80	2.21
Tokyo Rope Mfg. Co., Ltd./Alaska Boeki Co., Ltd.	4/1/78 to 3/31/79 [1]	0
	4/1/79 to 9/30/80 [1]	0
Toyo Sangyo Co., Ltd.	4/1/78 to 3/31/79 [1]	11.88
	4/1/79 to 9/30/80 [1]	5.68
Union Wire Rope Mfg. Co./Sanyo Bussan Kaisha, Ltd.	4/1/78 to 3/31/79	.04
	4/1/79 to 5/7/80	0
The Union Co., Ltd.	4/1/78 to 3/31/79	11.88
	4/1/79 to 9/30/80	0
Yamasho Co., Ltd.	4/1/79 to 9/30/80	9.68
Yamato Industries Co., Ltd.	4/1/78 to 3/31/79 [1]	11.88
	4/1/79 to 9/30/80 [1]	5.68
Yuasa Sangyo K.K.	4/1/79 to 9/30/80 [1]	5.68
C. T. Takahash & Co.	4/1/79 to 9/30/80 [1]	5.68
Daimyo Bussan	4/1/79 to 9/30/80	9.68
Far East Industrial	4/1/79 to 9/30/80 [1]	5.68
Hori Trading Co., Ltd.	4/1/79 to 9/30/80	9.68
IBA Steel Rope Mfg. Co., Ltd.	4/1/79 to 9/30/80 [1]	5.68
Izumi Trading Co., Ltd.	4/1/79 to 9/30/80	9.68
Japan Steel Wire Rope.	4/1/79 to 9/30/80 [1]	5.68
Kanto Steel Wire Co., Ltd.	4/1/79 to 9/30/80 [1]	5.68
Kiku Steel and Wire Rope Co./ Watanabe Trading Co., Ltd.	4/1/79 to 9/30/80	.72
Liberty Shokai, Ltd.	4/1/78 to 3/31/79 [1]	5.68
Mitsubishi Shoji, Kaisha.	4/1/79 to 9/30/80	9.68
Nan Rope Co., Ltd.	4/1/79 to 9/30/80	5.68
Nissei Sangyo Co.	4/1/79 to 9/30/80 [1]	5.68
Seo Hardware Corp.	4/1/79 to 9/30/80 [1]	5.68
Taiyo Seiki Iron Works.	4/1/79 to 9/30/80 [1]	5.68
Taiyo Iron Works	4/1/79 to 9/30/80 [1]	5.68
Tokyo Special Wire Co., Mfg. Ltd.	4/1/79 to 9/30/80	5.68
Yasada and Co	4/1/79 to 9/30/80	9.68
Taiyo Sunco Inc	4/1/79 to 9/30/80 [1]	5.68

[1] No shipments during period.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of the date of publication. Any request for an administrative protective order must be made no later than 5 days after the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made with purchase dates during the time periods involved. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions separately on each exporter directly to the Customs Service.

Further, as required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the most recent of the margins calculated above shall be required on all shipments of steel wire rope entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.53 of the Commerce Regulations (19 CFR 353.53).

John Evans,

Acting Deputy Assistant Secretary for Import Administration.

August 27, 1981

[FR Doc. 81-25805 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Membership of General and Limited Performance Review Boards

In notices published in the **Federal Register** on September 12, 1979, and September 25, 1979 (44 FR 53098 and 44 FR 55222), the National Bureau of Standards (NBS) announced the establishment, membership, and terms of the General Performance Review Board (GPRB). The purpose of the GPRB is to review performance agreements, performance appraisals and ratings, recommendations for certain personnel actions and other related material, and to make appropriate recommendations to the Director of NBS as the Appointing Authority for the Senior Executive Service at NBS concerning such matters in such a manner as will assure the fair and equitable treatment of senior executives and the organizations of which they are members and instill in the minds of such senior executives confidence in the integrity, competence, and impartiality of the GPRB. The GPRB performs its review functions for all NBS senior executives except those who are members of the NBS Executive Board and those who are members of the GPRB.

In notices published in the **Federal Register** on October 5, 1979, October 17, 1979, and June 17, 1981 (44 FR 57462, 44 FR 59930 and 46 FR 31699), NBS announced the establishment, membership and terms of the Limited Performance Review Board (LPRB). The purpose of the LPRB is the same as the GPRB. However, the LPRB performs its review functions for all NBS senior executives who are members of the NBS Executive Board (except the NBS Deputy Director) and those senior executives who are members of the NBS GPRB.

This notice announces the extension of the terms of the following members of those Boards to the dates shown.

GPRB

Mr. Karl E. Bell
Deputy Director of Administration
Office of the Director of Administration
National Bureau of Standards
Washington, D.C. 20234
Term extended to December 31, 1981

Dr. Robb M. Thomson
National Measurement Laboratory
National Bureau of Standards
Washington, D.C. 20234
Term extended to December 31, 1981

Dr. Edward S. Epstein
Director, Earth Sciences Laboratory
National Earth Satellite Service
National Oceanic and Atomospheric Administration
Washington, D.C. 20233
Term extended to December 31, 1981

LPRB

Dr. James S. Kane
Associate Director for Basic Energy Sciences
U.S. Department of Energy
Washington, D.C. 20545
Term extended to December 31, 1982

The full membership and expiration dates of the GPRB and LPRB as now constituted, including the changes made by this notice, are set out below.

GPRB

Dr. Howard E. Sorrows, Chair
Technology Adviser to the Director
National Bureau of Standards
Washington, D.C. 20234
Expiration of Appointment—September 11, 1982

Dr. Arthur O. McCoubrey
Associate Director for Measurement Services
National Measurement Laboratory
National Bureau of Standards
Washington, D.C. 20234
Expiration of Appointment—September 11, 1982

Mr. Samuel Kramer
Associate Director for Program Coordination
National Engineering Laboratory
National Bureau of Standards
Washington, D.C. 20234
Expiration of Appointment—September 11, 1982

Mr. Bascom W. Birmingham
Director, Boulder Laboratories
National Bureau of Standards
Boulder, Colorado 80303
Expiration of Appointment—September 11, 1982

Mr. Karl E. Bell
Deputy Director of Administration
Office of the Director of Administration
National Bureau of Standards
Washington, D.C. 20234

Expiration of Appointment—December 31, 1981

Dr. Robb M. Thomson
National Measurement Laboratory
National Bureau of Standards
Washington, D.C. 20234
Expiration of Appointment—December 31, 1981

Dr. Edward S. Epstein
Director, Earth Sciences Laboratory
National Earth Satellite Service
National Oceanic and Atmospheric Administration
Washington, D.C. 20233
Expiration of Appointment—December 31, 1981

LPRB

Dr. Edward L. Brady, Chair
Associate Director for International Affairs
National Bureau of Standards
Washington, D.C. 20234
Expiration of Appointment—October 4, 1982

Dr. James S. Kane
Associate Director for Basic Energy Sciences
U.S. Department of Energy
Washington, D.C. 20545
Expiration of Appointment—December 31, 1982

Dr. William P. Raney
Assistant Associate Administrator for Space and Terrestial Applications (Programs)
National Aeronautics and Space Administration
Washington, D.C. 20546
Expiration of Appointment—June 16, 1983

Persons desiring any further information about the GPRB, or the LPRB, or the membership of either, may contact Mrs. Elizabeth W. Stroud, Chief, Pesonnel Division, National Bureau of Standards, Washington, D.C. 20234, (301) 921–3555.

Dated: August 27, 1981.

Ernest Ambler,

Director.

[FR Doc. 81–25518 Filed 9–1–81; 8:45 am]

BILLING CODE 3510–13–M

Proposed Changes Pertaining to Interface Standards Exclusion List

In a notice published in the **Federal Register** on March 19, 1979 (44 FR 16466), the National Bureau of Standards (NBS) announced the establishment of exclusion criteria and procedures for developing and maintaining an exclusion list pertaining to Federal Information Processing Standards Publication 60 (which has since been redesignated as 60–1), Input/Output (I/O) Channel Interface; Federal Information Processing Standards Publication 61, Channel Level Power Control Interface; and Federal Information Processing Standards Publication 62, Operational Specifications for Magnetic Tape Subsystems. The approval of the Secretary of Commerce (Secretary) of those three Federal Information Processing Standards was previously announced in the **Federal Register** on February 16, 1979 (44 FR 10098–10101).The exclusion list also pertains to Federal Information Processing Standards Publication 63, Operational Specifications for Rotating Mass Storage Subsystems, approval of which by the Secretary of Commerce was annpunced in the **Federal Register** on August 27, 1979 (44 FR 50078).

The March 19, 1979, notice stated that once the exclusion list was established, interested parties could obtain a copy of that list and would be invited to submit to the Director, Institute for Computer Sciences and Technology (ICST), comments or recommendations regarding additions to or removals from that list. The notice also advised that information regarding any proposed changes in the exclusion list would be published in the **Federal Register.**

Announcement of the establishment of the initial exclusion list and its availability from NBS upon request appeared in the **Federal Register** on June 29, 1979 (44 FR 37968). Numerous changes to that exclusion list have since been made and announced in the **Federal Register.** The latest changes to the exclusion list were announced by NBS in the **Federal Register** on July 20, 1981 (46 FR 373704).

Comments from interested parties specifically identifying candidate systems which should be added to or removed from the exclusion list have been and continue to be especially encouraged.

As a result of a review and analysis of comments and recommendations received recently, NBS is proposing the following additions to the exclusion list:

Manufacturer	Model
Formation	F4000.
Modular Computer Systems	Classic 7810.
Modular Computer Systems	Classic 7820.
Modular Computer Systems	Classic 7830.
Modular Computer Systems	Classic 7840.
Modular Computer Systems	Classic 7870.
Prime	150II.
Prime	250II.
Prime	550II.
Sperry-Univac	DCT–9000.

Interested parties will be allowed until October 19, 1981, to submit written comments regarding the proposed changes. Such written comments should be submitted to the Director, ICST, Attention: Interface Standards Exclusion List, National Bureau of Standards, Washington, D.C. 20234. Following review of comments received in response to this notice, NBS will make a determination on the proposed changes and will announce that determination in a subsequent notice published in the **Federal Register.**

NBS maintains a mailing list of vendors, Federal agencies, and other interested parties to whom copies of the current exclusion list are sent on a regular basis. Parties on the mailing list will also be sent copies of the proposed changes and the announcement of the determination on the proposed changes. Those who wish to be included on the mailing list should send a written request to the address noted above for submission of comments in response to this notice.

The exclusion list will be used in conjunction with the applicability provisions of the Federal I/O channel level interface standards. This list and the exclusion criteria are not a part of the standards themselves, but are provided for in the standards.

Dated: August 27, 1981.

Ernest Ambler,

Director.

[FR Doc. 81–25517 Filed 9–1–81; 8:45 am]

BILLING CODE 3510–13–M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council; Scientific and Statistical Committee; Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The North Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP) to assist the Council in carrying out its responsibilites under the Act. The Council, its SSC and AP will hold separate public meetings.

DATES: The Council meeting will convene on Thursday, September 24, 1981, at approximately 9 a.m., and will adjourn on Friday, September 25, 1981, at approximately 5 p.m., in the Kuskokwim Room, Sheraton Hotel, Anchorage, Alaska. The SSC meeting will convene on Tuesday, September 22, 1981, at aproximately 1:30 p.m., and meet through Wednesday, September 23, 1981, at the Council's Headquarters Conference Room, 333 West Fourth Avenue, Anchorage, Alaska. The AP meeting will convene on Wednesday, September 23, 1981, at approximately 9 a.m., in Room 311 of the Sheraton Hotel, Anchorage.

Proposed Agendas

Council—A detailed agenda will be sent to the public around September 8, 1981. The Council will elect new officers and will also hear reports on domestic and foreign fisheries, enforcement and surveillance, and the progress of various joint venture operations. The Council intends to discuss and take further action on a possible limited entry system for the halibut fishery off Alaska. the Council may also give final approval to the draft Bering Sea King Crab Fishery Management Plan to be sent to the Secretary of Commerce for review. The Council is also scheduled to give final consideration to amendment #3 of the Bering Sea/Aleutian Islands Groundfish Fishery Management Plan, which is designed to reduce the catch of incidental species in the Bering Sea. Given Council approval, the amendment will be submitted to the Secretary of Commerce. The Council will also hear reports from the plan maintenance teams for the Bering Sea Herring and Gulf of Alaska Groundfish Fishery Management Plans and may consider revisions to them to go out for public review. The Council will also discuss alternatives for coastwide management of salmon and consider various contracts and research proposals. *SSC* and *AP* agendas will be similar to the Council's.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274–4563.

Dated: August 26, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–25470 Filed 9–1–81; 8:45 am]

BILLING CODE 3510–22–M

Pacific Fishery Management Council; Scientific and Statistical Committee; Public Meeting with a Partially Closed Session

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended in 1976 by Public Law 94–409, notice is hereby given of public meetings with a partially closed session of the Pacific Fishery Management Council. The Council, along with its Scientific and Statistical Committee (SSC), were established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265, 16 U.S.C. 1852) to manage and conserve America's fisheries as specified by the Act.

Meeting Agendas

Council (open meeting in the North Starlight Room)—consideration of herring, billfish and anchovy management; conduct a public comment period beginning at 4 p.m., on October 7; conduct other fishery management business and consider administrative matters.

Council (closed session)—discussion of the status of current maritime boundary and resource negotiations between the U.S. and Canada. Only those Council members and related staff having security clearances will be allowed to attend this closed session. *SSC* (open meeting)—consideration of herring, billfish and anchovy management; counduct a public comment period beginning at 3:30 p.m., on October 6, and evaluate and develop recommendation on other matters referred to the Committee by the Council.

DATES:

Council (open meeting) October 7–8, 1981 (11 p.m. to 5 p.m., on October 7; 8 a.m. to 5 p.m., on October 8).

Council (closed session) October 7, 1981 (8 a.m. to 10 a.m.) *SSC* (open meeting) October 6–7, 1981 (1 p.m. to 5 p.m., on October 6; 8 a.m. to 5 p.m., on October 7).

ADDRESS: The meetings will take place at the Hacienda Airport Hotel, 525 N. Sepulveda Boulevard, El Segundo, California.

FOR FURTHER INFORMATION CONTACT: Pacific Fishery Management Council, 526, S.W. Mill Street, Second Floor, Portland, Oregon 97201. Telephone: (503) 221–6352.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of the General Counsel, formally determined on June 19, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda item covered in the closed session is exempt from the provisions of the Act relating to open meetings and public participation therein, because the meeting will be concerned with matters that are (A) specifically authorized under criteria established by an executive order to be kept secret in the interests of national defense or foreign policy and (B) in fact properly classified pursuant to such an executive order. (A copy of the determination is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, Department of Commerce.)

Dated: August 26, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81–25472 Filed 9–1–81; 8:45 am]

BILLING CODE 3510–22–M

Western Pacific Fishery Management Council's Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Western Pacific Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), has established a Scientific and Statistical Committee, which will meet to review the precious corals, spiny lobster and billfish fishery management plans; a bottomfish planning document; research and data collection activities; the Fishery Conservation and Management Act national standards, as well as other Committee business.

DATES: The public meetings will convene on Thursday, October 1, 1981, at approximately 10 a.m., and will adjourn on Friday, October 2, 1981 at approximately 3 p.m.

ADDRESS: The meetings will take place at the National Marine Fisheries Service, Honolulu Laboratory, Southwest Fisheries Center, 2570 Dole Street, Honolulu, Hawaii.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, 1164 Bishop Street, Room 1608, Honolulu, Hawaii 96813, Telephone: (808) 523–1368.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

Dated: August 26, 1981.

[FR Doc. 81–25471 Filed 9–1–81; 8:45 am]

BILLING CODE 3510–22–M

Marine Mammal Recovery Foundation; Issuance of Permit

On July 21, 1981, Notice was published in the Federal Register (46 FR 37539), that an application had been filed with the National Marine Fisheries Service by the Marine Mammal Recovery Foundation, P.O. Box 463, Storrs, Connecticut 06268, for a permit to import from Canada tissue samples taken from dead beached and stranded or incidentally captured marine mammals for the purpose of scientific research.

Notice is hereby given that on August 28, 1981, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service issued a Scientific Research Permit to the Marine Mammal Recovery Foundation for the above import subject to certain conditions set forth therein.

Issuance of this Permit as required by the Endangered Species Act of 1973 is based on a finding that such permit: 1) was applied for in good faith; 2) will not operate to the disadvantage of the endangered species which are the subject of the permit; and 3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973.

The Permit and related documents are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: August 28, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-25671 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Community College of the Air Force (CCAF) Advisory Committee, Meeting

The Community College of the Air Force Advisory Committee will hold a meeting on September 29, 1981 at 8:30 a.m. in the Conference Room, Number 121, Building 836, located at Maxwell Air Force Base, Montgomery, Alabama.

The meeting is open to the public.

Agenda items include: State of the College, Accreditation Information, CCAF Personnel Plan, Affiliation Visit Schedule, Proposed Computer System, and Program Changes.

For further information contact Maj. James H. Conely, 205–293–7937, Community College of the Air Force, Maxwell AFB, Alabama 36112.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-25474 Filed 9-1-81; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Medical Research and Development Advisory Panel, Subcommittee on Bacterial Diseases; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Bacterial Diseases

Date of meeting: 15 and 16 October 1981

Time and place: 0900 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC

Proposed agenda: This meeting will be open to the public on 15 October 1981 from 0900–1000 hours to discuss the scientific research program of the Bacterial Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 1000–1200 hrs and from 1330 hrs to close of business on 15 October and from 0900–1200 hrs on 16 October for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research sbjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–3061) will furnish summary minutes, roster of Subcommittee members and substantive program information.

For the Commander:

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 81-25619 Filed 9-1-81; 8:45 am]

BILLING CODE 3710-08-M

Medical Research and Development Advisory Panel, Subcommittee on Parasitic Diseases; Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Subcommittee meeting:

Name of committee: United States Army Medical Research and Development Advisory Panel Subcommittee on Parasitic Diseases

Date of meeting: 14 October 1981

Time and place: 0900 hrs, Room 3092, Walter Reed Army Institute of Research, Washington, DC

Proposed agenda: This meeting will be open to the public on 14 October 1981 from 0900–1000 hrs to discuss the scientific research program of the Parasitic Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, US Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public from 1000–1200 hour and from 1330–1730 hours for the review, discussion, and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–3061) will furnish summary minutes, roster of Subcommittee members and substantive program information.

For the Commander:

Harry G. Dangerfield,

Colonel, MC, Deputy Commander.

[FR Doc. 81-25618 Filed 9-1-81; 8:45 am]

BILLING CODE 3710-08-M

Military Traffic Management Command; Military Personal Property Symposium; Notice of Public Meeting

Announcement is made of a meeting of the Military Personal Property Symposium. This meeting will be held on 24 September 1981 at the Quality Inn, Pentagon City, 300 Army Navy Drive, Arlington, VA, and will convene at 0930 hours and adjourn at approximately 1500 hours.

Proposed Agenda: The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on procedural changes to the Personal Property Traffic Management Regulation (DOD 4500.34–R), and the handling of other matters of mutual interest relating to the movement and/or storage of household goods and unaccompanied baggage, as well as proposed changes and innovations in the Department of Defense Personal Property Movement and Storage Program.

All interested persons desiring to submit topics to be discussed should submit them in writing to the Commander, Military Traffic Management Command, ATTN: MT-

PPM, Washington, DC 20315. Topics to be discussed should be received on or before September 1981.

Dated: August 28, 1981.

Nathan R. Berkley,

Colonel, GS, Director of Personal Property.

[FR Doc. 81-25617 Filed 9-1-81; 8:45 am]

BILLING CODE 3710-06-M

Corps of Engineers, Department of the Army

Intent To Prepare Draft Environmental Impact Statement (DEIS) for Potential Alternatives To Provide Flood Damage Reduction at Specific Locations in the Pearl River Basin, Louisiana and Mississippi

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a DEIS.

SUMMARY:

1. The proposed action is to provide flood damage reduction for selected locations in the Pearl River Basin, Louisiana and Mississippi. Although a number of cities and communities are being investigated in connection with the need to provide flood damage reduction, the exact location of all proposed work is not known at this time. At this point in the study, flood damages indicate that a feasible project could be formulated for Jackson, Mississippi. Therefore, several alternatives have been developed for the Jackson area, though no specific plan has been selected. The DEIS will include an evaluation of the environmental, social, economic, and engineering impacts associated with each alternative plan considered at Jackson as well as for any other locations which may be formulated during the course of the study. The following alternatives will be considered at a minimum for the Jackson area:

2. a. *No Action.* This alternative will be the "without" condition against which the impacts of other alternative plans will be measured.

b. *Selective Clearing.* This alternative would consist of the selective removal of vegetation within the floodway.

c. *Raising the Existing Levees.* This alternative would increase the height of existing levees.

d. *Dam at the Head of Ross Barnett Reservoir.* This alternative would consist of a dry dam upstream of the existing 31,000-acre Ross Barnett Reservoir designed to control upstream flood flows.

e. *Channel Modification at Jackson.* This alternative would consist of channel enlargements and cutoffs to the Pearl River in Jackson.

f. *Additional Levees.* This alternative would entail the construction of additional levees in the study area.

g. *Combination of Above Alternatives.* This alternative would involve a combination of two or more of the above alternatives.

3. *Scoping Process.*

a. The scoping process as outlined by the Council on Environmental Quality in the November 29, 1978, Federal Register, National Environmental Policy Act Regulations, will be utilized to involve Federal, State, and local agencies, and other interested persons in the preparation of the DEIS. Identification of significant issues to be addressed in the DEIS will be determined through the scoping process. The views and concerns of agencies and individuals will be obtained through personal, telephone, and mail contacts as well as public workshops in lieu of a formal scoping meeting.

b. Coordination with the US Fish and Wildlife Service as required by the Fish and Wildlife Coordination Act and the Endangered Species Act is being undertaken. Coordination required by other laws will also be conducted.

4. *DEIS Preparation.* It is estimated that the DEIS will be available to the public in April 1982.

5. *Address.* Questions about the proposed action can be answered by: Ms. Carol Gorbics, PD-ES, US Army Engineer District, Mobile, PO Box 2288, Mobile, AL 36628.

Dated: August 26, 1981.

Robert H. Ryan,

Colonel, Corps of Engineers, Commander and District Engineer.

[FR Doc. 81-25606 Filed 9-1-81; 8:45 am]

BILLING CODE 3710-CR-M

DEPARTMENT OF EDUCATION

Advisory Panel on Financing Elementary and Secondary Education

AGENCY: Advisory Panel on Financing Elementary and Secondary Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forth-coming meeting of the Advisory Panel on Financing Elementary and Secondary Education. It also describes the functions of the Panel. Notice of this meeting is required under the Federal Advisory Committee Act, Section 10(a)(2). This document is intended to notify the general public of its opportunity to attend.

DATE: September 17 and 18, 1981.

TIME: 9:00 a.m. to 5:00 p.m.

ADDRESS: Room 800, 200 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Will S. Myers, Executive Director, Advisory Panel on Financing Elementary and Secondary Education, P.O. Box 19128 Washington, D.C. 20036, (202) 653-8278.

SUPPLEMENTARY INFORMATION: The Advisory Panel on Financing Elementary and Secondary Education was established by Section 1203, Title XII of the Education Amendments of 1978 (Pub. L. 95-561). The Panel provides the Secretary and the Congress with advice and counsel concerning public policies on raising and distributing revenues to support elementary and secondary education. The advisory Panel also provides advice to the Secretary concerning the conduct of studies authorized by Section 1203. The Advisory Panel will make interim reports to the President and the Congress in 1981 and 1982. The Advisory Panel will also provide recommendations for legislation or other appropriate action to Congress.

Agenda:

1. Consideration of draft Annual Report.

2. Selection of sites, dates, and topics of FY 82 meetings.

3. Discussion of relationship between schools, reindustrialization, productivity, and defense (presentation by speakers).

4. Report on the research of the School Finance Project.

Records are kept of all Advisory Panel proceedings and are available for public inspection at the office of the Advisory Panel on Financing Elementary and Secondary Education located at 1200 19th Street, NW., Room 724-A, Washington, D.C.

Signed at Washington, D.C. on August 27, 1981.

Will S. Myers,

Executive Director, Advisory Panel on Financing Elementary and Secondary Education.

[FR Doc. 81-25557 Filed 9-1-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Western Crude Oil, Inc.; Proposed Consent Order

AGENCY: Department of Energy (DOE).

ACTION: Notice of proposed consent order and opportunity for public comment.

SUMMARY: The Office of Special Counsel (OSC) hereby gives the notice required by 10 CFR 205.199J that it has entered into a Consent Order with Western Crude Oil, Inc. (Western). The Consent Order settles civil matters relating to certain resales of domestic crude oil by Western during 1974 and 1975 and certain transactions involving exchanges of domestic for foreign crude oil during the period July 1975 to April 1976. To remedy any excess recovery that may have occurred in connection with these matters, Western agrees to remit $5,500,000 to the United States Treasury.

COMMENTS: To be considered, comments must be received by 5:00 p.m. on the thirtieth day following publication of this notice. Address comments to: Western Consent Order Comments, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue NW., Mail Stop 4111, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Jeffrey R. Whieldon, Deputy Solicitor, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue NW., Washington, D.C. 20461, 202–633–8870.

Copies of the Consent Order may be received free of charge by written request to: Western Consent Order Request, Office of Special Counsel, Department of Energy, 1200 Pennsylvania Avenue NW., Mail Stop 4111, Washington, D.C. 20461.

Copies may also be obtained in person at the same address or at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Ave., S.W., Room 1E–190.

SUPPLEMENTARY INFORMATION: Western became a wholly owned subsidiary of Getty Oil Company (Getty) in January, 1980. Getty is one of the 35 major refiners subject to audit by OSC to determine compliance with the federal petroleum price regulations.

The Consent Order

This Consent Order pertains to Western's compliance with the federal petroleum price regulations in connection with certain resales of domestic crude oil during the period 1974 and 1975 and certain transactions involving the exchange of domestic for foreign crude oil during the period July 1975 to April 1976. Specifically, it concerns Western's apparent recovery of sums in excess of those permitted by the federal petroleum price regulations through the miscertification of crude oil.

Since these transactions occurred prior to the ultimate refining of such crude oil into refined products which were, in turn, marketed through a multi-level distribution process, DOE has determined that it is impossible to identify particular consumers who may have suffered the ultimate consequences of these alleged violations. In addition, the effect of the DOE entitlements program further complicates any such determination. For these reasons, DOE has concluded that the only available remedy is a refund to the United States Treasury.

By the terms of the Consent Order, Western agrees to remit the sum of $5,500,000 in full settlement of any civil liability arising out of these transactions which could be sought by DOE.

Payment is to be in the form of a certified check made payable to the United States Treasury and to be delivered to DOE within fifteen days after receipt by Western of notification from DOE that the Consent Order has been made effective.

Compliance by Western with the Consent Order shall be deemed by DOE to constitute full compliance for civil purposes with the federal petroleum price regulations with regard to the matters covered by the agreement. The Consent Order constitutes neither an admission by Western nor a finding by DOE of any violation by Western of any statute or of any regulation. DOE believes that the Consent Order provides a satisfactory resolution of the issues described in the agreement and that the Consent Order is in the public interest.

Submission of Written Comments

Interested persons are invited to submit written comments concerning this Consent Order to the address noted above. All comments received by 5:00 p.m. on the thirtieth day following publication of this notice will be considered by OSC before determining whether to adopt the Consent Order as a final order. Modifications of the Consent Order which, in the opinion of OSC, significantly change the terms or impact of the Consent Order will be published for comment.

Any information or data considered confidential by the person submitting it must be identified as such in accordance with the procedures of 10 CFR 205.9(f).

Issued in Washington, D.C., August 25, 1981.

Avrom Landesman,

Acting Director, Office of Special Counsel.

[FR Doc. 81-25515 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 81-30-NG]

Transcontinental Gas Pipe Line Corp.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Application to Import Natural Gas From Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of the receipt, on July 17, 1981, of the application of Transcontinental Gas Pipe Line Corporation (Transco) to import up to 75,000 Mcf of natural gas per day into the United States from Canada during the period from November 1, 1983 through October 31, 1987, and to import a maximum quantity reduced by 15,000 Mcf per day each year thereafter until the expected cessation of deliveries on October 31, 1991.

The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m., September 17, 1981.

FOR FURTHER INFORMATION CONTACT:

J. Ellen Brown, (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street NW., Room 7108, RG–13, Washington, D.C. 20461, (202) 653–3286

Patricia J. Neel (Office of the General Counsel, Natural Gas and Mineral Leasing), Department of Energy, 1000 Independence Avenue, SW., Room 6E–042, GC–15, Washington, D.C. 20585, (202) 252–6667.

SUPPLEMENTARY INFORMATION: Transco and Sulpetro Limited (Sulpetro) of Calgary, Alberta, Canada signed a Gas Sale Agreement on December 11, 1980, which succeeds two previous gas sale agreements between the companies. The more recent of the previous agreements between Transco and Sulpetro provides for delivery of gas through October 31, 1983, and is pending before ERA in Docket No. 81–26–NG. The December 11, 1980 agreement is effective from the date of signing until October 31, 1991. It

is estimated that deliveries under this contract would begin on November 1, 1983, upon expiration of the earlier gas sale contract.

The Gas Sale Agreement provides for the purchase by Transco of a Maximum Daily Volume (MDV) of 75,000 Mcf in the first four contract years. In each of the four remaining contract years, the maximum quantity is reduced, or stepped-down, by 15,000 Mcf per day. Accordingly, in the four contract years ending October 31, 1987, the MDV is 75,000 Mcf; during the contract year ending October 31, 1988, the MDV is 60,000 Mcf; during the contract year ending October 31, 1989, the MDV is 45,000 Mcf; during the contract year ending October 31, 1990, the MDV is 30,000 Mcf; and during the contract year ending October 31, 1991, the MDV is 15,000 Mcf. Transco states that if Sulpetro is able to develop sufficient additional volumes of gas to enter into a new gas sale contract, it is envisioned that the total quantities of gas to be imported by Transco from Sulpetro will not be stepped down. If such subsequent gas sale contract is entered into, Transco will file applications for appropriate regulatory authority to import the gas to be purchased thereunder.

The price of the gas delivered by Sulpetro to Transco under the December 11, 1980 Gas Sale Agreement is the international border price as set from time to time by the National Energy Board of Canada of any other regulatory authority having jurisdiction. The current ERA authorized border price for natural gas imported from Canada is $4.94 (U.S.) per MMBtu.

A provision not contained in previous gas sale contracts between Transco and Sulpetro provides that Transco shall request, in any one day, not less than 50 percent of the effective Maximum Daily Volume. On an annual basis, Transco is obligated to take or for 75 percent of the effective Maximum Daily Volume times the number of days in the contract year (Minimum Annual Volume). If, in any contract year, Transco has paid for gas not taken (prepaid gas), then in any remaining contract year, Transco may, after taking the Minimum Annual Volume, take any portion of the prepaid gas. The price to be paid for any prepaid gas is the weighted average price paid by Transco to Sulpetro for gas delivered in the contract year in which such prepaid gas incurred. Adjustments to the price of such gas will be made so that Transco will pay at least the then current international border price for any subsequently recovered prepaid gas. If, upon expiration of the term of the contract, Transco has not recovered all of the prepaid gas incurred in the last four contract years, Sulpetro will refund to Transco the weighted average price paid for gas delivered in those contract years, less any transportation costs Sulpetro has incurred to have the gas available.

Transco states that Sulpetro intends to make transportation arrangements with NOVA (formerly Alberta Gas Trunkline Company, Ltd.) and TransCanada Pipelines, Ltd. (TransCanada) to deliver the gas to Transco at the point of future interconnection between facilities of TransCanada and Lake Erie Pipeline Company facilities proposed to be constructed at the eastern end of Lake Erie. These new facilities are also intended to be used in connection with another recently proposed, larger import transaction between Transco and TransCanada now pending before ERA in Docket No. 81-29-NG. In addition, they are cited as a possible alternate delivery point in a joint application by Transco and Algonquin Gas Transmission Company to import gas from Pan-Alberta Gas Ltd. This matter is pending before ERA in Docket No. 81-02-NG.

Other Information

Any person wishing to become a party to the proceeding or to participate as a party in any conference or hearing which might be convened must file a petition to intervene. Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protest will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 7108, RG-13, 2000, M Street, NW., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 pm., September 17, 1981.

A hearing will not be held unless a motion for a hearing is made by a party or person seeking intervention and granted by ERA, or unless ERA on its own motion believes that a hearing is necessary or required. A person filing a motion for hearing should demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Transco's application is available for inspection and copying in the Division of Natural Gas Docket Room, Room 7108, 2000 M Street, NW., Washington, D.C. between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal Holidays.

Issued in Washington, D.C., August 24, 1981.

F. Scott Bush,

Acting Director, Office of Program Operations, Economic Regulatory Administration.

[FR Doc. 81-25514 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-01-M

Homestake Production Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: John Marks, Program Operations Division, Office of Enforcement, Room 5204, 2000 M Street, NW, Washington, D.C. 20461, (202) 653-3517.

SUPPLEMENTARY INFORMATION: On June 26, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Homestake Production Company, (Homestake) of Tulsa, Oklahoma on June 1, 1979, 44 FR 37332 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had claims to all or a portion of the refund amount paid by Homestake pursuant to the Consent Order were requested to submit their notices of claim to the OE.

The following person submitted a notice of claim to the OE.

National Cooperative Refinery Association

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, Homestake refunded the sum of $62,000 by certified check made payable to the United States Department of Energy on

June 5, 1979. This sum has been placed into a suitable account pending determination of its proper distribution.

Action Taken: The OE is unable, readily, to identify the persons entitled to receive the $62,000, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals on August 20, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C. on the 26th day of August 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-25686 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4589-000]

Amador County, Calif.; Application for Preliminary Permit

August 28, 1981.

Take notice that Amador County, California (Applicant) filed on April 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4589 to be known as the North Fork Mokelumne River Water and Power Project located on the North Fork Mokelumne River in Amador and Calaveras Counties, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Fred Joyce, Chairman of Board, County of Amador, 108 Court Street, Jackson, California 95642.

Project Description—The proposed project would include two developments with a combined estimated average annual energy output of 179,800 MWh.

The Blue Creek Development would consist of: (1) A 210-foot high, 1,200-foot long, earth fill dam located on Blue Creek; (2) a reservoir with a capacity of 7,200 acre-feet and a surface area of 70 acres at a pool elevation of 4,190 feet; (3) an 84-inch diameter, 4,800-foot long tunnel leading to a 60-inch diameter, 3,500-foot long steel penstock; (4) a powerhouse, located on the left bank of the North Fork Mokelumne River, containing a single 5,000-kW generating unit; and (5) a 4,000-foot long, 12.5-kV transmission line.

The Devil's Nose Development would consist of: (1) A 350-foot high, 1,200-foot long, earth fill dam located on the North Fork Mokelumne River; (2) a reservoir with a capacity of 88,000 acre-feet and a surface area of 750 acres at a pool elevation of 2,980 feet; (3) a 108-inch diameter, 10,500-foot long tunnel leading to an 84-inch diameter, 300-foot long steel penstock; (4) a powerhouse, located on the right bank of the North Fork Mokelumne River, containing a single 16,200 kW generating unit; and (5) a 4,000-foot long, 12.5-kV transmission line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant would conduct studies to determine the technical, economic, financial, and environmental feasibility of the project. Those studies would include core borings and minor trenching. Applicant has stated that new access roads are not necessary and that all disturbed $500,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 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 October 30, 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. 81-25656 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5176-000]

Bluepond Associates; Application for Preliminary Permit

August 28, 1981.

Take notice that Bluepond Associates (Applicant) filed on August 4, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5176 to be known as the Cardiff Hydro Project located on the Lower South Fork Michigan River in Jackson County, colorado and the Routt National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael D. White, Yegge, Hall and Evans, 2900 Energy Center One, 717 Seventeenth Street, Denver, Colorado 80202.

Project Description—The proposed project would consist of: (1) A collection system consisting of 19 wells, each with a 30 hp pump; (2) 18,000 feet of pipeline to collect pumped water from an aquifer under the Lower South Fork Michigan River to be known as the Cardiff and Glengarriff Groundwater Reservoirs; (3) a 13,900-foot long penstock; (4) a powerhouse containing a single turbine-generator with a total rated capacity of 520 kW; (5) a 20-mile long 14.4/24.9-kV transmission line; and (6) appurtendant facilities. Energy produced at the project would be sold to the Western Area Power Authority or the Tri-State G and T Association. The project would generate up to 2,700,000 kWh annually.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. 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. The cost of the studies under the preliminary permit has been estimated by the Applicant to be $125,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 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 November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, 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. 81-25657 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4955-000]

Harry A. Bogorad; Application for Preliminary Permit

August 28, 1981.

Take notice that Mr. Harry A. Bogorad (Applicant) filed on June 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4955 to be known as the Peninsular Paper Company Dam located on the Huron River in Washtenaw County, Michigan. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Harry A. Bogorad, 1605 Shankin, Walled Lake, Michigan 48088.

Project Description—The proposed project would consist of: (1) An existing earth and concrete dam approximately 240 feet in length and 14 feet high; (2) an existing intake structure; (3) an existing reservoir with a maximum surface area of 72 acres and a storage capacity of 645 acre-feet; (4) the restoration of an existing powerhouse which will include generating facilities capable of obtaining an installed capacity of 680 kW; (5) a proposed transmission line; and (6) appurtenant facilities. The proposed project is not located on Federal lands. The Applicant estimates that the average annual energy output would be 2.7 MWh.

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 18 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 $17,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself (See 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 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. 81-25658 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5090-000]

City of Idaho Falls; Application for Preliminary Permit

August 28, 1981.

Take notice that the City of Idaho Falls (Applicant) filed on July 20, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5090 to be known as the Shelley Hydroelectric Project located on Snake River in Bingham 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. G. S. Harrison, Manager, Electric Light Department, City of Idaho Falls, 140 S. Capitol, Box 220, Idaho Falls, Idaho 83401.

Project Description—The project would consist of: (1) A 30–foot high, 600-foot long earthfill dam; (2) a 0.8-mile long canal which would carry water from point of diversion to powerhouse; (3) a reservoir with 130-acre surface area and 1,300 acre-foot storage capacity; (4) a powerhouse with total installed capacity of 12,000 kW; and (5) a 0.25-mile long, 161-kV transmission line which would connect the powerhouse to the existing Utah Power and Light 161-kV transmission line. The Applicant estimates that the average annual energy production would be 70 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 technical, environmental and economic studies; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $100,000.

Competing Application—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 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 October 30, 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. 81-25659 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4285-001]

City of Logan, Utah; Application for Preliminary Permit

August 28, 1981.

Take notice that the City of Logan, Utah (Applicant) filed on July 23, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a) 825(r)) for Project No. 4285 known as the Logan River #2 Hydro Project located on the Logan River, near the City of Logan, in Cache County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Vaun Bethers, Assistant Manager, Logan City Light and Power Department, 61 West 1st North, Logan, Utah 84321.

Project Description—The proposed project would utilize an existing U.S.D.A.—Forest Service dam, would affect lands within the Cache National Forest, and would consist of: (1) A rehabilitated intake structure; (2) a new 9,500-foot long, 100-inch diameter penstock; (3) a new surge tank; (4) a refurbished powerhouse containing two generating units and a new powerhouse containing a new generating unit and having a total rated capacity of 3,000-kW; (5) a tailrace; (6) a substation; (7) a short 12–kV transmission line; and (8) appurtenant facilities. Project energy would be used within Applicant's municipal system. Applicant estimates that the average annual output would be 40,000,000 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 it would complete a technical, economical, and financial feasibility study. Depending on the outcome of the studies, Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of the studies under the permit would be $6,500.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 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 October 30, 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. 81-25660 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5130-000]

Hat Creek Hydro, Inc.; Application for Preliminary Permit

August 28, 1981.

Take notice that Hat Creek Hydro, Inc. (Applicant) filed on July 27, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5130 to be known as the Lost Creek #2 Power Project located on Lost 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. Floyd Bidwell, Box 547, Cassel, California 96016.

Project Description—The proposed project would consist of: (1) a 5-foot high, 60-foot long concrete diversion structure; (2) a 3,750-foot long, 50-inch diameter penstock; (3) a powerhouse to contain a single generating unit with a total rated capacity of 1,100 kW and associated electrical switching gear. The average annual energy output is 9.6 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 24 months during which it would conduct engineering, environmental and economic feasibility studies as well as prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 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 receive on or before October 30 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: Fed 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. 81-25661 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4593-000]

East Mississippi Electric Power Association; Application for Preliminary Permit

August 28, 1981.

Take notice that East Mississippi Electric Power Association (Applicant) filed on April 27, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4593 to be known as the Okatibbee Reservoir Project located at the U.S. Corps of Engineers Okatibbee Reservoir Dam on Okatibbee Creek in Lauderdale County, Mississippi. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Emmett H. Murray, General Manager, East Mississippi Electric Power Association, P.O. Box 5517, Meridian, Mississippi 39301 and Mr. Ernest B. Deas, Project Manager, Allen & Hoshall, Inc., 612 North State Street, Jackson, Mississippi 32901.

Project Description—The proposed project would consist of: (1) A proposed powerhouse located in the outlet area downstream of the Okatibbee Dam, containing a generating unit of approximately 500 kW capacity; (2) a proposed substation located adjacent to the proposed powerhouse; (3) a proposed 12.5-kV transmission line, approximately ¾ mile in length; and (4) appurtenant facilities. The Applicant estimates the annual generation to be 2,200,000 kWh. The energy generated would be used in Applicant's system.

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 collect data, perform feasibility studies and prepare an application for license. The cost of the feasibility studies is estmated to be 420,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 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 October 30, 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. 81-25662 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 1175-000]

Kanawha Valley Power Co.; Application for New Major License

August 28, 1981.

Take notice that the Kanawha Valley Power Company filed on January 14, 1981, and most recently revised on June 22, 1981, an application for a new major license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for the continued operation of a constructed water power project known as the London/Marmet Project No. 1175. The project is located on the Kanawha River in Kanawha and Fayette Counties, West Virginia. The original license for Project No. 1175 expired on June 23, 1980. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John W. Vaughan, Kanawha Valley Power Company, 301 Virginia Street, East, Charleston, West Virginia 25327.

Project Description—The existing constructed project comprises two developments. Both developments utilize U.S. Army Corps of Engineers Dams.

The London Development consists of: (1) A forebay area protected by a log boom; (2) 150 feet of screened intake; (3) a concrete powerhouse 50' by 150' containing 3 turbine/generator units with a total installed capacity of 16,000 kW; (4) a tailrace which extends 420 feet downstream; (5) a substation containing two three-phase transformers and two auxiliary transformers; (6) two 46-kV transmission lines, each 0.38 mile long; and (7) appurtenant works. The average annual amount of energy produced at this development is 91,564,000 kWh.

The Marmet Development consists of: (1) A forebay area protected by a log boom; (2) 150 feet of screened intake; (3) a concrete powerhouse 50 feet by 150 feet containing three turbine/generator units with a total dependable capacity of 16,00 kW; (4) a tailrace which extends 450 feet downstream; (5) a substation containing two three-phase transformers and two auxiliary transformers; (6) two 46-kV transmission lines, each 0.78 mile long; and (7) appurtenant works. The average annual amount of energy produced at this development is 84,772,000 kWh.

A portion of project energy, from both developments, is provided to operate the U.S. Government's London and Marmet Locks. The remainder is sold to the Appalachian Power Company.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 1, 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).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 1, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION" "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, 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. 81-25663 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4688-000]

Long Lake Energy Corp.; Application for Preliminary Permit

August 28, 1981.

Take notice that Long Lake Energy 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. 4688 to be known as the High Dam and Lock 6 Project located on the Oswego River and Canal in Oswego County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Long Lake Energy Corporation, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The proposed project would consist of existing project works including: (1) High Dam, owned

by the New York State Department of Transportation, a concrete gravity structure 500 feet long and 32 feet high; (2) Lock No. 6; (3) a reservoir with a surface area of 206 acres and 1250 acre-feet of storage at a surface elevation of 289 feet m.s.l.; and new project works to include (4) crest gates and an intake structure at the eastern end of the dam; (5) a submersible powerhouse located immediately below the new crest gates and having an installed capacity of 6,325 kW; (6) a tailrace; (7) electrical facilities; and (8) other appurtenances. The Niagara Mohawk Power Corporation currently operates for the State of New York a hydroelectric project on the west bank of the river, and the Applicant proposes to develop the presently undeveloped energy potential of the site. Applicant estimates annual generation would be 9,250,000 kWh. Project energy would be marketed to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three 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 that the cost of the studies under permit would be $110,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 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 October 30, 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. 81-25661 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4706-000]

Northern States Power Co.; Application for Major License

August 28, 1981.

Take notice that Northern States Power Company (Applicant) filed on May 21, 1981, an application for license (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for continued operation of the Hatfield Hydroelectric Project No. 4706. The project is located on the Black River in Jackson and Clark Counties, Wisconsin. Correspondence with the Applicant should directed to: Mr. E. M. Theisen, President, Northern States Power Company, 100 North Barstow Street, Eau Claire, Wisconsin 54701, and Mr. William J. Madden, Jr., Esq., Debevoise and Liberman, 1200 17th Street, N.W., Washington, D.C. 20036.

Project Description—The existing project utilizes the existing Hatfield Dam and Lake Arbutus. The project consists of: (1) A 3100-foot long and maximum 40-foot high dam composed of three earth dike sections; (2) a reservoir having a full water level elevation of 885.0 feet-NGVD with a maximum surface area of approximately 945 acres and a gross storage capacity of 10,800 acre-feet; (3) a 12,615-foot long power canal; (4) three steel penstocks with associated penstock headworks; (5) a powerhouse containing two generating units with a total rated capacity of 6000 kW; and (6) appurtenant facilities. The applicant estimates that the average energy output is 19,152 MWh.

Purpose of Project—Energy produced at Project No. 4706 is used by the Applicant for sale to its wholesale and retail customers.

Competing Application—Anyone desiring to file a competing application must submit to the Commission, on or before October 28, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than March 30, 1982. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (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 of 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, protests, or petitions to intervene must be filed on or before October 28, 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. 81-25665 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4254-001]

Paul T. Phillips II; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

August 28, 1981.

Take notice that Paul T. Phillips II (Applicant) filed with the Federal Energy Regulatory Commission on July 27, 1981, an application for exemption for the Exeter River Hydro No. 1 Project No. 4254 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 Subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Exeter River in the Town of Brentwood, Rockingham County, New Hampshire.

Correspondence with the Applicant should be directed to: Mr. Paul T. Phillips II, Main Street, Fremont, New Hampshire 03044.

Project Description—The proposed run-of-the-river project would consist of existing project works including: (1) A 100-foot long and 15-foot high concrete dam; (2) a reservoir with a gross storage capacity of approximately 200 acre-feet at a normal water surface elevation of 140 feet msl; (3) a steel penstock 6 feet in diameter and 17 feet long, 15 feet of which would be newly installed; (4) a new trash rack and head gate; (5) a new 13 by 17-foot powerhouse containing two 36-kW turbine-generator units operating under a head of 11 feet; (6) a new 4.8-kV, 75-foot long transmission line and (7) appurtenant facilities. Applicant estimates that the average energy output would be 280,000 kWh.

Purpose of Project—Project energy would be sold to the Public Service Company of New Hampshire for distribution to customers in its service area.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the New Hampshire Fish and Game Department are requested, for the purposes set forth in Section 408 of the act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If any agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before October 10, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of 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 October 10, 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. 81-25906 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[1] Pub. L. 96-294, 94 Stat. 611. Section 408 of the ESA amends *inter alia*, Sections 405 and 406 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2706).

[Project No. 5131-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

August 28, 1981.

Take notice that Rust Hydro Generation Co. (Applicant) filed on July 27, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5131 to be known as the French Creek Power Project located on French 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. Terrance A. Rust, 2315 N. Bechelli Lane, Redding, California 96002.

Project Description—The proposed project would consist of: (1) A 5–foot high, 75–foot long concrete diversion structure; (2) a 1,760–foot long, 24–inch diameter penstock; (3) a powerhouse to contain a single generating unit with a total rated capacity of 1,400 kW and associated electrical switching gear. The average annual energy output is 12.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, environmental and economic feasibility studies as well as prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 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 that 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 October 30, 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. 81-25667 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5138-000]

Rust Hydro Generation Co.; Application for Preliminary Permit

August 28, 1981.

Take notice that Rust Hydro Generation Co. (Applicant) filed on July 27, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5138 to be known as the Boulder Creek Hydroelectric Project located on Boulder 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. Terrance A. Rust, 2315 N. Bechelli Lane, Redding, California 96002.

Project Description—The proposed project would consist of: (1) A 5-foot high, 50-foot long concrete diversion structure; (2) a 4,800-foot long, 24-inch diameter penstock; (3) a powerhouse to contain a single generating unit with a total rated capacity of 900 kW and associated electrical switching gear. The average annual energy output is 7.8 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, environmental and economic feasibility studies as well as prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $45,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before October 30, 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 receive on or before October 30 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. 81-25668 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4716-000; Project No. 4814-000]

Weber Basin Water Conservancy District, Utah Municipal Power Agency; Application for Preliminary Permit

August 28, 1981.

Take notice that Weber Basin Water Conservancy District (WB) and Utah Municipal Power Agency (UM) (Applicants) filed on May 22, 1981 and June 8, 1981, respectively, competing applications for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project Nos. 4716 (WB) and 4814 (UM) to be known as the Causey Hydro Project located on the South Fork of the Ogden River in Weber County, Utah. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Keith Jensen, Manager, Weber Basin Water Conservancy District, 2837 East Highway 193, Layton, Utah 84041 (WB) and Mr. Grant Whitehead, Chairman, Utah Municipal Power Agency, P.O. Box 418, Payson, Utah 84651 (UM).

Project Description—The proposed project would utilize the existing Bureau of Reclamation's Causey Dam and Reservoir, operated and maintained by the Weber Basin Water Conservancy District, and would consist of: (1) A penstock utilizing the existing outlet

works in the left dam abutment; (2) a powerhouse containing generating units having a total rated capacity of 900 kW (WB) or 2,500 kW (UM); (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicants estimate that the average annual energy output would be 3,260,250 kWh (WB) or 5,000,000 kWh (UM).

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicants seek issuance of a preliminary permit for a period of two years (WB) or three years (UM), during which time each would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicants would prepare an application for an FERC license. Applicants estimate the cost of the studies under the permit would be $50,000 (WB) or $40,000 (UM).

Competing Applications—These applications were filed as competing applications to Utah Hydro Corporation's application for Project No. 3544 filed on October 8, 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 applications. Copies of the applications may be obtained by agencies only directly from the Applicants. 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 October 9, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Numbers of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, 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 Applicants specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-25609 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Cases Filed; Week of August 7 Through August 14, 1981

During the week of August 7 through August 14, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: August 26, 1981.

Richard W. Dugan,

Acting Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of Aug. 7 through Aug. 14, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 7, 1981	Bergen County Utilities Authority, Little Ferry, N.J.	BEE-1681	Exception to the Entitlements Program. If granted: Bergen County Utilities Authority would receive an exception from the provisions of 10 CFR 211.67, regarding the firm's entitlements sales obligations.
Aug. 7, 1981	Young Refining Corp., Washington, D.C.	BYX-0225	Supplemental Order. If granted: The DOE would review the entitlements exception relief granted to Young Refining Corp. during its fiscal year ended March 31, 1978, to determine whether the level of relief accorded the firm was appropriate.
Aug. 10, 1981	Ashland Oil, Inc., Pittsburgh, Pa.	BED and BEH-1676	Motion for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with Ashland Oil, Inc.'s Application for Exception (Case No. BEE-1676).
Aug. 10, 1981	Ashland Oil, Inc., Pittsburgh, Pa.	BED and BEH-0170	Motion for Discovery and Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with Ashland Oil, Inc.'s Appeal (Case No. BEA-0710).
Aug. 10, 1981	Nortru, Inc., Southfield, Mich.	BEE-1682	Exception from the Entitlements Program. If granted: Nortru, Inc. would receive an exception from the provisions of 10 CFR 211.67 which would qualify the firm as an eligible petroleum substitute producer.
Aug. 10, 1981	Paul S. Davis, Sepulveda, Calif.	BFA-0715	Appeal of an Information Request Denial. If granted: The August 1, 1981, Information Request Denial issued by the Acting Inspector General, would be rescinded, and Paul K. Davis would receive access to certain DOE information.
Aug. 10, 1981	Southwestern Refining Co., Inc., Washington, D.C.	BEX-0226	Supplemental Order. If granted: The June 2, 1981, Decision and Order (Case No. BEE-1567) would be modified regarding the firm's entitlements purchase obligations.
Aug. 11, 1981	Eldon Spencer, Inc., McLean, Va.	BEG-0060	Petition for Special Redress. If granted: The Office of Hearings and Appeals would review the participation of the Administrative Litigation Division of the Office of General Counsel in the proceedings of Eldon Spencer, Inc.'s objection to a Proposed Remedial Order (Case No. BRO-1273).
Aug. 11, 1981	Fuel Oil Supply Terminaling, Inc., Washington, D.C.	BFA-0720	Appeal of an Information Request Denial. If granted: The July 13, 1981 Information Request Denial issued by the Economic Regulatory Administration would be rescinded and Fuel Oil Supply Terminaling, Inc. would receive access to certain DOE information.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Aug. 7 through Aug. 14, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Aug. 11, 1981	Olokélo Sugar Co., Kaumakaui, Hawaii	BEA-0719	Appeal. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitutes entitlements program effective as of January 28, 1981 would be rescinded, and the application filed by Olokelo Sugar Co. for participation in that program would be approved.
Aug. 11, 1981	Maune Loa Macadamia Nut Corp., Hilo, Hawaii	BEA-0718	Appeal. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitutes entitlements program effective as of January 28, 1981 would be rescinded, and the application filed by Maune Loa Macadamia Nut Corp. for participation in that program would be approved.
Aug. 11, 1981	Hilo Coast Processing Co., Pepeekoo, Hawaii	BEA-0716	Appeal. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitutes entitlements program effective as of January 28, 1981 would be rescinded, and the application filed by Hilo Coast Processing Co. for participation in that program would be approved.
Aug. 11, 1981	Ka'u Sugar Co., Inc., Pahala, Hawaii	BEA-0717	Appeal. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitutes entitlements program effective as of January 28, 1981 would be rescinded, and the application filed by Ka'u Sugar Co., Inc. for participation in that program would be approved.
Aug. 11, 1981	OSC/Pennzoil Co., Houston, Tex	BEF-0072	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the July 9, 1981 Pennzoil Consent Order.
Aug. 11, 1981	OSC/Tenneco Oil Co., Houston, Tex	BEF-0073	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the May 5, 1981 Tenneco Consent Order.
Aug. 11, 1981	Silver Eagle Refining Co., LaBarge, Wyo	BEA-0721	Appeal of an Entitlements Notice. If granted: The January 1980 Entitlements Notice would be modified with respect to Silver Eagle Refining Co.'s entitlement purchase obligations.
Aug. 12, 1981	Adobe Refining Co., Washington, D.C	BEE-1684	Application for Exception. If granted: Adobe Refining Co. would receive an exception from the provisions of 10 CFR 211.69 (the entitlements "clean-up" rule) which would amend entitlements reports prior to October 1980.
Aug. 12, 1981	Alexander & Baldwin, Inc., Honolulu, Hawaii	BEA and BES-0723	Appeal and Application for Stay. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitutes entitlements program effective as of January 28, 1981 would be rescinded, and the application filed by Alexander & Baldwin, Inc. for participation in that program would be approved.
Aug. 12, 1981	Davies Hamakua Sugar Co., Honolulu, Hawaii	BEA-0722	Appeal. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitutes entitlements program effective as of January 28, 1981 would be rescinded, and the application filed by Davies Hamakua Sugar Co. for participation in that program would be approved.
Aug. 12, 1981	Gulf Oil Corp., Washington, D.C	BRZ-0107	Interlocutory Order. If granted: The Office of Hearings and Appeals would rule on specific discovery requests which it discussed in general terms in a prior Decision and Order.
Aug. 12, 1981	Office of Special Counsel, Washington, D.C	BRZ-0108	Interlocutory Order. If granted: The Office of Hearings and Appeals would issue a Decision and Order holding that certain factual findings in a Proposed Remedial Order issued to Atlantic Richfield Co. had been admitted.
Aug. 12, 1981	Phillips Petroleum Co., Bartlesville, Okla	BEE-1683	Exception from the Entitlements Program. If granted: Phillips Petroleum Co. would receive an exception from the provisions of 10 CFR 211.67 which would modify its entitlements purchase obligations.
Aug. 12, 1981	Phillips Petroleum Co., Bartlesville, Okla	BEE-1688	Request for Exception. If granted: Phillips Petroleum Co. would receive an exception from the provisions of 10 CFR 211.67 which would permit the firm to refile its entitlements reports.
Aug. 12, 1981	Waialua Sugar Co., Inc., Waialua, Hawaii	BEA and BES-0724	Appeal and Application for Stay. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitute entitlements program effective as of January 28, 1981 would be rescinded and the application filed by Waialua Sugar Co., Inc. for participation in that program would be approved.
Aug. 12, 1981	The Nestle Co., Inc., White Plains, N.Y	BEA and BES-0726	Appeal and Application for Stay. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitutes entitlements program effective as of January 28, 1981 would be rescinded and the application of The Nestle Co., Inc. for participation in that program would be approved.
Aug. 13, 1981	Amfac, Inc., Honolulu, Hawaii	BEA and BES-0725	Appeal and Application for Stay. If granted: The July 13, 1981 rule amending 10 CFR 211.67 to terminate the petroleum substitutes entitlements program effective as of January 28, 1981 would be rescinded and the application of Amfac, Inc. for participation in that program would be approved.
Aug. 13, 1981	Bracewell & Patterson, Washington, D.C	BFA-0727	Appeal of an Information Request Denial. If granted: The July 13, 1981 Information Request Denial issued by Office of Program Operations, Economic Regulatory Administration would be rescinded and Bracewell and Patterson would receive access to certain DOE information.

[FR Doc. 81-25680 Filed 9-1-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59061; TSH-FRL-1925-8]

Certain Chemicals; Test Marketing Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of applications for exemptions from the premanufacture reporting requirements for test marketing purposes and requests comments on the

appropriateness of granting the exemptions.

DATE: The Agency must either approve or deny these applications by October 10, 1981. Persons should submit written comments on the applications no later than September 17, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M Street, SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For TME No.	Notice manager	Telephone	Room No.
81-30	Mary Cushmac	202-426-0503	E-229
81-31	Rose Allison	202-426-8815	E-222

Chemical Control Division (TX-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirements of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks or injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an oportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before September 17, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M Street, SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59061]". Comments received may be seen in Rm. E-107 between 8 a.m. and 4 p.m., Monday through Friday excluding legal holidays.

TME 81-30

Close of Review Period. October 9, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Carbocyclic diisocyanate.

Use. Claimed confidential business information. Generic use information provided: The manufactuurer states that the TME substance will be used in polyurethane systems (80%) and as a site-limited intermediate (20%).

Production Estimates

	Kilograms per year
1st year	10,000

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Acute oral LD_{50}—>5 g/kg.
Acute dermal LD_{50}—>2 g/kg.
Primary skin irritation (at 10 times the standard quantity)—Moderate (maximum daily mean score of 3.9 out of 8).
Primary eye irritation:
Mild without washout (maximum daily mean score of 18 our of 110).
Mild with washout (maximum daily mean score of 15 out of 110).
Ames Salmonella Test—Non-mutagenic.

Exposure. The submitter states that 2-4 employees may have intermittent dermal and inhalation exposure 8 hr/day, 10 days/yr at 10-20 typical polyurethane production sites (not controlled by the submitter). The chemical will be manufactured in an essentially closed system with little personnel exposure. Although its vapor pressure is quite low, points of possible exposure will be controlled by exhaust systems and where necessary carbon filters used to purify any contaminated air. Protective clothing and respirators will be used as required. *Environmental Release/Disposal.* Claimed confidential business information.

TME 81-31

Close of Review Period. October 9, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:
Manufacturing site—Middle Atlantic region.
Standard Industrial Classification Code—285e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of an

alkenoic acid, alkyl alkenoate and a substituted alkyl alkenoate.

Use. Claimed confidential business information. Generic use information provided: The submitter states that the substance will have an open use that will release more than 50 but less than 5,000 kg per year into the environment. Exposure during manufacture will involve potential skin and eye contact for chemical industry employees with a frequency of once a week or less. Exposure during processing will involve potential skin, eye and inhalation contact for non-chemical industry employees frequently during working hours. Its use will involve no potential for direct contact for consumers (as a formulated mixture). Consumer use will involve an infrequent potential for skin contact with an article containing the new substance in a used solid state.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	0	35,000

Physical/Chemical Properties

Solids @ 105° F—68.8%.

Solids @ 150° F—67.8%.

Viscosity—8.12 stokes.

Color—3.

Density—8.282 lbs/gal.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that a maximum of 17 workers may have skin and eye exposure 6 hr/day, 4 days/yr (total sites) during extraction and testing of samples for quality control or during filling of shipping containers, and in processing, a maximum of 40 workers may have skin and eye exposure 6 hr/day, 10 days/yr during filling of the thinning tank, filling of shipping containers and during cleaning of filtration equipment.

Environmental Release/Disposal. Trace amounts of the solvents and entering ingredients may be released through the scrubber system. Solvent used to cleanse the equipment is reclaimed by distillation. Sludge is incinerated.

Dated: August 27, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-25551 Filed 9-1-81; 8:45 am]

BILLING CODE 6560-31-M

[OPP-C30202; PH-FRL-1925-1]

Diversey Wyandotte Corp.; Receipt of Application To Conditionally Register a Pesticide Product Containing a New Active Ingredient

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to conditionally register the pesticide product Low Foam Iodine Sanitizer containing the active ingredients, 2-propanol-triiodide complex and phosphoric acid.

FOR FURTHER INFORMATION CONTACT: Arturo Castillo, Product Manager (PM) 32, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 303, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7172).

SUPPLEMENTARY INFORMATION: This notice announces that Diversey Wyandotte Corp., 1532 Biddle Ave., Wyanodotte, MI 48192 has submitted an application to conditionally register a pesticide product containing new active ingredients. The application proposes that Low Foam Iodine Sanitizer containing 24.57 percent of the active ingredient, 2-proponal-triiodide complex and 15.75 percent of phosphoric acid be registered for general use as a disinfectant. The product has been assigned EPA File Symbol 875-OA.

This application is made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, (92 Stat. 819; 7 U.S.C. 136), and the regulations thereunder (40 CFR 162.6). Notice of receipt of an application does not indicate a decision by the agency on the application.

Notice of approval or denial of this application to conditionally register the pesticide product will be announced in the **Federal Register.** Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the test data and other scientific information deemed relevant to the registration decision may be made available after approval, under provisions of the Freedom of Information Act. The procedure for requesting such data will be given in the **Federal Register** if an application is approved.

Interested persons are invited to submit written comments on this application. Comments may be submitted and inquiries directed to the product manager. The comments must be received on or before October 2, 1981, and should bear a notation indicating the document control number "[OPP-C30202]" and the file symbol. Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. The label furnished by the applicant, as well as all written comments filed pursuant to this notice, will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

Dated: August 20, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-25550 Filed 9-1-81; 8:45 am]

BILLING CODE 6560-32-M

[OPP-50550; PH-FRL-1926-5]

Extension of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each experimental use permit at the address below: Registration Divison (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

36638-EUP-2. Albany International, 110 A St., Needham Heights, MA 02194. This experimental use permit allows the use of 14.3 pounds of the pheromone cis-7,8-epoxy-2-methyloctadecane in forests to evaluate control of the gypsy moth. A total of 40 acres are involved. The program is authorized only in the State of Massachusetts. The experimental use permit is effective from June 7, 1981 to June 7, 1983. This permit is being issued with the limitation that none of the treated material will enter the food chain. (Franklin Gee, PM 17, Rm. 401, CM#2, (703-557-7028))

279-EUP-69. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use

of 713 pounds of the insecticide permethrin on lettuce, soybeans, and tomatoes to evaluate control of various insects. A total of 1,410 acres are involved. The program is authorized in the States of Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, New Jersey, Nebraska, New Mexico, North Carolina, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. The experimental use permit is effective from July 15, 1981 to July 15, 1982. This permit is being issued with the limitation that all treated crops will be destroyed or used for research purposes only. (Franklin Gee, PM 17, Rm. 401, CM#2, (703–557–7028))

279–EUP–77. FMC Corporation, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 4373.35 pounds of the insecticide permethrin on almonds, apples, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, chrysanthemums, cucumbers, dry beans, eggplant, grain sorghum, grapes, green peas, mushrooms, peaches, peanuts, pears, peppers, potatoes, small grains, squash, succulent beans, sugarbeets, sugarcane, sunflowers, sweet corn, and tobacco (burley, flue-cured) to evaluate control of various insects. A total of 3,172 acres are involved. The program is authorized in the States of Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Montana, Michigan, Minnesota, Missouri, Maryland, New York, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and Washington. The experimental use permit is effective from July 15, 1981 to July 15, 1982. This permit is being issued with the limitation that all treated crops will be destroyed or used for research purposes only. (Franklin Gee, PM 17, Rm. 401, CM#2, (703–557–7028))

8730–EUP–6. Hercon Products Group, 1107 Broadway, New York, NY 10010. This experimental use permit allows the use of the remaining supply of 100 pounds of the insecticide gossyplure on cotton to evaluate control of pink bollworm. A total of 3,730 acres are involved. The program is authorized only in the State of Arizona and California. The experimental use permit is effective from May 15, 1981 to May 15, 1982. An exemption from the requirement of a tolerance for residues of the active ingredient in or on cottonseed has been established (40 CFR 180.1043). (Franklin Gee, PM 17, Rm. 401, CM#2, (703–557–7028))

1023–EUP–35. The Upjohn Co., Kalamazoo, MI 49001. This experimental use permit allows the use of 2,307 pounds of the insecticide amitraz on citrus to evaluate control of various citrus pests. A total of 1,200 acres are involved. The program is authorized only in the States of Arizona, California, Florida, and Texas. The experimental use permit is effective from June 29, 1981 to June 29, 1982. Temporary tolerances for residues of the active ingredient in or on grapefruits, lemons, oranges, tangerines, meat, fat and meat byproducts of cattle, goats, hogs, horses, and sheep, and milk have been established. A food additive regulation for residues of the active ingredient in or on dried citrus pulp has been established. (Jay S. Ellenberger, PM 12, Rm. 400, CM#2, (703–557–7024))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: August 21, 1981.

Herbert Harrison,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-25556 Filed 9-1-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-59060; TSH-FRL-1925-4]

Polyester-Co-Polyether; Test Marketing Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny these applications by October 3, 1981. Persons should submit written comments on the applications no later than September 17, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street, SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT: Rachel Diamond, Chemical Control Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–222, 401 M Street, SW., Washington, DC 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558–Initial) and July 29, 1980 (45 FR 50544–Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b) (2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks or injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to

exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before September 17, 1981, submit to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E-401, 401 M Street, SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59060]". Comments received may be seen in Rm. E-107 between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

TME 81-29

Close of Review Period. October 3, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—$450,000,000

Manufacturing site—South Atlantic region

Standard Industrial Classification Code—282

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester-co-polyether.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the TME substance will be used in textile fibers.

Production Estimates

	Pounds per year
Test Marketing	8,800

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. The manufacturer states that independent tests by outside laboratories have shown the material to be non-irritating to the skin. Fibers from the elastic co-polymer were subjected to repeated insult patch tests on 58 human subjects by Hill Top Research, Inc. of Miamiville, Ohio and found to be non-toxic in terms of contact sensitization and primary skin irritation.

Exposure. The submitter states that the polymer will be manufactured in a closed system, exposing one person to the new polymer approximately 2 hrs. per day each day of manufacture. At a maximum, one person will be exposed to the new polymer for 10 hours each week during the test marketing period.

Environmental Release/Disposal. The manufacturer states that by-product waste will either be recycled or discarded through a solid-waste disposal system.

Dated: August 25, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-25549 Filed 9-1-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51305; TSH-FRL-1926-4]

Certain Chemicals; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of four PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-387, 81-388 & 81-392—October 11, 1981. PMN 81-391—October 12, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51305]" and the specific PMN's number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-387	Carrie Berlin	202-426-8815	E-222
81-388	Robert Jones	202-426-0503	E-229
81-391	Rose Allison	202-426-8815	E-222
81-392	Carrie Berlin	202-426-8815	E-222

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-387

Close of Review Period. November 11, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million.

Manufacturing site—Mid-Atlantic region.

Standard Industrial Classification Code—282.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of alkyl methacrylates and N-substituted methacrylamide.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that

the PMN substance will be used in a contained use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, pale amber liquid.
Viscosity (100°C)—550 cSt.
Specific gravity—0.896.
Molecular weight—100,000 min.
Solubility in water—Non-soluble.

Toxicity Data

Oral LD_{50}—> 5 g/kg.
Dermal LD_{50}—> 5 g/kg.
Skin irritation—Moderate.
Eye irritation—Moderate.

Environmental Test Data

Aquatic LC_{50} 96 hr (Rainbow trout and Bluegill)—> 1,000 ppm.

Exposure. The manufacturer states that the only potential exposure to the new chemical product will be eye or skin contact during drumming, loading, sampling, analytical, disposal and equipment cleaning operations.

Environmental Release/Disposal. The manufacturer states that because of the low vapor pressure of the raw materials and the essential non-volatility of the substance, no atmospheric release during manufacture is expected. Solid waste produced during filtration operations will be disposed of in an approved landfill.

PMN 81-388

Close of Review Period. November 10, 1981.

Manufacturer's Identity. American Cyanamid Company, 1937 W. Main Street, Stamford, CT 06904.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyether urethane prepolymer.

Use. The manufacturer states that the PMN substance will be used in a molding of industrial rubber items.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Viscous pale yellow-colored liquid, practically odorless.
Solubility in water—Reacts.
Vapor pressure—Very low.
Isocyanate value—5.0%.
Free toluene diisocyanate—Below 0.5%.
Evaporation rate—Very low.
Melting point—<75°F, <25°C.
Specific gravity—1.05.

Toxicity Data

Acute oral LD_{50} (rats)—>5 g/kg.
Acute dermal LD_{50} (rabbits)—>2 g/kg.
Primary skin irritation (rabbits)—0.46 minimal irritation.
Primary eye irritation (rabbits)—Minimal without washout.[1] Minimal with washout.[2]

Exposure. The manufacturer states that a combined total of 40 workers during manufacture and processing will have inhalation, dermal and ingestion exposure for 7 hrs/day, 30 days/yr from drumming, collection, maintenance and operation procedures.

Environmental Release/Disposal. The manufacturer states that there will be a minimal release to water during manufacture and processing. Disposal of samples will be made by collection in steel drums and land filling in an approved site.

PMN 81-391

Close of Review Period. November 11, 1981.

Manufacturer's Identity. E. I. duPont de Nemours and Company, Inc., 1007 Market Street, Wilmington, DE 19898.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic polymer.

Use. The manufacturer states that the PMN substance will be used as a preparation for textile fibers.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that 258 workers may experience dermal and inhalation exposure at a range of 0-10 mg/m³ 160 days/yr.

Environmental Release/Disposal. The manufacturer states that the plant wastes involving the subject polymer will comprise three elements which will be disposed of using standard industrial practice. The largest portion, 2.5% of the total polymer produced, is nonsalable fibers which will be committed to landfill. A small amount of waste polymer (0.15%) will be disposed of in the same manner. In addition there are small amounts of spinning solution wastes (0.2% of total polymer) which will be incinerated on the plant site.

PMN 81-392

Close of Review Period. November 10, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Trialkoxysilyl alkyl acrylamine.

Use. The manufacturer states that the PMN substance will be used as an additive in industrial coatings, additive miscellaneous packaging and molding applications.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, yellow liquid.
Specific gravity—>0.9.
Flash point, °F—255.
Viscosity, 25°C, Cstks—28.
Octanol/Water Partition.
Coefficient Calculated Log P—7.7+3.0
Experimental, Log P (range)—2.9+9.0
Hydrolysis rate:
Aqueous acetone, 96 hrs.—Nil.
Water, 64 hrs.—Nil.

Toxicity Data

Peroral intubation (rat)—16.0 ml/kg, killed 0 of 5
Percutaneous, LD_{50} (rabbit)—11.3 ml/g
Inhalation (rat) (substantially saturated vapor)—6 hrs, killed 0 of 6.
Uncovered skin irritation—None.
Eye irritation (rabbit)—None.
Ames Mutagenicity Salmonella Assay—Negative.

Environmental Test Data

Fish LC (Fathead minnows)—>1,000 mg/l.
BOD, 20 day, % of COD—<10.

Exposure. The manufacturer states that opportunities for significant worker exposure to the PMN substance during manufacture and drumming are limited by the low volatility of the substance, its manufacture in enclosed equipment and the provision of adequate ventilation in the work space.

Environmental Release/Disposal. The manufacturer states that environmental release of the PMN substance during manufacture, processing and industrial usage is not expected to occur.

Dated: August 26, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-25555 Filed 9-1-81; 8:45 am]
BILLING CODE 6560-31-M

[1] A volume of 0.1 ml of the test material was added to the eye. After instillation, the material was not rinsed out of the eye.

[2] A volume of 0.1 ml of the test material was added to the eye. Twenty seconds after instillation, the material was rinsed out of the eye.

[OPTS-51307; TSH-FRL-1926-3]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-315—October 15, 1981. PMN 81-393—October 13, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51307]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-315	Wendy Cleland-Hamnett.	202-426-0503	E-229.
81-393	Rose Allison	202-426-8815	E-222.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-315

Close of Review Period. September 24, 1981.

Manufacturer's Identity. Olin Corporation, P.O. Box 30-275, 275 South Winchester Avenue, New Haven, CT 06511.

Specific Chemical Identity. Propoxylated hydrazines.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as additives for functional fluids.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Guinea pig sensitization:
20-mole adduct—Non-sensitizing.
6-mole adduct—Non-sensitizing.
Acute dermal toxicity LD_{50} (rabbits):
20-mole adduct—>2.0 g/kg.
4-mole adduct—>2.0 g/kg.
Acute oral toxicity LD_{50} (rats):
20-mole—>3.5 g/kg.
4-mole—>5.0 g/kg.
Acute inhalation (rats):
20-mole adduct—200 mg/l.
4-mole adduct—200 mg/l.
Acute dermal irritation LD_{50} (rabbits)
20-mole adduct—>2g/kg.
4-mole adduct—>2g/kg.
Eye irritation (rabbit) (Draize):
20-mole adduct—0.1g per eye.
4-mole adduct—0.1g per eye.
Ames mutagenicity (Salmonella typhimurian):
4-mole adduct—0.5-5,000 mg/plate.
6-mole adduct—Non-mutagenic.
12-mole adduct—Non-mutagenic.
20-mole adduct—Non-mutagenic.

Environmental Test Data

Acute Toxicity of Propoxylated Hydrazine LC_{50} 48 hr (water flea):
6-mole adduct—270[a] estimated by moving average, (200-360)[b] 95% confidence internal.
12-mole adduct—>1,000 mg/l.
LC_{50} 96 hr. (rainbow trout):
6-mole adduct—>1,000 mg/l.
12-mole adduct—>1,000 mg/l.
LC_{50} 96 hr. (bluegill):
6-mole adduct—>1,000 mg/l.
12-mole adduct—>1,000 mg/l.

Exposure. The manufacturer states that exposure by any route should be minimal since a closed system is utilized for production.

Environmental Release/Disposal. The manufacturer states that residues remaining from cleaning operations will go to waste water treatment, i.e., bio-oxidation. The largest quantity of wastes in any eight-hour period is expected to be less than 90 lbs.

PMN 81-393

Close of Review Period. November 12, 1981.

Importer's Identity. Claimed confidential business information.
Organization information provided:
Annual sales—Over $500 million.
Manufacturing site—West South Central region.
Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted dithiocarbamic acid salt.

Use. Claimed confidential business information. Generic use information provided: The importer states that the PMN substance will be used in a contained use.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Specific gravity—< 0.9 g/cc.
Appearance—Odorless, free-flowing powder.
Melting point—50-100°C.
Boiling point—>200°C.
Water solubility—Between 10^{-2} 1 g/l.
Moisture content—<5%.
Particle size—10-100 microns.
Purity—>95%.
Reactivity—Reacts with acid.
Combustion products—Oxides of carbon, nitrogen, sulfur.

Toxicity Data

Oral LD_{50} (rat)—>0.5< 5 g/kg.
Dermal LD_{50} (rat)—>20 g/kg.

Exposure. The importer states that 1 worker may experience dermal and inhalation exposure 1 hr/day, 180 days/yr during transfer of the new chemical substance.

Environmental Release/Disposal. The importer states that the potential environmental release would be to the air in the form of dust generated during transfer of the chemical from drums to process equipment. All of the chemical substance used in the process will eventually be disposed of by incineration.

Dated: August 26, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-25554 Filed 9-1-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51310; TSH-FRL-1926-2]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of three PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-398, 81-399, and 81-400—October 19, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51310]" and the specific PMN number should be sent to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M St., SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81–398	Kathleen Ehrensberger.	202–426–8815	E–222
81–399	Rose Allison	202–426–8815	E–222
81–400	Rachel Diamond	202–426–2601	E–222

Mail address of notice managers: Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81–398

Close of Review Period. November 18, 1981.

Manufacturer's Identity. Borden, Inc., 990 Kingsmill Parkway, Columbus, OH 43229.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of vinyl acetate and acrylate esters.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. The manufacturer states that the only expected worker contact will be casual contact with the emulsion. The new substance is intended to replace existing similar materials so no increased worker exposure is anticipated. Reactor operators could be exposed to the new chemical substance during screening and packaging operations or during reactor or tank cleaning operations. Workers could also come in contact with the substance during mixing, packaging or cleaning operations.

Environmental Release/Disposal. The manufacturer states that the new polymer is intended to replace existing similar materials so little, if any, increase in environmental release is anticipated. The release would be through wash water which is estimated at less than 1 percent of the total polymer used. No special pollution control equipment is necessary to handle the polymer.

PMN 81–399

Close of Review Period. November 18, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million.

Manufacturing site—East North Central region.

Standard Industrial Classification Code—285.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of propenoic acid, alkyl propenoates, and glycol monomethacrylate.

Use. The manufacturer states that the PMN substances will be used as an intermediate used in metal coating.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st	5,000	25,000
2d	50,000	500,000
3d	500,000	1,000,000

Physical/Chemical Properties

Neat Polymer

Molecular weight—M_w 9,000 (GPC vs polystyrene).

Acid number—65 mg KOH/g.

Solubility—Aromatics, glycol ethers, ketones esters.

Viscosity—50% solution in 2-butoxyethanol 15 poise.

Aqueous Solution

pH—7.4.

Viscosity—6 poise.

Non-volatiles—50%.

Flash point—125° F.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing, and disposal, a combined total of 8 workers could experience dermal exposure 5 hrs/day, 330 days/yr. Exposure could occur during the fill off and filtration stages of the polymers process, in transferring the new chemical substance from drum to processing tanks and subsequent fill off from these tanks.

Environmental Release/Disposal. The manufacturer states that no material are anticipated being released to the environment. Filter cartridges and filter bags will be loaded in approved drums and removed to an approved landfill.

PMN 81–400

Close of Review Period. November 18, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted carbocycle azo substituted sulfocarbocycle azo substituted carbopolycycle.

Use. The manufacturer states that the PMN substance will be used as a leather and paper dye.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point—>300° C.

pH of 1% solution—9.9.

Octano/Water Partition Coefficient

$$P = \frac{C\ Octano}{C\ Water} = 0.00138$$

Toxicity Data. The manufacturer states that available toxicity information for similar substances does not indicate the reported substance would be a health or environmental hazard.

Exposure. The manufacturer states that during grinding, blending, mixing, and repacking 2 workers could experience dermal and inhalation exposure 8 hrs/day, 3 days/yr.

Environmental Release/Disposal. The manufacturer states that no environmental release is expected. Scrubber waste and clean-up waste are subjected to carbon adsorption and biological treatment by extended aeration prior to discharge.

Dated: August 26, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81–25553 Filed 9–1–81; 8:45 am]

BILLING CODE 6560–31–M

[OPTS–51309; TSH–FRL–1926–1]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section

5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-396 & 81-397, October 16, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51309]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-396	Rose Allison	202-426-8815	E-222.
81-397	George Bagley	202-426-2601	E-210.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-396

Close of Review Period. November 15, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million
Manufacturing site—East South Central region

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Diester of mixed dibasic acids.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business infomation.

Physical/Chemical Properties

Appearance—Yellow-brown liquid
Boiling point—Above 600°F
Specific gravity—0.9225
Vapor pressure—Negligible
Evaporation rate—Negligible
Solubility in water 25°C—Negligible
Percent volatile by weight—Negligible

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that 4 workers will have dermal exposure 16 hrs/day, approximately 40 days/yr. Worker exposure should be limited to sampling and drumming operations with some exposure associated with laboratory analysis during manufacture.

Environmental Release/Disposal. The manufacturer states that all chemical reactions will take place in an enclosed system, and there should be very minimal release to the environment. 10-100 kg/yr may be released to air, land and water 2 hrs/day, 40 days/yr. Individual releases are disposed of by scrubber system or by an on-site water treatment facility with effluent going into a shop underwater treatment facility.

PMN 81-397

Close of Review Period. November 15, 1981.

Manufacturer's Identity. American Hoechst Corporation, Route 202-206 North, Sommerville, NJ 08876.

Specific Chemical Identity. Benzenesulfonic acid, 4-(2-((4-((2-sulfooxyethyl)sulfonyl)2,6-dimethoxyhenyl)azo)acetoacetamido)-2-methyl-5-methoxy-.

Use. The manufacturer states that the PMN substance will be used in a fiber reactive dye.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point—>275°C
Solubility—25% in water @ 20°C

Toxicity Data

Acute oral LD_{50} (rats)—>5.0 g/kg
Primary dermal irritation (rabbits)—Non-irritant
Eye irritation (rabbits)—Non-irritant

Exposure. The manufacturer states that exposure during manufacture will be limited to the drumming of the substance during removal from a drier. Total annual exposure is estimated at less than 30 man-hours at third year production volume. Exposure during use will occur during removal of the product from drums into a dye bath. At total annual third year production levels, exposure will be in the range of 1,000 to 4,000 man-hours.

Environmental Release/Disposal. The manufacturer states that during manufacture there will be no disposal other than residual amounts from equipment cleaning. These residues will be treated at an on-site national pollution discharge elimination system (NPDES) permitted biological treatment plant. Disposal during use will be of the residual dye remaining in the bath after the dying operation.

Dated: August 26, 1981

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-25552 Filed 9-1-81; 8:45 am]

BILLING CODE 6560-31-M

[AMS-FRL-1926-7]

Fuel Economy Retrofit Devices; Fuel Economy Retrofit Device Evaluation for "SYNeRGY"

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of fuel economy retrofit device evaluation.

SUMMARY: This document announces the conclusions of the EPA evaluation of the "SYNeRGY-1" device (fuel additive) under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act.

Background Information

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) requires that:

(b)(1) Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate.

(c) The EPA Administrator shall publish in the Federal Register a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device.

EPA published final regulations establishing procedures for conducting fuel economy retrofit device evaluations on March 23, 1979 [44 FR 17946].

Origin of Request for Evaluation

On September 24, 1980, the EPA received a request from XRG International, Incorporated for evaluation of a fuel additive termed "SYNeRGY-1." This additive is intended to improve fuel economy and exhaust emission levels of two-and four-cycle gasoline-fueled engines.

Availability of Evaluation Report

An evaluation has been made and the results are described completely in a report entitled: "EPA Evaluation of the 'SYNeRGY–1' Fuel Additive Under Section 511 of the Motor Vehicle Information and Cost Savings Act." This entire report is contained in two volumes. The discussions, conclusions, and list of all attachments are listed in EPA–AA–TEB–511–81–16A, which consists of 7 pages. The attachments are contained in EPA–AA–TEB–511–81–16B, which consists of 43 pages. The attachments include correspondence between the Applicant and EPA and all documents submitted in support of the application.

Copies of these reports may be obtained from the National Technical Information Service by using the above report numbers. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Phone: Federal Telecommunication System (FTS) 737–4650, Commercial: 703–487–4650.

Summary of Evaluation

The stated intent of the additive is to improve fuel economy and decrease emissions in gasoline engines.

The applicant did submit test data to support the claims made for "SYNeRGY–1." A portion of the test data did not support the applicant's claims. The remaining test data was not useful without further clarifications. Clarification of the data was requested of the applicant on two occasions; however, no additional information was received.

Previous EPA testing of other similar fuel additives has shown no significant impact on fuel economy or exhaust emission levels. Thus, there is no technical basis for EPA testing of the additive or to support any claims made for "SYNeRGY–1."

Notification to the applicant that the evaluation of "SYNeRGY–1" would be concluded based on available data also failed to produce a response. Eventually, the application for evaluation of "SYNeRGY–1" was superseded by an application for a new fuel additive termed "Gas Aid."

FOR FURTHER INFORMATION CONTACT:
Merrill W. Korth, Emission Control Technology Division, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, 313–668–4299.

Dated: August 26, 1981.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81–25599 Filed 9–1–81; 8:45 am]

BILLING CODE 6560–26–M

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 81–161, Transmittal Nos. 546 and 547]

Hawaiian Telephone Co.; Memorandum Opinion and Order

Adopted: August 14, 1981.

Released: August 26, 1981.

In the matter of Hawaiian Telephone Co., CC Docket No. 81–161, Transmittal No. 546, Tariff F.C.C. No. 19, Customer Indirect Network Exchange Access; Hawaiian Telephone Co., Transmittal No. 547, revisions to Tariff F.C.C. No. 11, Foreign Exchange Service. See also (46 FR 18349; 3–24–81.)

1. This order concludes our investigation of Hawaiian Telephone Company's (Hawaiian) proposed Tariff F.C.C. No. 19, Customer Indirect Network Exchange Access (CINEA), and revisions to its existing Tariff F.C.C. No. 11, Foreign Exchange Service (FX). See, *Hawaiian Telephone Company*, 85 FCC 2d 767 (1981). The CINEA tariff and FX revisions, which have been under suspension for five months, would establish for the first time access charges for use of Hawaiian's local exchange network in the provision of open end interstate private line services. Having examined the CINEA tariff and FX revisions in light of the comments submitted by the parties,[1] we find that Hawaiian has failed to show that these tariff proposals are just, reasonable and not unreasonably discriminatory under Sections 201(b) and 202(a) of the Communications Act, 47 U.S.C. 201(b) and 202(a). We, therefore, will not allow Hawaiian's proposed CINEA tariff and FX revisions to become effective.

Background

2. The CINEA tariff and FX revisions are two of three separate access charge proposals which were simultaneously filed by Hawaiian in December, 1980. Hawaiian's other access charge proposal was filed under Transmittal No. 545 as Tariff F.C.C. No. 18, Exchange Network Facilities for Interstate Access (ENFIA). While, as indicated, we suspended and set for investigation the CINEA tariff and FX revisions, we denied the petitions filed against Hawaiian's ENFIA tariff and allowed it to become effective without investigation. Hawaiian's ENFIA tariff sets forth charges applicable to other common carriers (OCCs) who access Hawaiian's local exchange network in order to provide end-to-end MTS/WATS-type services. Unlike the ENFIA tariff, the CINEA tariff would apply to Hawaiian's non-carrier customers, establishing charges for open end use of Hawaiian's local exchange network via indirect access from a customer's interstate or overseas private line (whether or not provided by Hawaiian).[2] Hawaiian's proposed FX revisions would replace the local basic exchange (individual business line, individual business rotary line, and private branch exchange trunk) charge segment of interstate FX service with an access charge for open end use of the local exchange network.[3]

3. The local exchange service provided under Hawaiian's ENFIA tariff for an MTS/WATS-type interconnection includes the following: (1) connection of the carrier's system to the local exchange network via Voice Grade Central Office Connecting Facilities (VGCOCF), (2) central office switching and trunking; and (3) local distribution facilities (non-traffic sensitive or jointly used subscriber plant). This last component consists of telephone terminal equipment, station connections, subscriber lines, circuit equipment and the subscriber side of the central office switch. Each is offered as a separate rate element. With respect to the VGCOCF rate element, the regulations, rates, and charges are the same as those

[1] Hawaiian has submitted a direct case, to which responsive comments were filed by the Ad Hoc Telecommunications Users Committee (Ad Hoc); Southern Pacific Communications Company (SPCC); United States Transmission Systems, Inc. (USTS), and the General Services Administration (GSA) and Defense Communications Agency of the Department of Defense (DOD) on behalf of the Federal Executive Agencies (FEA). Hawaiian has also filed a reply to these comments.

[2] The term indirect access, as used by Hawaiian in describing its CINEA service, denotes the manner by which a message reaches the local exchange over a customer's interstate private line. In brief, once the message passes through Hawaiian's central office to a customer's switch over a dedicated loop, it is routed back to the central office over the customer's local business line for delivery in the local exchange.

[3] Hawaiian's FX tariff proposal stems, in part, from the Commission's decision in *Hawaiian Telephone Company*, 78 F.C.C. 2d 1062 (1980). There it ordered Hawaiian to interconnect and provide local exchange service to DOD by allowing extensions of 19 private line interstate communications circuits, provided to DOD by Western Union International, Inc., and American Satellite Company, from the Navy Technical Control Center in Wahiawa, Hawaii, to Hawaiian's central office in Honolulu. DOD's purpose in seeking interconnection was to allow the GSA to use the excess capacity of its private lines for Federal Telecommunications System (FTS) service.

contained in Hawaiian's Tariff No. 4. The charges for the second and third elements (use of the local exchange switching and trunking facilities and jointly used subscriber plant) consist of flat monthly rates for each ENFIA connection.

4. Under Hawaiian's proposed CINEA and FX tariffs, the local exchange service provided for private line customers includes the same type facilities offered under the second and third rate elements of Hawaiian's ENFIA tariff, that is, the central office switching and trunking facilities and jointly used subscriber plant. However, under the CINEA and FX tariffs, the charge for these facilities would be expressed as a single rate element consisting of a flat monthly charge for access by each interstate private line channel. Hawaiian would provide the facilities connecting the CINEA customer's premises to the local exchange network under its local tariff offerings.

5. The ENFIA, CINEA, and FX rates covering the use of the local exchange switching and trunking facilities and jointly used subscriber plant were all developed using the same ratemaking methodology (See, paragraphs 6 through 9 below). Also, the underlying costs associated with these local exchange facilities were taken from Hawaiian's 1978 separations study for company operations adjusted to comport with the Separations Manual, 47 CFR Part 67. Hawaiian's support material shows identical unit costs for each of these tariff offerings. Nevertheless, the ENFIA, CINEA, and FX rates vary as a result of applying different average minutes of use projections to the unit costs for jointly used subscriber plant. The ENFIA monthly rate of $208.43 (exclusive of the charge for the VGCOCF) reflects a projected 3000 minutes of use per ENFIA connection. The CINEA monthly rate of $123.00 reflects a projected 1744 minutes of use per CINEA connection, as derived from a special study conducted by Hawaiian on local business trunk usage. Lastly, the FX monthly rate of $167.60 reflects a projected 2400 minutes of use per FX connection, as derived from an AT&T mainland study of FX usage of local exchange networks.[4]

6. The ratemaking methodology employed by Hawaiian to develop its ENFIA, CINEA, and FX rates is the same ratemaking methodology used by the Bell System Operating Companies (BSOCs) in establishing charges for local exchange interconnection facilities provided by the BSOCs to OCCs in their provision of end-to-end interstate MTS/WATS-type services. See, BOSC F.C.C. Tariff No. 8, Exchange Network Facilities for Interstate Access (ENFIA). This ENFIA tariff grew out of extensive negotiations under Commission aegis which resulted in an agreement between several OCCs and the American Telephone & Telegraph Company (AT&T) on the terms, conditions, and interim rate levels by which the BSOCs would be compensated for MTS/WATS-type interconnections within their local exchange networks.[5] The Commission accepted the ENFIA agreement and allowed this ENFIA tariff to become effective in *Exchange Network Facilities for Interstate Access*, 71 F.C.C. 2d 440 (1979).

7. As explained in our order instituting this investigation, the ENFIA ratemaking methodology seeks to compensate local telephone companies for originating and terminating OCC switched message services on the same basis as they would be compensated for originating and terminating AT&T Long Lines' switched messages services, Message Telecommunications Service (MTS) and Wide Area Telecommunications Service (WATS). However, the procedures by which OCCs and AT&T Long Lines compensate local telephone companies differ. On the one hand, the OCCs pay charges specified in the ENFIA tariff; AT&T Long Lines, by contrast, compensates the BSOCs through a process called "division of revenues" and independent telephone companies through a process called "settlements". The divisions/settlements process was designed to operate as a single system producing consistent earnings on interstate operations for Bell and non-Bell telephone companies. Thus, in each case, a telephone company that originates or terminates interstate calls receives compensation from an interstate revenue pool based upon that company's exchange and interexchange expenses and investment apportioned to the interstate operation. In turn, the procedures for determining the interstate expenses and investment are governed by the Separations Manual.

8. Under current separations procedures, non-traffic sensitive exchange plant costs associated with MTS and WATS are allocated to the interstate jurisdiction by use of the Subscriber Plant Factor.[6] SPF has the effect of assigning to the interstate jurisdiction approximately 3.3 times the actual number of interstate message minutes of use. Since these weighted minutes of use are used to allocate costs to the interstate jurisdiction, the compensation received by local telephone companies from the divisions/settlement process for use of exchange plant by interstate MTS and WATS is substantially greater than if calculated on a strict relative use basis. Open end interstate private line services, such a foreign exchange (FX) service and common control switching arrangements (CCSA) with off-network access lines (ONALS), are treated differently under current separations procedures. Exchange minutes for these services are counted as local minutes of use, rather than interstate message minutes subject to the application of SPF. As such, costs associated with open end interstate private line services are assigned to the intrastate jurisdiction as part of the costs remaining after interstate (or SPF related) jurisdictional costs are developed. These residual costs are recovered by local telephone companies under their state tariffs. Finally, under current separations procedures, exchange plant costs associated with dedicated private line services are based on the average cost of working loops used to provide the service and are directly assigned to either the interstate or intrastate jurisdiction depending upon the classification of the line as interstate or intrastate.

9. As stated, the ENFIA agreement was accepted by the Commission as an interim negotiated solution to a controversy concerning the level of compensation local telephone companies are to receive for access to their exchange networks by OCC interstate switched message services. Significantly, though, the scope of this agreement did not extend to matters concerning compensation for use of local exchange facilities by interstate private line services. Also, the ENFIA agreement reflects the fact that OCCs are not subject to the separations process and do not participate in the division/settlements process. The ENIFA ratemaking methodology relies

[4] Some per minute rate differences are apparently due to rounding in Hawaiian's cost calculations.

[5] GTE Service Corporation, an entity owned and controlled by the holding corporation which controls all the GTE domestic local telephone companies, including Hawaiian, was a signatory to the ENFIA agreement.

[6] The Subscriber Plant Factor (SPF) is defined in paragraph 23.44 of the Separations Manual and can be expressed in formula form as SPF = .85 SLU + 2 SLU × CSR. The subscriber line usage (SLU) equal the ratio of interstate holding time minutes to total holding time minutes and the composite station ratio (CSR) is a ratio reflecting the difference between the study area interstate traffic characteristics and the industry wide interstate traffic characteristics. Due to the instability of the CSR from year to year, AT&T has used a value of about 1.2 for the nationwide average CSR since 1971. Under the formula, then, with the CSR equal to 1.2, SPF equals 3.25 SLU.

on the Separations Manual in seeking to compensate local telephone companies for originating and terminating MTS/WATS-type services on the same basis as they would be compensated for AT&T message services, except rates covering OCC use of jointly used subscriber plant are based on a fixed percentage of SPF derived costs applied to an assumed average number of minutes of use per month per line.[7] Although the Commission left undecided in *ENFIA*, whether the ENFIA rates were cost based, it accepted the agreement as a reasonable means of avoiding complex and protracted litigation over methodologies, rate levels, and rate components. The Commission observed at that time that it would prescribe compensation should the agreement not continue beyond it initial three-year term.[8]

10. The Commission subsequently recognized, in the *MTS and WATS Market Structure* proceeding,[9] that the separations process and disparities in the methods by which local telephone companies are compensated for originating or terminating all interstate services (both message and private line) may result in unjust discrimination among competing carriers and, also, indirectly result in different end user rates which violates Section 202(a) of the Act. Thus, in recognition of the need to develop reasonable exchange access charges for all interstate services, the Commission proposed a tentative plan for uniform nationwide access charges and an exchange revenue pool.[10]

11. Since Hawaiian's ENFIA tariff sought compensation for access to its local exchange network by OCC interstate switched message services based on the ENFIA agreement and adhered to the ENFIA agreement in all material respects, we allowed it to become effective. On the other hand, we perceived that the CINEA and FX tariff proposals, which sought to compensate Hawaiian for use of the exchange by interstate private line customers, went beyond the scope of the negotiated ENFIA agreement. As such, without precluding the possible use of the ENFIA ratemaking methodology by Hawaiian, we ordered the present investigation into the lawfulness of its CINEA and FX tariff proposals on the following issues:

1. Whether Hawaiian's use of the NEFIA methodology establishes CINEA and FX rates which would yield revenues in excess of the company's jurisdictional revenue requirements as determined by the separations process.

2. With respect to Hawaiian's local usage studies:

(a) Whether under the CINEA minutes of use study the selection of large toll users as a universe and use of a weighted toll use factor of 50 percent can reasonably reflect local exchange network usage by interstate private line customers;

(b) Whether Hawaiian was justified in using an AT&T mainland minutes of use study in projecting usage for FX customers.

3. Whether Hawaiian's CINEA and FX tariff proposals would impose an unreasonable surcharge on interstate private line customers who wish to access the local exchange.

4. Whether Hawaiian's CINEA and FX tariffs are unlawfully discriminatory in that Hawaiian has proposed establishment of two separate tariffs, charging flat monthly rates based on average usage, where no cost or service differences are shown.

Discussion

12. We turn first to the issue of whether Hawaiian's use of the ENFIA ratemaking methodology would result in CINEA and FX rates which yield revenues in excess of Hawaiian's jurisdictional revenue requirements as determined by the separations process.[11] Our concern here stems from the fact that the amounts recoverable by Hawaiian from the interstate and intrastate jurisdictions for use of its facilities are based upon the aggregate cost assignments to each jurisdiction which are fixed by procedures in the Separations Manual. These procedures can only be modified by a Federal-State Joint Board and the Commission pursuant to Section 410(c) of the Act, 47 U.S.C. 410(c).

13. Under current separations procedures, non-traffic sensitive exchange plant costs associated with message services are allocated to the interstate jurisdiction through the application of SPF. SPF, however, is not used to assign dedicated private line exchange plant costs. Dedicated private line exchange plant costs are assigned directly to the interstate or intrastate jurisdiction depending on the classification of the line. However, exchange costs associated with open end interstate private line services are not. Rather, these latter costs comprise part of the intrastate revenue requirement recovered through state tariffs. In the use of open end interstate private line services, such as FX and CCSA–ONALS, exchange plant costs have been ostensibly recovered by applying local business line (B–1) rates. Since the ENFIA methodology develops rates on the basis of a percentage of SPF-related message exchange plant costs, Hawaiian's use of this ratemaking methodology could result in CINEA and FX private line access charges that yield revenues in excess of interstate revenue requirements as determined through the separations process. As such, we questioned whether rates predicated on this methodology would be just and reasonable. Thus, we called upon Hawaiian to establish that the costs shown are consistent with the overall costs assigned by the separations process.

14. Hawaiian's direct case on this point consist largely of assertions that the CINEA and FX rates would recover costs in accordance with the separations process and would not yield revenues in excess of its revenue requirements. No additional cost support material or analysis has been provided. Instead, Hawaiian argues that it was proper to develop CINEA and FX rates using the same methodology employed to develop its ENFIA rates because interstate customers taking service under its ENFIA or proposed CINEA and FX tariffs would all make similar use of local exchange facilities.[12]

[7] The ENFIA agreement states that only 35 to 55 percent of the SPF related costs are to be recovered by the ENFIA rate. The percentage depends upon the level of combined revenues of all OCCs from MTS/WATS-type services.

[8] The ENFIA agreement expires on February 28, 1982, unless extended by the Commission.

[9] *MTS and WATS Market Structure*, 67 F.C.C. 2d 757 (1978). *Supplemental Notice*, 73 F.C.C. 2d 222 (1979), *Second Supplemental Notice*, 77 F.C.C. 2d 244 (1980) and *Report and Third Supplemental Notice*, 81 F.C.C. 2d 177 (1980).

[10] The proposed plan is designed to be used under any Separations Manual partly in recognition of the urgent need for new access charge arrangments and partly in recognition that revisions to the Separations Manual for that purpose would be a complex and time consuming process. Additionally, the Commission has convened a Federal-State Joint Board, pursuant to Section 410 (c) of the Communications Act, 47 U.S.C. 410 (c), to reexamine the cost apportionment procedures of the Separations Manual in light of comments filed in the *MTS and WATS Market Structure* proceeding. See, *Notice of Proposed Rulemaking and Order Establishing a Joint Board*, 78 F.C.C. 2d 837 (1980).

[11] Since the institution of this investigation, a recommendation by a Federal-State Joint Board to use the Separations Manual for rate and service integration between Hawaii and the mainland United States has been adopted by the Commission. See, *Integration of Rates and Services*, Docket No. 21263, FCC 81–312, released July 8, 1981; also, *Integration of Rates and Services*, W–P–C–649 et al., FCC 81–313, released July 8, 1981.

[12] As explained though, whether switched message services and private line services make similar use of local exchange plant and whether payment for this use should be on an equivalent basis is a matter of continuing controversy and one which the Commission is still in the process of resolving in the *MTS and WATS Market Structure* and other proceedings.

15. Even if we accept Hawaiian's premise, the matter is not resolved. Our concern in the designation order went to the effect the CINEA and FX rates would have on Hawaiian's revenue requirements as determined under current Separations Manual procedures. Our fear was that Hawaiian would exceed its interstate entitlement by earning excess revenues from its interstate operation. Hawaiian's answere in its direct case is simply to assure us without explication, that costs associated with the provision of CINEA and FX service would be specifically excluded from consideration when it develops intrastate revenue requirements for its next state rate case. The fact that Hawaiian must exclude part of its revenue requirement from the state jurisdiction implies that Hawaiian intends to increase its interstate revenue requirement by assigning additional costs to the interstate jurisdiction than are currently assigned under separations.

16. Hawaiian's interpretation of the Separations Manual as to classifying communications services for purposes of jurisdictional cost assignments is also faulty. The assertion here is that open end private line exchange services provided under the CINEA and FX tariffs are "hybrid" services which do not fall squarely within current Separations Manual service category definitions for "message" services and "private line" services. Since costs associated with all services must be assigned for jurisdictional purposes, it is argued that a proper interpretation of the Manual is to regard these "hybird" services as message services and assign associated exchange plant costs to the interstate jurisdiction based upon the factor applicable to such assignment: SPF. As such, Hawaiian urges that the SPF related costs used as a basis for developing Hawaiian's CINEA and FX rates would not be contrary to the Separations Manual nor result in excess revenues from the interstate jurisdiction.

17. We can not agree with this interpretation. The SPF formula was developed as part of the Ozark Plan, a negotiated agreement which revised the procedures for allocating exchange plant costs.[13] The adoption of the Ozark Plan was the last in a series of modifications to the Separations Manual designed to increase the compensation to local telephone companies for interstate use of their exchange facilities. The compromise encompassed by the Ozark Plan was result oriented. It was intended to provide a specific level of support by the interstate jurisdiction for local service. To achieve an agreement on an appropriate overall level of compensation, the Ozard plan embodied a complex series of compromises including the heavy weighting of interstate "message" service usage in apportioning exchange plant costs. SPF shifts to the interstate jurisdiction over three times the local carrier's costs of providing exchange service than would occur on a strictly relative use basis. On the other hand, some minutes associated with interstate services, such as tandem dial, CCSA, FX, EPSCS, PBX tie lines, remote access to commercial WATS channels, and access by Composite Data Service Vendors continued to be counted as local, rather than interstate minutes, thereby offsetting, to some extent the heavy weighting of MTS and WATS minutes.

18. Specifically, switched private line services, such as FX and CCSA, while not mentioned in the Manual, were in existence long before SPF came into use. Indeed, the practice prior to the adoption of the Ozard Plan was to count FX, CCSA, and other private line open end minutes as intrastate and to allocate the exchange plant costs associated with these minutes to the intrastate jurisdiction. This practice continued with the adoption of Ozark and no provision was added by Ozark permitting allocation of these services' exchange costs to the interstate jurisdiction or weighting them using interstate factors. Approval of this continued treatment was implied in the compromise reached under the Ozark Plan; that is, the overall level of compensation to the intrastate jurisdiction for local service agreed to under Ozark results from the continued counting as intrastate of exchange minutes associated with FX, CCSA and other interstate private line services. In a sense, this treatment of open end FX, CCSA, and other private line minutes as intrastate minutes was a quid pro quo for the heavy weighting assigned to exchange minutes associated with other interstate services. For these reasons, we perceive Hawaiian's interpretation of the Separations Manual to permit application of SPF to open end exchange minutes of use as cutting against the intent of the compromise reached by the Ozark Plan. In addition, the result of permitting Hawaiian to implement its proposal would be an increase in the value of SPF used to calculate the assignment of non-traffic sensitive exchange plant costs to Hawaiian's interstate customers and a concomitant increase in the costs for all interstate customers not just those utilizing CINEA and FX service. It follows, therefore, that it is improper for Hawaiian to employ a SPF based methodology to develop rates for CINEA and FX usage of its exchange.

19. We turn now to Hawaiian's showing on the issue of its projections of network usage. To reiterate, with respect to Hawaiian's CINEA minutes of use study, we questioned the reasonableness of using large toll users as a universe in a study projecting private line usage of its local exchange network. Hawaiian responds that the universe selected for its CINEA study reflects an appropriate composite mix which includes, not only large toll users, but all PBX and key system customers. This response, however, is not accompanied by sufficient information or explanatory justification to allow us to test whether this composite universe results in a reasonable projection of usage. Furthermore, the CINEA weighted toll factor of 50 percent, which was used to determine the indirect access portion of the composite usage figure, remains essentially unsupported. Although Hawaiian claims this percentage was based on marketing research revealing an upper potential CINEA usage of 85 percent, it failed to submit the marketing research to support that percentage despite our designation of that study as an issue in this investigation. As for FX customer network usage, Hawaiian still has not shown that the AT&T mainland study on which it relied is representative of its own customers' calling patterns. Accordingly, we must conclude that Hawaiian has failed to meet its burden of proof on this issue as well.[14]

20. We further called upon Hawaiian to show that the CINEA and FX tariff proposals would not impose an unreasonable surcharge on interstate private line customers who wish to access the local exchange. In this regard, we noted some evidence that Hawaiian might recover costs associated with private line use of its local exchange network more than once, expecially in the case of CINEA customers where local business charges

[13] See, *Prescription of Procedures for Separations and Allocating Plant Investment, Operating Expense, Taxes and Reserves between the Intrastate and Interstate Operations of Telephone Companies*, 26 F.C.C. 2d 247 (1970).

[14] We note in passing Ad Hoc's assertion that accurate and realistic estimates of local exchange network usage cannot be realized under any circumstances because Hawaiian has engaged in unlawful value of service ratemaking techniques under a result oriented ENFIA ratemaking methodology. Hawaiian for its part does not address this point. In any case, we need not reach this broader issue, since Hawaiian has not met its burden of showing that the local network usage projections are reasonable.

would still remain applicable. In its direct case, Hawaiian continues to claim that there would be no unreasonable surcharge. It relies in part on the assurance mentioned above that costs associated with CINEA and FX exchange services would be excluded from development of intrastate revenue requirements in its next state rate case. For reasons already explained, however, this statement standing alone provides no substantive basis upon which to make a determination as to whether Hawaiian's CINEA and FX rates would impose an unreasonable surcharge upon interstate private line customers seeking local exchange access. We must therefore conclude that Hawaiian has not sustained its burden on this issue either.

21. The remaining issue concerns possible unlawful discrimination between CINEA and FX users of Hawaiian's local exchange network. In brief, we questioned Hawaiian's choice of classifying CINEA and FX customers under separate tariffs with different rates where Hawaiian had not shown any discernible differences in either costs, means of access, or interconnection services provided these private line customers. We noted that the rate differences resulted solely from the different minutes of use projections made by Hawaiian with respect to each of these services. Furthermore, in light of the fact that Hawaiian had developed flat monthly rates based on average usage for each customer classification, we called upon it to explain why it had not chosen a single average rate applicable to all private line customers or, conversely, why it had not chosen a scheme whereby all private line customers would pay for actual usage on the same basis. Hawaiian responds that there would be no unlawful discrimination among CINEA and FX private line customers because the rates for these customers are based on the same cost per minute for use of the exchange network.[15] As noted however, Hawaiian has failed to justify its usage projections and, therefore, the rates based on their usage projections are not supportable.

22. In sum, we conclude that Hawaiian has not met its burden of proof and, further, that the CINEA tariff and FX tariff revisions are unjust and unreasonable and unlawfully discriminatory under Sections 201(b) and 202(a) of the Act.

23. Accordingly it is ordered, pursuant to authority delegated in § 0.291 of the Commission's Rules, 47 CFR 0.291, That Tariff F.C.C. No. 19, Customer Indirect Nework Exchange Access, submitted under Transmittal No. 546, and the revisions to Tariff F.C.C. No. 11, Foreign Exchange Service, submitted under Transmittal No. 547, will be returned to Hawaiian Telephone Company.

24. It is further ordered, that this proceeding in Docket No. 81-161 is terminated.

25. It is further ordered, that a copy of this Order shall be published in the **Federal Register.**

26. It is further ordered, that this Order is effective upon adoption.

Federal Communications Commission.

Jack D. Smith,

Acting Chief, Common Carrier Bureau.

FR Doc. 81-25508 Filed 9-1-81; 8:45 am]

BILLING CODE 6712-01-M

[15] The tariffed rate for CINEA is computed by multiplying 7 cents per minute by an average usage of 1,744 minutes, while the FX rate is computed by multiplying the same 7 cents per minute by an average usage of 2,400 minutes.

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding availability of information, notice is given that on August 6, 1981, paragraph 1(a) of the Committee's authorization for domestic open market operations was amended to raise from $3 billion to $4½ billion the limit on changes between Committee meetings in System Account holdings of U.S. government and federal agency securities, effective immediately, for the period ending with the close of business on August 18, 1981.

By order of the Federal Open Market Committee, August 26, 1981.

Note.—For paragraph 1(a) of the authorization see 36 FR 22697.

Normand Bernard,

Assistant Secretary.

FR Doc. 81-25533 Filed 9-1-81; 8:45 am]

BILLING CODE 6210-01-M

Federal Open Market Committee; Domestic Policy Directive of July 6-7, 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 July 6-7, 1981.[1]

[1] The Record of Policy Actions of the Committee for the meeting of July 6-7, 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.

The information reviewed at this meeting suggests that real GNP changed little in the second quarter, following the substantial expansion in the first quarter; prices on the average rose less rapidly than in the first quarter. The dollar value of total retail sales was virtually unchanged in May after having declined appreciably in April, and sales of new cars remained weak in June. Industrial production rose slightly on the average in April and May, while nonfarm payroll employment continued to advance, after adjustment for strikes. In June strike-adjusted nonfarm employment declined appreciably; the unemployment rate was 7.3 percent, somewhat lower than in May but unchanged from earlier months of 1981. In May housing starts declined sharply. Over the first six 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 continued to rise through May and early June and then leveled off. In April-May the U.S. foreign trade deficit was somewhat above the first-quarter rate.

M1-B, adjusted for the estimated effects of shifts into NOW accounts, declined substantially in May and June following the sharp expansion in April, and growth in M2 slowed. The level of adjusted M1-B in the second quarter on the average was below the lower end of the Committee's range for growth over the year from the fourth quarter of 1980 to the fourth quarter of 1981; the level of M2 in the second quarter was slightly above the upper end of its range for the year. Since mid-May, on balance, short-term market interest rates have declined somewhat while long-term yields generally have changed little.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation, promote sustained 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 M1-A, M1-B, M2, and M3 from the fourth quarter of 1980 to the fourth quarter of the 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 Committee recognized that the shortfall in M1-B growth in the first half of the year partly reflected a shift in public preferences toward other highly liquid assets and that growth in the broader aggregates

has been running somewhat above the upper ends of the ranges. The Committee reaffirmed its ranges for 1981, but in light of its desire to maintain moderate growth in money over the balance of the year, the Committee expected that growth in M1–B for the year would be near the lower end of its range. At the same time, growth in the broader aggregates may be high in their ranges. The associated range for bank credit was 6 to 9 percent. The Committee also tentatively agreed that for the period from the fourth quarter of 1981 to the fourth quarter of 1982 growth of M1, M2, and M3 within ranges of 2½ to 5½ percent, 6 to 9 percent, and 6½ to 9½ percent would be appropriate. These ranges will be reconsidered as warranted to take account of developing experience with public preferences for NOW and similar accounts as well as changing economic and financial conditions.

In the short run the Committee seeks behavior of reserve aggregates consistent with growth of M1–B from June to September at an annual rate of 7 percent after allowance for the impact of flows into NOW accounts (resulting in growth at an annual rate of about 2 percent from the average in the second quarter to the average in the third quarter), provided that growth of M2 remains around the upper limit of, or moves within, its range for the year. It is recognized that shifts into NOW accounts will continue to distort measured growth in M1–B to an unpredictible 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 15 to 21 percent.

By order of the Federal Open Market Committee, August 26, 1981.

Normand Bernard,

Assistant Secretary.

[FR Doc. 81-25534 Filed 9-1-81; 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 or 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 September 23, 1981.

A. *Federal Reserve Bank of Minneaplis* (Lester G. Gable, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

Northwest Bancorporation, Minneapolis, Minnesota (real estate investment, financial advisor activities; entire United States): To engage through its subsidiary, Banco Mortgage Company, in acting as a real estate investment or financial advisor in accordance with the Board's Regulation Y. These activities would be conducted from offices located in Minneapolis, Minnesota, serving the entire United States, including any commonwealth, territory, or possession of the United States.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, August 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25527 Filed 9-1-81; 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 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, less directors' qualifying shares, of First International Bank Galleria, National Association, Dallas, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than September 25, 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, August 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25530 Filed 9-1-81; 8:45 am]

BILLING CODE 6210-01-M

First Prairie Corp.; Formation of Bank Holding Company

First Prairie Corp, Prairie City, Iowa, 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 per cent or more of the voting shares of The First National Bank of Prairie City, Prairie City, Iowa. 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 September 25, 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, August 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25531 Filed 9-1-81; 8:45 am]

BILLING CODE 6210-01-M

Portis Bancorporation, Inc.; Formation of Bank Holding Company

Portis Bancorporation, Inc., Portis, Kansas, 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 at least 80 per cent of the voting shares of First State Bank, Portis, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 25, 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, August 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25532 Filed 9-1-81; 8:45 am]

BILLING CODE 6210-01-M

Southwest Independent Bancorp., Inc.; Formation of Bank Holding Company

Southwest Independent Bancorp, Inc., Grand Prairie, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 per cent of the voting shares of Grand Prairie State Bank, Grand Prairie, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 25, 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, August 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25529 Filed 9-1-81; 8:45 am]

BILLING CODE 6210-01-M

Western Oklahoma Bancshares, Inc.; Formation of Bank Holding Company

Western Oklahoma Bancshares, Inc., Elk City, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Bank of Western Oklahoma, Elk City, Oklahoma. the factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than September 25, 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, August 26, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-25528 Filed 9-1-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-13]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Georgia Public Service Commission involving electric rates, Docket No. 3270-U.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Georgia Public Service Commission, Docket No. 3270-U.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add the General Services Administration to its service list in this case so that GSA will receive copies of testimony, briefs and other Department of Defense filings.

Dated: August 21, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-25561 Filed 9-1-81; 8:45 am]

BILLING CODE 6820-AM-M

[A-81-1]

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes certain delegations of authority granted to other agencies to represent the consumer interests of the executive agencies of the Federal Government in regulatory proceedings which have been terminated.

2. *Effective Date.* This regulation is effective immediately.

3. *Expiration Date.* This regulation expires August 31, 1981.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

Number	Date	Subject
E-56	Jan. 16, 1979	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
E-60	Feb. 23, 1979	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
E-62	Mar. 22, 1979	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-152	Aug. 24, 1972	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-154	Aug. 24, 1972	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-158	Oct. 19, 1972	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-184	June 26, 1973	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-203	Dec. 20, 1973	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-219	May 7, 1974	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-222	May 23, 1974	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-228	Aug. 12, 1974	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-303	Sept. 23, 1974	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-337	Apr. 28, 1975	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-339	June 2, 1975	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-353	Aug. 2, 1975	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-355	Sept. 19, 1975	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-359	Oct. 21, 1975	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-372	Jan. 28, 1976	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-373	Feb. 6, 1976	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-374	Feb. 12, 1976	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-377	Mar. 5, 1976	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-396	Aug. 14, 1976	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-405	Dec. 9, 1976	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-406	Dec. 14, 1976	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-413	Feb. 15, 1977	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-414	Feb. 15, 1977	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-417	Feb. 25, 1977	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-419	Mar. 23, 1977	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-427	June 7, 1977	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-429	June 21, 1977	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-448	Oct. 19, 1977	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-461	Feb. 13, 1978	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-471	Sept. 12, 1978	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
F-472	Sept. 12, 1978	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
G-12	June 15, 1973	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
G-18	Oct. 15, 1974	Delegation of authority to the Secretary of Housing and Urban Development—Regulatory Proceedings.
G-20	Feb. 10, 1975	Delegation of authority to the Secretary of Housing and Urban Development—Regulatory Proceedings.
G-29	Sept. 27, 1976	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
G-30	Feb. 5, 1977	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.
E-79-9	Sept. 6, 1979	Delegation of authority to the Secretary of Defense—Regulatory Proceedings.

Dated: August 21, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-25562 Filed 9-1-81; 8:45 am]

BILLING CODE 6820-AM-M

Privacy Act of 1974; Annual Notice of Systems of Records

SUMMARY: Federal agencies are required by the Privacy Act of 1974 to give notice of certain records that they maintain. The purpose of this document is to fulfill the Privacy Act annual notice requirements by providing the **Federal Register** references to the current status of the GSA systems of records. In addition, this notice includes changes to the GSA systems of records that have not been previous published.

DATES: This document fulfills the Privacy Act annual notice requirements for 1981.

FOR FURTHER INFORMATION CONTACT: Mr. William Hiebert, Chief, Records Management Branch, Information Management Division, (202)–566–0673.

Annual Notice of Systems of Records

1. The following notices of this agency that appeared in the **Federal Register** and the following changes not previously published constitute the current status of the GSA systems of records:

a. Annual publication of the GSA systems of records, 45 FR 57860 through 57904.

b. Notification of amended system of records, Investigation case files GSA/ADM–24 (23–00–0024), 45 FR 74051 through 74053.

c. Notification of altered system of records, Ridesharing system GSA/REGADM–6 (23–00–0102), 46 FR 1780 and 1781.

d. Notification of new system of records, Review/Consultant file GSA/NARS–11, 46 FR 10541.

e. Notification of corrected system of records, Employee related files GSA/AGENCY–1, 46 FR 11708.

f. Notification of new system of records, Federal parking fees claims GSA/PBS–4, 46 FR 39895 and 39896.

g. Notification of amended systems of records, Human resources files GSA/PPFM–4 (23–00–0035) and Security staff files GSA/HRO–37 (23–00–0110), 46 FR 39678 through 39681.

h. The system of records, Cataloging action master file—work measurement GSA/FSS–9 (23–00–0091), is deleted. It has been determined that this system of records no longer contains any personal data subject to the reporting requirements of the Privacy Act of 1974.

i. The system of records, Investigation case files GSA/ADM–24 (23–00–0024), is amended to reflect a change in the location of the computer data base. The Office of Inspector General's management information system, which constitutes a portion of the Investigation case files system, will be moved to the Department of Agriculture Computer Center on or about October 1, 1981. The system of records notice GSA/ADM–24 is amended to read as follows:

GSA/ADM–24 (23–00–0024)

SYSTEM NAME:

Investigation case files.

* * * * *

SYSTEM LOCATION:

The system is located in the Office of Inspector General, 16th and F Streets NW., Washington, D.C. 20405. The data base for this system is on computers at the U.S. Department of Agriculture Computer Center, Washington, D.C.

* * * * *

Dated: August 18, 1981.

Jon R. Halsall,

Acting Director of Administrative Services.

[FR Doc. 81-25655 Filed 9-1-81; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Work Group To Critique Recent In-Laboratory Study; Open Meeting

On September 18, 1981, the Centers for Disease Control will convene an open meeting of a work group consisting of four cooperating pathologists, one hospital administrator, and their chief technologists, to critique CDC's recent in-laboratory study. The meeting is open to the public, limited only by space available.

The meeting is schedule to begin at 2:00 p.m., in Room 154, Building 6, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia.

For further information, please contact: David F. Gunn, Licensure and Proficiency Testing Division, Laboratory Improvement Program Office, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333, Telephone: FTS: 236-3981, Commercial: 404/329-3981.

Dated: August 27, 1981

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-25564 Filed 9-1-81; 8:45 am]

BILLING CODE 4110-86-M

Health Care Financing Administration

Privacy Act of 1974; Report of New System

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new system of records.

Study of the Comparative Effectiveness of State Approaches to the Regulation of Medicare Supplemental Policies: Medigap, HHS/HCFA/ORDS No. 09-70-0026.

We have provided background information about the proposed system in the "Supplementary Information" section below. HCFA invites public comments by October 2, 1981, with respect to routine uses of the system.

DATES: HCFA filed a new system report with the Speaker of the House, the President of the Senate, and the Director, Office of Management and Budget (OMB) on August 26, 1981. The new system of records, including routine uses, will be effective October 25, 1981, unless HCFA receives comments which would result in a contrary determination.

ADDRESS: The public should address comments to Shirley Mulhall, Privacy Officer, Office of Management and Budget, Health Care Financing Administration, Room G-C-3, ELR, Baltimore, Maryland 21235. Comments received will be available for inspection at this location.

FOR FURTHER INFORMATION CONTACT: Ms. Judith Sangl, Division of Economic Analysis, Office of Research, Demonstrations, and Statistics, Room 4453 HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone (202) 245-7586.

SUPPLEMENTARY INFORMATION: HCFA proposes to initiate a new system of records containing data collected under the authority of Section 507 of Pub. L. 96-265 which amends Section 1882 of the Social Security Act.

This section states that:

The Secretary shall, in consultation with Federal and State regulatory agencies, the National Association of Insurance Commissioners, private insurers, and organizations representing consumers and the aged, conduct a comprehensive study and evaluation of the comparative effectiveness of various State approaches to the regulation of Medicare supplemental policies in:

- Limiting marketing and agent abuse;
- Assuring the dissemination of such information to individuals entitled to benefits under this title (and to other consumers) as is necessary to permit informed choice;
- Promoting policies which provide reasonable economic benefits for such individuals;
- Reducing the purchase of unnecessarily duplicative coverage; and
- Improving price competition.

Such a study shall also address the need for standards or certification of health insurance policies, other than Medicare supplemental policies, sold to individuals eligible for Medicare.

The purpose of this system of records is to provide information on consumers' purchasing behavior, the policies they hold and the circumstances of insurance sales transactions in order to analyze the above mentioned issues.

An independent contractor will administer questionnaires by means of personal interviews to approximately 4800 Medicare beneficiaries in no more than eight states selected by HCFA to represent the spectrum of insurance regulation. These questionnaires will provide information on each beneficiary concerning sociodemographic characteristics, knowledge of and experience with Medicare, number and type of private health insurance policies, identifying information about the policies held and purchasing behavior. A copy of each insurance policy will be obtained from the beneficiary if possible or from the insurance company with the policyholder's consent. Questionnaires will show beneficiary name and health insurance claim name (HI claim number) or other unique identifier. Insurance policies will have policyholder's identifying number.

The contractor will obtain the written consent of every individual from whom information is solicited and an additional consent form from an individual requesting his or her insurance company to release a copy of his or her insurance policy(ies), if the contractor cannot obtain a copy of the policies in any other manner.

The results of this study shall be utilized in the DHHS report to Congress and will address whether a mandatory Federal regulatory program is needed to assure marketing of appropriate types of Medicare supplemental policies, whether there are ways in which state regulations can be enhanced and whether there is a need for standards for other types of policies sold to Medicare eligibles.

As an addition to this study, the National Center for Health Services Research (NCHSR) in cooperation with HCFA will conduct a supplemental survey through the same independent contractor to determine the preference and willingness to pay for long-term care insurance by those consumers in the study sample.

The survey will be conducted by means of a self-administered questionnaire which will be distributed at the end of the personal interview and mailed back to the contractor. The results of the survey will be analyzed by NCHSR as part of a larger intramural research project to determine the market potential for long-term care insurance. This research component is entitled, "Study of Elderly Consumers Willingness to Pay for Long-Term Care Insurance."

The NCHSR questionnaire will be administered to the same study sample of Medicare beneficiaries and will provide information concerning each respondent's knowledge of the risks of needing insurance coverage for long-term care services, the availability of insurance for such risks, the preferences for specific insurance benefits for long-term care and their willingness to pay for those benefits.

Dated: August 26, 1981.

Paul Willging,

Deputy Administrator, Health Care Financing Administration.

09-70-0026

SYSTEM NAME:

Study of the Comparative Effectiveness of State Approaches to Regulation of Medicare Supplemental Policies: Medigap HHS/HCFA/ORDS.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

The location cannot be given at this time since contract has not been awarded. The contractor site will be available by writing to the System Manager at the address below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Medicare beneficiaries who reside in the eight States that are participating in the study. The States will be known by September 1981.

CATEGORIES OF RECORDS IN THE SYSTEM:

Questionnaires administered to approximately 4,800 Medicare beneficiaries. These questionnaires will provide information on each beneficiary concerning sociodemographic characteristics, such as education, knowledge of and experience with Medicare, number and type of private health insurance policies, identifying information about the policies held and purchasing behavior. A copy of each insurance policy will be obtained from the benficiary if possible or from the insurance company with the policyholder's consent. Questionnaires will show beneficiary name and health insurance claim name (HI claim number) or other unique identifier. Insurance policies will have policyholder's identifying number. The NCHSR questionnaire will be administered to the same study sample of Medicare beneficiaries and will provide information concerning each respondent's knowledge of the risks of needing insurance coverage for long-term care services, the availability of insurance for such risks, the preferences for specific insurance benefits for long-term care and their willingness to pay for those benefits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

HCFA authority is based on Section 1882 of the Social Security Act as amended by Section 507, paragraphs (f)(1) and (f)(2) of Pub. L. 96-265. NCHSR authority is based on Sections 304 and 305 of the Public Health Service Act, as amended by the Health Services Research, Health Statistics, and Medical Libraries Act of 1974, Pub. L. 93-353, and the Health Services Research, Health Statistics and Health Care Technology Act of 1978, Pub. L. 95-623.

PURPOSE OF THE SYSTEM:

The purpose of this system of records is to provide information on consumers' purchasing behavior, the policies they hold and the circumstances of insurance sales transactions in order to analyze the effectiveness of varying State insurance regulations on:

- Limiting marketing and agent abuse;
- Assuring the dissemination of such information to individuals entitled to benefits under this title (and to other consumers) as is necessary to permit informed choice;
- Promoting policies which provide reasonable economic benefits for such individuals;
- Reducing the purchase of unnecessarily duplicative coverage; and
- Improving price competition.

In addition the NCHSR system of records is to provide information on consumer's knowledge of the risks of needing long-term care, the availability of insurance for such risks, the preferences for specific insurance benefits and their willingness to pay for those benefits. This information will be used to contribute to a study of the market potential for private long-term care insurance.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

1. The independent contractor will receive all information in the system from beneficiary questionnaires and their health insurance policies either in hard copy, magnetic tape, or cards and store it in a master file. The independent contractor will use this information to assess the comparative effectiveness of various State regulatory approaches to Medicare supplemental insurance. Once the beneficiary questionnaire information is linked with the health insurance policy information of the beneficiary, all personal identifiers will be removed from the file.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry which the congressional office makes at the request of that individual.

3. In the event of litigation, where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capactty; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department 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.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The independent contractor will store records in hard copy and magnetic tape form.

RETRIEVABILITY:

Recorders are indexed by Health Insurance claim number or other unique identifier.

SAFEGUARDS:

The independent contractor will maintain all records in secure storage areas accessible only to authorized employees and will notify all employees having access to records of criminal sanctions for unauthorized disclosure of information on individuals. Authorized HCFA representatives will, upon request, be granted access to premises where records are kept for the purpose of inspecting physical security arrangements. However, no data will be released with identifying information. For computerized records, the independent contractor will initiate automated data processing (ADP) system security procedures required by the Department's ADP Systems Manual, Part 6, ADP Systems Security, e.g., use of passwords.

RETENTION AND DISPOSAL:

The independent contractor will hold hard-copy records, magnetic tapes, and cards until beneficiary specific data are received and compiled. All identifying information and hard-copy will then be destroyed, thus protecting the

confidentiality of all information collected. The contractor will retain all records for the life of the contract and then these records will become the custody of the Office of Research, Demonstrations, and Statistics, HCFA. The independent contractor will not retain any beneficiary based files. Data supplied to HCFA and NCHSR will not include beneficiary identifiers. No data which would possibly identify an individual will be supplied.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Research, Demonstrations, and Statistics, Health Care Financing Administration, Room 4222, HHS Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the Systems manager at the address indicated above, specifying name, address and health insurance claim number. These notification and access procedures are in accordance with Department Regulations (45 CFR 5b).

RECORDS ACCESS PROCEDURE:

Individuals participating in the Survey may request their data records in writing. Access procedure is the same as the notification procedure. Requestor should reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR 5b)).

CONTESTING RECORD PROCEDURES:

An individual who wishes to contest the contents of any record in this system should contact the system manager and reasonably identify and specify the information to be contested and reason for contesting, why it is inaccurate or incomplete. (These procedures are in accordance with Department Regulations (45 CFR 5b)).

RECORD SOURCE CATEGORIES:

Sources of information contained in this record system include Medicare beneficiaries, insurance companies, survey contractor and subcontractors (if any), and selected HCFA files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-25569 Filed 9-1-81; 8:45 am]
BILLING CODE 4110-35-M

Public Health Service

Privacy Act of 1974; Revision of Notice of System of Records

AGENCY: Department of Health and Human Services: Public Health Service.

ACTION: Response to a condition placed by the Office of Management and Budget on a waiver of the advance notice period required for a new system of records.

SUMMARY: The purpose of this notice is to respond to a condition placed by the Office of Management and Budget on the waiver granted for the new system of records entitled "Professional Development Program Registries of the National Training System for Substance Abuse Services, HHS/ADAMHA/NIDA," No. 09–30–0034. The condition is met by deletion of a routine use from the system notice.

EFFECTIVE DATE: The deletion of the routine use is effective, September 2, 1981.

FOR FURTHER INFORMATION CONTACT:

Privacy Act Officer, NIDA, Office of Extramural Policy and Project Review, 5600 Fishers Lane, Room 10–42, Rockville, Maryland 20857.

SUPPLEMENTARY INFORMATION: OMB granted a waiver on January 12, 1981 of the 60-day advance notice period required for the new system of records entitled "Professional Development Program Registries of the National Training System for Substance Abuse Services, HHS/ADAMHA/NIDA, "No. 09–30–0034. The notification of waiver was published in the **Federal Register** on Monday, February 9, 1981, 46 FR 11603. However, this waiver was granted with the condition that the National Institute on Drug Abuse be more specific in the first-listed routine use. The routine use allowed certain disclosures to Federal agencies outside the Department of Health and Human Services.

NIDA has reviewed the need for the routine use in question. Its intent was to permit response to other agencies' requests for information about their personnel who received National Training System (NTS) training. Since this information should be available to the other agencies from their own records, and if it is not, the written consent of the subject employees can be readily obtained, this routine use was determined to be unnecessary and has been deleted from the system notice. Other minor alterations have also been made to the system notice to improve its clarity and usefulness to the public. Although advance publication is not required, we are publishing the complete text of the revised system notice below. It contains no major alterations which would require the filing of a report with the Congress and the Office of Management and Budget.

Dated: August 27, 1981.

Wilford J. Forbush,

Deputy Assistant Secretary for Health Operations and Director, Office of Management, PHS.

SYSTEM NAME:

Professional Development Program Registries of the National Training System for Substance Abuse Services, HHS/ADAMHA/NIDA.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Division of Training, National Institute on Drug Abuse, Alcohol, Drug Abuse, and Mental Health Administration, Room 10A–46, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Health Control Systems, Inc., 11325 Seven Locks Road, Potomac, Maryland 20854.

Federal Records Center (WNRC), Suitland, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have participated in National Training System (NTS) courses either as trainees or as instructors/trainers. The term "trainees" encompasses all categories of persons who are students in NTS courses, whether or not they have experience yet in the substance abuse services and/or training fields. "Instructors" are persons qualified to teach one or several aspects of an NTS course, but not qualified in all aspects of teaching techniques and not authorized within NTS to validate another person's qualifications for training others to teach the course content. "Trainers" are persons who are qualified through NTS-recognized academic or specialized preparation in all aspects of an NTS course, and are certified by NTS to teach the course, train and supervise other persons to teach it, and validate other persons' qualifications to teach it for NTS. An individual's status can vary from course to course. Persons who have participated in substance abuse-related training activities that meet NTS standards but are provided by non-NTS organizations are also included in the registries at the participants' option.

CATEGORIES OF RECORDS IN THE SYSTEM:

Course records which include: name, birthdate, sex, address, employment, length of time employed in the field of substance abuse services training, name and version of course, course completion records, date of course,

name of instructor/trainer or trainees as appropriate, and training sponsor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Drug Abuse Office and Treatment Act of 1972 as amended, Sections 410 and 501 (21 U.S.C. 1177 and 1191); Public Health Service Act, Section 301 (42 U.S.C. 241(a)).

PURPOSE OF THE SYSTEM:

The registries which constitute this system of records enable individuals to obtain confirmation of their successful completion of substance abuse training courses. This in turn enables them to obtain the certification of academic credit necessary to verify their qualifications for employment in the substance abuse training or services fields. Disclosures for this purpose are made only to subject individuals or others as subject individuals permit in writing, such as academic institutions and potential employers.

Individually identifiable information will not be otherwise disclosed to persons or organizations either within or outside the DHHS except as provided by the routine uses set forth and as otherwise provided by Section 3(b) of the Privacy Act (5 U.S.C. 552a(b)). The nonindividually identified aggregate data will be analyzed by the National Institute on Drug Abuse (NIDA) for quality control and will be available to the public for purposes of identifying drug abuse services training trends.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. The Department contemplates that it will contract with a private firm for the purpose of collating, analyzing, aggregating, or otherwise refining the records in this system. Relevant records will be disclosed to such a contractor. The contractor shall be required to maintain Privacy Act safeguards with respect to such records.

2. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

3. Disclosure may be made to members of the Professional Development Program Standards Committee (PDPSC) to enable them to carry out their responsibilities for certification of instructors/trainers and confirmation of trainees' participation in courses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Batch control sheets, individual registration forms (automated and nonautomated), keypunch cards, computer tapes and discs are utilized.

RETRIEVABILITY:

The system is filed by the name of the trainee or instructor/trainer.

SAFEGUARDS:

Records are kept in premises with limited accessibility. Individually identifiable information in paper media (batch control sheets, registration forms, and keypunch cards) are stored in locked cabinets. For computerized records, safeguards established in accordance with the National Bureau of Standards guidelines and HHS's System Manual, Part 6, ADP System Security, are utilized. Specifically, premises are secured in accordance with existing security systems for safeguarding records at the Federal Government computer center in the Parklawn Building, Rockville, Maryland. Security personnel patrol the premises there 24 hours a day. Computer systems are secured through locked magnetic disc libraries as well as a password access computer system.

These safeguards are in accordance with the DHHS General Administration Manual, Chapters 45–13 and PHS.hf: 45–13.

Note.—NIDA contracts with non-Federal parties shall stipulate agreement to the above procedures on the part of the contractor.

RETENTION AND DISPOSAL:

The current NTS standard requires that NTS instructors/trainers teach a course every 18 months in order to be recertified. Most States and academic institutions similarly require their staffs to periodically update their knowledge and skills through continuing education courses. If individuals discontinue their participation in NTS or NTS-approved training, supporting records of their participation become obsolete rather rapidly for purposes of verifying qualifications. Therefore, records on an individual are retained for only three years following the individual's most recent completion of course requirements for earning academic credit and/or meeting employment qualifications. After three years with no further reported activity, only information on an individual's date(s) of certification(s) as instructor/trainer in NTS course(s) is retained indefinitely.

Records may be retired to a Federal Records Center and subsequently disposed of in accordance with the ADAMHA Records Control Schedule. The records control schedule and disposal standard for these records may be obtained by writing to the System Manager at the address below.

SYSTEM MANAGER:

Registrar, Professional Development Program, Division of Training, NIDA, Alcohol, Drug Abuse, and Mental Health Administration, Room 10A–46, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

NOTIFICATION PROCEDURES:

To determine if a record exists, write to the System Manager at the address above. An individual may learn if a record exists about himself or herself upon written request with notarized signature. The following information should be provided: full name at the time of training and, if known, location and date when training was provided, course name, and name of instructor/trainer and/or sponsoring organization.

Your Social Security number would be helpful for record locating purposes, but it is not required.

RECORD ACCESS PROCEDURES:

Same as Notification Procedures. Requesters should also reasonably specify the record contents being sought.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures above, and reasonably identify the record, specify the information to be contested, and state the corrective action sought.

RECORD SOURCE CATEGORIES:

Trainee registration form for each trainee in a course, containing personal and professional background information and course completion validation; and "batch control" sheet for each course, identifying instructor(s)/trainer(s) and trainees. For instructors/trainers, sources also include: reports from national, State, and regional certification authorities; NTS national workshop recommendations; and equivalent sources upon which the Professional Development Program Standards Committee (PDPSC) will base decisions on certification of instructors/trainers.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE PRIVACY ACT:

None.

[FR Doc. 81-25509 Filed 9-1-81; 8:45 am]
BILLING CODE 4110-88-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Harvey L. Leighton, et al.; Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct certain activities with endangered wildlife:

Applicant: Harvey L. Leighton, Gates Mills, Ohio—PRT 2–8316.

The applicant requests a permit to purchase in interstate commerce two captive-bred tigers (*Panthera tigris*) from Dr. David Meeks, Spartanburg, South Carolina for enhancement of propagation.

Applicant: Beak Consultants, Inc., Aurora, Colorado 80014—PRT 2–8360.

The applicant requests a permit to take the following endangered fish to determine the occurrence of these species in the Colorado River in western Colorado for enhancement of survival: Colorado squawfish (*Ptychocheilus lucius*), humpback chub (*Gila cypha*), and bonytail chub (*G. elegans*). A small number of each species may be collected. The collection area is proposed for future oil shale development.

Applicant: Bernard Berwin, Gibsonton, Florida—PRT 2–8308.

The applicant requests a permit to import one male captive-bred tiger (*Panthera tigris*) from the Parc Safari, Quebec, Canada, for enhancement of propagation.

Applicant: San Diego Zoological Gardens, San Diego, California—PRT 2–8392.

The applicant requests a permit to import one male and one female Chinese monal pheasant (*Lophophorus lhuysii*) from the People's Republic of China, for enhancement of propagation.

Applicant: Myrna Watanabe, Brooklyn, New York—PRT 2–8382.

The applicant requests a permit to import a Chinese alligator (*Alligator sinensis*) eggshell fragment from the People's Republic of China, for scientific research.

Humane care and treatment during transport, if applicable, has been indicated by the applicants.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, Va 22203.

Interested persons may comment on these applications on or before October 2, 1981, by submitting written data, views, or arguments to the above address. Please refer to the appropriate file number when submitting comments.

Dated: August 26, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-25568 Filed 9-1-81; 8:45 am]

BILLING CODE 4310-55-M

Fish and Wildlife Service Regional Director, Region 2; Endangered Species Permit; Receipt of Application

Applicant: U.S. Fish and Wildlife Service, Regional Director, Region 2, Albuquerque, NM 87103.

The applicant requests a permit amendment to include import and sacrifice of 250 leatherback sea turtle (*Dermochelys coriacea*) eggs from Mexico or Costa Rica to determine the relationship of incubation temperature to sex determination in sea turtles.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–7088. Interested persons may comment on this application on or before October 2, 1981, by submitting written data, views, or arguments to the above address. Please refers to the file number when submitting comments.

Dated: August 27, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-25567 Filed 9-1-81; 8:45 am]

BILLING CODE 4310-55-M

Charles Sivelle; Endangered Species Permit; Receipt of Application

Applicant: Charles Sivelle, Dix Hills, New York.

The applicant requests a permit to import one breeding pair of Cabot's tragopan (*Tragopan caboti*) and six of their progeny from Glenn Howe, Aylmer, Ontario, Canada, for the enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–6984. Interested persons may comment on this application on or before October 2, 1981, by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: August 28, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81-25566 Filed 9-1-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Union Oil Co. of California

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Union Oil Company of California has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3570, Block 299, Eugene Island 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 Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT

U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised

Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 26, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-25611 Filed 9-1-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Transco Exploration Co.

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Transco Exploration Co. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2130, Block 107, South Marsh Island 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 Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m. 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 26, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-25612 Filed 9-1-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Chevron U.S.A., Inc.

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a development and production plan describing the activities it proposes to conduct on Lease OCS–G 1995, Block 145, West 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 Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 26, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-25613 Filed 9-1-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipts of a proposed development and production plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 2849, Block 549, West 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 Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: August 26, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-25473 Filed 9-1-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[OR 6245]

Oregon; Termination of Proposed Withdrawal and Reservation of Land

Correction

In FR Doc. 81–16552 in the issue of Wednesday, June 3, 1981, appearing on page 29770, column 3, under the heading Willamette Meridian, line 4, now reading "Sec. 3, NE¼ and SE¼S½" should be corrected to read "Sec. 3, NE¼SE¼ and S½S½;".

BILLING CODE 1505-01-M

Utah; Pinyon Grazing Statement; Intent To Prepare an Environmental Statement and Scoping Meetings

The Department of the Interior, Bureau of Land Management, Cedar City District Office will be preparing a

Grazing Management Environment Impact Statement in connection with a 1974 Federal court order to prepare site specific environmental statements concerning the effects of livestock grazing activities on public lands. The BLM was directed to address specific areas, identify particular grazing management programs, analyze the environmental impacts associated impact associated with the management programs and analyze viable grazing management alternatives.

BLM administered lands in Beaver, Iron, and Washington Counties will be considered.

Three public meetings will be held for the purpose of scoping the environmental statement. Scoping is the process of determining the scope of issues to be addressed and identifying the significant issues related to the proposed grazing management alternatives.

The meetings will be held as follows: October 13, 1981, at the Library in Milford, Utah, from 3:00 p.m. to 7:00 p.m.; October 14, 1981, at the Community Center in Beryl, Utah, from 3:00 p.m. to 7:00 p.m.; October 15, 1981, at the BLM District Office in Cedar City, Utah, from 3:00 p.m. to 7:00 p.m. Interested individuals may attend any of the meetings or send written comments to the address below.

These meetings will be held as Open Houses. Those who wish to attend may come at their convenience and will have an opportunity to go over the Management Framework Plan grazing proposals which the environmental statement will address and provide any information they desire to an attendant employee at the Open House.

For information concerning the proposed grazing management programs or the environment statement, contact the following individual: District Manager, Bureau of Land Management, Post Office Box 724, Cedar City, Utah 84720, Area Code 801–586–2401.

Dated: August 26, 1981.

Art Tait,

Acting District Manager, Cedar City, Utah.

[FR Doc. 81-25609 Filed 9-1-81; 8:45 am]

BILLING CODE 4310-84-M

Office of the Secretary

Commission on Fiscal Accountability of the Nation's Energy Resources; Meeting

Notice is given that a meeting of the Commission on Fiscal Accountability of the Nation's Energy Resources will be held on September 22 and 23, 1981, in Washington, D.C., at a specific location yet to be determined.

Purpose of the Commission

The mission of this Commission includes the review of waste and loss of revenue due to the theft of oil and royalty management problems. The Commission will examine the problems of waste and loss of revenues from energy resources from Federal and Indian tribal lands. Concern has been expressed by Congress, the Department of the Interior, the General Accounting Office, the Indian community, State governments, and the taxpayers over the fiscal accountability of mineral royalty revenues. A final report of the Commission will be presented to the Secretary evaluating the Royalty Accounting System, internal controls and actions relating to the allegations of oil theft.

Purpose of this Meeting

The purpose of this meeting is to hear testimony relating to the problems of oil theft and royalty management particularly from State officials and Indian tribes. The hearing will be devoted to oral testimony to assist the Commission in understanding the nature and extent of the problems. It is possible that a portion of the first day will be a business meeting. The meeting will be open to the public. Any member of the public may file a written statement and/or present testimony concerning matters to be discussed by the Commission. Witnesses will be invited by the Commission to testify. Additional persons who wish to present testimony to the Commission should contact the Commission staff at Commission on Fiscal Accountability of the Nation's Energy Resources, Suite 403, 1111 18th Street, N.W., Washington, D.C. 20036, telephone (202) 653–9051. For additional information on the meeting contact the same office.

Minutes of the meeting will be available for public inspection within 30 days in Suite 403, 1111 18th Street, N.W., Washington, D.C. 20036.

Dated: August 28, 1981.

William L. Kendig,

Director, Office of Financial Management.

[FR Doc. 81-25541 Filed 9-1-81; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 29709]

Grand Trunk Western Railroad Company—Merger—Detroit and Toledo Shore Line Railroad Co.; Exemption

August 27, 1981.

The Detroit and Toledo Shore Line Railroad Company (DTSL) and Grand Trunk Western Railroad Company (GTW) have notified the Commission that they will merge, with GTW emerging as the surviving railroad. This is being done is order to effectuate corporate simplification, which comes within the exemption described at 49 CFR 1111.5(c)(3).

The integration of operating functions of GTW and DTSL was contemplated and control was approved in a prior consolidation proceeding. See *Norfolk & W.R. Co.—Control—Detroit, T. & I.R. Co.*, 360 I.C.C. 498 (1979). That control transaction was consummated and the parties now seek to merge into one entity.

The transaction is merely a "corporate simplification" which will not result in any change in service levels, operations, or the competitive balance with carriers outside the corporate family. GTW will not issue capital stock, bonds or other securities in exchange for the capital stock of DTSL but will succeed to all of the assets, property rights, privileges, leases, patents and franchises of DTSL subject to all of DTSL's liabilities and obligations.

The transaction is necessary to eliminate separate record keeping, intercompany billing and accounting and the administrative burden of maintaining the separate corporate existence of DTSL. The merger will assure the optimum level of operating efficiency.

As a condition to exemption, any DTSL employees affected by the merger shall be protected pursuant to *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979). This will satisfy the statutory requirements of 49 U.S.C. 11347.

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25523 Filed 9-1-81; 8:45 am]

BILLING CODE 7035-01-M

[F.D. No. 30,000 and Related Dockets]

Union Pacific Corp. and Union Pacific Railroad Co.—Control—Missouri Pacific Corp. and Missouri Pacific Railroad Co.

AGENCY: Interstate Commerce Commission (ICC), Office of Policy and Analysis, Energy and Environment Branch.

ACTION: Notice of availability of environmental assessment prepared for above-entitled proceeding.

SUMMARY: The ICC's Energy and Environment Branch has prepared a document which assesses the environmental impacts of the proposals contained in F.D. No. 30,000 and related dockets for the consolidation of the Union Pacific Railroad Company, the Missouri Pacific Railroad Company, and the Western Pacific Railroad Company. Copies of this assessment will be served on parties of record in the above-described proceedings. Other interested members of the public may request a copy of the environmental assessment by contacting: John O'Connell, Energy and Environment Branch, Room 5380, Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C. 20423, Tel. (202) 275–7872.

Anyone who wishes to file written comments on the data or conclusions contained in the environmental assessment may do so by forwarding same to John O'Connell at the above address by September 30, 1981.

Agatha L. Mergenovich,
Secretary.

FR Doc. 81–25524 Filed 9–1–81; 8:45 am]
BILLING CODE 7035–01–M

Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

August 28, 1981.

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of the notice.

FSA 43932, Southwestern Freight Bureau, Agent, carload rates on ground wood paper and newsprint paper, subject to various minima weights ranging from 40,000 to 120,000 pounds, from points in Canada to Southwestern Territory, in Tariff ICC SWFB 4571, to become effective September 13, 1981.

Grounds for relief: Market competition.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81–25521 Filed 9–1–81; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to Ombudsman's Office, (202) 275–7326.

Volume No. OPI–244

Decided: August 26, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Parker not participating in part.

MC 145120 (Sub-10), filed August 14, 1981. Applicant: HOLMDEL TRUCKING COMPANY, INC., 18 Hackensack Ave., S. Kearny, NJ 07032. Representative: Edward J. Kiley, 1730 M St., N.W., Washington, DC 20036, (202) 296–2900. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 153601 (Sub-4), filed August 17, 1981. Applicant: ITO LTD., 121 West Doty St., Madison, WI 53703. Representative: W. A. Myllenbeck, 1947 West County Rd. C, St. Paul, MN 55113 (612)–633–2661. Transporting for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 157830 filed August 21, 1981. Applicant: JOSEPH H. O'DONNELL, Bodwell Street, Avon, MA 02322. Representative: Russell S. Callahan, P.O. Box 1806, Brockton, MA 02403 (617) 697–7748. As a *broker* in arranging for the transportation of *general commodities* (except household goods), between points in the U.S.

Volume No. OP1–246

Decided: August 26, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Parker not participating in part.

MC 143031 (Sub-19), filed August 10, 1981. Applicant: MURPHY & SONS TRUCKING CO., INC., Route 2, Box 139, Spring City, TN 37381. Representative: H. Stan Guthrie, Suite 500, Dome Bldg., Chattanooga, TN 37402 (615) 756–8203. 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–2–163

Decided: August 25, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 116142 (Sub-31), filed August 14, 1981. Applicant: BEVERAGE TRANSPORTATION, INC., 625 Eberts Lane, P.O. Box M–25, York, PA 17405. Representative: John T. Keagel (same address as applicant). Transporting, for or on behalf of the United State Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 141523 (Sub-8), filed August 10, 1981. Applicant: C. R. KIDD PRODUCE, INC., P.O. Box 364, Springdale, AR 72764. Representative: Barry Weintraub, 8133 Leesburg Pike, Vienna, VA 22180; 703–442–8330. Transporting *general commodities* (except classes A and B explosives), between Snyder, Mist, and Hamburg, AR, Fallbrook, CA, Bell, FL, Primrose and Luthersville, GA, Astoria, Easton, Five Points, Clare, Esmond, and Lindenwood, IL, Minerva, Clemons, St. Anthony, Zearing, Stanhope, Stratford, and Corwith, IA, Tyro, Peru, Sedan, Cedarvale, and Dexter, KS, Millstone, Kona, and Fleming-Neon, KY, Taylor, Maywood, Durham, Ewing, Lewistown, La Belle, Knox City, Edina, Hurdland, and Brashear, MO, Elgin, Cedar Bluff, Colon, Ceresco, and Davey, NE, Lima and Livonia, NY, Stokesdale, NC, Cheyenne, Butler, and Reydon, OK, Keystone, SD, Allison, Briscoe, and Mobeetie, TX, Krakow, Green Valley, Gillett, Wittenberg, Tigerton, Marion, Burkhardt, Deer Park, Clear Lake, Clayton, Comstock, Cumberland, Barronett, and Shell Lake, WI, 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 144842 (Sub-15), filed August 14, 1981. Applicant: RIGGINS TRUCKING, INC., 1004 W. Maple St., Springdale, AR 72764. Representative: Nancy Pyeatt, 815 15th St., N.W., Washington, DC 20005, (202) 347–4332. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157672, filed August 12, 1981. Applicant: TUFCO TRANSPORTATION, division of UNITED TRUCKERS CONGRESS, INC., P.O. Box 1101, Hopkins, MN 55343. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., NW., Washington, DC 20036, (202) 223–5900. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157673, filed August 11, 1981. Applicant: BUSCH BROKERAGE & CO., INC., Suite 232, 100 Stockyard Rd., Livestock Exchange Bldg., South St. Paul, MN 55075. Representative: Kathleen Busch, 417 8th Ave. South, South St. Paul, MN 55075; 612–457–3298. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157723, filed August 14, 1981. Applicant: ROGER H. and MARY JANE JENSEN, d.b.a. GUINDON MOVING & STORAGE CO., 1600 Third Ave., N., Escanaba, MI 49829. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 157742, filed August 17, 1981. Applicant: LAMBERT FREIGHT, INC., 304 McCall Dr., Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328, (404) 256–4320. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 157743, filed August 17, 1981. Applicant: BOB BASS, 628 West Sequoyah, Vinita, OK 74301. Representative: Bob Bass (same address as applicant) (918) 256–3374. 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 157753, filed August 17, 1981. Applicant: LINUS SCHROEDER, INC., Route 1, Box 1204–A, Selah, WA 98942. Representative: Linus Schroeder (same as applicant) (509) 697–8266. 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 157812, filed August 20, 1981. Applicant: TRANS MARKETING, 1025 Metker, Irving, TX 75062. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062; 214–255–6279. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 131052 (Sub-3), filed August 14, 1981. Applicant: J. W. BOYLES, 500 S. Western, P.O. Box 25852, Oklahoma City, OK 73125. Representative: G. Timothy Armstrong, 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036; 405–262–1322. Transporting *general commodities*, between Heaton, Laketon, Mobeetie, Briscoe, and Allison, TX, and Reydon, Mackie, Cheyenne, Strong City, Hammon, Butler, and Stafford, OK, on the one hand, and, on the other, points in the U.S. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–25519 Filed 9–1–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the Commission later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as 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. OP1-243

Decided: August 26, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Parker not participating in part.

FF-561, filed July 27, 1981. Applicant: DOBSON INTERNATIONAL, 5024 South Garfield Road, Auburn, MI 48611. Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, D.C. 20036 (202) 785-0024. As a *freight forwarder*, in connection with the transportation of *household goods*, between points in the U.S.

MC 1940 (Sub-44), filed July 24, 1981, previously published in the **Federal Register** on August 11, 1981. Applicant: TRAILWAYS OF NEW ENGLAND, INC., 625 Eighth Ave., New York, NY 10018. Representative: George W. Hanthorn, 1500 Jackson St., Dallas, TX 75201 (214)-655-7937. Over irregular routes, *transporting passengers and their baggage and express and newspapers, in the same vehicle with passengers*, (1) between New York, NY, and Springfield, MA: from New York Interstate Hwy 95 to New Haven, CT, then over Interstate Hwy 91 to Springfield, MA, and return over the same route, serving all intermediate points; (2) between Hartford, CT, and Boston, MA: from Hartford over Interstate Hwy 86 to junction Interstate Hwy 90 (near Sturbridge, MA), then over Interstate Hwy 90 to Boston, MA, and return over the same route, serving all intermeditate points; (3) between junction Interstate Hwy 90 and Interstate Hwy 290 (near Auburn, MA) and junction Interstate Hwy 90 and MA Hwy 122 (near Milbury, MA): from junction Interstate Hwy 90 and Interstate Hwy 290 over Interstate Hwy 290, to Worchester, MA, then over MA Hwy 122 to junction Interstate Hwy 90, and return over the same route, serving all intermediate points; and (4) between junction Interstate Hwy 91 and CT Hwy 66 and junction Interstate Hwy 91 and CT Hwy 9: from junction Interstate Hwy 91 to CT Hwy 66, then over CT Hwy 66 to Middletown, CT, then over CT Hwy 9 to junction CT Hwy 9 and Interstate Hwy 91, and return over the same route, serving all intermediate routes.

Note.—This republication corrects the territorial description.

MC 110191 (Sub-44), filed August 14, 1981. Applicant: TURNER'S EXPRESS INC., 1300 Shelton Ave., Norfolk, VA 23502. Representative: W. P. Davis, P.O. Box 1006, Norfolk, Va 23501 (804)-853-4344. Transporting *general commodities* (except classes A and B explosives), in cargo containers or trailers, between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI and DC, restricted to traffic having a prior or subsequent movement by water.

MC 119961 (Sub-10), filed August 17, 1981. Applicant: MARSHALL MOTOR COACH, INC., 1409 East Anson, Marshalltown, IA 50158. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309 (515) 282-3525. Transporting *passengers and their baggage, in charter and special operations, beginning and ending at points in IA, and extending to points in the U.S. (except HI).*

MC 120761 (Sub-73), filed August 14, 1981. Applicant: NEWMAN BROS, TRUCKING COMPANY, 6559 Midway Rd., P.O. Box 18728, Fort Worth, TX 76118. Representative: Clint Oldham, 623 South Henderson, 2nd Floor, Fort Worth, TX 76104 (817)-322-4415. Transporting *metal products*, between points in OK, on the one hand, and, on the other, points in the U.S.

MC 133490 (Sub-19), filed August 14, 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 *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Federal Cartridge Corporation, of Anoka, MN.

MC 143621 (Sub-58), filed August 18, 1981. Applicant: TENNESSEE STEEL HAULERS, INC., P.O. Box 100991, Nashville, TN 37210. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014 (301)-986-1410. Transporting (1) *metal products;* (2) *machinery;* and (3) *commodities which because of their size or weight require the use of special handling or equipment*, between points in TN, 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 146180 (Sub-8) (Republication) filed May 26, 1981, previously noticed in the **Federal Register** issue of June 9, 1981. Applicant: QUALITY EXCHANGE, INC., Route 4, Box 459-A, Klings Mountain, NC 28086. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave. NW., Washington, DC 20005 (202) 347-9332. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Allegheny International, of Pittsburgh, PA.

Note.—This republication shows Allegheny International, as the contracting shipper.

MC 152250, filed August 14, 1981. Applicant: WHITE TRANSPORT, INC., P.O. Box 2063, Sheridan, WY 82801. Representative: B. Frank Roberts, P.O. Box 3016, Sheridan, WY 82801 (307)-672-5866. Transporting *construction, mine and mill machinery, equipment and supplies*, between points in WY, MT, CO, UT, ID and NE.

MC 152261 (Sub-3), filed August 18, 1981. Applicant: M. W. ETTINGER, INC.,

2711 Fairview Avenue North, Roseville, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440 (612) 542–1121. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Pillsbury Company, of Minneapolis, MN, and its wholly-owned subsidiaries, (a) Burger King Corporation, of Miami, FL, (b) Green Giant Company, of Chaska, MN, (c) Poppin Fresh Pies, Inc., of Minneapolis, MN, and (d) Steak and Ale Restaurants of America, Inc., of Dallas, TX.

MC 155231 (Sub-1), filed August 14, 1981. Applicant: MAXAM TRUCKING, INC., R.D. #2, Bassette Rd., Interlake, NY 14847. Representative: Donald C. Carmien, Suite 501 Midtown Mall, P.O. Box 1922, Binghamton, NY 13902, (607) 772–6993. Transporting *salt and salt products*, between points in the U.S., under continuing contract(s) with the International Salt Company, of Clarks Summit, PA.

MC 156520, filed August 18, 1981. Applicant: PREMIER TRANSPORTATION SERVICES, INC., 2 East 106th Street, Room 150, Indianapolis, IN 46280. Representative: Buren V. Beaman (same address as applicant), (317) 243–6923. Transporting *cooper rods and wire*, between points in Allen County, IN, on the one hand, and on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the United States and Canada. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 157340, filed August 10, 1981. Applicant: DAVID CARLIN, d.b.a. CARLIN UNITED TRUCKING, P.O. Box 344, Round Rock, TX 78664. Representative: George James "Jim" Mallios, 608 Brown Bldg., 708 Colorado, Austin, TX 78701, (512) 477–9469. Transporting *farm products, ores and minerals, coal, oil, lumber, concrete and stone, metal products, machinery, building materials*, between points in Travis and Williamson Counties, TX, on the one hand, and on the other, points in NM, CO, KS, OK, CA, MO, AR, LA, AZ, WY and IL.

MC 157681 (Sub-1), filed August 17, 1981. Applicant: DOUBLE E REFRIGERATED TRUCK LINE, INC., 5905 Lamar, Mission, KS 66202. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO 64068, (816) 781–6000. Transporting *such commodities* as are dealt in by grocery and food business houses, between Kansas City, MO, on the one hand, and on the other, points in AL, AR, AZ, CA, CO, FL, GA, IA, IL, KS, LA, MI, MN, MO, MS, NC, ND, NE, NM, NY, OH, OK, SC, TN, TX, UT, WI and WY.

MC 157750, filed August 14, 1981. Applicant: TENNESSEE OHIO EXPRESS, INC., 1040 Murfreesboro Rd., Nashville, TN 37217. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219, (615) 244–8100. Over regular routes, transporting *general commodities* (except classes A and B explosives), between Nashville, TN and Cleveland, OH: from Nashville over Interstate Hwy 65 to junction Interstate Hwy 71, then over Interstate Hwy 71 to Cleveland, and return over the same route, serving all intermediate points and serving all points in OH as off-route points.

MC 157791, filed August 17, 1981. Applicant: IDEAL DISTRIBUTING COMPANY, INC., P.O. Box 424, Route 11 Guthrie Highway, Clarksville, TN 37040. Representative: William F. Peacher, (same address as applicant), (615) 552–3300. Transporting *paper products*, between points in the U.S., under continuing contract(s) with International Label Company, of Clarksville, TN.

Volume No. OP1–245

Decided: August 26, 1981.

By the Commission, Review Board Number 1. Members Parker, Chandler and Fortier. Member Parker not participating in part.

MC 38170 (Sub-33), filed August 19, 1981. Applicant: WHITE STAR TRUCKING, INC., 1750 Southfield Road, Lincoln Park, MI 48146. Representative: Rex Eames, 900 Guardian Bldg., Detroit, MI 48226, (313) 963–3750. Transporting *general commodities* (except classes A and B explosives), between points in MI, WI, MN, IA, IL, MO, IN, KY, OH, WV, PA and NY.

MC 82841 (Sub-321), filed July 7, 1981, previously published in the Federal Register on July 23, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 I St., Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339–3003. Transporting *general commodities* (except classes A and B explosives), between the facilities of Clow Corporation and its subsidiaries, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

Note.—This republication corrects the territorial description.

MC 108461 (Sub-138), filed August 18, 1981. Applicant: SUNDANCE FREIGHT LINES, INC., d.b.a. SUNDANCE TRANSPORTATION, 3737 West Buckeye Road, Phoenix, AZ 85009. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531–1777. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Southwest Beef, Inc., of Tolleson, AZ.

MC 124511 (Sub-73), filed August 17, 1981. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, East Highway 54, Mexico, MO 65265. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 135381 (Sub-11), filed August 14, 1981. Applicant: DRUM TRANSPORTATION COMPANY, R.D. #1, Montgomery, PA 17752. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *lumber or wood products*, between points in the U.S., under continuing contract(s) with Escambia Treating Company, of Pensacola, FL.

MC 142310 (Sub-38), filed August 10, 1981. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703, (608) 256–7444. Transporting *general commodities* (except classes A and B explosives) between points in IL, IN, IA, MI, MN, MO, NJ, NY, OH, PA, and WI.

MC 144821 (Sub-13), filed August 10, 1981. Applicant: FREEDOM FREIGHTWAYS, INC., 9060 Latty Ave., St. Louis, MO 63134. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting (1) *petroleum, natural gas and their products*, (2) *chemicals and related products*, and (3) *metal products*, between points in the U.S. Condition: To the extent that the certificate in this proceeding authorizes the transportation of liquefied petroleum gas, it will expire 5 years from the date of issuance.

MC 145380 (Sub-4), filed August 19, 1981. Applicant: CALIFORNIA-PACIFIC FREIGHT, INC., P.O. Box 7266, Los Angeles, CA 90022. Representative: Dean McCormick (same address as applicant), (213) 726–4013. Transporting *general commodities* (except classes A and B explosives), between points in

Imperial, Los Angeles, Orange, Riverside and San Bernardino Counties, CA.

MC 145480 (Sub-2), filed August 18, 1981. Applicant: ED WOLFE TRUCKING, INC., 20425 Ahha Lane, Bend, OR 97701. Representative: Philip G. Skofstad, Logus Block, 529 S.E. Grand Ave., Portland, OR 97214, (503) 239–4157. Transporting *chemical and related products*, (a) between ports of entry on the international boundary line between the U.S. and Canada at or near Blaine, WA, on the one hand, and, on the other, points in OR, (b) between points in Kitsap County, WA, on the one hand, and, on the other, points in OR and Modic, Lassen, and Siskiyou Counties, CA, (c) between points in Caldwell and Kootenai Counties, ID, on the one hand, and, on the other, points in WA, OR, NV, and Modoc, Lassen, and Siskiyou Counties, CA, and (d) between points in Benton County, WA, on the one hand, and, on the other, points in OR, ID, NV, UT, and Modoc, Lassen, and Siskiyou Counties, CA, and (e) between points in Salt Lake County, UT, on the one hand, and, on the other, points in NV, ID, WA, OR, and Modoc, Lassen, and Siskiyou Counties, CA.

MC 147421 (Sub-3), filed August 18, 1981. Applicant: J.N. L'HEUREUX, 95 College Ave., Waterville, ME 04901. Representative: Daniel J. L'Heureux (same address as applicant), (207) 872–8077. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Keyes Fibre Company, of Waterville, ME.

MC 152231 (Sub-4), filed August 10, 1981. Applicant: EME TRANSPORT CORP., 277 Fairfield Rd., Fairfield, NJ 07006. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791–2270. Transporting (1) *packaging materials*, between points in Passaic County, NJ, on the one hand, and, on the other, points in FL, ME, NH, VT, CT, MA, RI, NY, PA, DE, MD, VA, NC, SC, GA, and DC, and (2) *such commodities* as are dealt in by retail department and discount stores, between points in NY, NJ, MD, PA, CT, and MA, on the one hand, and, on the other, points in the U.S.

MC 152310 (Sub-3), filed August 7, 1981. Applicant: M & M EQUIPMENT CO., INC., 24400 East Alameda Ave., Aurora, CO 80011. Representative: Mark A. Davidson, 1600 Sherman St. #665, Denver, CO 80203, (303) 839–5856. Transporting *general commodities* (except classes A and B explosives) between points in CO, on the one hand, and, on the other, points in NY, NJ, KS, PA, MD, IL, IN, OH, and WI.

MC 152621 (Sub-5), filed March 24, 1981. previously noticed in **Federal Register** issue of April 24, 1981. Applicant: RUSH TRANSPORT, INC., 163 Main Street, Route 131, Sturbridge, MA 01566. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *rubber and plastic products*, between the facilities of (a) Chelsea Industries, Inc., and (b) Mobil Chemical Co., in the U.S., on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

Note.—This republication clarifies the territorial description.

MC 154681 (Sub-3), filed August 18, 1981. Applicant: NORTH CENTRAL TRANSPORTATION, INC., R.R. #2, Box 83B, Fargo, ND 58102. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235–4487. Transporting (1) *metal products*, between points in Anoka, Ramsey, Hennepin, Dakota, Washington, Scott, and Carver Counties, MN, and LaCrosse County, WI, on the one hand, and, on the other, points in ND, SD, MT, ID, WA, NE, and IA, and (2) *machinery*, between points in Anoka, Ramsey, Hennepin, Dakota, Washington, Scott, and Carver Counties, MN, on the one hand, and, on the other, points in Cass County, ND.

MC 154780 (Sub-7), filed August 19, 1981. Applicant: ATLANTIC TRANSPORT SERVICE, INC., 1300 South French Avenue, Box 257, Sanford, FL 32771. Representative: Kim D. Mann, 7101 Wisconsin Ave., Suite 1010, Washington, DC 20014, (301) 986–1410. Transporting *general commodities* (except classes A and B explosives), between points in FL, on the one hand, and, on the other, points in the U.S.

MC 155131 (Sub-1), filed August 10, 1981. Applicant: CISZAR INTERSTATE TRANSPORTATION CO., INC., P.O. Box 446, Dolton, IL 60419. Representative: Stephen H. Loeb, Suite 2027, 33 N. LaSalle St., Chicago, IL 60602, (312) 726–9722. Transporting *metal products*, between points in IN, IL, IA, KY, MI, MO, OH, and WI.

MC 156390, filed August 7, 1981. Applicant: PROGRESSIVE PIER DELIVERY, INC., 1 Freeman St., Newark, NJ 07105. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791–2270. Transporting *general commodities* (except classes A and B explosives) between New York, NY, on the one hand, and, on the other, points in CT, MA, RI, NY, NJ, DE, PA, MD, DC and Hillsborough County, NH.

MC 157581, filed August 6, 1981. Applicant: W. J. WALLHEIMER TRUCKING CO., 613 Hollywood Heights Rd., Caseyville, IL 62232. Representative: Walter Wallheimer (same address as applicant), (618) 345–1897, (618) 345–0780. Transporting *recyclable materials*, between points in the U.S., under continuing contract(s) with Alton Packaging Corporation, of St. Louis, MO.

MC 157710, filed August 14, 1981. Applicant: CURRY TRUCK COMPANY, a Corporation, Box 216, St. Elmo, IL 62458. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *petroleum, natural gas and their products*, between points in IL, IA, IN, and MO. Condition: To the extent that this certificate authorizes the transportation of liquefied petroleum gas, it shall expire 5 years from date of issuance.

MC 157751, filed August 17, 1981. Applicant: CONDIT TRUCKING CO., a corporation, 1305 Hobbs Hwy., P.O. Box 960, Seminole, TX 79360. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (806) 763–9555. Transporting *chemicals and related products*, between points in Eddy County, NM, on the one hand, and, on the other, points in TX.

MC 157790, filed August 19, 1981. Applicant: FIRST EXPRESS OF XENIA, 936 North Detroit St., Xenia, OH 45385. Representative: Wayne Hastings (same address as applicant), (513) 376–8126. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Carboline Co. and its division Moran Paint Co., both of Alpha, OH.

Volume No. OPY–2–165

Decided: August 25, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 61692 (Sub-20), filed August 17, 1981. Applicant: WARNERS MOTOR EXPRESS, INC., West Country Club Road, Red Lion, PA 17356. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *general commodities* (except classes A and B explosives), between points in WI, IL, MS, TN, KY,

IN, MI, OH, WV, VA, NC, SC, GA, AL, FL, MD, DE, NJ, PA, NY, CT, RI, MA, NH, VT, ME, and DC.

MC 95883 (Sub-4), filed August 14, 1981. Applicant: BASIL S. KINSON, INC., d.b.a. KINSON BUS LINES, 6 Railroad Ave., Georgetown, MA 01833. Representative: Joseph M. Klements, 84 State St., Boston, MA 02109, (617) 523–0800. Transporting *passengers and their baggage, in same vehicle with passengers*, in round-trip special and charter operations, beginning and ending at points in Essex, Middlesex, Suffolk, and Norfolk Counties, MA, and Rockingham and Hillsboro Counties, NH, and extending to points in the U.S.

MC 112123 (Sub-22), filed August 10, 1981. Applicant: BESTWAY TRANSPORTATION, 1813 E. Thomas Rd., Phoenix, AZ 85016. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, (602)–275–3124. Over *regular routes*, transporting *general commodities* (except classes A and B explosives) (1) between Santa Rosa and Los Angeles, CA, over U.S. Hwy 101, (2) between Redding and San Francisco, CA: from Redding over Interstate Hwy 5 to junction Interstate Hwy 505, then over Interstate Hwy 505 to junction Interstate Hwy 80, then over Interstate Hwy 80 to San Francisco, (3) between junction Interstate Hwy 80 and Interstate Hwy 580 and junction Interstate Hwy 580 and Interstate Hwy 5, over Interstate Hwy 580, (4) between junction Interstate Hwy 80 and Interstate Hwy 680 and junction Interstate Hwy 580 and Interstate Hwy 680, over Interstate Hwy 680, (5) between Redding and San Diego, CA, over Interstate Hwy 5, (6) between Sacramento and Wheeler Ridge, CA, over CA Hwy 99, (7), between Reno, NV and San Diego, CA, over U.S. Hwy 395, (8) between Bakersfield and Barstow, CA, over CA Hwy 58, (9) between San Francisco, CA and Cheyenne, WY, over Interstate Hwy 80, (10) between Sacramento, CA and Denver, CO: from Sacramento over U.S. Hwy 50 to junction U.S. Hwy 50 and Interstate Hwy 70, then over Interstate Hwy 70 to Denver, (11) between San Diego, CA and Ogden, UT, over Interstate Hwy 15, (12) between San Diego and El Centro, CA, over Interstate Hwy 8, (13) between Las Vegas, NV and Phoenix, AZ: from Las Vegas over U.S. Hwy 93 to junction U.S. Hwy 60, then over U.S. Hwy 60 to Phoenix, (14) between Kingman and Williams, AZ, over Interstate Hwy 40, (15) between Flagstaff, AZ and Provo, UT, over U.S. Hwy 89, (16) between Provo, UT and junction NM Hwy 44 and Interstate Hwy 25: from Provo over U.S. Hwy 6 to junction Interstate Hwy 70, then over U.S. Hwy 163 to junction U.S. Hwy 666, the over U.S. Hwy 666 to junction U.S. Hwy 550, then over U.S. Hwy 550 to junction NM Hwy 44, then over NM Hwy 44 to junction Interstate Hwy 25, (17) between Las Cruces, NM and Cheyenne, WY, over Interstate Hwy 25, serving all intermediate points in (1) through (17) above, and serving all points in CA, NV, AZ, UT, CO, and NM, as off-route points in connection with applicant's existing regular route operations.

Note.—Applicant intends to tack this authority with its existing authorities.

MC 112713 (Sub-324), filed August 13, 1981. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207. Representative: Leonard R. Kofkin, 39 South La Salle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 141652 (Sub-48), filed August 17, 1981. Applicant: ZIP TRUCKING, INC., P.O. Box 6126, Jackson, MS 39208. Representative: K. Edward Wolcott, Suite 1200, Gas Light Tower, 235 Peachtree St., N.E., Atlanta, GA 30303, (404) 522–2322. Transporting *food and related products* between points in Gibson and Shelby Counties, TN, on the one hand, on the other, points in the U.S., under continuing contract(s) with Hunt-Wesson Foods, Inc., of Fullerton, CA.

MC 144603 (Sub-17), filed August 14, 1981. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Drive, Maryland Heights, MO 63043. Representative: Laura C. Berry (same address as applicant), 314–291–3030. *Transporting lumber and wood products* and *furniture and fixtures*, between points in Jackson County, OR, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, AR, and LA.

MC 146863 (Sub-3), filed August 17, 1981. Applicant: WEBB'S HOT SHOT SERVICE, INC., P.O. Box 1966, Rock Springs, WY 82901. Representative: Nancy R. Belter, 725 Eighth St., SE., Washington, DC 20003, (202) 546–8700. Transporting *Mercer Commodities and electrical energy, ore, coal, geothermal and nuclear resources*, between points in AK, AZ, AR, CA, CO, ID, IL, IA, KS, LA, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA and WY.

MC 146992 (Sub-10), filed August 17, 1981. Applicant: PHIL-MART TRANSPORTATION, INC., P.O. Box 126, Braselton, GA 30517. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521, 312–629–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Prime Packing Co., of Chicago, IL, and (b) Servbest Foods, Inc., of Highland Park, IL.

MC 149472 (Sub-7), filed August 17, 1981. Applicant: INTER-COASTAL, INC., 131 Beaverbrook Road, Lincoln Park, NJ 07035. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110, (215) 561–1030. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Baker Rubber, Inc., of South Bend, IN.

MC 151903, filed August 17, 1981. Applicant: D.T. ENTERPRISES, INC., 2709 Ellis Lane, Richmond, VA 23229. Representative: Robert R. Kaplan, P.O. Box 12085; Richmond, VA 23241, 804–771–9558. Transporting *building materials*, between points in the U.S., under continuing contract(s) with United Rockwool, Inc., of Woodbridge, VA.

MC 152202, filed August 14, 1981. Applicant: ARGO TRANSPORT LTD., 300 Canal Bank Road, Montreal, P.Q., Canada H8R 1H3. Representative: Adrien R. Paquette, 200 St. James Street, Suite 900, Montreal, P.Q., Canada (H2Y 1M1). Transporting *general commodities*, in containers (except classes A and B explosives), having a prior or subsequent movement by water, between the ports of entry on the international boundary line between the U.S. and Canada at points in NY, VT, NH and ME, on the one hand, and, on the other, points in VT, NH, MA, CT, ME, NY, NJ, DE, MD, RI, PA, OH, IN and IL.

MC 154543F, filed August 17, 1981. Applicant: MERLE BROWER, d.b.a., ALL CAL TRANSPORT, 628 W. Mitchell, Clovis, GA 93612. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *food and related products*, between points in Fresno County, CA, on the one hand, and, on the other, points in AZ, CT, FL, IL, IN, KY, MA, MD, MI, MO, NM, NY, OH, OR, PA, TN, TX, and WA.

MC 156042 (Sub-1F), filed August 3, 1981. Applicant: K & D ENTERPRISES, 2422 Highway 2 West, Kalispell, MT 59901. Representative: Kenneth P. Doty (same address as applicant), (406) 755–6565. Transporting *such commodities as are dealt in or used by producers or manufacturers of lumber, wood products, and forest products*, between points in MT and WA, on the one hand, and, on the other, points in the U.S.

MC 157453, filed August 17, 1981. Applicant: EMERGENCY MOTOR

FREIGHT, INC., Rte. 5, Box 452, Simpsonville, SC 29681. Representative: Mitchell King, Jr., P.O. Box 5711, Greenville, SC 29606, 803–288–6000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) American Monorail, Inc., of Simpsonville, SC, (b) The Boiler Tube Co. of America, of Lyman, SC, (c) The Cline Co., Inc., of Greenville, SC, (d) Owen Brothers, Inc., of Atlanta, GA, and (e) Storage & Handling Equipment, Inc., of Greenville, SC.

MC 157682, filed August 14, 1981. Applicant: STAR TRUCKING COMPANY, Rte. 3, Box 92, Tuttle, OK 73089. Representative Daniel O. Hands, Suite 200-A, 205 West Touhy Ave., 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 Star Candy Company, of Tuttle, OK.

MC 157712, filed August 14, 1981. Applicant: HOLLY CITY TOURS, INC., 131 North High St., Millville, NJ 08332. Representative: Jeremy Kahn, 733 Investment Building, 1511 K St., NW., Washington, DC 20005, (202) 783–3525. As a *broker*, at Millville, NJ, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, between points in the U.S.

MC 157722, filed August 14, 1981. Applicant: MIKE DUZIK, d.b.a. N.D.N. TRUCKING, P.O. Box 874, Hayden, CO 81639. Representative: Lee E. Lucero, 445 Capitol Life Center, Denver, CO 80203, 303–861–8046. Transporting *general commodities* (except classes A and B explosives), between points in AR, AZ, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, NE, NM, NV, NC, ND, OK, OR, SD, TX, UT, VA, WA, and WY.

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Decided: August 25, 1981.

By the Commission, Review Board Number 2. Members Carleton, Kelly and Williams.

MC 2304 (Sub-52), filed August 17, 1981. Applicant: THE KAPLAN TRUCKING COMPANY, a corporation, 6600 Bessemer Ave., Cleveland, OH 44127. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43213, (614) 228–1541. Transporting *general commodities* (except classes A and B explosives), between Toledo, OH, on the one hand, and, on the other, points in the U.S.

MC 7914 (Sub-7), filed August 11, 1981. Applicant: UTICA-ROME BUS CO., INC., Kirkland Ave., Clinton, NY 13323. Representative: Robert J. Brooks, 1828 L St., N.W., Suite 1111, Washington, DC 20036, (202) 466–3892. Transporting *passengers*, in charter and special operations, beginning and ending at points in Fulton, Hamilton, Herkimer, Lewis, Madison, Montgomery, Oneida, and Onondaga Counties, NY, and extending to points in the U.S.

MC 28985 (Sub-14), filed August 6, 1981. Applicant: SEASHORE TRANSPORTATION COMPANY, 812 Broad St., New Bern, NC 28560. Representative: David L. Ward, Jr., 1001 College Ct., P.O. Box 867, New Bern, NC 28560, (919) 633–1000. *Over regular routes*, (1) transporting *passengers and their baggage, mail and express*, between Jacksonville and Fayetteville, NC; from Jacksonville over NC Hwy 24 to junction NC Hwy 111, then over NC Hwy 111 to U.S. Hwy 70, then over U.S. Hwy 70 to U.S. Hwy 13, then over U.S. Hwy 13 to junction Interstate Hwy 95, then over Interstate Hwy 95 to Fayetteville, NC; and (2) over irregular routes, transporting *passengers and their baggage*, in special operations, in round trip sightseeing or pleasure tours, beginning and ending at points in Cumberland, Sampson and Duplin Counties, NC and extending to points in the U.S. (including AK but excluding HI).

MC 35334 (Sub-94), filed August 10, 1981. Applicant: COOPER-JARRETT, INC., Hanover Plaza, Morristown, NJ 07960. Representative: William J. Hanlon (same address as applicant), (201) 267–9100. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S.

MC 85885 (Sub-3), filed August 10, 1981. Applicant: CARTER TRUCK LINES, INC., 2462 South West St., Indianapolis, IN 46225. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Delta Faucet Company, Division of Masco Corporation, of Greensburg, IN.

MC 111274 (Sub-76), filed August 17, 1981. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant), (309) 266–9773. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Lumber Specialties, Ltd., of Delafield, WI.

MC 112395 (Sub-6), filed July 10, 1981, previously published in the FR of August 4, 1981. Applicant: CITIZEN EXPRESS, INC., 38 North French Broad Ave., Asheville, NC 28801. Representative: Robert D. Schuler, 100 West Long Lake Rd.—Suite 102, Bloomfield Hills, MI 48013, (313) 645–9600. Transporting *general commodities* (except classes A and B explosives), between points in NC, SC, Knox County, TN, and those in TN on and east of Interstate Hwy 75.

Note.—This republication corrects the territorial description.

MC 115975 (Sub-47), filed August 12, 1981. Applicant C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, IL 62095. Representative M. Burnell Watson (Same address as applicant), (618) 254–6770. Transporting (1) *coal and coal products*, (2) *petroleum and petroleum products*, (3) *natural gas and their products*, and (4) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Amoco Oil Company of Chicago, IL, Gulf Oil Company-U.S. of Houston, TX and Ashland Petroleum Company Division of Ashland Oil, Inc., of Ashland, KY.

MC 116544 (Sub-252), filed August 14, 1981. Applicant: ALTRUCK FREIGHT SYSTEMS INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303, (415) 856–0117. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 119344 (Sub-9), filed August 17, 1981. Applicant: ELDON D. AYERS, 640 Canyon, Spearfish, SD 57783. Representative: J. Maurice Andren, 1734 Sheridan Lake Rd., Rapid City, SD 57701, (605) 343–4036. Transporting *petroleum, natural gas and their products*, between points in MT, ND, SD, and WY.

MC 119765 (Sub-100), filed August 17, 1981. Applicant: EIGHT WAY XPRESS, INC., 5402 So. 27th St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397–7033. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Land O Lakes, Inc. of Arden Hills, MN.

MC 119774 (Sub-116), filed August 11, 1981. Applicant: EAGLE TRUCKING COMPANY, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Rd., Forth Worth, TX 76118, (817) 731–8431. Transporting *general commodities* (except classes A and B explosives), between the facilities of Barshell Distributing, Inc. its dealers and distributors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 128544 (Sub-8), filed August 17, 1981. Applicant: IOWA STEEL EXPRESS, INC., 1600 C Ave. N.W., P.O. Box 1926, Cedar Rapids, IA 52406. Representative: Beverly J. Carfrae, 2960 Lafayette Dr., Boulder, CO 80303, (303) 494–4879. Transporting *metal products*, between points in MO, KS, CO, NE, IA, IL and MN.

MC 129414 (Sub-9), filed August 17, 1981. Applicant: BELL & MOONEY, INC., P.O. Box 9, Evans, CO 80620. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717-17th St., Denver, CO 80202, (303) 892–6700. Transporting *petroleum, natural gas, and their products*, between points in CO, MT, NE, ND, SD, UT and WY.

MC 134134 (Sub-99), filed August 11, 1981. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific St., Oak Park Office Bldg., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of household and restaurant appliances, between those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 136585 (Sub-1), filed August 14, 1981. Applicant: BUD COFER, INC., 4102 Creekside Ave., Toledo, OH 43612. Representative: Keith D. Warner, 5732 W. Rowland Rd., Toledo, OH 43613, (419) 474–6883. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with A. Mindel & Son, Inc. of Toledo, OH.

MC 138184 (Sub-3), filed August 13, 1981. Applicant: WALLACE TRUCKING COMPANY, Route 4, Box A–71, Laurinburg, NC 28352. Representative: F. Kent Burns, P.O. Box 2479, Raleigh, NC 27602, (919) 828–2421. Transporting *petroleum products*, between points in Scotland, Mecklenburg, New Hanover and Johnston Counties, NC, on the one hand, and, on the other, points in NC, SC, GA, FL, VA, MD, PA, WV, DE, RI, NY, NJ, ME, CT, VT, NH, MA, TN, KY, IN, OH, MO, KS, AR, LA, MS, AL, OK, TX, and DC.

MC 138875 (Sub-306), filed August 17, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (208) 376–5757. Transporting *metal products*, between points in IL and UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, NM, OR, WA and WY.

MC 141745 (Sub-3), filed August 14, 1981. Applicant: ROBERT F. RANDGAARD, d.b.a. BOB'S TRUCKING, 2610 E. Whitton, Phoenix, AZ 85016. Representative: Andrew V. Baylor, 337 East Elm St., Phoenix, AZ 85012, (602) 274–5146. Transporting *textile and textile products*, and *vinyl and vinyl products*, between points in the U.S., under continuing contract(s) with American Textile & Trim Co., Inc., of New Orleans, LA.

MC 144624 (Sub-5), filed August 13, 1981. Applicant: AMERICAN STREVELL TRANSPORT, INC., P.O. Box 26828, 2205 W. 15th So., Salt Lake City, UT 84125. Representative: Eugene D. Anderson, 910 17th St., N.W., Suite 428, Washington, D.C. 20006. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Stokely Van Camp, Inc. of Indianapolis, IN.

MC 146964 (Sub-18), filed August 14, 1981. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Avenue, York, PA 17403. Representative: Michael Valencik (same address as applicant), (717) 845–7030. Transporting *such commodities* as are dealt in by retail variety stores, between points in the U.S., on the one hand, and, on the other, the facilities of McCroy Stores, Division of McCroy Corporation, at points in the U.S.

MC 147915 (Sub-3), filed August 14, 1981. Applicant: RUSSO MOTOR EXPRESS, INC., Keim Boulevard and Bridge Plaza, Commerce Square, Burlington, NJ 08106. Representative: Robert R. Harris, 1730 M Street, NW., Suite 501, Washington, DC 20036, (202) 296–2900. Transporting *pulp, paper and related products* and *rubber and plastic products*, between Philadelphia, PA, Wilmington DE, and points in Middlesex and Monmouth Counties, NJ, Montgomery, Delaware and Chester Counties, PA, on the one hand, and, on the other, points in IL, IN, OH, PA, VA, MD, DE, NJ, and NY.

MC 148284 (Sub-5), filed August 10, 1981. Applicant: DON YOUNGBLOOD TRUCKING COMPANY, INC., P.O. Box 309, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 997–1134. Transporting *petroleum products*, between points in Orange and Jefferson Counties, TX, on the one hand, and, on the other, points in AR.

MC 151004 (Sub-1), filed August 13, 1981. Applicant: WARNACO TRUCKING CORP., 350 Lafayette St., Bridgeport, CT 06602. Representative: John F. Ryan (same address as applicant), (203) 579–8006. Transporting *paper products*, between points in the U.S., under continuing contract(s) with Keyes Fibre, an Arcata Company of Waterville, ME.

MC 152024, filed August 12, 1981. RUMM ASSOCIATES, INC., P.O. Box 521, Grand Blanc, MI 48439. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting *general commodities* (except classes A and B explosives), between points in the upper peninsula of MI, on the one hand, and, on the other, points in MI, OH, IL, WI, MN, MO, KY, IN, PA, and NY.

MC 152024 (Sub-1), filed August 14, 1981. Applicant: RUMM ASSOCIATES, INC., P.O. Box 521, Grand Blanc, MI 48439. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting *iron and steel articles*, between points in the U.S. under continuing contract(s) with the General Motors Corporation of Troy, MI.

MC 153085 (Sub-1), filed August 17, 1981. Applicant: DUSTY BULLOCK, INC., Rt. 1, Box 207, Caryville, TN 37714. Representative: Peter A. Greene, 1920 N. St. N.W., Suite 700, Washington, D.C. 20036, (202) 331–8800. Transporting *food and related products*, between points in Campbell County, TN, on the one hand, and, on the other, points in FL, IL, IA, KS, PA, TX and WI.

MC 154004 (Sub-1), filed August 17, 1981. Applicant: TRANSPORTATION TECHNIQUES, INC., 10 Potomac Lane, Southington, CT 06489. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103, (203) 728–0700. Transporting *general commodities* (execpt classes A and B explosives), between points in the U.S., under continuing contract(s) with James River Corporation, of Richmond, VA.

MC 157715, filed August 14, 1981. Applicant: LESTER C. SMITH, d.b.a. D & S TRUCKING, 1013 Pine Tree Rd., Mary Ester, FL 32569. Representative: Lester C. Smith (same as applicant) (904) 581–3085. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Berg Steel Pipe Corporation, of Panama City, FL.

MC 157735, filed August 14, 1981. Applicant: IVAN R. MARTIN, R. D. #1, Box 138, Narvon, PA 17555. Representative: John W. Metzger, 49 N. Duke St., Lancaster, PA 17602, (717) 299–1181. Transporting *agricultural limestone*, (1) between points in Lancaster County, PA, on the one hand, and, on the other, points in NY, NJ, DE, MD and VA and (2) between points in Kent and Sussex Counties, DE, on the one hand, and, on the other, points in MD and VA.

MC 157664, filed August 12, 1981. Applicant: GEORGE WEIR, 871 Pymouth St., Abington, MA 02351. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108, (617) 742–3530. As a *broker*, arranging for the transportation of *household goods*, between points in ME, NH, MA, and RI, on the one hand, and, on the other, points in the U.S.

MC 157725, filed August 17, 1981. Applicant: DENNIS HOGAN, d.b.a. FAIRWAY AUTO TRANSPORT, East 2027 Sprague, Spokane, WA 99202. Representative: Dennis Hogan (same as applicant) (509) 535–0415. Transporting *used automobiles and used trucks*, between points in WA, OR, ID and MT.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–25520 Filed 9–1–81; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 153]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: August 27, 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.

FF 496 (Sub-1)X, filed August 12, 1981. Applicant: ROBERT DEMORRO, d.b.a. CONTRAN'S, 25 James Street, New Haven, CT 06513. Representative: Donald Baillie, P.O. Box 765, Cheshire, CT. Applicant seeks to remove restrictions in its lead permit to change one-way authority to radial authority between points in CT on the one hand, and, on the other, points within the limits of the Harbor of New York, NY, and harbors contiguous thereto, as defined in 49 CFR 1070.1(a), and New Haven, Bridgeport and New London, CT.

MC 2153 (Sub-53)X, filed August 13, 1981. Applicant: MIDWEST MOTOR EXPRESS, INC., 5015 East Main, P.O. Box 1058, Bismarck, ND 58501. Representative: James L. Nelson, 1241 Pierce Butler Route, St. Paul, MN 55104. Applicant seeks to remove restrictions from its Sub-No. 51 certificate to broaden the commodity description from general commodities, with exceptions, to "general commodities (except classes A and B explosives)."

MC 44801 (Sub-23)X, filed August 12, 1981. Applicant: DICK HARRIS & SONS TRUCKING CO., INC., 4000 Harris Lane, P.O. Box 10277, Lynchburg, VA 24506. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its Sub-No. 17F certificate to broaden certain commodity descriptions in part (1), as follows: to "metal products and lumber and wood products" from container closures and container components: "clay, concrete, glass or stone products" from glassware: "pulp, paper and related products, rubber and plastic products, and textile mill products" from packing products: and "waste or scrap materials" from scrap materials.

MC 75593 (Sub-3)X, filed August 10, 1981. Applicant: A & A TRANSPORT, INC., Route 87, Franklin, CT 06254. Representative: William J. Meuser, Esq., 86 Cherry Street, P.O. Box 507, Milford, CT 06460. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (1) remove exceptions to its general commodities, except classes A and B explosives and household goods; and (2) broaden the territorial description from one way to radial and to change the description from points in RI and CT within 30 miles of New London to New London, Hartford, Windham, Tolland, Middlesex and New Haven Counties, CT, and Washington, and Kent and Counties, RI, and from New London, CT to New London County, CT

MC 105902 (Sub-29)X, filed August 12, 1981. Applicant: PENN YAN EXPRESS, INC., 100 West Lake Road, Penn Yan, NY 14527. Representative: Jeffrey A. Vogelman, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Applicant seeks to remove restrictions in its lead and Subs-Nos. 3, 5, 7, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21F, 22F, 24F, 25F, 26, and 28 certificates to (1) broaden the commodity description in each of these certificates from general commodities (with exceptions) to "general commodities, except Classes A and B explosives"; (2) replace one-way regular route authority with two-way authority between Utica and Norwich, NY, and one-way irregular route authority with radial authority between points in Oneida and Madison Counties, NY and between points in Fulton County, NY and, Herkimer and Montgomery Counties, NY, in Sub-No. 16; (3) allow service at all intermediate points on its regular-route authority as follows: (a) in the lead, between Elmira, NY and New York, NY, between Elmira, NY and Olean, NY, between Elmira, NY and Penn Yan, NY, (b) in Sub-No. 16, between Utica, NY, and Norwich, NY, between South New Berlin, NY and Binghamton, NY, and between South New Berlin, NY and Oneonta, NY, and (c) in Sub-No. 20, between Philadelphia, PA and Binghamton, NY and between Philadelphia, PA and Elmira, NY; and (4) change specified off-route points to counties as follows: (a) in Sub-No. 11, Tonawanda, North Tonawanda, Lancaster, Fairport, Youngstown, Jordan, Clifton Springs, Shortsville, Albion, Medina, and Webster, NY with Cayuga, Erie, Monroe, Niagara, Onondaga, Ontario, Oreleans, and Wayne Counties, NY, (b) in Sub-No. 16, Hubbardsville, NY with Madison County, NY, Jordanville, Salt Springville, Springfield Center, and Van Hornesville, NY with Herkimer, Montgomery, and Otsego Counties, NY, Bennettsville, Columbus, Endicott, Endwell, Franklin, Guilford, Johnson City, Langdon, Laurens, Masonville, New Lisbon, North Franklin, North Treadwell, Port Crane, Port Dickinson, Sanitaria Springs, South Edmeston, Treadwell, Union, Vestal, West Edmeston, and Willow Point, NY with Broome, Chenango, Delaware, Madison, Otsego, and Tioga Counties, NY, and Smyrna, South Plymouth, and Sherburne Four Corners, NY with Chenango County, NY, (c) in Sub-No. 18, Altamont, Delanson, and Voorheesville, NY with Albany, Schenectady, and Schoharie Counties, NY, Rennselaer, Cohes, Scotia, and Franklin, NY with Albany, Delaware, Rennselaer, and Schenectady Counties, NY,

Lackawanna, Lockport, Livonia, Alfred, Troupsburg, Howard, Lindley, Perkinsville, Pine City, Presho, Seeley Creek, and Springwater, NY with Allegany, Chemung, Erie, Livingston, Niagara, and Steuben Counties, NY and Bradford County, PA, and Wellsburg, Erin, and Straits Corners, NY with Chemung and Tioga Counties, NY and Bradford County, PA, (d) in Sub-No. 20, Wind Gap, PA with Monroe and Northampton Counties, PA, and (e) in Sub-No. 26, Ampthill, VA with Chesterfield County, VA; (5) remove the restriction to the transportation of traffic having an immediate prior or subsequent movement by rail in Sub-No. 24F; (6) remove the restrictions precluding service to the entire commercial zones of Utica, NY and Binghamton, NY in Sub-No. 16; and (7) remove the for joinder only restriction in Sub-No. 20.

MC 106002 (Sub-4)X, filed August 13, 1981. Applicant: JOHN F. HARRIS, d.b.a. HOGAN'S TRANSFER & STORAGE CO., 1122 S. Davis Ave., Elkins, WV 26241. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Applicant seeks to remove restrictions in MC–116119 Sub-No. 24 permit to (1) broaden the commodity description from new furniture and finished wood panels and materials and supplies used in the manufacture and distribution of new furniture and finished wood panels (except commodities in bulk) to "furniture and fixtures and materials, equipment and supplies used in their manufacture, production and sale"; and (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shipper.

MC 107913 (Sub-22)X, filed August 17, 1981. Applicant: F & W EXPRESS, INC., 165 S. Parkway West, Memphis, TN 38109. Representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, TN 38103. Applicant seeks to remove restrictions in its authority acquired in MC–F–14241F to (1) broaden the commodity discription by removing exceptions to general commodities (except classes A and B explosives); (2) serve all intermediate points on its regular routes between Benton, KY and Dyersburg, TN, and between St. Louis, MO, and Dyersburg, TN; and (3) remove a restriction against the transportation of malt beverages and new furniture destined to Dyersburg, TN, and points in its commercial zone.

MC 111687 (Sub-42)X, filed August 19, 1981. Applicant: BEN RUEGSEGGER TRUCKING SERVICE, INC., Route 1, Kawkawlin, MI 48631. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Applicant seeks to remove a restriction from its Sub-No. 41 certificate to broaden the commodity description from malt beverages to "food and related products."

MC 119741 (Sub-305)X, filed August 17, 1981. Applicant: GREEN FIELD TRANSPORT CO., INC., P.O. Box 1235, Fort Dodge, IA 50501. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Applicant seeks to remove restrictions in its Sub-No. 300X certificate to broaden the territorial description (a) from points within 25 miles of Elwood, IA, to Cedar, Clinton, Dubuque, Jackson, Jones and Scott Counties, IA, (b) from points within 15 miles of Marquoketa, IA, to Cedar, Clinton, Jackson and Jones Counties, IA and (c) points within 60 miles of Fulton, IL, to Bureau, Carroll, Henry, Jo Daviess, Knox, LaSalle, Lee, Marshall, Mercer, Ogle, Putnam, Rock Island, Stark, Stephenson, Whiteside, and Winnebago Counties, IL.

MC 124111 (Sub-69)X, filed August 10, 1981. Applicant: OHIO EASTERN EXPRESS, INC., 300 West Perkins, P.O. Box 2297, Sandusky, Ohio 44870. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-Nos. 3, 4, 11, 14, 15, 17, 18, 19, 23, 24, 25, 26, 27, 29, 31, 32, 35, 38, 39, 40, 42, 44, 45, 46, 50, 51, 53, 55, 57, 59F, 60F, 61F, 62F, 65F, certificates and E–1 letter notice, to (1) broaden the commodity description to (a) "food and related products" from meats, meat products, and meat by-products in Sub-Nos. 3, 11, 15, 17, 18, 19, 24, 27, 59F, and 60F, bananas in Sub-Nos. 4, 23, 32, 35, 38, 40, 51, 55, 57 and E–1, oleomargarine, salad dresssing, coconut oil, vegetable oil, vegetable oil-fatty acids, cooking oil, shortening, stearine, stearate and mayonnaise in Sub-No. 14, lard in Sub-No. 15, cheese products in Sub-No. 24, prepared foods, cabbage, sauerkraut, pickles, sugar, fresh fruits and vegetables, packaged vegetables, fresh tomatoes, tomato pulp, tomato juice, ketchup in Sub-No. 25, cole slaw, salads, bakery goods in Sub-No. 26, foodstuffs in Sub-Nos. 27, 31, and 62F, frozen foods and frozen prepared foods in Sub-Nos. 27, 39, and 42, vegetable oil shortening in Sub-No. 44, prepared flour mixes and frosting mixes in Sub-No. 45, food and food products in Sub-No. 46, frozen bakery products in Sub-Nos. 50 and 53, frozen bread, salad dressings, croutons and popcorn in Sub-No. 61F, and spaghetti, macaroni, and noodle products in Sub-No. 65F, non-carbonated fruit drinks, chocolate drink, cider and frozen yogurt in Sub-No. 29, (b) "printed matter" from advertising material in Sub-Nos. 14 and 25; (c) "metal products" from steel, steel stampings, cans and bottle caps in Sub-No. 25; (d) "clay, concrete, glass or stone products" from glass containers, enamelware and enamelware products in Sub-No. 25; (e) "rubber and plastic products" from electric refrigerator parts in Sub-No. 25; (f) "waste or scrap materials" from scrap metals in Sub-No. 25; (g) "chemical and related products" from salt in Sub-No. 25; (h) "coal and coal products" from coal in Sub-No. 25; (i) "furniture and fixtures" from office supplies in Sub-No. 25 (2) replace facilities limitations and specific point authority with city-wide or county-wide authority to (a) Erie County, OH from Sandusky, OH in Sub-Nos. 3 and 46, (b) Columbus, OH for facilities at Columbus, OH in Sub-Nos. 14, 26, and 62F, (c) Highland County, OH for Greenfield, OH in Sub-Nos. 15 and 17 and facilities at Greenfield, OH in Sub-No. 59F, (d) Sandusky County, OH for Fremont, Cincinnati and Clyde, OH in Sub-No. 25, (e) Huron County, OH for Bellevue, OH in Sub-No. 25, (f) Ottawa County, OH for Oak Harbor, OH in Sub-No. 25; (g) Wood County, OH for Bowling Green, OH in Sub-No. 25, (h) Trumbull County, OH for Warren, OH in Sub-No. 25, (i) Mahoning County, OH for Youngstown, OH in Sub-Nos. 25 and 32, (j) Wayne County, OH for Orrville, OH in Sub-No. 27 (k) Seneca County, OH for New Riegel and Tiffin, OH in Sub-No. 27, (l) Cuyahoga County, OH for Bedford Heights, OH in Sub-No. 61 and facilities at Solon, OH in Sub-No. 31, (m) Jackson, OH for facilities at Wellston, OH in Sub-No. 42, (n) Dayton, OH for facilities at Dayton, OH in Sub-No. 60F, (o) Preble County, OH for facilities at Lewisburg, OH in Sub-No. 60F, (p) Kane County, IL for facilities at North Aurora, IL in Sub-No. 11, (q) Madison County, IL for Alton, IL in Sub-No. 25, (r) Daviess County, IN for Washington, IN in Sub-No. 24, (s) Fayette County, IN for Connersville, IN in Sub-No. 25, (t) Grant County, IN for Gas City, IN in Sub-No. 25, (u) Adams County, IN for facilities at Decatur, IN in Sub-No. 44, (v) Hillsdale County, MI for Jonesville, MI in Sub-No. 25, (w) Kent County, MI for Grand Rapids, MI in Sub-No. 32, (x) Detroit, MI for facilities at Detroit, MI in Sub-No. 39, (Y) Washtenaw County, MI for facilities at Chelsea, MI in Sub-No. 45, (z) Wayne County, MI for facilities at Livonia, MI in Sub-Nos. 50 and 53, (aa) Erie County, NY for Buffalo, NY in Sub-Nos. 25 and 27, (bb) Onondaga County, NY for Syracuse, NY in Sub-Nos. 25 and 27, (cc) Chautauqua, Cattaraugus and Monroe Counties, NY for Jamestown, Olean and Rochester, NY in Sub-No. 27, (dd)

Allegheny County, PA for New Kensingston, PA in Sub-No. 25, (ee) Beaver County, PA for Ambridge, PA in Sub-No. 25, (ff) New Castle County, DE for Wilmington, DE in Sub-No. 23, (gg) Cumberland and Hudson Counties, NJ for Rosenhayn and Weehawken, NJ in Sub-No. 55, (hh) Youngstown, OH, with Mahoning County, OH, Grand Rapids, MI, with Kent County, MI, Fort Wayne, IN, with Allen County, IN, in Sub-No. 4; (3) replace existing one-way authority with radial authority between cities and counties named in (2) and points in several States throughout the United States in Sub-Nos. 3, 4, 11, 14, 15, 17, 18, 19, 23, 24, 25, 26, 27, 29, 31, 32, 35, 38, 39, 40, 42, 44, 45, 46, 50, 51, 53, 55, 57, 59F, 60F, 61F, 62F, 65F, and E–1; (4) delete restrictions (a) originating at and destined to named points in Sub-Nos. 11, 14, 15, 17, 24, 26, 27, 31, 42, 44, 45, 46, 50, 53 and 59F, (b) commodities in bulk, in tank vehicles in Sub-Nos. 11, 14, 15, 17, 45, 46, 59F and 60F, (c) in vehicles equipped with mechanical refrigeration in Sub-Nos. 14, 29, 31, and 62F, (d) hides and pelts in Sub-Nos. 11, 18 and 19, (e) animal and vegetable oil, in bulk, in tank vehicles in Sub-No. 19, (f) meat, meat products, meat by-products in Sub-No. 27; (5) delete restriction against the transportation of traffic moving to points in Canada in Sub-No. 4; (6) delete restriction to traffic originating at points in Seneca and Wyandot Counties, OH, in Sub-No. 18; (7) delete mixed loads restriction in Sub-Nos. 23, 57, and E–1; (8) remove restriction limiting transportation to shipments having a prior movement by water with specific destinations in Sub-No. 23; and (9) delete restriction against the transportation of glass containers from three named points in PA in Sub-No. 25.

MC 124170 (Sub-183)X, filed August 17, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521. Applicant Seeks to remove restrictions in its Sub-No. 57 certificate to (1) broaden the commodity description from bananas, and agricultural commodities the transportation of which is otherwise exempt from economic regulation pursuant to section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with bananas to "food and related products"; (2) replace Charleston, SC with county-wide authority to serve Charleston, Dorchester and Berkeley Counties, SC; (3) change its one-way to radial authority between Charleston, Dorchester and Berkeley Counties, SC, and points in IL, IN, KY, MI, NY, OH, PA, TN and WV; and (4) eliminate the ex-water restriction.

MC 124964 (Sub-72)X, filed August 14, 1981. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 265, Tavares, FL 32778. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 63F permit to broaden the commodity description from vegetable, cooking, and salad oil, and shortening (except in bulk), to "food and related products and chemicals and related products"; and (2) expand the territorial authorization to authorize service between points in the United States, under continuing contract(s) with a named shipper.

MC 133085 (Sub-20)X, filed August 14, 1981. Applicant: TRENCO, INCORPORATED, P.O. Box 697, Williamsport, PA 17701. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, N.W., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 16F certificate to (1) eliminate the restriction prohibiting the transportation of (a) commodities in bulk, in tank vehicles, and (b) traffic to AK and HI; and (2) replace facilities authority with city-wide authority: facilities at or near Des Plaines, IL, with Cook and DuPage Counties, IL.

MC 139127 (Sub-3)X, filed August 17, 1981. Applicant: TODD TRANSIT, INC., P.O. Box 6383, Rockford, IL 61125. Representative: Marc J. Blumenthal, 39 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2F certificates to (1) broaden the commodity description to "general commodities, except Classes A and B explosives" from general commodities with usual exceptions; (2) eliminate the restriction limiting service to the transportation of traffic having a prior or subsequent movement by air or water; and (3) broaden the territorial description by replacing O'Hare Airport, Illinois and points within ten miles thereof with the Chicago, IL Commercial Zone, in Sub-No. 1F.

MC 133099 (Sub-18)X, filed August 12, 1981. Applicant: THE GLASGOW & DAVIS COMPANY, P.O. Box 1717, Salisbury, MD 20810. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Applicant seeks to remove the restrictions in its lead and Sub-Nos. 2, 3, 5, 6, 10, 13, 15F, 16F, and 17F certificates to (1) broaden the commodity descriptions from (a) agricultural commodity containers to "pulp, paper and related products, rubber and plastic products, metal products, containers, carriers or devices, shipping, returned empty" in the lead; (b) waste paper and waste cardboard for recycling purposed to "pulp, paper and related products, waste or scrap materials not identified by industry producing" in Sub-No. 2; (c) malt beverages and foodstuffs to "food and related products" in Sub-Nos. 3, 5, 6, 10, 13, and 17F; and (d) precast concrete products and brick and block products to "clay, concrete, glass or stone products and building materials" in Sub-Nos. 15F and 16F; (2) expand territorial description from (a) Woodland, NC, and points within 15 miles thereof to Hertford, Northampton, Bertie and Halifax Counties, NC, in the lead; (b) West Point, VA to King and Queen, King Williams, and New Kent Counties, VA, in Sub-No. 2; (c) South Volney, NY to Oswego County, NY, in Sub-No. 3; (d) Detroit, MI to Wayne, Washtenaw, Oakland, Macomb, and Monroe Counties, MI, in Sub-No. 5; (e) Eden, NC to Rockingham County, NC, in Sub-No. 6; (f) Winston-Salem, NC, to Forsyth, Davidson, Guilford, and Yadkin Counties, NC, in Sub-No. 10; and (g) Albany, GA to Lee and Dougherty Counties, GA, in Sub-No. 17F; (3) change one-way to radial authority; and (4) remove the "except frozen and except in bulk" restriction in Sub-No. 13.

MC 144599 (Sub-8)X, filed August 13, 1981. Applicant: TRANSFER, INC., 4750 Kentucky Ave., Indianapolis, IN 46241. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204. Applicant seeks to remove restrictions in Sub-Nos. 1F, 2F and 7F certificates to: (1) broaden the commodity descriptions in Sub-No. 1F from dry plastics, in bulk to "commodities in bulk"; remove the "in hopper-type vehicles" restriction; broaden Indianapolis, IN to Marion County, IN; and expand existing one-way authority to radial authority; (2) broaden the commodity description in Sub-No. 2F, from dry corn starch, in bulk, to "corn products"; replace named facilities at Indianapolis, IN with County-wide authority in Marion County, IN; eliminate the "AK and HI" exceptions; expand existing one-way authority with radial authority; and eliminate the "originating at" restriction; (3) in Sub-No. 7F, remove the "household goods" exception from its general commodities authority; and eliminate the facilities limitation.

MC 145753 (Sub-5)X, filed August 12, 1981. Applicant: C & K BROKERAGE, INC., d.b.a. NORTHERN TRANSPORTATION, R.D. 1, Gouverneur, NY 13642. Representative: Dixie C. Newhouse, 1329 Pennsylvania

Ave., P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 4F permits to: (1) broaden the commodity descriptions: in part (1) of Sub-No. 1 to "pulp, paper and related products and printed matter" from printing paper; in part (1) of Sub-No. 4F to "pulp, paper, waste paper and related products and printed matter" from printing paper, waste paper, and processed waste paper; (2) broaden the territorial descriptions in Sub-Nos. 1 and 4F to between points in the U.S. under continuing contract(s) with named shippers; and (3) in Sub-Nos. 1F and 4F to remove the except commodities in bulk restriction.

MC 146585 (Sub-6)X, filed August 19, 1981. Applicant: DOUBLE DD TRUCK LINE, INC., P.O. Box 230, Canby, OR 97013. Representative: John A. Anderson, 1600 One Main Place, 101 SW Main Street, Portland, OR 97204. Applicant seeks to remove the restriction from its Sub-No. 2 certificate to change one-way authority to radial authority between OR and WA, and, points in twenty-two States.

MC 146598 (Sub-3)X, filed August 14, 1981. Applicant: NORMAN J. LENZ, Route 2, County Gate Lane, Black Creek, WI 54106. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Applicant seeks to remove restrictions its Sub-No. 2F certificate as follows: (1) substitute "pulp, paper, and related products", for paper and paper products; (2) substitute radial service for existing one-way authority; (3) eliminate the originating at and destined to restriction; and (4) expand the territorial coverage from facilities at Appleton, WI, to Outagamie and Winnebago Counties, WI.

MC 144695 (Sub-3)X, filed August 17, 1981. Applicant: N & S TRUCKING, INC., Route 1, Francisco, IN 47649. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian Street, Indianapolis, IN 46204. Applicant seeks to remove restrictions in its Sub-Nos. 1F and 2F permits to (1) broaden the commodity description (a) to "rubber and plastic products and materials used in the manufacture of vehicle and plastic products" from rubber caster wheels and materials used in the manufacture of rubber products (except commodities in bulk) in Sub-No. 1F, and (b) to "chemicals and related products" from chemicals (except in bulk) in Sub-No. 2F; and, (2) broaden the territorial description to between points in the U.S., under continuing contract(s) with a named shippers.

MC 147323 (Sub-34)X, filed August 18, 1981. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming Avenue, Dearborn, MI 48126. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Applicant seeks to remove restrictions in its MC-146146 Sub-No. 1F permit to (1) broaden the commodity description from fluid drives, couplings, gas and air moving equipment, dust collectors, industrial coils and equipment materials and supplies to "metal products, machinery, transportation equipment and those commodities which, because of size or weight, require the use of special equipment or special handling, and materials equipment and supplies used in the manufacture and distribution of the above commodities"; and (2) broaden the territorial authority to between points in the U.S., under a continuing contract(s) with a named shipper.

MC 149283 (Sub-2)X, filed August 14, 1981. Applicant: HAYWARD TRUCKING, INC., 6549 Robinson Road, P.O. Box 23462, Jacksonville, FL 32217. Representative: Norman J. Bolinger, Suite 225, 3100 University Blvd. S., Jacksonville, FL 32216. Applicant seeks to remove restrictions in its lead certificate to broaden the commodity description to "commodities in bulk" from road building and construction aggregates, in bulk.

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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 seeks authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-149

The following applications were filed in region 2. Send protests to: ICC Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 146820 (Sub-II-12TA), filed August 24, 1981. Applicant: B & G TRUCKING, INC., 579 High St., Worthington, OH 43085. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Contract: Irregular; Plastic products, equipment, materials and supplies* used in the manufacture distribution of plastic products, between points in Cook, Sangamon and Will Counties, IL, on the one hand, and, on the other, points in IN, KY, MI, MO, OH, PA, NY, WV and WI, for 270 days. Under continuing contract(s) with Mobil Chemical Co. Supporting shipper: Mobil Chemical Company, Pittsford, NY 14534.

MC 157809 (Sub-II-1TA), filed August 20, 1981. Applicant: JOHN LAHOTSKI, STEPHEN, LAHOTSKI, WILLIAM LAHOTSKI & PAUL LAHOTSKI d.b.a. BLUE & WHITE TRUCKING, 181 Phillips St., Throop, PA 18512. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. (1) *Coal and coal products (in export service only)* from Lackawanna and Luzerne Counties, PA to New York, NY; Newark and Elizabeth, NJ and Philadelphia, PA; and (2) *scrap metal* between Lackawanna County, PA, on the one hand, and, on the other, points in NY, NJ, CT, for 270 days. Supporting shipper(s): DeNaples Auto Parts, 118 Bush St., Dunmore, PA 18512.

MC 488 (Sub-II-20TA), filed August 24, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Leslie S. Breman (same address as applicant). *Contract*, irregular, *machinery (except electrical)*, between points in the United States under continuing contract(s) with Heckett, Div. of Harsco Corp, Butler, PA, for 270 days.

An underlying ETA seeks 120 days authority. Supporting shipper: Heckett Engineering, P.O. Box 1071, Butler, PA 16001.

MC 146676 (Sub-II–8TA), filed August 24, 1981. Applicant: BURKS TRUCKING, INC., P.O. Box 37, Old Fort, OH 44861. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017. (1) *Sodium bicarbonate* (except in bulk), from Fremont, OH to points in AR, DE, GA, IN, IL, IA, KY, MD, MI, MO, NJ, NY, PA, TN, VA, WV, and WI, and (2) *materials and supplies used in the manufacture and distribution of sodium bicarbonate* (except in bulk), from points in AR, DE, GA, IN, IL, IA, KY, MD, MI, MO, NJ, NY, PA, TN, VA, WV, and WI to Fremont, OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Church & Dwight Co., P.O. Box 369, Piscataway, NJ 08854.

MC 146202 (Sub-II–2TA), filed August 20, 1981. Applicant: CONTRACTUAL CARRIERS, INC., Alan Dr., Harmony Industrial Park, Newark, DE 19711. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. *General commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, and those requiring special equipment), between points in New Castle County, DE, on the one hand, and, on the other points in MI, IN, IL, OH, SC, NC, GA, and MA. An underlying ETA seeks 120 days authority. Supporting shipper: D & S Warehousing, Inc., Harmony Industrial Park, Newark, DE 19711.

MC 153287 (Sub-II–3TA), filed August 24, 1981. Applicant: DRESSER TRANSPORTATION SERVICE, INC., 400 W. Wilson Bridge Road, Worthington, OH 43085. Representative: George C. Sanders, 4445 Weaver Court, N., Hilliard, OH 43026. *Machinery or Machines, NOI: SU, KU. Machine Parts, NOI. Mud or Compounds, gas or oil well drilling, or Gas or Oil Well Drilling Mud Treating Compounds, in bags or barrels* between Appleton and Wausau, WI on the one hand, and, on the other, points in the US for 270 days. Supporting shipper(s): Dresser Industries, Inc., Magcobar Group, PO Box 6504 DCOB Room 187, Houston, TX 77005.

MC 107012 (Sub-II–188TA), filed August 24, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Bruce W. Boyarko (same as applicant). *General commodities* (except class A & B explosives and household goods) between points in the United States, restricted to traffic originating at and/or destined to the facilities of Keller Industries, Inc. for 270 days. Supporting shipper: Keller Industries, Inc., 18000 State Road 9, Miami, FL 33162.

Note.—Common control may be involved.

MC 152640 (Sub-II–9TA), filed August 20, 1981. Applicant: RAPID DISTRIBUTION SERVICE, INC., 2392 N. Dupont Hwy., Dover, DE 19901. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. Contract, irregular: *such merchandise as is dealt in and distributed by retail department stores and discount houses,* between Philadelphia, PA; Orangeburg and Conway, SC; and Hialeah, FL, on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Fishman & Tobin, Inc. and its subsidiaries, for 270 days. Supporting shipper(s): Fishman & Tobin, Inc., 176 Loudon St., Philadelphia, PA 19120.

MC 157853 (Sub-II–1TA), filed August 24, 1981. Applicant: VAN HEUSEN TRANSPORTATION CORPORATION, P.O. Box 307, Schuylkill Haven, PA 17972. Representative: Joseph T. Bambrick, Jr., P.O. Box 216, Douglassville, PA 19518. *General commodities (except classes A and B explosives),* between points in AL, AR, CT, DE, DC, FL, GA, LA, MA, MD, MS, NJ, NY, NC, PA, RI, SC, TN, TX, VA, WV, for 270 days. Supporting shippers: There are five (5) statements of support, which may be examined at the ICC Reg. Ofc., Phila., PA.

MC 153979 (Sub-II–4TA), filed August 24, 1981. Applicant: WEST POINT TRANSPORT, INC., 1700 Willis Rd., Richmond, VA 23234. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. Contract, irregular: *Plastic (Cellulose acetate), granular or flakes, in bulk,* between York County, SC, on the one hand, and, on the other, Giles County, VA, for 270 days. An underlying ETA seeks 120 days authority. Under continuing contract with Celanese Fibers Co., Charlotte, NC. Supporting shipper: Celanese Fibers Co., P.O. Box 32414, Charlotte, NC 28232.

MC 144907 (Sub-1TA), filed August 24, 1981. Applicant: WILSON'S MILK HAULING, INC., 4971 Pleasant Avenue, Hamilton, OH 45014. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212. *Fertilizer and fertilizer materials,* between points in IN, KY, OH and the lower peninsula of MI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Ohio Farmers Grain & Supply Association, 455 W. 4th St., P.O. Drawer M, Fostoria, OH 44830.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 154103 (Sub-3–4TA), filed August 26, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Paint and chemicals for paint manufacturing along with packaging materials and containers,* from the facilities of Enterprise Paint at Wheeling, IL, to points in the U.S. Supporting shipper: Enterprise Paint, 1191 Wheeling Road, Wheeling, IL 60090.

MC 154103 (Sub-3–3TA), filed August 26, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Metal products, paint, sheet metal fireplaces, gas grills, laundry dryers, sheet steel coal, wood burning fireplaces, sheet metal duct pipe, sheet metal smoke flues, single wall sheet steel boxes with open and closed walls, related parts for manufacturing, firebrick,* from the facilities of Temtex Products, Inc. at Nashville, TN to points in the U.S. Supporting shipper: Temtex Products, Inc., 4101 Charlotte Avenue, Nashville, TN 37209.

MC 157406 (Sub-3–1TA), filed August 25, 1981. Applicant: AUTAUGA TRANSPORT, INC., Rt. 3, Box 363A, Prattville, AL 36067. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104. *Contract; Irregular;* (1) *Paper machine clothing, and (2) materials, supplies, and equipment used in the production, sale distribution of paper machine clothing,* (1) From the facilities of Albany International Corp., Appleton Wire Division, in Montgomery, AL, to Portland, TN; Jacksonville, FL; Albany and Atlanta, GA; Charlotte, NC; Tumwater, WA; Portland, ME; Los Angeles, CA; Appleton, WI; Delaware City, DE; Albany, NY, and points in their commercial zones; and (2) From Delaware City, DE; Albany, and Hoerner, NY; Columbia, SC; and Atlanta, GA, and their commercial zones, to the facilities of Albany International Corp., Appleton Wire Division, in Montgomery, AL, under continuing contract(s) with Albany International Corp., Appleton Wire Division of Montgomery, AL. Supporting shipper: Albany International Corp., Appleton Wire Division, P.O. Box 1066, Montgomery, AL 36198.

MC 143621 (Sub-3–20TA), filed August 25, 1981. Applicant: TENNESSEE STEEL HAULERS, INC., Post Office Box 100991,

Nashville, TN 37210. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. *Lumber and wood products* between points in Greene County, TN, on the one hand, and, on the other, points in AL, GA, SC, KY, IA, WI, MS, IL, IN, MD, MI, MO, OH, PA, VA, and WV. Supporting shipper: Spartanburg Forest Products, Inc., Box 2882, Spartanburg, SC 29304.

MC 142232 (Sub-3–2TA), filed August 25, 1981. Applicant: BARRETT TEXTILE TRANSPORT INC., P.O. Box 6, Industrial Park, Kings Mountain, NC 28086. Representative: Dr. Peter T. Barrett, 2757 Loch Lane, Charlotte, NC 28211. *Contract Carrier, irregular: synthetic yarn & fiber* between points in the U.S. under continuing contract with Barnet Southern Corporation of Arcadia, SC. Supporting shipper: Barnet Southern Corporation, Arcadia, SC 29320.

MC 157916 (Sub-3–1TA), filed August 25, 1981. Applicant: RONALD C. JOHNSTON, d.b.a. R.C. JOHNSTON TRUCKING, P.O. Box 422, Dolomite, AL 35061. Representative: Wade H. Brown, P.O. Box 217, Bessemer, AL 35021–0217. *Metal Products,* between Warrior, AL, on the one hand, and, on the other, points in AL, FL, GA, LA, MC, NC, SC, TN and TX. Supporting shipper: H & H Fabricators, Inc.; P.O. Box 187, Warrior, AL 35180.

MC 150193 (Sub-3–3TA), filed August 25, 1981. Applicant: DARICA TRUCKING CO., 338 S. Oliver St., Elberton, GA 30635. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Road, Atlanta, GA 30326. (1) *granite* from points in Elbert, Madison and Oglethorpe Counties, GA to points in the U.S. west of TX, OK, KS, NE, IA and MN; and (2) *equipment, materials and supplies used in the mining, processing and distribution of granite* on return. Supporting shipper: Elberton Granite Finishing Co., Inc., P.O. Box 110, Elberton, GA 30635.

MC 150133 (Sub-3–4TA), filed August 25, 1981. Applicant: DDI TRANSPORT, INC., 2344 Bee Ridge Road, Sarasota, FL 33579. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005, (202) 347–9332. *General commodities (except classes A and B explosives),* between the facilities of Trojan Shippers Association, Inc., and its members, at points in Miami and Montgomery Counties, OH, on the one hand, and, on the other, points in the US. Supporting shipper: Trojan Shippers Association, Inc., P.O. Box 598, Big Four Railroad and Crawford Streets, Troy, OH 45373.

MC 128539 (Sub-3–1TA), filed August 25, 1981. Applicant: EAGLE TRANSPORT CORPORATION, P.O. Box 4508, Rocky Mount, NC 27801. Representative: James F. King, Jr. (address same as above). *Corn products* from Charlotte, NC to points in AL, FL, GA, KY, MD, NC, SC, TN, VA, WV, and DC. Supporting shipper: Clinton Corn Products, P.O. Box 6166, Greenville, South Carolina 29606.

MC 59150 (Sub-3–19TA), filed August 26, 1981. Applicant: PLOOF TRUCK LINES, INC., 1414 Lindrose Street, Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval Street, Jacksonville, FL 32202. *General Commodities (except Classes A and B explosives)* between the facilities of Exposaic Industries, Inc. in the U.S., on the one hand, and, on the other, points in the U.S. Supporting shipper: Exposaic Industries, Inc., P.O. Box 1122, Mt. Airy, NC 27030.

MC 154103 (Sub-3–1TA), filed August 25, 1981. Applicant: MID SOUTH FREIGHT, INC., P.O. Box 446, Hendersonville, TN 37075. Representative: Joe F. Powell (same address as applicant). *Recycled waste products,* from the facilities of Steiner Liff Co. at Nashville, TN to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Steiner Liff Co., 400 Davidson Street, Nashville, TN 37213.

MC 157884 (Sub-3–1TA), filed August 25, 1981. Applicant: W.S. "RED" HANCOCK, INC., P.O. Box 207, Bentonia, MS 39040. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *Oilfield equipment* between points in the States of AL, AR, FL, GA, LA, MS, OK, TN and TX. Supporting Shipper: Helmerich & Payne International Drilling Co., P.O. Box 6173, Pearl, MS 39208.

MC 148334 (Sub-3–1TA), filed August 25, 1981. Applicant: BLUE MOUNTAIN TRUCKING CORPORATION, P.O. Box 86, Blue Mountain, MS 38610. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *Expanded plastic articles* between Worcester County, MA and Salt Lake County, UT on the one hand, and, on the other, points in AL, AR, CO, GA, IL, IN, KS, KY, LA, MS, MO, NC, NJ, NM, NY, OH, OK, PA, SC, TN, TX, VA and WV. Supporting shipper: Korfil, Inc., P.O. Box 123, Chicopee, MA 01014.

The following applications were filed in region 4. Send protests to: ICC, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 87966 (Sub-4–7TA), filed August 20, 1981. Applicant: ELEVELD CHICAGO FURNITURE SERVICE, INC., 9630 South 76th Avenue, Hickory Hills, IL 60457. Representative: Richard V. Merrill, P.O. Box 4403, Chicago, IL 60680. *Furniture and fixtures, and materials and supplies used in the manufacture thereof,* between Fargo, ND on the one hand, and, on the other, points in the U.S. Supporting shipper: Palliser Furniture Corp., 1001–25th St North, Fargo, ND 58102.

MC 119936 (Sub-4–3TA), filed August 20, 1981. Applicant: FAIRFIELD MOTOR TRANSPORTATION CO., 4350 W. 123rd St., Alsip, IL 60658. Representative: Stephen H. Loeb, Suite 2027, 33 N LaSalle St., Chicago, IL 60602. (1) *Solar equipment, furnaces, air-conditioning machinery, heaters, and containers, and (2) equipment, materials, and supplies used in the manufacture and distribution of the commodities in (1) above,* between the facilities of Rheem Mfg. Co., at Indianapolis, IN, Chicago, IL, and Ft. Smith, AR, on the one hand, and, on the other, points in WI, MI, MN, IN, IL, OH, KY, MO, IA and AR. Supporting shipper: Rheem Mfg. Co., 7600 S. Kedzie, Chicago, IL 60652.

MC 134452 (Sub-4–1), filed August 13, 1981. Applicant: EUREKA CARTAGE COMPANY, INC., 5821 West Ogden Ave., Cicero, IL 60650. Representative: Gilbert J. Green, 5957 South Rutherford Ave., Chicago, IL 60638. *Contract carrier:* irregular routes, *Electrical Equipment, namely: Household Appliances: Personal Care Applicances, such as Shavers, Hair Driers, etc; and, Parts and Materials used in the manufacturing of such appliances and necessary packaging materials,* Between Cook County, IL, on the one hand, and, on the other Memphis, TN, with continuing contract(s). An ETA application was filed on July 28, 1981. Supporting shipper: Sunbeam Appliance Co., 5400 W. Roosevelt Rd., Chicago, IL 60650.

MC 140276 (Sub-4–4 TA), filed August 19, 1981. Applicant: LARRY SCHEFUS TRUCKING, INC., Route 1, Box 202, Redwood Falls, MN 56283. Representative: William J. Gambucci, Hovland & Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth Street, Minneapolis, MN 55402. *Lumber and wood products,* from points in AR and GA to points in MN, WI, IA, SD, ND and NE. Supporting shipper: Everstrong Marketing, Inc., Box 431, Redwood Falls, MN.

MC 146213 (Sub-4–2 TA), filed August 20, 1981. Applicant: JAMES P. DOYLE, d.b.a. J. DOYLE TRUCKING, P.O. Box

76, Wisconsin Dells, WI 53965.Representative: Stanley C. Olsen, Jr., Attorney at Law, 5200 Willson Road Suite 307, Edina, MN 55424. *Food and related products,* between points in Dane County, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, MN, and MO. An underlying ETA seeks 120 day authority. Supporting shipper: Alpha Distributors Ltd., P.O. Box 8043, Madison, WI 53708.

MC 147299 (Sub-4–3TA), filed August 20, 1981. Applicant: REDWAY CARRIERS, INC., P.O. Box 104, Waukegan, IL 60085. Representative: Paul J. Maton, 10 South LaSalle St., Suite 1620, Chicago, IL 60603. *Contract;* irregular; *Steel wire, Rope, and Wire Rope Products* between Kenosha, WI, on the one hand, and, on the other, all points east of the Mississippi River, including the Commercial Zones of Memphis, TN and New Orleans, LA, under continuing contracts with MacWhyte Wire Rope Co. of Kenosha, WI, 53141. An underlying ETA seeks 120 days authority. Supporting shipper: MacWhyte Wire Rope Co., 2906 14th Ave., Kenosha, WI 53141.

MC 153196 (Sub-4–5TA), filed August 19, 1981. Applicant: PRINCL FREIGHTLINES, INC., 1641 Carole Lane, Green Bay, WI 54303. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, P.O. Box 5086, Madison, WI 53705–0086. *Printing paper* from the facilities of Midtec Paper Corp., in Kimberly, WI to points in CA, OR and WA. Supporting Shipper: Midtec Paper Corp., N. Main St., Kimberly, WI 54136.

MC 155358 (Sub-4–2), filed August 20, 1981. Applicant: WING TRANSPORT, INC., 450 Ford Road, St. Louis Park, MN 55426. Representative: Stanley C. Olsen, Jr., Attorney at Law, 5200 Willson Road, Suite 307, Edina, MN 55424. *Fibre drums and barrels,* between Minneapolis, MN, on the one hand, and, on the other, Omaha, NE, and points in IA and WI. Supporting shipper: Grief Brothers Corp., 3755 University Ave., N.E., Minneapolis, MN 55421.

MC 157820 (Sub-4–1TA), filed August 21, 1981. Applicant: SCHULZ TRUCKING, INC., Route 1, Box 306, Antigo, WI 54409. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *dairy products* between Langlade County, WI, on the one hand, and, on the other hand, points in IL, MN, MO, PA, and the Upper Peninsula of MI restricted to transportation performed under continuing contract(s) with A. F. Schulz Creamery, Inc. and Schulz Dairy Products, Inc. an underlying ETA seeks 120 days authority. Supporting shippers: A. F. Schulz Creamery, Inc., Route 1, Box 306, Antigo, WI 54409; and Schulz Dairy Products, Inc., Route 1, Box 306, Antigo, WI 54409.

MC 157821 (Sub-4–1TA), filed August 21, 1981. Applicant: CLAUDE LAFRENIERE TRUCKING LTD., 3 Demers, P.O. Box 1024, Chapleau, Ontario, Canada POM 1KO. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. *Lumber* and *wool products* from border crossing points on the U.S.-Canada boundary line in MI and NY to points in MI, OH, IN, IL, WI, NY and PA. Supporting shippers: J. E. Martel & Sons Lumber Limited, P.O. Box 758, Chapleau, Ont., Canada POM 1KO; Santiam-Midwest Lumber Co., 1675 Viewpond, S.E., Kentwood, MI 49508; A. L. Lafreniere Lumber Ltd., Box 340, Chapleau, Ont., Canada POM 1KO.

The following applications were filed in region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102. Captioned: August 24, 1981.

MC 16334 (Sub-5–3TA), filed August 24, 1981. Applicant: DEBRICK TRUCK LINE COMPANY, P.O. Box 421, Paola, KS 66071. Representative: Arnold E. Debrick, R.R. #2, Paola, KS 66071. *(1) Hides (2) materials and supplies used in the processing and distribution of (1) above* between points in the United States. Supporting shippers: 33.

MC 52460 (Sub-5–40TA), filed August 24, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga, 1420 W. 35th St., Tulsa, OK 74107. *(1) Malt Beverages and related advertising materials, (2) Empty used Beverages containers and materials and supplies used in and dealt with by Breweries,* (1) Saint Clair County, IL, and Vanderburgh County, IN, to points in TX (2) From points in TX, to Saint Clair County, IL, and Vanderburgh County, IN. Supporting shipper: McMillan Distributing Co., 346 N. Bivens, Amarillo, TX 79107.

MC 59367 (Sub-5–8TA), filed August 24, 1981. Applicant: DECKER TRUCK LINE, INC., P.O. BOX 915, Ft. Dodge, IA 50501. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Metal products,* from the facilities of American Can Company in the Chicago, IL, commercial zone to pts in the U.S in and west of MI, OH, KY, TN, GA and FL. Supporting shipper: American Can Company, 6017 South Western Avenue, Chicago, IL 60636.

MC 61231 (Sub-5–12TA), filed August 24, 1981. Applicant: EASTER ENTERPRISES, INC., d.b.a. ACE LINES, INC., P.O. BOX 1351, Des Moines, IA 50305. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Empty glass bottles,* from Mt. Vernon, OH, Corsicana, TX, and Mineral Wells, MS, to pts in AZ, AR, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, ND, NM, OH, OK, OR, SD, TN, TX, UT, WA, WI and WY. Supporting shipper: Chattanooga Glass Company, 400 West 35th Street, Chattanooga, TN 37410.

MC 61396 (Sub-5–16TA), filed August 24, 1981. Applicant: HERMAN BROS, INC., P.O. Box 189, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Cement,* from the facilities of Ideal Basic Industries, Cement Division, in Washington County, TN to pts in AL, KY, WV, VA, NC, SC, and GA. Supporting shipper: Ideal Basic Industries, Cement Division, 950 17th Street, Denver, CO 80202.

MC 88380 (Sub-5–6TA), filed August 24, 1981. Applicant: REB TRANSPORTATION, INC., 2400 Cold Springs Road, Fort Worth, TX 76106. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. *Iron and steel articles and materials, equipment and supplies used in the manufacture thereof,* between points of St. John the Baptist Parish, LA, on the one hand, and, on the other, points in the United States. Supporting shipper: Bayou Steel Corp., P.O. Box 5000, LaPlace, LA 70068.

MC 123876 (Sub-5–5TA), filed August 24, 1981. Applicant: PRATT TRANSPORTATION CO., INC., P.O. Box 1501, Omaha, NE 68101. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Cement,* from the facilities of Ideal Basic Industries, Cement Division, in Washington County, TN to pts in AL, KY, WV, VA, NC, SC, and GA. Supporting shipper: Ideal Basic Industries, Cement Division, 950 17th Street, Denver CO 80202.

MC 126045 (Sub-5–10TA), filed August 24, 1981. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, 1010 South Farragut Street, Davenport, IA 52808. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. *Metal products,* from Chicago, IL, Detroit, MI, Gary, Hammond, East Chicago, and Burns Harbor, IN, to pts in WI, IA and OH. Supporting shipper: Mars Steel Corp., 360 Melvin Drive, Northbrook, IL 60062.

MC 129032 (Sub-5–9TA), filed August 24, 1981. Applicant: TOM INMAN TRUCKING, INC., P.O. Box 3728, Tulsa, OK 74121. Representative: Michael H. Lennox, 531 N. Portland, Oklahoma City,

OK 73147. *Rug cleaning compounds and equipment used in the application of rug cleaning compounds,* between St. Louis, MO and Fresno, CA on the one hand, and on the other, points in the U.S. Supporting shipper: Rug Doctor, Inc., P.O. Box 7750, Fresno, CA 93727.

MC 136246 (Sub-5–2TA), filed August 24, 1981. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Contract—Irregular *Lumber, lumber products and building materials,* between pts in the U.S., under a continuing contract with North Star Forest Materials, Inc. Supporting shipper: North Star Forest Materials, Inc., 633 South Concord Street, So. St. Paul, MN 55075.

MC 136275 (Sub-5–3TA), filed August 24, 1981. Applicant: WHITFIELD ASSOCIATED TRANSPORT, INC., 777 Executive Blvd., El Paso, TX 79922. Representative: Dann L. Drewry (same as applicant). Contract; Irregular. *Cement and cement by-products and commodities used in the manufacture and production of cement,* between points in the U.S. except AK and HI, under a continuing contract with Southwestern Portland Cement Company, P.O. Box 392, EL Paso, TX.

MC 140665 (Sub-5–80TA), filed August 24, 1981. Applicant: PRIME, INC., P.O. Box 4208, Springfield, MO 65804. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *General Commodities; (except in bulk, and except Classes A and B explosives and hazardous materials),* between points in the US (except AK and HI), restricted to traffic originating at or destined to the facilities utilized by Amway Corporation and its suppliers and vendors. Supporting Shipper: Amway Corporation, 7575 E. Fulton Road, Ada, MI, 49355.

MC 141443 (Sub-5–7TA), filed August 24, 1981. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615—East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Wine,* from Napa and Sonoma, CA to Dallas, Houston and San Antonio, TX. Supporting Shipper(s): American Wine & Importing Co., Inc., P.O. Box 20637, Dallas, TX 75220.

MC 141523 (Sub-5–4TA), filed August 24, 1981. Applicant: C. R. KIDD PRODUCE, INC., Post Office Box 364, Springdale, AR 72764. Representative: Dean G. Cannon, Post Office Box 364, Springdale, AR 72764. *Food and related products, (except in bulk),* between the facilities of J. R. Wood, Inc. and its affiliates, in CA, KS, MO, NV, and OR, on the one hand, and, on the other, points in the US (except AK and HI.). Supporting shipper: J. R. Wood, Inc., Post Office Box 545, Atwater, CA 95301.

MC 143179 (Sub-5–9TA), filed August 24, 1981. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent (same address as applicant). Contract; Irregular. *Expanded polystyrene products,* between Lester Prairie, MN on the one hand, and on the other, pts in IA, NE and WI. Supporting shipper: Poly Foam, Inc., Lester Prairie, MN 55354.

MC 144858 (Sub-5–13TA), filed August 24, 1981. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72219. Representative: Scott E. Daniel (same as applicant). *Alcoholic Beverages, in bottles,* between points in Tampa, FL, on the one hand, and on the other, points in the U.S. Supporting Shipper: Tampa Wholesale Liquors, Inc., Post Office Box 15397, Tampa, FL 33684.

MC 146876 (Sub-5–2TA), filed August 24, 1981. Applicant: WILLIAM W. EGGERS, d.b.a. CEDAR VALLEY TRANSPORT, Box 309, Webster City, IA 50595. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Food products* between Madison, WI on the one hand, and, on the other, pts in Scott, Muscatine and Johnson Counties, IA. Supporting shipper: Louis Rich, Inc., Box 2690, Davenport, IA 52809.

MC 147969 (Sub-5–7TA), filed August 24, 1981. Applicant: JOE. S. BOWEN, INC., Post Office Box 262, Springdale, AR 72764. Representative: Don Garrison, Esq., Post Office Box 1065, Fayetteville, AR 72702. *Edible flour and materials, equipment and supplies used in the manufacture thereof,* between the facilities of Golden Dipt Company, in Saint Clair County, IL, on the one hand, and, on the other, points in the U.S. Supporting shipper: Golden Dipt Company, 100 East Washington, Millstadt, IL 62260.

MC 148035 (Sub-5–10TA), filed August 24, 1981. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, NE 68110. Representative: Arlyn L. Westergren, Westergren & Hauptman, P.C., Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Liquid fertilizer,* from Red Oak, IA to pts in NE, MO, and KS. Supporting shipper: Red Oak Farm Supply, Inc., R.R. 1, Red Oak, IA 51566.

MC 149157 (Sub-5–6TA), filed August 24, 1981. Applicant: STYLE CRAFT TRANSPORT, INC., Highway 71 South, Milford, IA 51351. Representative: Foster L. Kent, P.O. Box 285, Council Bluffs, IA 51502. Contract; Irregular. *Such commodities as are dealt in, or used by, home furnishings outlets,* between Marshalltown, Ottumwa, Oskaloosa, Ft. Dodge, Mason City, Charles City, Cedar Rapids, Waterloo, IA and Albert Lea, MN on the one hand, and, on the other, points in GA, IN, MS, NH, NC, OH, PA and VA. Supporting shipper: The McGregor Co., 109–113 West Main, Marshalltown, IA 50158.

MC 150086 (Sub-5–9TA), filed August 24, 1981. Applicant: WADE TRUCK LINES, INC., Box 156, Verona, MO 65769. Representative: Larry E. Gregg, 641 Harrison Street, Topeka, KS 66601. *Such commodities as are dealt in or used by wholesale, retail and chain grocery or food businesshouses and institutions,* from points in CA, FL, OR, WA and WI, to points in Greene County, MO and Kansas City, KS. Supporting shipper: Lady Baltimore Foods, Inc., 1601 Fairfax Trafficway, Kansas City, KS 66115.

MC 153442 (Sub-5–1TA), filed August 24, 1981. Applicant: TEXAS EASTERN TRANSPORT COMPANY, INC., P.O. Box 432, Lufkin, TX 75901. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459. *(1) Meat, meat products, meat by-products and articles distributed by meat packing houses as described in Section A, B, 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)* and (2) *Imported bananas* (1) from points and places in CO, IA, IL, MN, KS, MO, ND, SD, OH, PA, WI, WY, AR, GA, ID, MI, MS, NE, OK, and TN to points and places in TX, OK, and LA and (2) from the ports of Gulfport, MS and Galveston, TX to points and places in MS, AL, GA, TN, KY, IN, OH, MI, IL, MO, KS, AR, LA, TX, OK, NM, CO, WY, ND, SD, IA, NE, MN, and WI. Supporting shippers: 7.

MC 154158 (Sub-5–3TA), filed August 24, 1981. Applicant: KINNEY TRUCK LINE, INC., 124 W. Willis Avenue, Perry, IA 50220. Representative: Steven C. Schoenebaum, 1200 Register and Tribune Bldg., Des Moines, IA 50309. *Agricultural machinery, agricultural implements, and agricultural machinery and implement parts* from Appleton, WI and Havana, IL to Patterson, CA. Supporting shipper: Leroy Hagen, Composite Products, Inc., P.O. Box 1087, Patterson, CA 95363.

MC 155090 (Sub-5–5TA), filed August 24, 1981. Applicant: S & T TRUCKING CO., INC., P.O. Box 4054, Kansas City,

MO 64101. Representative: Charles J. Fain, 333 Madison Street, Jefferson City, MO 65101. Contract; Irregular. *Printed matter; pulp, paper, or allied products* from Kansas City, KS, to points in IL, WI, IN, MN, MD, MI, IA, NE, MO, ME, OH, MD, PA, CO, FL, GA, KY, MA, NJ, NY, TX, VA, and DC. Supporting shipper: National Envelope Corporation, 11 Lincoln Street, Kansas City, MO 66103.

MC 157606 (Sub-5–1TA), filed August 10, 1981. Applicant: PAUL POSTMAN, d.b.a. P & P DOZER SERVICE, Box 460, Maud, OK 74854. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Oilfield machinery (including heavy machinery), materials, supplies and equipment incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum,* between points in the States of CA, CO, IL, KS, MS, MO, NM, OK, LA, ND, SD, TX, WI and WY. Supporting shippers: M. L. Brown Company, Box 11320, Kansas City, MO 64112; Johnson-Bates Drilling Company, Inc., P.O. Box 128, Konawa, OK 74849; TransAmerican Company, Inc., 11500 South Meridian, Okla. City, OK 73173.

MC 157852 (Sub-5–1TA), filed August 24, 1981. Applicant: A. D. WINCH TRUCKING, INC., 1135 Robert Street, Pearland, TX 77581. Representative: Damon R. Capps, 1300 Main Street, Suite 1230, Houston, TX 77002. *Mercer commodities, pipe, metal and metal products, plastic and plastic products, and machinery,* between points in TX, NM, OK, LA, AZ, CA, WY, KS, and CO. Supporting shippers: 9.

The following applications were filed in region 6. Send protests to: Interstate Commerce Commission, Region 6, Motor Carrier Board, P.O. Box 7413, San Francisco, CA 94120.

MC 157502 (Sub-6–1TA), filed August 19, 1981. Applicant: ROBERT B. HIFAI, d.b.a. A.B.H. TRUCKING CO., 2000 Otool Way, San Jose, CA 95127. Representative: Robert B. Hifai, 3514 Pine Ridge Way, San Jose, CA 95127. *Steel and steel products* between San Jose, CA on the one hand, and on the other, All points in OR, WA, NV, AZ and UT for 270 days. An ETA seeks 120 days authority. Supporting shipper: K.C. Metals, 1960 Hartog Dr. San Jose, CA 9515.

MC 134387 (Sub-6–22TA), filed August 17, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Michael J. O'Neill, 811 S. 59th Ave., Phoenix, AZ 85043. *General commodities,* between points in CA, OR, WA, AZ, CO, NV, NM, MT, WY, UT, ID, TX, OK, ND, SD, NE and KS, restricted to traffic originating at, or destined to, the facilities of Pay'N Save Corporation and/or its Subsidiaries and Affiliates, for 270 days. Supporting shipper: Pay'N Save, 1511 6th Ave., Seattle, WA 98101.

MC 134387 (Sub-6–23TA), filed August 18, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Michael J. O'Neill, 811 S. 59th Ave., Phoenix, AZ 85043. (1) *Foodstuffs,* (2) *Equipment, materials and supplies* used in the manufacture and distribution of foodstuffs, between points in Delta County, CO, on the one hand, and, on the other, points in CA, OR, AZ, CO, NV, NM, UT, ID, TX, OK, NE and KS, for 270 days. Supporting shipper: Skyland Food Corporation, P.O. Box 250, Delta, Co 81416.

MC 134387 (Sub-6–24TA), filed August 18, 1981. Applicant: BLACKBURN TRUCK LINES, INC., 4998 Branyon Ave., South Gate, CA 90280. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Paint,* from Alameda County, CA to points in OR & WA, for 270 days. Supporting shipper: Sherwin Williams Co., 2950 7th St., Berkeley, CA 94710.

MC 157793 (Sub-6–1TA), filed August 20, 1981. Applicant: C.S.A. TRANSPORT, INC., 651 W. 600 S., Salt Lake City, UT 84104. Representative: Bruce W. Shand, Ste. 280, 311 S. State St., Salt Lake City, UT 84111. *Furniture or fixtures,* between points in the U.S. in and west of MT, WY, CO, and NM for 270 days. An underlying ETA seeks 120 days authority. There are (7) shippers. Their statements may be examined at the Regional Office listed above.

MC 150770 (Sub-6–1TA), filed August 17, 1981. Applicant: COTANT TRUCK LINES, INC., 420 W. Chubbuck Rd., Chubbuck, ID 83201. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Beverages and related advertising materials,* from points in UT and WA to points in ID, for 270 days. Supporting shipper(s): Twin Falls Coca-Cola Bottling Co., Inc., P.O.B. 86, Twin Falls, ID; N. V. Swire Bottlers, Inc., 2269 South 3270 West, West Valley, UT 84119.

MC 141742 (Sub-6–4TA), filed August 21, 1981. Applicant: FLOWERS TRANSPORTATION, INC., P.O.B. B, Station A, Auburn, CA 95603. Representative: Ronald C. Chauvel, 100 Pine St., #2550, San Francisco, CA 94111. *Angle Channel Rounds and Flat Steel,* between the facility of Nucor Steel Corporation at Jewett, TX on the one hand, and, on the other hand, NM, AR, CA, CO, UT, OR and NV, for 270 days. Supporting shipper: Nucor Steel Corporation, P.O.B. 126, Jewett, TX 75846.

MC 150756 (Sub-6–5TA), filed August 21, 1981. Applicant: GUTHMILLER TRUCKING, INC., 30700 Dyer St., Union City, CA 94587. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. *Containers, container closures and tin plate,* from Oakland, Sacramento and San Leandro, CA, to points in OR and WA., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Del Monte Corporation, P.O.B. 3575, San Francisco, CA 94119.

MC 155223 (Sub-6–2TA), filed August 21, 1981. Applicant: HIGHWAY EXPRESS, INC., P.O.B. 580, Glendale, AZ 85301. Representative: Robert Fuller, 13215 E. Penn St., Ste. 310, Whittier, CA 90602. *Contract carrier,* irregular routes: *mirrors, mirrored products and laminated glass, and materials, equipment and supplies* used in the manufacture and distribution of such commodities, between the facilities of Binswanger Mirror Products in Chandler, AZ, on the one hand, and, on the other, points in the U.S. (except AK and HI) under continuous contract(s) with Binswanger Mirror Products for 270 days. Supporting shipper: Binswanger Mirror Products, 188 S. McKemey, Chandler, AZ 85224.

MC 157841 (Sub-6–1TA), filed August 21, 1981. Applicant: MIDNIGHT EXPRESS TRUCKING COMPANY, 1630 Gibson, Clovis, CA 93612. Representative: Edward L. Fanucchi, 2409 Merced, Suite 3, Fresno, CA 93721. *Bananas* (not in bulk), from the facilities of Standard Fruit Company and United Fruit Company, at the ports of Long Beach, Willmington, Port Hueneme, and Los Angeles, CA, on the one hand, to points in the County of Fresno, CA, on the other hand, for 270 days. Supporting shippers: Hobbs-Parsons Produce, 951 "H", Fresno, CA 93721; O K Produce, 1502 "G", Fresno, CA 93706.

MC 144572 (Sub-6–31TA), filed August 17, 1981. Applicant: MONFORT TRANSPORTATION COMPANY, P.O.B. G, Greeley, CO 80632. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202. *Food and related products,* from Vernon, CA to Dallas, TX; Detroit and Otsego, MI; Tulsa, OK; and Chicago, IL, for 270 days. An underlying ETA seeks 120 days operating authority. Supporting shipper: Camino Real Foods, Inc, 2638 E. Vernon Ave., Vernon, CA 90058.

MC 144572 (Sub-6–32TA), filed August 17, 1980. Applicant: MONFORT

TRANSPORTATION COMPANY, P.O.B. G, Greeley, CO 80632. Representative: John T. Wirth, 717 17th St., Ste. 2600, Denver, CO 80202. *Food and related products,* from Larimer Cty., CO to Chicago, IL; Los Angeles, San Francisco and Stockton, CA; Oklahoma City, OK; Kansas City, MO; Omaha, NE; Salt Lake City and West Jordan, UT; and Wichita, KS, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Donoho Beef Co., Inc., 3541 E. Vine Dr., Ft. Collins, CO 80524.

MC 153896 (Sub-6–2TA), filed August 19, 1981. Applicant: LONNIE POWELL, d.b.a. PACIFIC TANK LINES, 825 W. Olympic Blvd., Montebello, CA 90640. Representative: Lonnie Powell (same address as applicant). *Contract Carrier,* Irregular routes: *Lacquers, Paint Resins and related commodities* from Los Angeles, CA and its commercial zone to points in NM and TX for the account McCloskey Varnish for 270 days. Supporting shipper: McCloskey Varnish, 5501 E. Slauson, Commerce, CA 90040.

MC 157770 (Sub-6–1TA), filed August 17, 1981. Applicant: RUBIN SINGH, d.b.a. PALOMINO EXPRESS, P.O. Box 859, Verdi, NV 98439. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract carrier,* irregular routes: *epoxy resin, plastic materials and molding compounding, granules or pellets* from the facilities of Morton Chemicals, a Division of Morton-Norwich Products, Inc., at McHenry County, IL and Milwaukee, WI to Long Beach, Los Angeles, Oakland, San Francisco, San Pedro and Wilmington, CA and Seattle, WA for 270 days under continuing contract(s) with Morton Chemicals. An underlying ETA seeks 120 days authority. Supporting shipper: Morton Chemicals, A Division of Morton-Norwich Products, Inc., 1275 W. Lake Avenue, Woodstock, IL 60098.

MC 157625 (Sub-6–1TA), filed August 21, 1981. Applicant: DEAN M. RETTINGER, d.b.a. RETTINGER RANCH AND TRUCKING, R.R. 2, Box 39, New England, ND 58647. Representative: Renée Rettinger, (same as applicant). *Processed wood* from Billings, MT to New England, ND for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Scenic Construction, New England, ND 58647.

MC 157824 (Sub-6–1TA), filed August 20, 1981. Applicant: SCOTT FREIGHT LINES, INC., 1765 6th Avenue So., Seattle, WA 98134. Representative: Robert G. Gleason, 1127 10th E., Seattle, WA 98102. *General commodities,* between points in WA and OR, for 270 days. Supporting shipper(s): There are nine supporting shippers. Their statements may be examined at the Regional office listed.

MC 155155 (Sub-6–2TA), filed August 17, 1981. Applicant: E. S. VAN ETTEN and LYLE E. VAN ETTEN, d.b.a. VAN ETTEN TRUCKING, P.O.B. 267, Umatilla, OR 97882. Representative: E. S. Van Etten and Lyle E. Van Etten (same as above). *Contract Carrier;* Regular routes: *Gravel and Sand,* in bulk from Jones Scott pit at Umatilla, OR to the St. Michelle job site at Patterson, WA on Hwy 14 and country roads for 270 days. Supporting shipper: Jones Scott Company, P.O.B. 29, Umatilla, OR 97882.

MC 157706 (Sub-6–1TA), filed August 21, 1981. Applicant: KENNETH LEON and KATHRYN WALKER, P.O. Box 286, Fort Laramie, WY 82212. Representative: Leon and Kathryn Walker (same as above). *Contract Carrier,* Irregular routes: *Limestone,* from Goshen County, WY to points in NE for the account of Holly Sugar Company for 270 days. An underlying E.T.A. seeks 120 authority. Supporting shipper: Holly Sugar Corporation, P.O. Box 1052, Colorado Springs, CO 80901.

MC 112989 (Sub-6–19TA), filed August 13, 1981. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy. 99 So., Eugene, OR 97405. Representative: John T. Morgans (same as applicant). *Containers, container closures and container accessories,* from points in CA to points in AZ and NV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Glass Containers Corp., 535 North Gilbert Ave., Fullerton, CA 92634.

MC 142573 (Sub-6–1TA), filed August 20, 1981. Applicant: WORTHEN VAN SERVICE, INC., P.O.B. 2578, Gillette, WY 82716. Representative: Jack B. Wolfe, 1600 Sherman St., #665, Denver, CO 80203. *Contract carrier,* irregular routes: *passengers and their baggage in the same vehicle with passengers,* between points in Red Willow County, NE on the one hand, and, on the other points in Cheyenne, Sherman, Rawlings, Thomas, Decatur, Sheridan, Norton and Phillips Counties, NE and Logan and Washington Counties, CO for the account of Burlington Northern Railroad for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Burlington Northern Railroad, 3700 Globeville Rd, Denver, CO 80216.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-25525 Filed 9-1-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO (UNITED STATES SECTION)

Operational Procedures for Implementing Section 102 of the National Environmental Policy Act of 1969, Other Laws Pertaining to Specific Aspects of the Environment and Applicable Executive Orders

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of Final Operational Procedures for Implementing Section 102 of the National Environmental Policy Act of 1969, Other Laws Pertaining to Specific Aspects of the Environment and Applicable Executive Orders.

SUMMARY: This document prescribes policies and procedures utilized or to be utilized by the United States Section in implementing Section 102 of the National Environmental Policy Act of 1969, Other Laws Pertaining to Specific Aspects of the Environment and Applicable Executive Orders in the planning, design and construction of treaty projects along the United States and Mexico international boundary and to the United States Section's operation and maintenance activities in connection with treaty projects.

EFFECTIVE DATE: September 2, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Frank P. Fullerton, Legal Adviser, United States Section, International Boundary and Water Commission, United States and Mexico, 4110 Rio Bravo, El Paso, Texas 79902. Telephone: (915) 543–7393—FTS: 572–7393.

SUPPLEMENTARY INFORMATION: On October 26, 1979, the Section published proposed procedures in the **Federal Register** (44 FRR 61665), governing its procedures for implementing Section 102 of the National Environmental Policy Act of 1969, Other Laws, Pertaining to Specific Aspects of the Environment and Applicable Executive Orders. A 57-day period was provided during which comments were to be received from other federal agencies, state agencies, private businesses, universities, and individuals.

Comments were received only from the Council on Environmental Quality in response to the Federal Register notice containing the proposed procedures. The Council on Environmental Quality suggested revision of §100.3, *Applicability,* to provide that the Section shall comply with the procedures and CEQ regulations except where compliance would be inconsistent

with statutory or Treaty requirements and the deletion of those parts of the procedures inconsistent therewith; certain editing for clarity, consultation with CEQ regarding emergency actions; and provisions should be included for seeking recommendations from the Advisory Council on Historic Preservation. All the above recommendations are incorporated in the final version. Certain typographical errors were corrected as a result of internal United States Section review.

By letter dated August 3, 1981, the General Counsel, Council on Environmental Quality (CEQ) advised the Legal Adviser of the United States Section that the council has determined that the proposed procedures, as revised, address all the section's regulations of the Council required to be addressed by Section 1507.3(b) of the regulations.

Dated: August 24, 1981.

Frank P. Fullerton,

Legal Adviser, United States Section, International Boundary and Water Commission, United States and Mexico.

100. National Environmental Policy Act

The National Environmental Policy Act of 1969, as amended, (NEPA) (Public Law 91–190, 42 U.S.C.A. 4321); Executive Order No. 11514 (E.O. 11514), Protection and Enhancement of Environmental Quality, dated March 5, 1970; Executive Order No. 11991 (E.O. 11991), Relating to Protection and Enhancement of Environmental Quality, dated May 24, 1977; and the Regulations of the Council on Environmental Quality (CEQ or Council), dated November 29, 1978; provide that environmental considerations are to be given careful attention and appropriate weight in every recommendation or report on proposals for legislation and for other federal actions significantly affecting the quality of the humnan environment. The requirements of NEPA are to be integrated with other planning and environmental review procedures required by law or by agency practice so that all such procedures run concurrently rather than consecutively. The United States Section will hereafter be referred to as the Section.

100.1 Purpose

The Operational Procedures:

a. Prescribe guides to be utilized by the Section to implement NEPA and supplement CEQ Final Regulations for Implementation of NEPA, dated Novembver 29, 1978 (43 FR 55978).

b. Insure commencement of NEPA process by the Section at the earliest possible time, provide for assistance and consultation to individuals and non-federal entities who plan to take action before involvement of the Section, appropriate state and local agencies, and with interested private persons and organizations.

d. Designate the major decision points for principal programs of the Section.

e. Advise where interested persons may obtain information or status reports on environmental impact statements and other elements of the NEPA process.

f. Identify categorical exclusions.

g. Provide that environmental information is to be made available to the public before decisions are made about actions that significantly affect the human environment.

h. Direct that documents are to concentrate on the issues that are timely and significant to the action in question.

i. Establish early identification of actions that have significant effects on the human environment.

100.2 Policy

The Section's Policy is to:

a. Give proper attention to actions that could impact the environment to enable early and appropriate consideration of such actions on all environmental values, and achieve the purposes and goals of Section 101 of NEPA and provide the means (Section 102) for carrying out the policies of NEPA.

b. Invite early and continued cooperation, where appropriate, from federal, state, local and regional authorities and the public, in the Section's planning and decision-making processes to develop alternatives and measures which will protect, restore or enhance the quality of the environment, and minimize and mitigate unavoidable harmful effects.

c. Recognize the international and long-range character of environmental concerns and, when consistent with the foreign policy of the United States and its own responsibilities, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation, anticipating and preventing a decline in the quality of the world environment.

d. Implementing domestic legislation to the extent practicable without impairing the Section's international mission because the international projects under the jurisdiction of the International Boundary and Water Commission are partly or wholly located within the United States.

100.3 Applicability

The operational Procedures apply to all Section programs and activities to the maximum extent possible without impairing its international mission. Domestic requirements must not impair the Section's performance of the United States' international obligations with are carried out consistent with the treaties and foreign policy of the United States. The Section shall comply with these procedures and the CEQ regulations except where compliance would be inconsistent with statutory or treaty requirements.

100.4 References

a. *Treaties and International Agreements.* 1. Convention between the United States and Mexico concerning the equitable distribution of the waters of the Rio Grande (T.S. 455, 54 Stat. 2953, signed May 21, 1906, entered into force January 16, 1907).

2. Treaty Between the United States of America and Mexico entitled "Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande" (T.S. 994, 59 Stat. 1219, signed February 3, 1944, entered into force November 8, 1945).

3. Convention Between the United States of America and Mexico entitled "Rectification of the Rio Grande" (T.S. 864, 48 Stat. 1621, signed February 1, 1933, entered into force November 13, 1933).

4. Convention Between the United States of America and the United Mexican States for the Solution of the Problem of the Chamizal (T.S. 5515–15 U.S.T. 21, signed August 29, 1963, entered into force January 14, 1964).

5. Treaty Between the United States of America and the United Mexican States entitled "Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary (TIAS 7313, signed November 23, 1970, entered into force April 18, 1972).

b. *International Agreements.* International projects were constructed in accordance with the provisions of the above-referenced treaties. In addition, the United States and Mexico, through the International Boundary and Water Commission, have constructed international projects in accordance with each of the following agreements.

1. Minute No. 144, "Plans for Final Location of Rectified Channel of the Rio Grande in the El Paso-Juarez Valley," signed June 14, 1934.

2. Minute No. 148, "Allocation of Works for each Government to Undertake on the Rio Grande Rectification Project in Accordance with the Convention of February 1, 1933," signed October 28, 1935.

3. Minute No. 165, "Adoption of Rules and Regulations for the Maintenance and Preservation of the Rio Grande Rectification Project, in the El Paso-Juarez Valley," signed August 13, 1938.

4. Minute No. 174, "Supplemental Construction Work Which Each Government Should Undertake Under the Convention of February 1, 1933 to Preserve the Benefits that Have Been Obtained by Previous Construction on Rio Grande Rectification Project in the El Paso-Juarez Valley," signed March 3, 1942.

5. Minute No. 182, "Approval of Joint Report on Engineering Conference on Studies, Investigations and Procedures for the Planning of Works to be Built in Accordance with the Treaty of February 3, 1944," signed September 23, 1946.

6. Minute No. 187, "Determinations as to Site and Required Capacities of the Lowest Major International Storage Dam to be Built on the Rio Grande, in Accordance with the Provisions of Article 5 of the Treaty Concluded February 3, 1944,"signed December 20, 1947.

7. Minute No. 190, "Allocation to the Two Sections of the Commission of Remaining Items of Work Preparatory to Construction of Falcon Dam," signed August 13, 1948.

8. Minute No. 192, "Plans and Procedures for Construction of Falcon Dam and Recommendations for Construction of Falcon Hydroelectric Plants," signed September 7, 1949.

9. The Lower Rio Grande Flood Control Project was approved in an exchange of Notes in 1932 between the two Governments in which each country agreed to a coordinated plan for flood protection and to perform the work within its own territory. Subsequently, additions and modifications to the plan were adopted in the following agreements: Minute No. 212, "Improvement of the Channel of the Lower Rio Grande," signed December 22, 1961; and Minute No. 238, "Improvement of the International Flood Control Works of the Lower Rio Grande," signed September 10, 1970.

10. The Joint Report of the United States and Mexican Commissioners for a coordinated plan of international flood protection facilities for Nogales, Arizona and Nogales, Sonora, signed on November 22, 1932, was subsequently approved by the two Governments by an exchange of Notes.

11. Minute No. 202, "Bases for Joint Operation and Maintenance of the Falcon Dam and Hydroelectric Plant and for Division of Costs Thereof," signed January 11, 1955.

12. Minute No. 207, "Consideration of Joint Report of the Principal Engineers on Site, Capacities and Type of Dam for the Second Major International Storage Dam on the Rio Grande," signed June 19, 1958.

13. Minute No. 210, "Recommendations Regarding Construction of Amistad Dam," signed January 12, 1961.

14. Minute No. 215, "Design and procedures for Construction of Amistad Dam," signed September 28, 1963.

15. Minute No. 217, "Clearing of the Colorado River Channel Downstream From Morelos Dam," signed November 30, 1964.

16. Minute No. 220, "Improvement and Expansion of the International Plant for the Treatment of Douglas, Arizona and Agua Prieta, Sonora Sewage," signed July 16, 1965.

17. Minute No. 222, "Emergency Connection of the Sewage System of the City of Tijuana, Baja California to the Metropolitan Sewage System of the City of San Diego, California," signed November 30, 1965.

18. Minute No. 224, "Recommendations Concerning the Lower Rio Grande Salinity Problem," signed January 16, 1967.

19. Minute No. 225, "Channelization of the Tijuana River," signed June 19, 1967.

20. Minute No. 227, "Enlargement of the International Facilities for the Treatment of Nogales, Arizona and Nogales, Sonora Sewage," signed September 5, 1967.

21. Minute No. 235, "Division of Operation and Maintenance Costs of Amistad Dam," signed December 3, 1969.

22. Minute No. 236, "Construction of Works for Channelization of the Tijuana River," signed July 2, 1970.

23. Minute No. 242, "Permanent and Definitive Solution to the International Problem of the Salinity of the Colorado River," signed August 30, 1973.

24. Minute No. 247, "International Plan for the Protection of the Presidio-Ojinaga Valley Against Floods of the Rio Grande," signed February 7, 1975.

25. Minute No. 258, "Modification of the United States Portion of the Plan for the Channelization of the Tijuana River," signed may 27, 1977.

26. Minute No. 262, "Recommendations for Works to Preserve for the Rio Grande its Character as the International Boundary in the Reach from Cajoncitos, Chihuahua to Haciendita, Texas," signed December 26, 1979.

c. *Laws.* 1. National Environmental Policy Act of 1969, as amended, 42 U.S.C.A. 4321.

2. Fish and Wildlife Coordination Act, 16 U.S.C.A. 661.

3. Endangered Species Act Amendments of 1978, 16 U.S.C.A. 1531.

4. National Historic Preservation Act of 1966, 16 U.S.C.A. 470 *et seq.*

5. Archeological and Historic Preservation Act of 1974, 16 U.S.C.A. 469a–1.

6. Archeological Resources Protection Act of 1979, 16 U.S.C.A. 470aa.

7. Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C.A. 1251.

8. Clean Water Act of 1977, 33 U.S.C.A. 1251 *et seq.*

9. The Clean Air Act Amendments of 1977, 42 U.S.C.A. 7401 *et seq.*

10. Safe Drinking Water Act, 42 U.S.C.A. 300f *et seq.*

11. Coastal Zone Management Act Amendments of 1976, 16 U.S.C.A. 1451 *et seq.*

12. Estuary Protection Act, 16 U.S.C.A. 1221 *et seq.*

13. Federal Water Project Recreation Act, 16 U.S.C.A. 4601–12 *et seq.*

14. Wild and Scenic Rivers Act, 16 U.S.C.A. 1271 *et seq.*

15. Resource Conservation and Recovery Act of 1976, 42 U.S.C.A. 6901 *et seq.*

16. Watershed Protection and Flood Prevention Act, 16 U.S.C.A. 1001 *et seq.*

17. River and Harbor Act of 1899, as amended, 33 U.S.C.A. 401 *et seq.*

18. Rio Grande Bank Protection Act, Public Law 40, 59 Stat. 89; Act of April 25, 1945.

d. *Executive Orders.* 1. Executive Order No. 11514, "Protection and Enhancement of Environmental Quality," March 5, 1970; 35 FR 4247.

2. Executive Order No. 11593, "Protection and Enhancement of the Cultural Environment," May 13, 1971; 36 FR 8921.

3. Executie Order No. 11752, "Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities," December 17, 1973; 38 Fr 34793.

4. Executive Order No. 11988, "Floodplain Management," May 24, 1977; 42 FR 26951.

5. Executive Order No. 11990, "Protection of Wetlands," May 24 1977; 42 FR 26961.

6. Executive Order No. 11991, "Relating to Protection and Enhancement of Environmental Quality," May 24, 1977; 42 Fr 26967.

7. Executive Order No. 12114, "Environmental Effects Abroad of Major Federal Actions," Janury 4, 1979; 44 FR 1957.

e. *Regulation.* Council on Environmental Quality: "National Environmental Policy Act, Implementation of Procedural

Provisions; Final Regulations," dated November 29, 1978; 43 FR 55978.

100.5 Responsibilities Within the Section

a. *Chief, Planning and Report Branch.* The Chief, Planning and Reports Branch, under the supervision of the Principal Engineer, Investigations and Planning Division, is designated as the responsible official within the meaning of Section 102 of NEPA and is responsible for the preparation and the processing of environmental assessments, environmental impact statements (EIS) (draft and final), and memorandums in implementing the requirements of the Act. For each proposed action, he will submit through the Principal Engineer to the Commissioner, Head of the Agency, an outline of the environmental actions to be taken including analyses and the coordination and consultation with other agencies, groups and individuals. When it is appropriate to obtain supplemental information in evaluating the environmental impact of a proposed action, he will solicit information from within the Section, other government agencies (federal, state and local) with jurisdiction by law or special expertise with respect to any environmental impact involved, and interested individuals, associations or groups.

Chief, Planning and Reports Branch, will draft and obtain Section approval of all notices to be published in the **Federal Register** except when another agency or agencies act as agent for the Section.

In the case of an agency or agencies acting as agent for the Section in the design and construction of a project (as distinguished from merely preparing an EIS for the Section's use) that agent will prepare, distribute, and coordinate the review of the EIS according to established procedures, except that the formal transmittal of the EIS to the Department of State and to EPA (as representing CEQ) will be by the Commissioner. The agent has the responsibility to confer with the Section through the agency's responsible official and to keep it fully informed.

Persons interested in obtaining information of status reports on EIS and other elements of the NEPA process should address their requests to: Chief, Planning and Reports Branch, United States Section, International Boundary and Water Commission, 4110 Rio Bravo, El Paso, Texas 79902.

b. *Principal Engineer, Investigations and Planning Division.* In addition to responsibilities under subparagraph a. above, the Principal Engineer, Investigations and planning Division, will assure review is made of studies and analyses to insure the professional and scientific integrity of discussion, analyses and conclusions in the environmental documents, and that an interdisciplinary approach has been used in the evalutions.

The Principal Engineer will also be responsible for consultation with the Fish and Wildlife Service on mitigation and/or enhancement measures, the Advisory Council on Historic preservation regarding recommendations concerning historical properties and the transmittal to agencies, associations and individuals of draft statements.

c. *Secretary.* The Secretary will be responsible for providing policy guidance on the international aspects of proposals, inputs to the environmental documents pertaining to international consideration, including treaties and agreements, and review of draft environmental documents for international considerations.

d. *Legal Adviser.* The Legal Adviser shall provide staff advice concerning legislative actions covered by NEPA, interpretations of NEPA and other acts, executive orders, regulations, and all legal requirements pertaining to environmental actions.

When uncertainty exists within the Section as to the requirement in a specific case for preparing an environmental assessment or an EIS, the Legal Adviser will initiate consultations with the Office of Environment and Health (OES/ENH—Department of State), and follow through to a final determination. In every case where the Section determines from an environmental assessment that an EIS is not required, the Legal Adviser shall so inform OES/ENH.

The Legal Adviser will approve and be responsible for the publication of the necessary notices in the **Federal Register.**

100.6 Categories of Environmental Actions

a. *Categorical Exclusions.* Some Section program or activities, or parts thereof, do not normally create significant or cumulative impacts and therefore will not be considered a major federal action significantly affecting the quality of the human environment for the purposes of NEPA. For example, the following general classes of actions ordinarily do not require the preparation of an environmental assessment or an EIS.

1. Normal Section housekeeping functions (procedural, ministerial, internal) including, but not limited to, personnel actions, procurement for general supplies, contract for personal services.

2. Reports or recommendations on legislation not initiated by the Section.

3. Legislative proposals that only request apropriations.

4. Participation in research or study projects which do not cause significant environmental impacts.

5. Actions specifically required under any treaty or international agreement, or pursuant thereto, to which the United States is a party, or required by the decision of international organizations (including courts), authorities or consultations in which the United States is a member or participant.

6. Mapping and surveying activities.

7. Stream gaging and sampling, routine hydrologic test drilling, well logging, aquifer response testing, and similar data-gathering activities in connection with water resources investigations.

8. Leases of government land for grazing and agricultural purposes.

9. Emergency actions after consultation with CEQ.

10. Recreational leases to any city, county, state or federal agency.

11. Leases of licenses regarding buried utilities, including gas, water and sewer pipelines, and telephone cables, irrigation drains, and storm sewers, sanitary sewers discharging treated effluent, telephone and electric power poles and lines, irrigation pumps, drain structures and ditches, fences, roads, highways and bridges, water wells, boat docks and boat launching facilities.

12. Temporary or single-time permit of project facilities.

13. Any actions or works for which an EIS or environmental assessment has been submitted and filed by others.

In an extraordinary circumstance, as determined by the Commissioner, in which a normally excluded action may have a significant environmental effect, an environmental assessment will be prepared.

b. *Criteria for Environmental Assessments.* An environmental assessment will be prepared for any proposed action which is not categorically excluded, or when there is not sufficient information to indicate whether the preparation of an EIS should be initiated. The environmental assessment will describe the proposed action, the need for the action, alternatives to the proposed action, discussion of the extent of impacts, if any, of the proposed action and alternatives, a summary of the agencies and persons consulted and the view of each, and conclude with a supported recommendation of whether to prepare

an EIS or a finding of no significant impact.

c. *Criteria for Environmental Impact Statements.* An EIS will be prepared when the proposed action is a "major Federal" action which involves the quality of the human environment, either by directly effecting human beings or by indirectly affecting human beings through adverse effects on the environment and are not listed as categorical exclusions. The following criteria will be employed in deciding whether a proposed action requires the preparation of an EIS.

1. "Major actions," defined by these operational procedures include, but are not limited to:

(a) Projects and activities, existing and proposed, that are part of treaties or other international commitments which significantly affect the quality of the human environment in the United States and to which domestic requirements may be applied without impairing the international obligations of the United States.

(b) Recommendations or reports to the Congress, or to others, for legislation authorizing a project or affecting existing projects, except for emergency measures.

(c) Initiation of construction or land acquisition on projects which are not yet started for which funds have been appropriated or are provided by an Appropriation Act.

(d) Budget submissions requesting funds for the initiation of construction or land acquisition on authorized projects.

(e) Policy and procedure making, especially proposed actions which are highly controversial.

2. The statutory clause "major Federal actions significantly affecting the quality of the human environment" is to be construed with a view to the overall, cumulative impact of the action proposed (and of further actions contemplated) and reasonable alternatives thereto, including those not within the authority of the Section. Such actions may be localized in their impact, but if there is potential that the quality of the human environment may be significantly affected, an EIS is to be prepared.

Proposed action, the environmental impact of which is likely to be highly controversial or where unresolved conflicts concerning alternative use of available resources exist, shall be covered by an EIS. In considering what constitutes a "major Federal action significantly affecting the quality of the human environment," the Section personnel will bear in mind that the effect of many federal decisions about a project or complex of projects can be individually limited, but cumulatively significant. This can occur when one or more agencies over a period of years, put into a project, individually minor, but collectively major resources, when one decision involving a limited amount of money is a precedent for action in much larger cases, or represents a decision in principle about a future major course of action, or when several government agencies individually make decisions about partial aspects of a major federal action. The lead agency shall prepare an EIS if it is reasonable to anticipate a cumulatively significant effect on the quality of the human environment from the federal action.

3. Section 101(b) of NEPA indicates the broad ranges of aspects of the environment to be surveyed in any assessment of significant effect. NEPA also indicates that adverse significant effects include those that degrade the quality of the environment, curtail the range of beneficial uses of the environment or serve short-term, to the disadvantage of long-term, environmental goals.

Significant effects can also include actions which may have both beneficial and detrimental effects even if, on balance, an agency believes that the effect will be beneficial. Significant adverse effects on the quality of the human environment include both those that directly affect human beings and those that indirectly affect human being through adverse effects on the environment.

Careful attention will be given to identifying and defining the purpose and scope of the action which would most appropriately serve as the subject of the EIS. In many cases, broad program statements will be required to assess the environmental effects of a number of individual actions on a given geographical area, or environmental impacts that are common to a series of agency actions, or the overall impact of a large-scale program or chain of contemplated projects. Subsequent EIS on major individual actions will be necessary where such actions have significant environmental impacts not adequately evaluated in the program statement.

d. *Criteria for Supplemental Statements.* A supplement may be prepared to either a draft or final EIS if the Section determines that:

1. The proposed action has been significantly changed to involve environmental concerns; or

2. New environmental concerns are found which had not been covered in the previously circulated document; or

3. One or more additional alternatives should be discussed; or

4. The purposes of NEPA will be furthered by doing so.

100.7 Procedures

a. *Categorical Exclusions.* An environmental memorandum will be prepared which includes a description of the proposed action, and a finding that the action is categorically excluded and no further environmental action is needed to comply with NEPA, executive orders, regulations and other acts. This memorandum shall be referenced in decision documents.

b. *Environmental Assessments.*—1. *Proposed Action and Alternatives.* The possible environmental effects of a proposed action must be considered along with technical, economic and other factors, in the earliest planning. At this stage, the responsible official shall take the necessary steps to comply with the requirements of NEPA by the preparation of an environmental assessment. The assessment, to be meaningful for review and decision, will provide a concise description of the proposed action, need for action, and alternatives to be considered. The assessment will be prepared using an interdisciplinary approach, with the discipline of the preparers appropriate to the environmental impacts of the proposed action and alternatives to be considered.

2. *Environmental Impacts.* The assessment is to be brief, yet provide sufficient evidence of environmental impacts to determine whether to prepare an EIS. It shall include an appraisal of environmental effects, good and bad, if any, of the proposed action and the alternatives. In no case will adverse effects, either real or potential be ignored or slighted. Similarly, care must be taken to avoid overstating favorable effects, unless a categorical exclusion applies. The National Register of Historic Places will be consulted and notation made whether National Register properties or properties eligible for listing in the Register will be affected by the proposed action and whether historical or archeological resources would be affected.

If the Chief, Planning and Reports Branch, determines, as a result of cultural resources investigations and coordination that there will be an effect on sites included in or determined by the Secretary of the Interior as being eligible for inclusion in the National Register, he will provide the Advisory Council on Historic Preservation an opportunity to comment on the matter. Any comments provided by the Advisory Council will be considered by the Chief, Planning and Reports Branch,

when he takes into account the effect of the project or other undertaking on any property included in or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act states that the Advisory Council for Historic Preservation will have an opportunity to comment on any proposed federal undertaking which will affect a historic property which is listed or is eligible for listing in the National Register of Historic Places.

The assessment will note the result of the review of the lists of historic properties designated or proposed for designation, of the endangered species in the area, and have a sufficient basis to state the impact the proposed action will have on the historic properties, the endangered species or habitat critical to the continuation of these species. Discussion will be included in connection with the existing federal, state or local legislation action program or study on which the proposed action would have an effect.

3. *Consultation with Agencies and Individuals.* After preparing the draft description of the proposed action and alternatives, representatives of appropriate federal, state and local legislative agencies, conservation associations and individuals in the area will be consulted to obtain their views, comments, and suggestions on the effects, if any, of the proposed action and alternatives. The extent of these consultations will vary with the type and subject matter of the action being considered, with consideration being given to consultation on most matters with the Environmental Protection Agency, Fish and Wildlife Service, State Fish and Wildlife Agency, State Historical Preservation Officer and the regional council of governments or planning council. Individuals and environmental associations who have expressed an interest in specific areas or subjects will be contacted for their comments. The assessment will list the agencies and individuals consulted and summarize their views.

4. *Finding of No Significant Impact.* When an environmental assessment concludes the proposed action will not have a significant effect on the human environment, a draft "Finding of No Significant Impact" shall accompany the assessment through the Section's internal review process. The draft finding shall include a description of the proposed action and the alternatives considered, shall state an assessment has been made and the findings thereof, and the name and address of the person from whom additional information can be obtained. The finding shall be circulated for comments to agencies, associations and individuals in the general area, or who have expressed an interest in the proposed action, with at least thirty (30) days allowed for comments, and be published in the **Federal Register.**

5. *Recommendation.* Findings in the environmental assessment, supported by the information obtained from various sources, will be summarized and lead to the recommendation that the Section:

(a) Prepare a finding of no significant impact, or

(b) Prepare an EIS.

The internal routing memorandum for Section review of the assessment will describe what further actions, if any, are necessary under other acts, regulations and executive orders, and recommend actions to accomplish such actions. As appropriate to the recommendation in the assessment, one of the following will accompany the assessment:

(a) A draft finding of no significant impact, including a mailing list for the finding.

(b) For the initiation of a draft EIS:

(1) A draft notice of intent to prepare an EIS.

(2) A mailing list for the notice.

(3) A draft letter inviting participation in a meeting for determining the scope of the EIS; and

(4) A list of individuals, associations and agencies to invite to participate in the scoping.

6. *Circulation.* After internal Section approval of the assessment one of the following two procedures will be adopted:

a. The finding of no significant impact shall be published in the **Federal Register** and mailed to federal, state and local agencies, conservation associations and individuals, and include the sentence, "An environmental impact statement will not be prepared unless additional information which may affect this decision is brought to our attention within thirty (30) days of the date of this Notice."

b. A Notice of Intent to Prepare an Environmental Impact Statement will be circulated to federal, state and local agencies, conservation associations and individuals, be published in the **Federal Register** and sent to news media. This notice should describe the proposed action and include an invitation to federal, state and local agencies, conservation associations and individuals to participate in the scoping of the studies to be done.

c. Environmental Impact Statement.

The EIS process will usually have the following major stages, with some variations depending upon the nature and extent of the proposed action:

(1) Defining the environmental studies to be done;

(2) Performing the studies;

(3) Concurrent action under other laws and executive orders;

(4) Assessing the impacts;

(5) Writing the draft EIS;

(6) Circulating the draft EIS; and

(7) Preparation of and circulation of the final EIS.

(1) *Defining the Environmental Studies to be Done.* CEQ Regulation 1501.7 describes the purpose and extent of the scoping process, and Regulation 1508.25 defines the scope and the range of actions, alternatives and impacts to be considered in an EIS. In scoping the Section will:

(1) Identify and categorize significant environmental issues so that an analytical EIS can be prepared that will reduce paperwork and avoid delay.

(b) Arrange "Scoping meeting" with federal, state or local agencies that have special expertise or legal jurisdiction concerning resource values that may be significantly affected. The meeting will identify agencies that may become cooperating agencies.

(c) Determine and define the range of actions, alternatives and impacts to be included in the EIS. Tiering may be used to define the relation of the proposed EIS to other statements.

(d) Schedule periodic meetings of the cooperating agencies which are to be held at important decisionmaking points to provide timely interagency interdisciplinary participation.

(e) Include the items listed in Section 1501.7(a) of the CEQ Regulation dated November 29, 1978, and may also include any of the activities in Section 1501.7(b).

(f) Promote public participation by making timely notifications. The objective of the scoping process is to determine the significant issues to be analyzed in depth in the EIS, to eliminate from detailed study the issues which are not significant, and to narrow the discussion of these issues in the EIS to a brief presentation of why they do not have a significant impact.

Where appropriate and possible, a field examination of the area of the proposed action should be made in conjunction with the scoping meeting. The invitation to participate in the scoping meeting should include a description of the proposed action and the alternatives to be considered.

The time schedule for the studies will be established, the preparation of the draft EIS will be initiated at or immediately following the scoping

meeting, consistent with Regulation 1501.8, and agreement will be reached between the Section and cooperating agencies on the details of assignments and the time schedule for completing the assignments. In drafting the time schedule, consideration will be given to having periodic meetings between representatives of the Section, other interested agencies, associations and individuals to discuss the results being obtained and to receive further input on the studies.

A federal agency which has jurisdiction by law regarding a specific aspect of the environent shall be a cooperating agency. In addition, any other federal agency which has special expertise with respect to any environmental issue which should be addressed in the EIS may be a cooperating agency upon request of the Section while acting as the lead agency.

The Section will request the participation of each cooperating agency at the earliest possible time and in advance of the initial scoping meeting.

The extent of participation desired from each cooperating agency will be described by the Section in accordance with CEQ Regulation 1501.6.

The Section's staff will make diligent efforts to involve the public in implementing its NEPA procedures in accordance with CEQ Regulation 1506.6. Notices of public meetings and of the availability of environmental documents will be sent to interested conservation associations, individuals, and to the news media. The notices of public meetings will include requests for information from the public and encourage their participations. The notices will also provide a clear description of the proposed action and the alternatives being considered so the public can provide meaningful information and data contributions. Additional meetings with the public may be scheduled at intervals during the planning stage to provide additional opportunities for public participation in the environmental considerations. The Section's responsible official shall maintain lists of agencies, associations and individuals to whom notices will be provided.

(2) *Performing the Studies.* Environmental studies to provide basic information and to forecast changes under proposed conditions will be performed by professionally competent personnel using generally recognized and accepted scientific methods. The disciplines of the preparers shall be appropriate to the scope and issues identified in the scoping process. Studies may be performed by the staff, by consultants, including university personnel, and by federal, state or local agencies. Staff studies will be scheduled with the approval of the Principal Engineer, Investigations and Planning Division. The scope of studies to be performed by consultants and agencies and the agencies or consultants to perform the studies will be recommended to the Commissioner by the Principal Engineer, Investigations and Planning Division. The Section's responsible official will be the Section's representative in monitoring studies being performed for it, and be responsible for review of the draft reports of the studies.

(3) *Concurrent Action Under Other Laws, Regulations and Executive Orders.* During planning and environmental studies, the responsible official will take all appropriate actions to assure that there will be concurrent consideration of the requirements established in other laws, regulations and in executive orders, as stated in CEQ Regulation 1502.25 and by these operational procedures. This concurrent consideration will be documented and summarized in the draft EIS.

(4) *Assessing the Impacts.* Interdisciplinary evaluations will be made of the proposed actions and alternatives considered, and will include comparison between the proposed action and the no-action alternative. Evaluations will give emphasis to the significant issues selected in the scoping process for in-depth analysis. For evaluations of proposed projects, the analyses shall consider separately the impacts from initial construction, and from the operation and maintenance. The evaluations shall be objective appraisals of the effects, good and bad, and where possible, include the benefit to cost ratios of the alternatives or the differences in annual costs. In no case will adverse effects, either real or potential, be ignored or slighted in an attempt to justify a proposed action. Similarly care must be taken to avoid overstating favorable effects.

Impacts should be quantified where possible, and described and compared qualitatively where it is not possible to quantify impacts. The comparisons should describe the impacts of alternatives in terms and with understandable illustrations so that the severity or mildness of the adverse or beneficial impacts is clear.

Evaluations should provide responses to the five points in NEPA and the international considerations and, as appropriate, the engineering, hydraulic and hydrologic, social and economic, and the ecological consequences of the alternatives. The engineering analyses shall include a comparison of initial and annual energy requirements.

The reports of investigations and of the analyses of impacts should contain a description of the methodology used and make explicit reference to the scientific and other sources relied upon. Methods which are in general use can be referenced by name and publication citation, while new or relatively unknown methods should be described.

Analyses shall include the requirements for mitigation, if needed, for proposed action and each alternative, in accordance with CEQ Regulations 1502.14(f), 1502.16(h), 1503.3(d), 1505.2(c), 1505.3 and 1508.20. The methodology used in determining mitigation needs shall be described in a supporting memorandum. Mitigation may include a monitoring and/or enforcement program where such is applicable.

(5) *Writing the Draft Statement.* The EIS shall be written in plain language and make use of appropriate illustrations so that the public can readily understand its contents, meaning and application and the effect of the proposed project. The preliminary draft EIS shall be prepared minimizing the use of technical terms and shall be rewritten or edited to assure clarity. The edited draft shall be given a thorough review by qualified personnel to assure its accuracy. The statement length shall be limited to not more than 150 pages, and the appended material (appendix) limited to not more than 150 pages.

The format shall follow that described in CEQ Regulations 1502.10 through 1502.18. The focus of the EIS should be on the alternatives including the proposed action, the affected environmental and the environmental consequences. The EIS will be analytic and be directed to the significant issues determined during the scoping process while avoiding unnecessary detail. The affected environment will be described only in sufficient detail for the reviewer to understand the alternatives and consequences. Where possible, photographs which assist in understanding important topics will be used. Extraneous data and information should be omitted from the statement and be included in the investigation's supporting information file or record.

The EIS will cover the five points in NEPA: primary and secondary impacts; impacts on environmental resources of national or regional significance when the impact extends beyond the immediate area; and discuss the significant relationships between the proposal and other existing, authorized or proposed developments. A section

will be included describing the scoping, coordination and consultation procedures; the views including objections raised by other agencies, interested individuals, associations and groups; and the disposition of these issues.

The EIS shall state which of the alternatives the Section considers to be (1) its preferred alternative, and (2) the environmentally preferred alternative; and the reasons for the selection of each.

Where international consequences of the proposed action are a significant factor, the preliminary draft EIS shall be provided to the Department of State for its consideration and comment.

The approach to preparing the appendix shall be to limit its length and include only that information which is required in the CEQ Regulations and relevant to the decision to be made. Other information shall be included in supporting reports which will be prepared in limited number and be provided to libraries and specific agencies for the convenience of the public when reviewing the EIS. The appendix shall include the list of preparers, the list of supporting reports, the list of agencies, organizations and persons to whom copies of the statement are sent, the listing of references, bibliography, a summary of the scoping meeting(s), tables, photographs, and exhibits. Generally correspondence, reports and methodology will be included where appropriate as supporting reports, but a particularly relevant letter, such as the Fish and Wildlife Service advice on endangered species, may be included in the appendix.

(6) *Circulating the Draft Statement.* The draft EIS shall be circulated in accordance with CEQ Regulations 1502.19 and 1503.1, with five copies sent to the Environmental Protection Agency, Washington, D.C. which acts as the reviewer for CEQ. A notice of availability of the EIS shall be published in the **Federal Register** and information furnished to news media should include a description of the proposed action and alternatives considered, the environmental consequences, the coordination and consultation procedure, and prior public meetings. The letter transmitting the draft EIS should include the date and place for a public meeting on the draft EIS, if such a meeting is planned. This information will also be furnished to the news media.

The letter of transmittal shall specify the date when comments are requested, and unless prior approval has been obtained from the CEQ for a shorter time, at least forty-five days will be allowed for the receipt of comments.

The draft EIS shall be transmitted by the Commissioner or his designee to the United States Department of State and with their concurrence to the Environmental Protection Agency.

For international undertakings the United States Commissioner shall consult with the Mexican Commissioner and provide him a copy of the draft EIS at the time he deems appropriate for consideration by Mexico and submittal of such views and comments as it may desire to provide.

(7) *The Final Statement.* The final EIS shall be prepared in accordance with CEQ Regulations 1502.9(b) and 1503.4.

In instances where only minor comments are received, the final EIS may take the form of a description of comments received, the changes made to the text of the draft EIS, the change, if any, in the conclusions as a result of the comments and copies of the significant comments received.

For clarity or where the comments raise significant questions or issues, the Section may prepare the final EIS as a revision of the draft EIS, making such changes and additions as are determined appropriate to accurately reflect the pertinent comments received.

The final EIS shall contain a discussion of the pertinent comments received and the actions taken by the Section in response to the comments.

The final EIS will be circulated by providing copies to Environmental Protection Agency and to each agency, organization and individual who provided comments on the draft EIS. A notice of the availability of the final statement shall be published in the **Federal Register** and information furnished to news media on the availability of the final EIS.

d. *Supplemental Environmental Impact Statements.* The supplemental EIS will be prepared, circulated and filed in the same manner as a draft EIS except that the scoping process may be omitted.

(1) When a supplemental is issued to a draft EIS:

(a) Combined comments should be requested on the original draft, plus the supplement; and

(b) The final EIS should be issued as a new document covering the draft EIS as amended by the supplement and as a result of the comments received on the combined draft and supplement EIS.

(2) When a supplement is issued to a final EIS:

(a) Combined comments should be requested on the previously circulated final EIS, plus the supplement; and

(b) A revised final EIS shall be issued and include a discussion of the comments received on the combined EIS, and the responses made to these comments. If the supplement considers alternatives not previously considered or considers significant impacts not covered in the first EIS, the revised final EIS should reflect that the agency has reconsidered its preferred alternative and provide further discussion, as appropriate, for its selection of the preferred alternative.

e. *Exceptions.* The nature of negotiations and relations at the international level may make it necessary to depart in some instances from the procedures in the CEQ Regulations. CEQ foresaw the need for such departures in its Regulation 1507.3(c). Exceptions applicable to the Section are set forth below.

(1) The environmental documents which are written to comply with NEPA should not normally include any classified or administratively controlled material nor should they normally include statements with respect to positions other than the preferred position of the United States in any ensuing negotiation or discussion. Although environmental documents should, whenever possible, be unclassified and hence available to the public, there may be situations where such documents cannot adequately discuss environmental effects without disclosure of classified information. In these instances the EIS will be appropriately classified. Whenever possible, the classification should terminate on a specified date or upon the happening of a described event. Such EIS, so long as it is classified, will not be made available to the public. Consultation will be carried on with appropriate agencies on classified matters.

(2) Since final EIS may not be available until the conclusion of negotiations for an agreement or of a discussion, the 30-day time delay between submission of such a document and final federal action set out in CEQ Regulation 1506.10(b)(2) will not apply to actions taken in these situations. Every attempt will be made to comply with the 90-day period which Regulation 1506.10(b)(1) requires between submission of the draft EIS and final EIS, with the draft EIS circulation being limited to appropriate agencies. Where schedules of international conferences make this impossible, the Section will notify CEQ as soon as possible of the circumstances with the purpose of fulfilling the intent of NEPA insofar as possible.

(3) In certain exceptional instances it may be necessary to reduce the 45-day period for agency comments set out in CEQ Regulation 1506.10(c). When this is the case, all agencies to whom the draft EIS has been sent will be informed by the Section of the reduced time period. The reduced time period must also be included in the public notice published in the **Federal Register.**

(4) From time to time there will arise good and valid reasons for a deviation from these procedures. The procedures are not intended to be a substitute for sound professional judgment. Accordingly, if and as problems arise which justify a deviation, the proposed deviation and supporting rationale shall be forwarded to the United States Commissioner.

(5) Section 2(b) of Executive Order 11514 and CEQ Regulation 1506.6 establish requirements for providing public information on federal actions and impact statements, and envisions extensive use of public hearings. Public hearings will be utilized by the Section only upon a determination by the head of the Section (United States Commissioner) that the requirements of carrying on international relations, including the constraints of time and the posture of the United States in negotiations allow such hearings to be carried out without prejudice to the national interests.

(6) In those instances wherein the draft and/or final EIS is submitted to the Department of State (OES/ENH) for concurrence before distribution outside the Section, the Department has agreed to make its comments within thirty (30) days of receipt of an EIS from the Section.

f. *Decision Documents.* Environmental documents shall upon completion be made available to decision makers at each decision point.

At the time of the decision or, if appropriate, its recommendation to the Congress, a concise public record of decision shall be prepared in accordance with CEQ Regulation 1505.2 and shall:

(1) State what the decision was;

(2) Identify all alternatives considered and specify the Section's preferred alternative and the environmentally preferred alternative;

(3) Identify and discuss the factors leading to the decision including international consideration, national policy, economic and technical factors, and the Section's statutory mission; and

(4) Describe mitigation measures which are being included if the proposed action adversely impacts the environment.

No administrative action, to the maximum extent possible, is to be taken sooner than ninety (90) days after a draft EIS has been furnished to and received by the Environmental Protection Agency for CEQ, circulated for comment and, except where advance public disclosure will result in significantly increased cost of procurement to the Government, made available to the public. Further, no administrative action should be taken sooner than thirty (30) days after the final EIS, together with comments, has been received by the Environmental Protection Agency and made available to the public. In the event the final EIS is filed within ninety (90) days after a draft EIS has been circulated for comment, received by the Environmental Protection Agency and made public pursuant to these procedures, the thirty (30) day period and ninety (90) day period may run concurrently to the extent that they overlap. The time periods shall be computed from the date the Environmental Protection Agency publishes in the **Federal Register** that the EIS has been received and is available for public comment.

g. *Actions Planned by Private Applicants.* Actions planned by a private applicant or non-federal entities prior to or concurrent with the initiation of the Section's studies, or involving an existing project shall be handled in the following manner in accordance with CEQ Regulations 1501.2(d)(1), 1501.4(b), 1501.8(a), 1502.19(b), 1503.1(a)(3), 1506.1(d), 1506.5(a) and 1506.5(b):

(1) The potential applicant shall be advised by letter of the action being studied by the Section and that information pertaining to the studies is available and that the policies and types of information which may be required of a future applicant can be obtained from the Section's responsible official;

(2) Applicants shall be requested to participate in the Section's scoping process and any subsequent meetings;

(3) The Section shall provide time limits for processing the application if the applicant requests them;

(4) Copies of environmental documents prepared by the Section will be furnished to the applicant with a request for comments;

(5) The applicant will be informed of the results of studies conducted by the Section as to whether development by applicants of plans or designs or performance of other work necessary to support an application for federal, state or local permits or assistance is appropriate;

(6) The Section will assist the applicant by outlining the types of information required for either an environmental assessment or an EIS;

(7) The Section will review any assessment or EIS prepared by a private applicant or a non-federal entity to verify its accuracy and shall make its own evaluation of the environmental document.

100.8 Definition of Key Terms

The definition contained within CEQ Regulations, Part 1508, apply to these Procedures.

100.9 Budget Process

The requirement of NEPA, Water Quality Improvement Act, Executive Order No. 11514, applicable Regulations and Office of Management and Budget Bulletin No. 72-6, shall be met through the Section's budget process to the maximum extent practicable. The following requirements of the budget process will be met:

a. *Legislation.* This Section is responsible for indentifying those of its legislative proposals, or favorable reports on bills on which it is the principal agency concerned, that would require the preparation of the EIS and receipt of the comments required under Section 102 of NEPA. When there is doubt as to which is the principal agency concerned the Legal Adviser shall consult with the Office of Management and Budget's Legislative Reference Division.

The proposed Section 102(2) EIS and the required comments shall accompany legislative proposals and reports when these are sent to the Office of Management and Budget for clearance. Copies of this material shall have been previously furnished directly to the CEQ for its information. As a part of the normal clearance process, the Office of Management and Budget will circulate the proposed statements along with the proposals or reports to appropriate federal agencies and will consult with CEQ. In certain cases the clearance process may disclose the need for a Section 102(2)(C) EIS where none has been prepared. In this event the Office of Management and Budget will request the Section to develop and submit an EIS.

After differences, if any, with other agencies over the legislative proposals or report have been resolved and after the legislative proposal or report has been cleared by the Office of Management and Budget, the final EIS and comments shall accompany the proposal or report to the Congress as supporting material.

b. *Annual Budget Estimates.* In the event the Section has major program

actions which significantly affect the quality of the human environment, annual budget estimates shall be accompanied by a special summary statement explaining generally the environmental impact expected to result from those activities and programs for which it is not possible to make an assessment of the potential impact on specific areas of the environment. Special summary statements shall include relevant information about general environmental problems that may be caused by proposed actions but which still must be assessed as plans for programs and activities are further refined. The special summary statement shall also include the following information by appropriation or fund account:

1. *Action, project or activity.* Identify the agency actions and individual projects and activities and the amounts of funds involved that are considered subject to Section 102(2)(C). Where the action is a part of a larger activity, identify only the project or action subject to Section 102(2)(C) and the amount involved.

2. *Final EIS completed.* If there are significant unresolved issues with other agencies, include a copy of the EIS with the submission to the Office of Management and Budget.

3. *EIS being prepared.* Give the status (e.g.—awaiting comments from interested parties) and estimated completion date.

If the Section prepares an EIS for any of its authorizing legislation it shall submit the EIS in lieu of a special summary statement required by paragraph b. above, except that the information required for the special summary exhibit shall be submitted along with the EIS. Copies of the special summary statement or the EIS (accompanied by information for the special summary exhibit) shall be furnished directly to the CEQ.

100.10 Lease, License, and Permit Applications

Lease, license and permit applications except for those types of leases and licenses which were previously enumerated as Categorical Exclusions, will be coordinated with federal, state and local agencies which are authorized to develop and enforce environmental standards. (Comments from such agencies or from the Section will be presented to the applicant who will be given the opportunity to modify the application so as to remove the cause, if any, for an agency's objection that there will be a significant effect on the quality of the human environment.

The applicant may be required to develop at the applicant's expense the necessary environmental assessment as may be required by the Section, in addition to any information the applicant may wish to furnish in order to demonstrate that granting of the lease, license or permit is in the public interest. A summary of the information on which the EIS is based will be furnished to the public in the notice of public hearing and at the hearing if one is held. In the event an applicant does not take action to remove an objection, the Section will prepare the assessment or EIS required by Section 102(2)(C) of NEPA at the applicant's expense.

The applicant may propose mitigation measures to offset the ecological impacts of the proposed action, or the section may prescribe such mitigation measures as it deems appropriate. Any such measures will be made a requirement of the lease, license or permit.

The granting of the lease, license or permit is the "federal action" which may require an environmental document. While the applicant has the duty and responsibility to undertake the environmental assessment and investigation, the Section has the primary and non-delegable responsibility for determining environmental impact of an action at every distinctive and comprehensive state. The Section may adopt the assessment after verifying it and concurring with the scope and conclusions of the assessment.

Failure of an applicant to furnish the requested information shall result in the denial of an application.

Leases, licenses or permits granted or approved by the Section will contain provisions to assure compliance with applicable air and water quality standards; to conserve and protect the environment including wetlands and to avoid, minimize or correct hazards to the public health and safety. The lessee, licensee or permittee will be required to provide adequate measures (mitigation) to avoid, control, minimize or correct erosion, contamination or other abuses and damages to the environment within or without the premises under lease, license or permit that may result from or have been caused by operations conducted on the premises.

Farming and grazing operations shall be conducted in accordance with recognized principles of good practice, conservation and prudent management. Land use stipulations or conservation plans to define such use and the measures necessary for the conservation, protection and control of the environment shall be incorporated in and made a part of the lease, license or permit.

Commercial and industrial developments may be permitted to be conducted on the premises under lease, license or permit if appropriate measures are taken so that the quality of the human environment will not be significantly affected, and providing such developments are in accord with the requirements of Executive Order No. 11988, "Floodplain Management," Executive Order No. 11990, "Protection of Wetlands," and the 1970 Boundary Treaty. Leases, licenses and permits shall contain provisions for the lessee, licensee or permittee to submit for advance approval, general and comprehensive plans of any proposed construction or developments for the use and conduct of operations as authorized for the premises prior to commencing any actual construction or development activities. Such plans, including architects' designs, construction specifications, machinery or equipment installation and operation or specifications for other operations or developments, shall provide measures necessary to protect, control or abate environmental pollution or abuses and avoid, minimize or correct hazards to the public health and safety.

Other uses as authorized by leases, licenses or pemits issued shall conform to the requirements and provisions formulated for each such use as adapted to local conditions and the environmental factors which are in need of protection and control measures.

Due to the nature of this Section's leasing, licensing and permit program, all factors are to be carefully considered before determining what is needed for the protection of the environment, conservation and land use requirements.

Application involving power transmission lines will be prepared in accordance with the Bureau of Land Management, Department of the Interior, Regulations as published in Subchapter B, Subpart 2850 of Title 43 CFR 2851.2–1 or any revisions or amendments thereto.

100.12 Operations at Construction Sites

Some operations that contribute to pollution and noise at construction sites and therefore require close surveillance, are enumerated in the following list:

a. *Air Pollution.*

1. Burning.
2. Earth moving operations (dust).
3. Sandblasting.
4. Sprayed-on coatings.
5. Soil stabilization operations (cement or lime).
6. Concrete mixing plant (dust).

7. Batch truck operation (dust).
8. Winter heating equipment (smoke and fumes).
9. Gunite operations (rebound).
10. Asphalt operations (dust, smoke, volatiles).

b. *Water Pollution.*
1. Solid wastes.
2. Earth moving operations (runoff).
3. Clearing operations (erosion).
4. Core drilling and grouting operations (waste water).
5. Wellpoint system runoff (erosion).
6. Concrete operations:
(a) Aggregate washing.
(b) Spillage.
(c) Water curing.
(d) Washing of mixers and batch trucks.

c. *Noise.*
1. Pile driving.
2. Equipment noise.
3. Drilling and blasting.
4. Rock crushing.

The construction engineer should ascertain that the contractor complies with:
1. The current applicable federal regulations.
2. The current applicable local regulations.
3. Methods and restrictions of operations that are contract, permit and license requirements.

On projects where regulations and contract requirements do not specifically outline procedures, the contractor's cooperation should be encouraged in an effort to obtain a clean and safe operation.

Appropriate provisions will be included in the contract specifications for the works to be performed requiring compliance with federal, state and local pollution laws, regulations and rules. Examples of contract specifications are attached at Appendix A.

100.1 Section 309 of the Clean Air Act Amendments of 1970

Sections 1504.1 and 1508.19 of the CEQ's Regulation's require that, in addition to normal coordination procedures, the following procedures shall apply to coodination with the EPA:

a. Upon circulation of draft EIS to the EPA, comments shall be requested under both the NEPA and Section 309 of the Clean Air Act.

b. Comments of the administrator, EPA, or his designated representative will accompany each final EIS on matters related to air or water quality, noise control, solid waster disposal, radiation criteria and standards or other provisoins relating to the authority of EPA.

c. Copies of basic proposals (studies, proposed legislation, rules, leases, permits, etc.) will be furnished to EPA with each statement. For actions for which EIS are not being prepared but which involve the authority of EPA, EPA will be informed that no EIS will be prepared and that comments are requested on the proposal.

d. In the event EPA should, as a result of their considerations of factors covered during continuing coordination, indicate that the proposed action as presented is unsatisfactory from the standpoint of public health or welfare or invironmental quality, the Principal Engineer, Investigations and Planning Division, shall make every attempt to resolve the differences with EPA prior to completion of the draft EIS.

100.13 *Predecision Referrals to CEQ*

If a federal agency should refer an unresolved difference to CEQ for decision under Regulation 1504, the responsible official shall in fifteen (15) days after the Section's response to the referring agency's recommendation addressing fully the issues raised in the referral, and providing evidence to support the Section's position.

If the Section determines, after unsuccessful attempts to resolve differences with a lead agency, an EIS for a proposed action has potential adverse environmental impacts, Chief, Planning and Reports Branch, shall document the impacts, the differences with the lead agency, the actions taken to resolve the differences, and include all information identifed in CEQ Regulation 1504.3. The Legal Adviser shall prepare the outgoing documents listed in Regulation 1504.3 for consideration by the Commissioner after review by the Principal Engineer, Investigations and Planning.

100.14 *Responsibility as a Commenting Agency*

The Chief, Planning and Reports Branch, will review draft and final EIS submitted by other agencies and prepare the draft letter of comments for the Section in keeping with the intent of CEQ Regulations 1503.2 and 1503.3. Such comments should be as specific, substantive and factual as possible without undue attention to matters of form as in an EIS. Emphasis should be placed on the assessment of the environmental impacts of the proposed action, including the international aspects of the acceptability of those impacts on the quality of the environment, particularly as contrasted with impacts of reasonable alternatives to the action. The Section may in its comments recommend modifications to the proposed action and/or new alternatives that will enhance environmental quality and avoid or minimize adverse environmental impacts. The Section's comments should indicate the environmental interrelationship of the proposed action to any of our existing projects, or those being planned. The comments may include the nature of any monitoring of the environmental effects of the proposed project that appears particularly appropriate. If comments cannot be provided in the forty-five (45) day comment period, a request should be made for an extension of time, normally fifteen (15) days. In the event there are significant international factors to be considered, and completion of comments will require a longer extension of time, the request should explain the reason for the longer periods.

100.15 Effective Date

These procedures supersede any draft of proposed procedures which has been published in the **Federal Register** and/or circulated to other agencies (local, state or federal), interested individuals, associations or groups. These procedures become effective upon the date of their publication in final form in the **Federal Register.**

Frank P. Fullerton,
Legal Adviser.

Appendix A

SC Landscape Preservation

A. General—The Contractor shall exercise care to preserve the natural landscape and shall conduct his construction operations so as to prevent any unnecessary destruction, scarring or defacing of the natural surroundings in the vicinity of the work. Except where clearing is required for permanent works, for approved construction roads and for excavation operations, all trees, native shrubbery, and vegetation shall be preserved and shall be protected from damage which may be caused by the Contractor's construction operations and equipment. Movement of crews and equipment within the right-of-way and over routes used for access to the work shall be performed in a manner to prevent damage to grazing land, crops, or property.

No special reseeding or replanting will be required under these specifications; however, on completion of the work all work areas shall be smoothed and graded in a manner to conform to the natural appearance of the landscape. Where unnecessary destruction, scarring, damage, or defacing may occur as a result of the Contractor's operations, as determined by the Contracting Officer, the same shall be repaired, replanted, reseeded, or otherwise corrected at the Contractor's expense.

B. Construction roads—The locations, alignment, and grade of construction roads shall be subject to approval of the Contracting Officer. When no longer required

by the Contractor, construction roads shall be made impassable to vehicular traffic and the surfaces shall be scarified and left in a condition which will facilitate natural revegetation.

C. Contractor's yard area—The Contractor's shop, office, and yard area shall be located and arranged in a manner to preserve trees and vegetation to the maximum practicable extent. On abandonment, all storage construction buildings including concrete footings and slabs, and all construction materials and debris shall be removed from the site, or subject to the Contracting Officer's approval, may be buried on the site. The yard area shall be left in a neat and natural appearing condition.

D. Costs—Except as otherwise provided, the cost of all work required by this paragraph shall be included in the prices bid in the schedule for other items of work.

SC Prevention of Water Pollution

The Contractor shall comply with applicable federal and state laws, orders, and regulations concerning the control and abatement of water pollution.

The Contractor's construction activities shall be performed by methods that will prevent entrance, or accidental spillage of solid matter, contaminants, debris, and other objectionable pollutants and wastes into streams, flowing or dry watercourses, lakes and underground water sources. Such pollutants and wastes include, but are not restricted to, refuse, garbage, cement, concrete, sewage effluent, industrial waste, radioactive substances, oil and other petroleum products, aggregate processing tailings, mineral salts, and thermal pollution. Sanitary wastes shall be disposed of in accordance with state and local laws and ordinances.

Unwatering work for structure foundations or earthwork operations near streams or watercourses shall be conducted in a manner to prevent excessive muddy water and eroded materials from entering the streams or watercourses by construction of intercepting ditches, bypass channels, barriers, settling ponds, or by other approved means.

Waste waters from aggregate processing, concrete batching, or other construction operations shall not enter streams, watercourses, or other surface waters without the use of such turbidity control methods as settling ponds, gravel filter entrapment dikes, approved flocculating processes that are not harmful to fish, recirculation systems for washing of aggregates, or other approved methods. Any such waste waters discharged into surface waters shall be essentially free of settleable material. For the purpose of these specifications, settleable material is defined as that material which will settle from the water by gravity during a 1-hour quiescent detention period.

Sanitary facilities shall be provided and maintained in accordance with the Department of Labor "Safety and Health Regulations for Construction."

The costs of complying with this paragraph shall be included in the prices bid in the schedule for the various items of work.

SC *Abatement of Air Pollution*

The Contractor shall comply with applicable federal, state, interstate, and local laws and regulations concerning the prevention and control of air pollution.

In the conduct of construction activities and operation of equipment, the Contractor shall utilize such practicable methods and devices as are reasonably available to control, prevent, and otherwise minimize atmospheric emissions or discharges of air contaminants. Equipment and vehicles that show excessive emissions shall not be operated until corrective repairs or adjustments are made.

The Contractor's methods of storing and handling cement shall include means of controlling atmqspheric discharges of dust.

Burning of materials resulting from clearing of trees and brush, combustible construction materials, and rubbish will be permitted only when atmospheric conditions for burning are considered favorable and the burning is done in accordance with Texas Air Control Board and local air pollution regulations. In lieu of burning, such combustible materials shall be removed from the site and disposed of in accordance with applicable regulations and laws.

During the performance of the work required by these specifications or any operations appurtenant thereto, whether on right-of-way provided by the Government or elsewhere, the Contractor shall furnish all the labor, equipment, materials, and means required, and shall carry out proper and efficient measures wherever and as often as necessary to reduce the dust nuisance, and to prevent dust which has originated from his operations from damaging crops, vegetation, lands and dwellings, or causing a nuisance to persons. The Contractor will be held liable for any damages resulting from dust originating from his operations under these specifications on the Government right-of-way or elswhere.

If the Contractor does not provide and perform the necessary dust control measures within a reasonable time after need for such control arises, the Government will cause the work to be performed and will backcharge the Contractor for such work.

The costs of complying with this paragraph, including the cost of sprinkling for dust control or other methods of reducing formation of air pollution shall be included in the prices bid in the schedule for the various items of work.

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INTERNATIONAL TRADE COMMISSION

Certain Tobacco; Report to the President on Investigation No. 22-43

August 21, 1981.

Findings and recommendations

On the basis of the information developed in the course of the investigation, the Commission[1] finds and recommends that tobacco, provided for in items 170.3210, 170.3500, 170.6040, and 170.8045 of the Tariff Schedules of the United States Annotated (TSUSA), is not being and is not practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the flue-cured tobacco program or the burley tobacco program of the Department of Agriculture, or to reduce substantially the amount of any product being processed in the United States from such tobacco.

Background

The Commission instituted its investigation on March 5, 1981, following the receipt on January 18, 1981, of a request from the President. The investigation was instituted pursuant to section 22(a) of the Agricultural Adjustment Act (7 U.S.C. 624(a)) to determine whether tobacco, provided for in items 170.3210, 170.3500, 170.6040, and 170.8045 of the TSUSA, is being or is practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with, the tobacco program of the Department of Agriculture, or to reduce substantially the amount of any product being processed in the United States from such tobacco.

Notice of the Commission's investigation was published in the **Federal Register** of March 11, 1981 (46 F.R. 16162). A public hearing was held in Washington, D.C., on June 24 and 25, 1981. All interested parties were afforded an opportunity to appear and to present information for consideration by the Commission.

This report is being furnished to the President in accordance with section 22(a) of the Agricultural Adjustment Act. The information in the report was obtained at the public hearing, from interviews by members of the Commission's staff, from information provided by other Federal and State agencies, and from the Commission's files, submissions from the interested parties, and other sources.

[1] Commissioner Bedell dissents in part. Commissioner Bedell finds that flue-cured tobacco, provided for in items 170.3210, 170.3500, 170.6040, and 170.8045 of the TSUSA, is being or is practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the flue-cured tobacco program of the Department of Agriculture, or to reduce substantially the amount of any product being processed in the United States from such tobacco.

Statement of Chairman Bill Alberger, Vice Chairman Michael J. Calhoun, and Commissioner Paula Stern

I. Introduction

Section 22 provides that relief from import competition shall be granted if the President finds that articles "are being or are practically certain to be imported. . . in such quantities as to render or tend to render ineffective, or materially interfere with . . ." certain agricultural programs.[2] The statute thus requires that two different events occur before relief is granted. First, with regard to the imports, the article must be imported or be practically certain to be imported. The "practically certain" standard means that the probability of imports must be highly likely. Mere speculation as to future imports that will cause harm to a program is not sufficient.

Second, after the import test has been met, it also must be shown that harm to the program is occurring or is threatened by those imports. The most severe harm would "render ineffective" the program. Relief from imports may also be provided if imports are shown to "materially interfere with" a program. Material interference is more than slight interference but less than major interference. A program which has been rendered ineffective has also suffered material interference, although the reverse may not be true. Therefore, material interference is the less stringent of these two standards. We believe that the Commission should consider both of these standards in order to provide the fullest advice possible to the President.

Finally, relief from prospective harm by imports may be provided if their importation is practically certain to materially interfere with or tend to render ineffective a program.[3] Tendency to render ineffective must, of course, be more than speculative. A real and imminent harm to the program in question must be shown. In this case we find that none of the requisite harms to the program is present and, therefore, find that relief is not warranted.

II. Summary of reasons

Our determination in this case is based upon several factors which indicate to us that the conditions for imposing import restrictions under Section 22 do not exist. In reaching our conclusions we have considered the impact of imports on the purposes established for the programs and the impact on the operation of the programs.

While there has been a large increase in the volume of imports of burley and flue-cured tobacco since 1975, imports in prior years characteristically have been very low and, in our view, the market share enjoyed by imports is not sufficient to materially affect the USDA tobacco programs.

Furthermore, the information presented to us during this investigation clearly indicates that the programs are healthy and are not suffering the type of harm or interference contemplated by the statute. USDA concedes this fact with respect to the burley program. With respect to the flue-cured program, the evidence weighs against USDA's repesentations. For example, loan stocks of flue-cured tobacco have been steadily declining since 1978 and are now at their lowest level since 1977. The amount of tobacco placed under loan each year has been significantly lower since 1978 than during 1974–77.

In addition, we have found that the cost to the Government of operating the program quite plainly has not been increasing relative to past years. In light of recently developed information, USDA estimates of financial losses on the 1975 crop and on subsequent crops appear to be exaggerated. While there was a slight loss of $5.6 million on the 1974 crop and there may be a loss of about $11 million on the 1975 crop, these losses are not comparable to the average losses experienced in the period 1950–70. They simply are not of a magnitude to suggest material interference or ineffectiveness of the program. Moreover, in stark contrast to USDA estimates, the Flue-cured Stabilization Cooperative (FCS) projects that substantial profits will be made on sales from crop years 1976–80.

With respect to the prospective impact of imports on the programs, there is no evidence to demonstrate that imports are tending to ender the program ineffective or that they are parctically certain to be imported so as to cause future harm. While the best estimates do indicate a long term growth in imports, such an event is too protracted to be a basis for concluding imminent harm. Moreover, information on the current crop is that because of its high quality auction prices are high, loan placements are down sharply over prior years, and precessors are dipping into loan stocks to obtain lower grade tobacco. While USDA is alarmed by the apparent long-term decline in U.S. competitiveness vis-a-vis other tobacco producing countries, the facts before us do not suggest that harm is imminent.

Finally, the purposes of the tobacco programs, including assuring adequate income to farmers and fair prices to consumers, maintaining a balanced supply, and providing a balanced flow of tobacco in interstate and foreign commerce, are currently being achieved.

III. The tobacco programs of the USDA

The purposes of USDA programs dealing with tobacco, as well as with certain other agricultural commodities, are set forth in section 2 of the Agricultural Adjustment Act of 1938:

> It is hereby declared to be the policy of Congress to continue the Soil Conservation and Domestic Allotment Act, as amended, for the purpose of conserving national resources, preventing the wasteful use of soil fertility, and of preserving, maintaining, and rebuilding the farm and ranch land resources in the national public interest; to accomplish these purposes through the encouragement of soil-building and soil-conserving crops and practices; *to assist in the marketing of agricultural commodities for domestic consumption and for export; and to regulate interstate and foreign commerce in cotton, wheat, corn, tobacco, and rice to the extent necessary to provide an orderly, adequate and balanced flow of such commodities in interstate and foreign commerce through storage of reserve supplies, loans, marketing prices for such commodities and parity of income, and assisting consumers to obtain an adequate and steady supply of such commodities at fair prices.* (Emphasis added.)

There are no other specific legislative purposes articulated for the tobacco programs.

With respect to types of tobacco covered by this investigation, the purposes set forth in the 1938 Act are accomplished through two different programs administered by USDA: the flue-cured tobacco program, and the burley tobacco program.[4] Section 22 provides for relief when the President finds that "any article or articles are being or are practically certain to be imported . . . as to render or tend to render ineffective, or materially interfere with, *any program or operation undertaken under this chapter or the*

[2] The statute also includes a clause referring to products processed from agricultural commodities. This clause is more fully discussed below and in a memorandum to the Commission form the General Counsel (GC-E-197), Appendix H of the report.

[3] It is the view of Vice Chairman Calhoun that relief from prospective harm from imports may be provided if imports are practically certain to be imported under such conditions and in such quantities as to materially interfere with a program or if their importation is such as to tend to render ineffective a program.

[4] A thorough discussion of the distinctions between the programs may be found in Appendix H of the report (memorandum to the commission form the General Counsel, GC-E-196). Also, it is possible that small amounts of other types of tobacco which may be grown in the United States are included in some of the TSUSA categories mentioned in our notice of investigation. However, the best information available indicates that imports of those tobaccos are insignificant. Therefore, this investigation is only concerned with burley and flue-cured tobacco.

Soil Conservation and Domestic Allotment Act . . . or any loan purchase or other program or operation undertaken by the Department of Agriculture . . . ." We therefore have made findings and recommendations with regard to each program.

The specific programs of the Department of Agriculture that are of concern to the Commission in this investigation are those which support the flue-cured and burley types of tobacco. Under these programs, the price farmers receive for their tobacco is supported by a loan program that establishes minimum prices for every grade of these tobaccos. The average support price of tobacco is set by a formula based on the parity index (index of prices paid by farmers). A support price for each individual grade is established by USDA to reflect market conditions to the extent possible, provided that the average of prices of all grades weighted by the historical share of each grade in the overall crop must equal the statutory support price. This average price is $1.58 per pound for 1981.

The support programs further require that the Secretary of Agriculture establish annually a national poundage quota for both types of tobacco and, in the case of flue-cured tobacco, also and acreage allotment, thereby limiting the amount of tobacco which can be brought to market by growers. With the exception of allowing up to 10 percent overmarketing by a farmer (which is then subtracted from his quota in the next year), any tobacco grown in excess of a farmer's prorated marketing quota cannot be marketed except with severe penalties. The purpose of these marketing limitations is essentially to assure that the market will not be oversupplied with tobacco, causing market prices to decline below the support price and causing increased quantities of tobacco to be placed in the Government stocks.

Producers may place any or all of their tobacco under loan if auction of that tobacco does not bring a bid from prospective buyers at least equal to the appropriate support price for the grades offered. The grower, whether he places his tobacco under loan or sells it to a dealer, receives payment immediately through the auction management. The tobacco placed under loan is generally processed by agents of the USDA into the strip form and then stored until after the auction season is complete. At that time the tobacco is made available for sale at a price no lower than 105 percent of the support price. Certain fees, carrying charges, and interest charges are added to this price during the time tobacco remains under loan. When all tobacco under loan from a particular crop is sold or otherwise disposed of, a financial accounting is made. After expenses are paid the remainder of any proceeds are applied by the Commodity Credit Corporation (CCC) against the loan principal and then against the outstanding interest. The surplus of income over expenses, if any, is not accumulated by the CCC. These so-called profits are distributed to the growers through their associations while losses, if any, are absorbed by the CCC.

IV. The question of harm to the burley program

USDA testified before the Commission that only the flue-cured tobacco program is being adversely affected by imports. Imports of burley and other types of tobacco which are entered into the United States under the four TSUSA numbers covered by this investigation are not believed by USDA to be harming the USDA burley program. We concur with the USDA in this assessment.

The burley tobaco program is unquestionably healthy. Although imports of this type of tobacco are believed to have increased in recent years, this increase is clearly in response to increased demand for burley tobacco. The basic marketing quota for burley was stable at about 614 million pounds [5] from the 1979 crop year through the 1980 crop year and was increased to 660 million pounds in 1981. The effective quota, that is, the basic quota adjusted for under- or over-marketing of the previous year, has been increased to 851 million pounds. Stocks both under loan and held by dealers and cigarette manufacturers have declined. Loan stocks are practically non-existent, no burley was placed under loan in 1980, and the CCC reports no losses from sales or other disposal operations.

No testimony at the Commission's hearing and no other information available to the Commission supports an argument that imports are adversely affecting the burley program. We, therefore, determine that burley tobacco is not being imported and is not practically certain to be imported under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the burley program of the Department of Agriculture.

V. The question of harm to the flue-cured program

USDA and other participants testified that imports of flue-cured tobacco were materially interfering with this program and that projected increases in such imports will materially interfere in the future. Major elements of testimony in favor of relief included the following:

(1) Imports have increased from an annual level of 30 million pounds or less before 1976 to as much as 85 million pounds in 1979. USDA projects imports to increase by about 8 percent each year until at least 1986.

(2) Imports have displaced at least 225 million pounds of tobacco from the 1975–80 crops which would otherwise have been purchased by dealers or cigarette manufacturers, causing the displaced domestically produced tobacco to be placed under loan. During the next five years additional displacement is expected to exceed 400 million pounds.

(3) Because of the addition of imports to domestic inventory, marketing quotas have been reduced substantially since 1975.

(4) Because of the availability of foreign tobacco at prices well below that of domestic tobacco from either the auction floor or from loan stocks, the Flue-cured Stabilization Cooperative which handles the stocks has been unable to sell and will continue to be unable to sell substantial quantities of tobacco otherwise competitive with imports, suffering financial losses projected at as much as $123 million from the 1975–80 crops currently under loan, and over $200 million from future crops.

In order to halt the interference with the program and to prevent future interference, USDA suggested that a quota on imports be established at the average level of such imports from 1978–80, or approximately 72 million pounds.

Of the standards for finding harm to the flue-cured tobacco program under section 22, only material interference was claimed. No participant in this investigation alleged, nor does any information before us suggest, that the quantity of imports is such as to render the program ineffective. Regarding the assertion that imports are materially interfering with the program, we can find no such interference, nor do we find indications of imminent harm. While there are troublesome factors affecting the operation of the flue-cured program, imports are not entering at such a level or under such conditions as to cause the

[5] This and other references to poundage in this opinion are in terms of farm-sales weight, the weight of tobacco when sold by the grower at auction. After processing and packing, the weight of tobacco is somewhat reduced. One pound packed weight is approximately equal to 1.4 pounds farm-sales weight.

requisite interference; nor is the program suffering or facing the adverse circumstances contemplated by section 22.

Imports. Imports of flue-cured tobacco have indeed increased to record high levels in recent years. In 1976 imports began to increase dramatically, reaching 54 million pounds in 1977, 74 million pounds in 1978, and 85 million pounds in 1979. While imports of flue-cured tobacco appear to have declined to 76 million pounds in 1980, import penetration has remained near the record high level of 15 percent of domestic utilization. From the time the program was created by the Congress, until 1975, imports were at a very low level, never exceeding 30 million pounds in any year. Import penetration during that period did not exceed 3 percent of domestic utilization of U.S. produced flue-cured tobacco. Therefore, while recent increases appear dramatic, it must be remembered that they are from a very low level.

Domestic utilization of tobacco is not the only yardstick by which the impact of imports can be measured. Nearly one-half of all domestic tobacco production is destined for export markets. Even a large portion of tobacco used for domestic production of cigarettes is ultimately exported in that processed form. Although imports are at record high levels, they remain at less than one-sixth of the level of flue-cured tobacco exports and import penetration relative to all utilization of U.S. produced flue-cured tobacco is only 8 percent.

It is apparent that the major reason for the increase in imports in recent years is the price differential which has resulted from the rapid escalation of the U.S. support price. Prices paid by cigarette manufacturers for U.S. produced tobacco are substantially above those for tobacco from other producing nations. Much U.S. produced tobacco is of higher quality than that available abroad. This is a fact clearly domonstrated by the large volume of U.S. exports despite their high prices. However, there is also significant foreign production comparable to lower quality, neutral flavored domestic tobacco at prices below the support price. The average price of imported flue-cured tobacco in the United States was $.60 per pound below that of domestic tobacco, even after adjusting for quality differences.

It is quite possible that imports will increase further under these conditions of competition, as predicted by USDA. However, though these imports undoubtedly will have some effect upon the program, we do not believe that they have reached or are likely to reach in the immediate future a level which would constitute material interference.

The question of present harm. We believe that the program is healthy and is not suffering the type of harm contemplated by the statute. USDA testified that dealers and cigarette manufacturers have been purchasing and placing in inventory increased quantities of imported tobacco. It suggested that, as a result, those buyers were reducing their purchases from FCS-held loan stocks casuing those stocks to increase. In addition, buyers were purchasing imports rather than domestic tobacco from the tobacco auctions causing FCS to purchase the displaced tobacco at the suport price, thereby raising the level of loan stocks and causing unusual expenditures. In order to balance supply (which includes the larger quantities under loan) with demand, USDA testified it had reduced marketing quotas. We have examined all these factors in detail.

The level of uncommitted stocks (those still available for sale)[6] as of the beginning of each crop year has been declining steadily since 1978 and, by July 1, 1981 had declined to 468 million pounds. Recent sales in the first few weeks of the 1981 crop year have caused uncommitted stocks to decline even further to what may be the lowest level since at least mid-1977. We cannot speculate as to what level these stocks might be were imports not available during recent years, but the trend is in a positive direction despite the lower quality of recent harvests and the higher volume of imports in recent years.

Another indicator of material interference specifically identified by USDA and other supporters of import restrictions is the amount of tobacco being placed under loan each year. This amount reached 277 million pounds in 1976, declined to about 64 million pounds in 1978 and increased to 138 million pounds in 1980. However, an examination of changes in the amount of flue-cured tobacco placed under loan shows that there is no discernible positive correlation between that quantity and the level of imports. In fact, to the extent a relationship exists between import levels and the amount of flue-cured tobacco placed under loan, it appears to be a negative correlation.[7] Furthermore, the amount of tobacco placed under loan each year has been significantly lower since 1978 than during 1974–77.

The level of tobacco placed under loan is a function of demand in the market for the tobacco offered at a price which can be no lower than the support price. Since support prices are set in advance of the harvest, there is no method by which USDA can adjust the support prices on the approximately 150 grades of flue-cured tobacco to perfectly reflect market conditions. If a crop is of generally low quality, it is probable that the support prices on some, and possibly many, of the various grades will be higher than prospective buyers believe appropriate. Such tobacco will inevitably be placed under loan. Similarly, it is probable that in the event of a low quality crop, and particularly if that crop is large, there will be more of some lower quality grades than the market can comfortably absorb at support prices. Under such conditions it would be expected that farmers will place larger than desirable quantities under the loan program. Such tobacco would remain as part of loan stocks until demand for those grades at the offered prices increased relative to the supply at the tobacco auctions. This is precisely one of the means by which a commodity buffer stock is intended to accomplish its purpose of maintaining stable prices and supplies. The smooth operation of the flue-cured stabilization mechanism points to a system that is functioning as intended.

USDA has in recent years made adjustments in the program which will serve to encourage lower loan stock levels in future years. Among these are incentives to farmers not to harvest the lowest quality tobacco which is in least demand, and the removal of price support for a number of grades covering this lower quality tobacco. As a separate matter, the interest rate policy of the CCC may have operated as a cause, different from imports, of large FCS-held uncommitted stocks. The interest rate charged by the CCC was set for the life of the loan and, owing to escalating costs of money, rapidly fell below commercial interest rates. For example, the interest charged on tobacco now under loan is as low as 6 percent. By 1981, the commercial rates exceeded the loan rate by as much as 14 percentage points. So long as it is

[6] USDA has suggested that because total FCS-held stocks have been higher since 1977 than during the period 1973–76, material interference is occurring. However, these total FCS-held stocks comprise two categories of tobacco. These categories are 1) uncommitted stocks still available for sale and 2) committed stocks which are already sold on paper but have not yet been removed from FCS control. These latter stocks are, in effect, the same as privately held stocks, and they should not be considered still under loan.

[7] For example, in crop years 1977 and 1978 imports increased singificantly while loan placements decreased from the preceding years. In 1980 imports declined while placements nearly doubled. See the tabulation on p. A–32 and table 4.

reasonable to expect commercial interest rates to remain high or to increase, there is clear incentive for flue-cured purchasers to maintain a measure of their inventory under FCS control, thereby availing themselves of what is essentially a subsidized inventory. Although there will continue to be an interest rate differential between the CCC rate and commercial rates, recent changes in policy now provide for a higher variable interest rate on CCC loans. The reduced differential between loan rates and commercial rates, although still about 5 percentage points at this time, will be less likely to encourage a build-up in FCS-held tobacco stocks.

In addition, it is our view that the current condition of the loan program is not an indication of harm. Rather it is the result of the proper operation of the system. When harvests were of good quality relative to other years, as in 1978 and 1979, the average price paid to farmers exceeded the support price by a considerable margin. In those years tobacco placed under loan was in relatively small quantities, suggesting that demand was strong relative to supply and suggesting that imports increased in those years partially because of this strong demand. In other years, such as 1977 and 1980, when the crop was rather poor quality, market prices were close to the support price and large quantities were placed under support. In 1975 the quantity offered was simply too large for the market to clear at prevailing prices.

If the system is working properly, tobacco which is placed under loan is ultimately sold at little or no cost to the program. USDA testified that the losses already incurred and likely to be incurred in the immediate future were the most telling indicators of harm from imports. A loss of about $6 million had already occurred in sales from the 1974 crop and, on the basis of some sales at a loss over the period December 1979 to March 1981, USDA projected that losses would continue into the future. However, in our view such losses are not likely to occur.

The only loss which has actually occurred during the last decade is that on sales from the 1974 crop. Production in that year was among the highest in the decade and all but 25 million pounds were sold at auction at prices which exceeded the $0.83 support price by an average of $0.22 per pound. This was nearly the smallest quantity placed under loan in well over a decade, and this tobacco was described in testimony as the "leavings of the leavings." The loss incurred on these sales cannot be convincingly laid at the door of imports.

USDA states that, on the basis of sales prices obtained in recent bid sales of the 1975 crop, losses likely to be incurred on that crop can be estimated at $34 million. However, FCS, which is directly responsible for determining list prices and conducting the sale of stocks, estimates losses at $11.6 million if those stocks are sold at list price. The extreme estimate made by USDA is belied by the most recent events in sales by FCS.

Since the 1981 markets opened in late July, over 40 million pounds of tobacco have been sold from stocks of the 1975 crop, and these sales included large quantities of that tobacco which previously had been made available for sale at bid. This tobacco was not sold owing to lack of interest among potential buyers at a price acceptable to FCS. All 40 million pounds, accounting for over one-third of the remaining stocks of the 1975 crop, were sold at list price. Only a small amount of tobacco from the 1975 crop similar to that previously offered in bid sales remains in loan stocks (approximately 5 million pounds). There is no reason to believe that this tobacco, or any other from the 1975 crop, will be sold at a loss approaching that projected by USDA.

Moreover, if the remaining stocks are sold at list prices, the loss would more nearly approximate the lower FCS estimate than that of the USDA. High auction prices for the 1981 crop and the removal of interest rate incentives are likely to increase the appeal of tobacco now held by FCS. The increased demand for the grades currently held under loan may allow FCS to revalue the tobacco upward, reducing losses further. An additional encouraging indication is that this crop has been held by FCS for only about 6 years. The average length of time before complete disposal of crops from 1955–70 was over eight years, and the average for the 1971–74 crops was over six years. Of those crops after 1966, only the 1974 crop was sold at a loss; others were sold at profits of up to $16 million.

USDA further suggested that if losses on the 1975 crop were $34 million, other crops held by FCS would also be sold at substantial losses. However, since there is no convincing evidence that the 1975 crop will be sold at a loss greater than that estimated by FCS, there is no reason to doubt the FCS estimates on other crop years as well. FCS estimates that stocks from each of those crops will be sold at substantial profit and that the net profit for all crops under loan through 1980 will be about $17 million. It should be noted that FCS is not permitted by the legislation to carry over any profit it may make from sales of one year's crop to balance losses incurred from sales of another year's crop and, technically, it cannot make a profit. All gains must be distributed to the farmers participating in the program after expenses have been paid. It may be desirable that each and every crop be sold at no loss to the program, but losses must be expected on occasion. Only the size and frequency of such losses are in question. The operation of the program has certainly improved since 1950–70 during which the program incurred frequent and, sometimes, large losses. We do not believe that the relatively small loss from sales of the 1974 crop and the uncertain loss from other crops constitutes material interference from imports.

USDA also argues that material interference to the program has manifested itself in the need to reduce the marketing quotas since 1976. Marketing quotas for flue-cured tobacco have decreased from the level of the mid-1970's. In 1975 the basic quota was 1,491 million pounds and, in 1981, it is only 1,013 million pounds. However, the 1975 quota was a record high quota which exceded the levels of preceding years by nearly 40 percent. The decline since that time is in fact only a return from several years of abnormally high marketing quotas to the levels in effect before 1974.

As support for its decision to reduce marketing quotas, USDA noted that the domestic utilization of flue-cured tobacco has declined by 17 percent since 1972 while exports have declined only slightly (although exports have declined by 18 percent from 1973 levels). Utilization of U.S. produced flue-cured tobacco in 1980 was 113 million pounds below utilization in 1971 while imports had increased by 65 million pounds. Thus, USDA argues that processors are turning more and more to imports to replace domestic tobacco. However, in the same period, cigarette manufacture in the United States increased 24 percent to about 714 billion cigarettes in 1980. It is apparent that factors other than imports are at play here. In particular, cigarette manufacturers have apparently become considerably more efficient in the use of tobacco in their product or have shifted the tobacco content of cigarettes from flue-cured to some other type of tobacco. In 1971 manufacturers produced about 860 cigarettes from a single pound of flue-cured tobacco (blending it with other tobaccos, both domestic and imported). In 1980 manufacurers produced 1,140 cigarettes from each pound of flue-cured tobacco purchased either domestically

or from foreign sources, an increase of one-third. We find, therefore, that it is not primarily the presence of imports which have caused the decrease in the marketing quotas, but rather a variety of other factors which are beyond the control of the program and are also beyond the scope of section 22.

USDA testified that material interference had already occurred, but their recommendation of a 72 million pound quota on imports of flue-cured tobacco is not consistent with that conclusion. This level is the average of imports during the most recent three years for which data are available. However, imports during those years were the highest in the history of the program, and only in 1979 did imports substantially exceed the recommended quota. If a level of imports substantially lower than 72 million pounds was interfering with the program as early as 1976 and imports are now materially interfering with the program, there can be no justification to allow that quantity to be entered in the future.

The question of future harm to the program. From the language of the statute, there are two alternative standards by which the prospective impact of imports may be sufficient to warrant relief. The first standard is that articles are practically certain to be imported under such conditions and in such quantities as to materially interfere with the flue-cured program. The second standard is that articles are being imported or are practically certain to be imported under such conditions and in such quantities as to tend to render ineffective the flue-cured program.

As is the case with allegations of current injury, no representation has been made nor data collected by us which suggests that the program is likely to be rendered ineffective. The remaining statutory basis for considering future harm to the program is that there are articles being imported which are practically certain to materially interfere with the program. Again, we can find no data which allow for a conclusion that there is a quantum of flue-cured tobacco which is "practically certain to be imported" under conditions or in quantities which would materially interfere with the support program.

In the first instance, the USDA forecast of 8 percent yearly import growth through 1986 does not support a conclusion that imports are practically certain to cause material interference. Second, current information on the 1981 harvest indicates that the quality of the tobacco being sold at recent auctions is better than that in most recent years, and there appears to be a short supply of lower grade tobacco similar to that which has been most prevalent in FCS loan stocks. Prices offered at auction are reported by the USDA to be signficantly higher than the support price—which is itself 12 percent higher than in 1980—and the quantity of tobacco being placed under loan in the first few weeks of this auction season is well below the rate of 1980. As noted above, the higher market prices provide incentive for purchases of older tobacco from FCS. In fact, there have been significant purchases from FCS stocks, at list prices, of grades of tobacco which USDA suggested might be sold only at a loss.

We recognize that these events do not necessarily guarantee a long term positive trend in all the factors which we have considered. It is possible that, as with any agricultural commodity, conditions in the tobacco markets may change very rapidly. We are, however, of the view that unless some entirely unforeseen event causes a rapid turn-around in the market, that these imports cannot be said to be practically certain to harm the program in the foreseeable future.

The purposes of the Program. Finally, we have concluded that the purposes of the programs are currently being achieved. The primary purpose of the program, according to USDA, is the maintenance of farmers' incomes from growing and marketing flue-cured tobacco. The first factor which determines income is the price at which a farmer's tobacco is sold. The price of tobacco is guaranteed by the price support legislation to be some percentage of parity—that is, the price of a pound of tobacco is guaranteed to be able to buy some percentage of what it could buy during the period 1910–14. This percentge has been changed during the history of the program, most recently in 1960. The legislation has essentially defined by this process what Congress considers to be a minimum fair price for tobacco both for growers and for consumers. This price is still guaranteed through the price support system. Provided the program operates effectively there is no manner in which imports can interfere with a grower obtaining that price for any tobacco he markets within his quota.

The second factor which determines growers' incomes is the quantity of tobacco which they are allowed to place on the market for sale at or above the support price. As discussed above, this quantity has varied considerably over time. However, we note that the gross returns from sale of tobacco has increased. In 1972, 1,022 million pounds were marketed at an average price of $0.853 per pound (13 cents above the support price) for a total crop value of $872 million. In 1975, marketings reached an all-time record of 1,415 million pounds at an average price of $0.998 per pound (6.6 cents above support) for a total value of $1,412 million. In 1980, the support price had risen to $1.42 per pound and farmers received an average of $1.45 per pound on a total crop of 1,086 million pounds for a total value of $1,571 million. In each year, the value of the crop has increased and the average price has been above the support price determined by the statutory formula. The gross return on an acre of harvested tobacco in 1977 was over $2,300, far exceeding most other crops including those which have support programs (e.g. sugar, peanuts). While tobacco accounted in 1977 for only 0.3 percent of total acreage planted in the United States, it accounted for 4.4 percent of the total value of the crops. Additionally, from 1972 to 1979 the average return to land, management, and allotment for flue-cured tobacco in North Carolina increased from $8,200 to $15,400, or 89 percent.[8] The increase in the support price during the same period was only 79 percent, suggesting that growers have improved their position relative to the support price established by Congress. Without addressing the issues implicit in the income distribution effects of the practice of leasing tobacco allotments, we note that testimony at the hearing indicated that the average lease value of an allotment was about $0.40 per pound in 1980 and had increased in recent years. Therefore, either the actual growers (who often are not the same as allotment holders) are willing to make less money on their tobacco operations, or the guaranteed price of tobacco has increased more than have the costs of growing and curing the tobacco. We cannot under these conditions find otherwise than that the purpose of the tobacco program in providing tobacco farmers with a fair income is being accomplished.

The program is also designed to provide for balanced supply-demand relationships in the marketplace for flue-cured tobacco. This is primarily accomplished through the process of setting marketing quotas. Such quotas

[8] The USDA study which presents this farm income data also found that, while the number of growers had decreased, the size of each farm increased. The income of growers is a stated purpose of the program, but stability in the number of farmers is not. Therefore, it is actually the income per farm which is most relevant to an examination of grower income, rather than the growth in total crop value.

are largely determined by a formula in which the main variables are the historical levels of domestic utilization, exports, existing inventory both in private and FCS stocks, and the expected crop size. The North Carolina Farm Bureau observed in its post-hearing brief that no mention is made in the 1938 Act of the role of imports in the determination of marketing quotas and that all variables are defined in terms of U.S. produced tobacco only. Regardless, the legislation does allow the Secretary of Agriculture the discretion to adjust the marketing quota according to other factors, such as imports, which he might deem relevant. We do not believe that the term "adequate and balanced flow" in the 1938 Act is necessarily to be interpreted as an increasing or even stable market for domestic tobacco, but only that there should not be unexpected but otherwise avoidable imbalances in the markets for tobacco. There has been a gradual decline in marketing quotas which roughly parallels the decline in utilization of flue-cured tobacco. The similarity in these changes indicates that the system is operating as it should despite the presence of import competition. We find no evidence that there is an import-induced imbalance in the marketplace for flue-cured tobacco.

Another purpose of the program is the regulation of foreign commerce. Although the tobacco legislation does not define the importance of exports to the programs, they are clearly a significant factor in their operation. The formula by which the Secretary of Agriculture determines marketing quotas includes as one of its variables the average level of exports. In the determination of support prices for individual grades, USDA has considered the possible effects of overpricing tobacco grades favored by foreign buyers. In recent years exports consistently have accounted for nearly one-half of total utilization of U.S. produced flue-cured tobacco and, despite the recent increases in the level of imports, currently exceed imports by a six to one ratio.

Any complete discussion of the tobacco program must include the positive contribution of exports to the purposes of the program and the potential impact upon those exports of import restrictions. It is our view that although the appeal of U.S. produced flue-cured tobacco in foreign markets continues to be strong, it is experiencing increasing competition on the basis of both quality and price. The declining trend in U.S. exports, both absolutely and relative to other countries' exports, is particularly disturbing as it may indicate potential for tougher competition in the domestic market from foreign producers. Close attention should be given to the causes and solutions for the ailing export market in any examination of the industry and the program.

VI. The Processing Clause

Section 22 includes a clause which states that if imports "reduce substantially the amount of any product processed in the United States from" a commodity which is the subject of a USDA program, restrictions may also be imposed by the President. This clause no longer appears to have relevance to investigations under section 22.[9]

The processing clause was added to section 22(a) to provide an avenue of relief of processors of agricultural articles subject to a processing tax that was part of the Agricultural Adjustment Act of 1933. That processing tax was struck down as unconstitutional in 1936 in *United States v. Butler*, 297 U.S. 1 (1936), and the clause has not formed the basis for a Commission determination since that time.

Nevertheless, we note that the products which we consider to be the "product processed" from tobacco are cigarettes. Production of cigarettes has increased steadily during any recent period which might be chosen. Since 1972, production has risen by about 24 percent to 714 billion cigarettes in 1980. These is likewise no indication that imports will reduce production of cigarettes in the foreseeable future. We therefore find that tobacco, either flue-cured or burley, is not being imported under such conditions and in such quantities as to reduce substantially the amount of any product processed in the United States from domestic flue-cured or burley tobacco.

Statement of Commissioner Catherine Bedell

On the basis of the information before me in this investigation I have found that—

(1) Flue-cured tobacco, provided for in items 170.3210, 170.3500, 170.6040, and 170.8045 of the Tariff Schedules of the United States Annotated (TSUSA) is being or is practically certain to be imported into the United States under such conditions and in such quantities as to materially intefere with the flue-cured tobacco program of the Department of Agriculture, but that

(2) Burley tobacco, provided for in items 170.3500, 170.6040, and 170.8045 of the TSUSA, is not being and is not practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the burley tobacco program of the Department of Agriculture, or to reduce substantially the amount of any product being processed in the United States from such tobacco.

Therefore, I recommend that the President proclaim a quota on imports of flue-cured tobacco in order that the entry of such tobacco will not materially interfere with the flue-cured tobacco program.

Before discussing the data supporting my respective findings and recommendation, I wish to discuss four points central to my decision in this case. The first three points are also central to my decision in section 22 cases in general.

First, the Commission's task in a section 22 investigation is to determine the impact, if any, that imports are having on a Department of Agriculture (USDA) program or on a product processed from a product covered by such a program. While the Commission, in assessing such impact, must examine the program and its method of operation in order to understand how it works, it is not the Commission's responsibility or function to question its merits or the manner in which the Department of Agriculture administers it. The programs are authorized by Congress and administered by the Department of Agriculture. Thus, any criticisms of the programs directed to the Commission during the investigation are not relevant to a Commission finding under section 22 and accordingly are not taken into account.

Second, keeping in mind the purpose of the particular program and its method of operation, I have considered in this and in prior cases [10] certain economic factors and data which I believe are key in determining the impact, if any, of imports on the operations of a program. For example, I have considered such factors as import levels, domestic production and inventory levels, inventories held by USDA under the particular program, changes in the cost to the Government in running the program, price differences between the domestic and imported products, world

[9] See memorandum to the Commission from the General Counsel, GC-E-197, Appendix H of the report.

[10] *See*, for example, my statement or statements in which I joined in investigation No. 22-42, Peanuts, USITC Publication 1124, January 1981, pp. 5-9; investigation No. 22-41, Sugar, USITC Publication 881, April 1978, pp. 14-16; investigation No. 22-40, Dried Milk Mixtures, USITC Publication 783, July 1976, pp. 8-9; investigation No. 22-39, Cheddar Cheese, TC Publication 653, March 1974, pp. 6-8; and investigation No. 22-38, Wheat and Wheat Milled Products, TC Publication 675, May 1974, pp. 8-10.

stocks of the imported product, and whether various objectives of the program are being met. The key test is whether imports are rendering or tending to render a program ineffective or materially interfering with it. Basic objectives of a program may be satisfied, but a program may nevertheless be materially interfered with if imports are causing increases in domestic stocks under loan and losses to the program.

Third, officials of the USDA are the most expert witnesses to testify and present information during a section 22 investigation. USDA has administered the programs for almost 50 years, is the closest party to them, and should be in the best position to know when a program is in difficulty and what is causing the difficulty. Other parties may of course rebut the assertions made by USDA and from time to time have successfully done so. However, when other parties have been unable to persuasively rebut the contentions and supporting information of the Department, I have given great weight to the sworn testimony of the Department.

Fourth, in the present case the scope of investigation covered imports of flue-cured and burley tobacco. Both types are grown in the United States, and each type is the subject of a different USDA program. Imports of both, whether viewed by type or in the aggregate, do not necessarily have the same impact on both programs. Further, the programs, while sharing many features and objectives, are different. For example, the flue-cured tobacco program includes an acreage allotment system, and the burley tobacco program does not. Thus, I have examined the impact of imports on each program and have, in so doing, made separate findings with respect to the impact of imports on each program.

My findings with respect to the impact of imports on each of the two programs, together with my recommendation of a quota on imports of flue-cured tobacco, are discussed in detail immediately below.

Flue-Cured Tobacco

The program.—The authority for USDA's flue-cured tobacco program (as well as that for its burley tobacco and other programs) is set forth in the Agricultural Adjustment Act of 1938, the Agricultural Adjustment Act of 1949, and the Commodity Credit Corporation Charter Act. The objectives of the programs are set forth in the 1938 act and include the stabilizing, supporting, and protecting of farm income and prices, assistance in the maintenance of balanced and adequate supplies of the subject commodities, including tobacco, and the facilitation of an orderly distribution of such commodities.[11]

The flue-cured tobacco program consists of three parts—marketing quotas, an acreage allotment program, and price supports. The marketing quota specifies the quantity of tobacco that may be sold without penalty in a given marketing year from a qualifying farm. The acreage allotment specifies the maximum acreage that may be planted in tobacco in a given year on a qualifying farm. The 1949 act provides that when marketing quotas are in force, price supports are available to any producer who is unable to sell his tobacco for at least the price-support rate (also known as the loan level). Price supports are made available by means of nonrecourse loans made through producer cooperative associations, with financing by the Commodity Credit Corporation (CCC).[12]

Material interference.—Flue-cured tobacco is being or is practically certain to be imported under such conditions and in such quantities as to materially interfere with the flue-cured tobacco programs.

Imports increased steadily during the past 10 years from 10 million pounds, farm-sales-weight equivalent, in marketing year 1970 to 84 million pounds in 1980.[13] Imports are projected to have been 76 million pounds for the marketing year ended in June 1981.[14] U.S. utilization of domestically grown flue-cured tobacco declined during this period, and as a result imported flue-cured tobacco, which in 1970 accounted for less than 2 percent of U.S. utilization, accounted for 13 percent in 1980.[15] Furthermore, USDA projects that these trends will continue, with imports reaching 118 million pounds and accounting for nearly 19 percent of U.S. utilization by marketing year 1985.[16]

In large part because of imports, national marketing quotas for flue-cured tobacco were reduced in 4 of the last 6 crops years (1975–80) and had to be reduced a fifth time in 1981.[17] The marketing quota for the 1981 crop year, the most recent, had to be reduced 7.5 percent from the 1980 level because domestic supplies were considered excessive.[18] The 1981 quota level is 32 percent less than the 1975 level. This downward adjustment of annual marketing quotas caused in part by increased imports has had a negative effect on farm income. While the farm income objective of the program technically has been met through adjustment of the price-support levels, farm income undoubtedly is lower than it would otherwise have been because of the marketing quota reductions.[19]

Most of the imported flue-cured tobacco competes directly with lower quality, lower stalk domestic flue-cured tobacco, which accounts for the major portion of the domestic tobacco currently under loan from the 1975–80 crops.[20] USDA estimates the quantity of domestic flue-cured tobacco from the 1975–79 crops diverted into loan stocks because of imports at 169 million pounds (farm-sales weight), with a loan value of $198 million.[21] It projects additional displacement from the 1980 crop at 56 million pounds, with a loan value of $80 million, and future displacement for the next 5 marketing years (1981–85) at 414 million pounds, with a loan value of $833 million.[22] As of May 1, 1981, uncommitted flue-cured loan stocks from the 1975–80 crops amounted to 476 million pounds (farm-sales weight), representing principal and interest of about $682 million.[23] Although there have been several major sales in recent weeks by the CCC of lower quality, lower stalk tobacco from 1975–76 crop years under loan, it is too early to conclude that these sales represent a trend or basic change in the market situation.[24]

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[11] See sec. 2 of the 1938 act and USDA testimony during the Commission hearing, transcript, p. 29.

[12] For more information on the program, see the report, pp. A-5A-10 and USDA hearing testimony, transcript, pp. 29–40.

[13] Report, p. A-27.

[14] Id.

[15] Id.

[16] Id., and hearing transcript, p. 32.

[17] Hearing transcript, p. 174.

[18] Id.

[19] Id., p. 171.

[20] Lower quality, lower stalk stocks are nevertheless quite salable. Cigarettes are made from blends of tobacco, and most blends include a considerable amount of lower quality, lower stalk tobacco.

Unlike most other agricultural products, tobacco is not quickly perishable. In fact, it is at its best after it has been aged for several years. It is not uncommon for tobacco to be held by cigarette manufacturers and other firms and by producer cooperative associations for several years before being used. However, after 5 or more years the tobacco begins to deteriorate, and it is not generally salable after 10 years. Thus, stocks under loan from the 1975–76 crop years are the ones of most immediate concern to USDA in managing the program because they are reaching the point where they will have to be sold. See report, pp. A-26–A-28.

[21] Report, p. A-28. USDA considers diversion or displacement to occur when imports exceed a penetration level of 3 percent. Thus, figures showing displacement used in this paragraph represent imports in excess of 3 percent penetration. USDA's rationale for this figure is set forth on pp. 66–70 of the hearing transcript.

[22] Report, p. A-28.

[23] Id., p. A-29.

[24] Data concerning these recent sales is set forth in a memorandum from the staff to the Commission, dated July 31, 1981, memorandum No. INV-E-100.

Import penetration is largely the result of lower import prices, which can eventually be translated into losses to the CCC under the program. After adjusting for quality differences, imported flue-cured tobacco is underselling similar domestic tobacco by 60 cents per pound, or by 30 percent.[25] Because tobacco is perishable over a period of time, it will be necessary for the tobacco under loan from the 1975–80 crops to be sold, probably at a substantial price discount, in order to prevent deterioration. USDA projects that the CCC will lose $34 million from the eventual sale of the 1975 crop and $123 million on the 1975–80 crops (including interest).[26] USDA estimates that the projected displacement of an additional 414 million pounds in crop years 1981–85 could cost the CCC an additional $100 million to $150 million.[27]

The price advantage of imports in combination with growing inventories of foreign flue-cured tobacco stores both in the United States and abroad make it practically certain that USDA's flue-cured tobacco program will continue to be interfered with for several years to come if no ceiling on import levels is set. During the last decade domestic stocks of foreign-grown flue-cured tobacco increased steadily from 14 million pounds in 1971 to 166 million pounds in 1980.[28] These stocks accounted for 8.3 percent of total stocks of domestic flue-cured tobacco on July 1, 1980, compared with 3.8 percent on July 1, 1976.[29] Furthermore, a recent study on tobacco by the World Bank shows that there is presently an abundance of low-quality filler grade flue-cured tobacco in world markets and that this abundance will continue for at least the next 4 to 5 years due to expanded production in Brazil, Korea, and Malawi.[30]

In summary, I have found, on the basis of increased and projected increases in imports, import pentration, stocks under loan in the program, and loan losses, that imports are materially interfering with USDA's flue-cured tobacco program. Further, I have found, on the basis of the lower prices of imported flue-cured tobacco and the abundance of such tobacco in world markets, that imports of flue-cured tobacco are practically certain to continue to materially interfere with USDA's flue-cured tobacco program. I have found nothing in the information before me that convincingly refutes or rebuts the facts, figures, and projections provided by the Department of Agriculture.

Recommended relief.—I have considered the various relief proposals made by interested parties in this investigation and have concluded that the proposal made by the Department of Agriculture is the most appropriate in the present situation. Therefore, in order that the entry of flue-cured tobacco will no longer materially interfere with USDA's flue-cured tobacco program, I recommend that the President proclaim a quota restricting imports of flue-cured tobacco to an annual level of 72 million pounds, farm-sales weight (52 million pounds, declared weight). This level is equal to the average of estimated flue-cured tobacco imports for the period 1978–80, which I consider to be representative. I suggest that such a quota be applied on a global rather than a country-by-country basis.

I favor the USDA's proposed limitation for several reasons. First, it will halt the rapid increase in flue-cured tobacco imports and reduce them slightly (1980 marketing year imports were 84 million pounds, farm-sales weight, and 1981 imports are projected to be 76 million pounds). At the same time I feel that such a quota is unlikely to disrupt manufacturers' operations, cause domestic shortages, or adversely affect U.S. tobacco and tobacco product exports. Second, I believe that a quota in this amount will reduce the likelihood that the CCC will be forced to sell the tobacco now under loan at a substantial loss. Third, such a quota should have little, if any, disrupting effect on world markets and therefore cannot serve as a basis for retaliatory action by any of our trading partners (the 1955 waiver under the General Agreement on Tariffs and Trade notwithstanding).

Because marketing conditions affecting an agricultural product like tobacco can change radically from year to year due to the weather and other factors, I suggest that any limitation be reviewed by the Department annually and that the Commission be asked to reevaluate the situation in 3 to 5 years in order to advise whether the quota should be modified or terminated.

Burley tobacco

As stated above, USDA's burley tobacco program is similar to its flue-cured tobacco program. A major difference, of course, is that growers of burley tobacco are not subject to an acreage allotment system.

Market conditions relevant to the flue-cured and burley tobacco programs are quite different. Burley tobacco has been in tight supply in world markets for the past 2 years, and the World Bank predicts that this situation is not likely to change much in the next 3 to 4 years.[31] Demand for U.S. burley tobacco is increasing both here and abroad.[32] Virtually no burley tobacco is presently under loan (an estimated 1.3 million pounds, farm-sales weight, was under loan in 1981, compared with 600 million pounds of flue-cured tobacco in 1981), and therefore there is no likelihood of significant losses to the CCC under that program in the foreseeable future.[33] Finally, the USDA, which administers the burley tobacco program and which therefore is the party most knowledgeable about its operations, is of the view that imports are not adversely affecting that program.[34]

Issued: August 21, 1981.

By order of the Commission:

Kenneth R. Mason,

Secretary.

[FR Doc. 81-25620 Filed 9-1-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-106]

Certain Airtight Cast-Iron Stoves; Termination of Investigation and Issuance of Consent Orders

AGENCY: U.S. International Trade Commission.

ACTION: Termination of investigation and issuance of consent orders.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has approved and issued two consent orders in the above-captioned investigation, thereby terminating the investigation.

SUPPLEMENTARY INFORMATION: In connection with the complaint filed on May 21, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) alleging unfair acts and methods of competition in the importation into or the sale in The United States of certain airtight cast-iron stoves, the Commission investigative attorney and the respondents entered into a consent order agreement. The Commission investigative attorney is the complaining party and the respondents are Franklin Cast Products, Inc., of Warwick, Rhode Island, and Oriental Kingsworld

[25] Report, pp. A-26–A-27.

[26] Hearing transcript, pp. 37–38; and report, p. A-29.

[27] Report, pp. A-30–A-31.

[28] Id., p. A-14.

[29] Id.

[30] World Bank, "Tobacco: Background Note on World Situation and Outlook," unpublished, Economic Analysis Department, 1981.

[31] Report, p. A-20.

[32] Id., p. A-25.

[33] Id., p. A-57.

[34] Hearing transcript, p. 81.

Industrial Company Ltd., of Taipei, Taiwan. In a notice of investigation published in the **Federal Register** on July 8, 1981 (46 FR 35386), the Commission stated that the investigation was being undertaken to determine whether section 337 is being violated by reason of false and deceptive advertising, the passing off of imported copies as domestic airtight cast-iron stoves, and the infringement of certain common-law trademarks.

Copies of the Commission's Action and Order, the consent orders, and all other non-confidential documents in the record of this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0359.

Issued: August 26, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–25624 Filed 9–1–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–105]

Certain Audiovisual Games and Components Thereof (viz, Pac Man and Ralley-X); Amendment of Complaint

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has granted a motion pursuant to section 210.22(a) of the Commission's Rules of Practice and Procedure to amend the complaint in this investigation.

SUMMARY: On August 24, 1981, the Commission granted a motion (Motion 105–7) to amend the complaint in this investigation by adding an allegation of copyright and trademark infringement of complainant Midway Manufacturing Company's Rally-X game by respondent Artic International, Inc.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

SUPPLEMENTARY INFORMATION: On August 3, 1981, complainent moved (Motion 105–7) to amend the complaint by addition of an allegation that respondent Artic International, Inc., is infringing complainant's copyright and trademark rights in the Rally-X game. Artic opposed the motion. On August 14, 1981, the presiding officer issued a recommended determination that the motion be granted.

Issued: August 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–25625 Filed 9–1–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 22–44]

Casein; Investigation

AGENCY: United States International Trade Commission.

ACTION: Institution of an investigation under section 22(a) of the Agricultural Adjustment Act (7 U.S.C. 624(a)) to determine whether lactalbumin and casein and mixtures in chief value of casein, provided for in items 190.15 and 493.12 and 493.17 of the Tariff Schedules of the United States, are being or are practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support program for milk of the Department of Agriculture, or to reduce substantially the amount of products processed in the United States from domestic milk.

EFFECTIVE DATE: August 24, 1981

FOR FURTHER INFORMATION CONTACT: Mr. J. Frederick Warren, 202–724–0090, or Mrs. Bonnie J. Noreen, 202–523–1255.

SUPPLEMENTARY INFORMATION:

Background

The investigation (No. 22–44) was instituted following receipt of a letter dated August 5, 1981, from the President directing the Commission to conduct it. The letter stated that the President agreed with advice from the Secretary of Agriculture that there is reason to believe that casein and mixtures in chief value thereof and lactalbumin are being imported or are practically certain to be imported under such conditions and in such quantities as to materially interfere with the price-support program for milk undertaken by the Department of Agriculture.

Public hearing

The Commission will hold a public hearing in connection with this investigation beginning at 10 a.m., e.s.t., on Monday, November 9, 1981, in the Hearing Room of the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.s.t.) on October 28, 1981. For further information concerning the conduct of the investigation, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 204 (19 CFR Part 204) and Part 201 (19 CFR Part 201).

Prehearing procedures

A prehearing conference will be held on Thursday, October 29, 1981, at 10:00 a.m., e.s.t., in Room 117 of the U.S. International Trade Commission Building.

To facilitate the hearing process, it is requested that persons wishing to appear at the hearing submit prehearing briefs enumerating and discussing the issues which they wish to raise at the hearing. Nineteen copies of such prehearing briefs should be submitted to the Secretary to the commission no later than the close of business on November 2, 1981. Copies of any prehearing briefs submitted will be available for public inspection in the Office of the Secretary. While submission of prehearing briefs does not prohibit submission of prepared statements in accordance with section 201.12(d) of the Commission's Rules of Practice and Procedure (19 CFR 201.12 (d)), statements are unnecessary if briefs are submitted. Oral presentation should, to the extent possible, be limited to issues raised in the prehearing briefs.

Persons not represented by counsel or public officials who have relevant matters to present may give testimony without regard to the suggested prehearing procedures outlined in this notice.

Written submissions

In addition to or in lieu of an appearance at the hearing, interested persons may submit to the Commission a written statement of information pertinent to the subject matter of this investigation. Written statements should be addressed to the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, and must be received not later than November 20, 1981. All written submissions, except for confidential business data, will be available for public inspection.

Any business information which a submitter desires the Commission to treat as confidential must be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions 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 data, will be available for public inspection.

Issued: August 25, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-25622 Filed 9-1-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-84]

Chlorofluorohydrocarbon Drycleaning Process, Machines and Components Therefor; Settlement Agreement and Request for Public Comments

AGENCY: U.S. International Trade Commission.

ACTION: Request for public comments on the proposed termination of the above-captioned investigation on the basis of a proposed settlement agreement.

SUMMARY: Notice is hereby given that the presiding officer in the above-captioned investigation has certified to the Commission for action a joint motion to terminate the investigation, along with a settlement agreement executed by the complainant and the respondents. Before taking final action on the proposed termination of this investigation, the Commission requests that interested members of the public submit written comments thereon.

DATES: In order to be considered, comments must be received on or before October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 523-0350.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 1981, the complainant, all respondents, and the Commission investigative attorney filed a joint motion (motion 84-28) to terminate the investigation pursuant to rule 210.51(a) of the Commission's Rules of Practice and Procedure on the basis of a settlement agreement executed by all the parties. On July 22, 1981, the Commission investigative attorney filed a motion (motion 84-29) for a partial waiver of the requirements of rule 210.51(c) of the Commission's rules as authorized by rule 201.4(b).

On July 28, 1981, the presiding officer (Judge Duvall) recommended that both motions 84-28 and 84-29 be granted. The Commission granted motion 84-29, and the proposed termination of this investigation based on the settlement agreement is now before the Commission.

The Settlement Agreement

The substantive provisions of the settlement agreement are summarized as follows:

Preamble: The agreement is made between complainant Research Development Company and respondents E. I. duPont de Nemours & Co.; American Permac, Inc.; Harvcons Universal, Inc.; Spencer America, Inc.; Bowe Maschinenfabrik Gmbh; A.M.A. Universal S.P.A.; Neil & Spencer, Ltd.; I. Golfarb & Sons; Machine Suprema; United Tex-Care Co.; and Union S.R.L.

Complainant warrants that it is the owner of all rights in U.S. Letters Patent 3,728,074, and that it has asserted and continues to assert that machines manufactured by respondents are used to perform a process which infringes one or more claims of its patent.

Paragraph 1. The agreement incorporates all agreements and understandings between the parties regarding the subject matter of the investigation.

Paragraph 2. Complainant, its successors and/or assigns, grants an irrevocable nonexclusive license under the claims of the patent to foreign manufacturers Bowe, Neil & Spencer, AMA, Union, and Suprema, and to their successors and/or assigns, to sell or use in the United States imported machines which perform the process claimed in the patent.

Paragraph 3. In consideration of the license granted in paragraph 2, each of the said manufacturers shall pay a royalty to complainant of 2 percent of the first $2,500.00 and 1 percent on any remaining portion of the f.o.b. (plant of manufacture) wholesale price of the alleged infringing machines imported into the United States.

Paragraph 4. Complainant, its successors and/or assigns, grants an irrevocable nonexclusive license under the claims of the patent to Du Pont, Harvcons, United Tex-Care, Spencer America, Permac, and Goldfarb (which are the firms which have allegedly imported such machinery during the 6 years preceding this investigation), and to their successors and/or assigns, to sell and/or use in the United States imported machines which perform the process claimed in the patent.

Paragraph 5. In consideration of the license granted in paragraph 4, each of the said importers shall pay a royalty to complainant, to be calculated as set forth above, if said machines are imported from a foreign manufacturer other than the respondents herein.

Paragraph 8. The manufacturers set forth in paragraph 3 for each of the manufacturers' machines licensed to perform the patented process and imported into the United States on or after April 17, 1980.

Paragraph 9. The importers set forth in paragraph 4 shall pay a royalty as set forth in paragraph 5 for each of the machines licensed to perform the patented process and imported into the United States by or for the said importers on or after April 17, 1980.

Paragraph 11. No respondent admits that the patent is valid, that any machine imported into the United States infringes it, that any respondent has induced or contributed to infringement, or that any imported machine is capable or infringing the patent.

Paragraph 12. The agreement terminates on the expiration date of the patent or upon a declaration of invalidity by a court of competent jurisdiction.

The complete text of the settlement agreement, except for confidential business information contained therein, is available for public inspection during normal business hours (8:45 a.m. to 5:15 p.m.) at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

Submission of Comments

All comments should conform to rule 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 210.8) and should be addressed to the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436. All comments should reference investigation No. 337-TA-84.

Issued: August 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-25626 Filed 9-1-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-84]

Chlorofluorohydrocarbon Drycleaning Process, Machines and Components Therefor; Partial Waiver of Rule

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has granted a motion to partially waive the requirements of rule 210.51(c) of the Commission's Rules of Practice and Procedure (19 CFR 210.51(c)) in this investigation.

SUMMARY: On August 24, 1981, the Commission granted a motion (Motion 84–29) for a partial waiver of rule 210.51(c) in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Jack Simmons, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 523–0350.

SUPPLEMENTARY INFORMATION: On July 1, 1981, the complainant, all respondents, and the Commission investigative attorney filed a joint motion (Motion 84–28) to terminate the above-captioned investigation, pursuant to rule 210.51(a) of the Commission's Rules of Practice and Procedure, on the basis of a settlement agreement executed by all the parties. On July 22, 1981, the Commission investigative attorney filed a motion (Motion 84–29) to partially waive the requirements of rule 210.51(c) of the Commission's Rules of Practice and Procedure as authorized by rule 210.4(b) (19 CFR 201.4(b)).

On July 28, 1981, the presiding officer recommended that the motion be granted.

Rule 210.51(c) requires that a motion for termination of an investigation on the basis of a settlement agreement contain an affidavit executed by the parties stating that there are no other agreements concerning the subject matter of the investigation. The Commission waived the affidavit requirement because the settlement agreement incorporates the substance and purposes of the affidavit, because it was negotiated in the presence of the Commission investigative attorney, because it is likely to be time-consuming to obtain affidavits from all the parties, and because the affidavits would add nothing to the substance of the agreement.

Issued: August 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–25627 Filed 9–1–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–95]

Certain Surface Grinding Machines and Literature for Promotion Thereof; Request for Comments Regarding Proposed Termination of Respondent Based on Consent Order Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Request for public comment on the proposed termination of respondent based on consent order agreement.

SUMMARY: The consent order agreement would result in the termination of the investigation as to respondent Lian Feng Machine Company. This notice requests comments from the public on the proposed consent order agreement within thirty (30) days of publication of this notice in the **Federal Register.**

DATES: Comments will be considered if received by October 2, 1981. Comments should conform with section 201.8 of the Commission's Rules of Practice and Procedure (18 CFR § 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: Complainant Brown and Sharpe Mfg. Company, respondent Lian Feng Machine Company, and the Commission investigative attorney have moved jointly for termination of this investigation as to Lian Feng on the basis of a consent order agreement. On July 20, 1981, the presiding officer recommended that the joint motion be granted.

Notice of the institution of this investigation was published in the **Federal Register** of January 22, 1981 (46 FR 7107).

CONSENT ORDER AGREEMENT: The consent order agreement, which includes a proposed consent order, provides in pertinent part as follows:

It is ordered that LIAN FENG . . . will refrain from importing, buying, selling leasing, or otherwise transferring Surface Grinding Machines into the United States directly or indirectly from Taiwan or other countries, of the type and style which

(a) are reproductions, copies, colorable imitations, or simulations in whole or significant part of BROWN & SHARPE Surface Grinding Machines that have been sold under the designations "510", "612", "618", "818", "824", "1024", "1030", "1244", and "1236", or

(b) are of the type or style offered for sale heretofore by LIAN FENG, under the designations "612", "618", "718", "818", and "1030", and/or those identified as Exhibit 14 attached to the BROWN & SHARPE Complaint in this investigation.

LIAN FENG shall:

(a) refrain from copying, reprinting, using, selling or distributing any unauthorized copies of manuals, catalogs, brochures, or other printed material prepared or owned by BROWN & SHARPE and bearing a BROWN & SHARPE copyright notice;

(b) refrain from using or distributing for use any BROWN & SHARPE manual, catalog, or other printed material, or copies thereof, whether or not protected by copyright, in connection with the maintenance, repair or sale of Surface Grinding Machines or components thereof, other than BROWN & SHARPE Surface Grinding Machines or components thereof;

(c) refrain from using photographs of BROWN & SHARPE Surface Grinding Machines in any manner to market Surface Grinding Machines except those of BROWN & SHARPE;

(d) refrain from using BROWN & SHARPE Micromaster, B&S or other registered trademarks of BROWN & SHARPE or colorable imitations thereof except in connection with the sale of BROWN & SHARPE products;

(e) refrain from using any name, with the sale of BROWN & SHARPE products;

(f) refrain from using any name, language, picture, or combination thereof which implies, suggests or creates an impression that LIAN FENG is selling Surface Grinding Machines made by BROWN & SHARPE except to the extent that such is true.

It is further ordered that LIAN FENG shall file a report under oath with the Commission within 30 days of the anniversary date of the effective date of this order indicating whether or not it is complying with [the consent] order and attaching copies of photographs, brochures, or advertising material it is using in connection with the sale of Surface Grinding Machines to the United States.

It is further ordered that LIAN FENG notify the Commission at least 30 days prior to any proposed material change . . . which may affect compliance obligations arising out of the order.

It is further ordered that:

(1) In determining whether there has been compliance with the requirements and prohibitions of this Consent Order, the Commission may consider evidence of any activity engaged in by LIAN FENG which is brought to its attention or of which it becomes aware.

(2) For the purposes of securing compliance with this Consent Order, LIAN FENG shall retain any and all records relating to the importation, sale or distribution of Surface Grinding Machines . . . for a period of one (1) year from the close of the fiscal year to which they pertain, and in summary form for a period of two (2) years from the close of the fiscal year to which they pertain from which compliance with the order may be determined.

(3) For the purpose of determining or securing compliance with this Consent

Order . . . duly authorized representatives of the Commission shall . . . be permitted:

(a) Access to and the right to inspect and copy in LIAN FENG's principal office during the office hours of LIAN FENG, and in the presence of counsel or other representative if respondent chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents . . . in the possession of or under the control of LIAN FENG relating to any of the matters contained in this Consent Order; and

(b) . . . to interview officers, directors, agents, partners or employees of LIAN FENG, who may have counsel present, regarding any of the matters contained in this Consent Order.

Written Comments Requested

In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effects of terminating this investigation as to respondent Lian Feng Machine Company on the basis of the consent order on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. All written comments must be filed with the Secretary to the Commission no later than October 2, 1981. In addition, pursuant to 19 CFR 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

Additional Information

The original and 19 copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523–0161. All comments must be filed by October 2, 1981. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection at the Secretary's office.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone (202) 523–0148.

Issued: August 24, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–25621 Filed 9–1–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–95]

Certain Surface Grinding Machines and Literature For Promotion Thereof; Request for Comments Regarding Proposed Termination of Respondents Based on Settlement Agreements

AGENCY: U.S. International Trade Commission.

ACTION: A request for public comment on the proposed termination of two respondents based on settlement agreements.

SUMMARY: The settlement agreements would result in the termination of the investigation as to respondents Ralmike's Tool-A-Rama and Langford Machinery. This notice requests comments from the public on the proposed settlement agreements within thirty (30) days of publication of this notice in the *Federal Register*.

DATES: Comments will be considered if received by October 2, 1981. Comments should conform with section 201.8 of the Commission's Rules of Practice and Procedure (19 CFR § 201.8), and should be addressed to Kenneth R. Mason, Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C 20436.

SUPPLEMENTARY INFORMATION: Complainant Brown and Sharpe Manufacturing Company and respondents Ralmike's Tool-A-Rama and Langford Machinery moved in separate joint motions for termination of this investigation as to those respondents on the basis of settlement agreements. The Commission investigative attorney supported the motions. On July 20, 1981, the presiding officer recommended that the joint motions be granted.

Notice of the institution of the investigation was published in the **Federal Register** of January 22, 1981 (46 FR 7107).

Settlement Agreements

The two settlement agreements, which are identical except for the differences noted, provide in pertinent part as follows:

Pending a determination by the U.S. International Trade Commission of the complaint filed in the Investigation, RESPONDENT shall refrain from importing, buying, selling, leasing, or otherwise transferring Surface Grinding Machines into the United States directly or indirectly from Taiwan or other countries, of the type and style which

(a) are reproductions, copies, colorable imitations, or simulations of B & S [Brown and Sharpe Manufacturing Company] High Precision Surface Grinding Machines that have been sold under the designations 510, 612, 618, 824, 1024, 1030, 1244, and 1236, or

(b) are of the type offered for sale heretofore by Lian Feng Machine Co. of Taiwan, China, identified as Exhibit 14 attached to the B & S complaint in the investigation.

Respondent shall refrain from copying, reprinting, using, selling, or distributing any unauthorized copies of manuals, catalogs, brochures, or other printed material prepared or owned by B & S and bearing a B & S copyright notice.

Respondent shall refrain from using any B & S manual, catalog, or other printed material, whether or not protected by copyright, in connection with the maintenance, repair, or sale of surface grinding machines or components thereof, other than B & S surface grinding machines or components thereof.

Respondent shall refrain from importing, buying, selling, or otherwise transferring Surface Grinding Machines made in foreign countries which simulate the trade dress of B & S High Precision Surface Grinding Machines as Exemplified by Exhibits 14, 15, and 16B of the Complaint filed in the Investigation.

Respondent agrees to give to B & S two copies of all catalogs, manuals, advertisements, and promotional pieces promoting or making reference to surface grinding machines made by Lian Feng Machine Co. that have been used, sold, or distributed by RESPONDENT.

Respondent shall deliver to B & S prior to March 27, 1981 in affidavit form a statement relating to RESPONDENT'S purchase and sale of surface grinding machines made or sold by Lian Feng Machine Co., including (a) the total number purchased (b) the dates of purchase;

(c) the price paid; (d) the total number in inventory; (e) the total number sold; (f) the price of each sale; (g) the date of each sale.

Respondent shall deliver to B & S prior to March 27, 1981, all copies of catalogs, manuals, and advertisements in its possession that were prepared by or for Lian Feng Machine Co. that contain reference to surface grinding

machines that are reproductions, copies, colorable limitations, or simulations of B & S High Precision Surface Grinding Machines that have been sold under the designations 510, 612, 618, 824, 1024, 1030, 1244, and/or 1236.

B & S and the RESPONDENT agree to file a joint motion before the U.S. International Trade Commission to terminate the Investigation with respect to RESPONDENT without prejudice.

B & S agrees to refrain from instituting any civil action for any matters which have been raised in the complaint filed before the U.S. International Trade Commission.

B & S hereby releases the RESPONDENT from claims of copyright and trademark infringement and unfair competition arising from those issues raised in the B & S complaint filed in the Investigation.

In paragraphs 1(a) and 7, Brown and Sharpe's agreement with Ralmike's Tool-A-Rama includes high precision surface grinding machines designated as 818.

In paragraph 2, Brown & Sharpe's agreement with Ralmike's Tool-A-Rama includes the following:

Respondent shall refrain from printing, distributing, or authorizing the printing or distributing of any promotional material containing references to B & S or its trademarks, except in connection with the sale or servicing of B & S equipment.

In paragraph 10, Brown & Sharpe's agreement with Ralmike's Tool-A-Rama provides as follows:

B & S hereby releases the RESPONDENT from any and all claims arising from those issues raised in the B & S Complaint filed in the investigation, including, but not limited to copyright and trademark infringement and unfair competition.

Written Comments Requested

In order to discharge its statutory obligation to consider the public interest, the Commission seeks written comments from interested persons regarding the effects of terminating this investigation as to respondents Ralmike's Tool-A-Rama and Langford Machinery on the basis of the settlement agreements on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers. All written comments must be filed with the Secretary to the Commission on later than October 2, 1981. In addition, pursuant to 19 CFR 210.14(a)(2), the Commission has requested comments from the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.

Additional Information

The original and 19 copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161. All comments must be filed no later than October 2, 1981. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request *in camera* treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection at the Secretary's office.

FOR FURTHER INFORMATION CONTACT: Clarease E. Mitchell, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202–523–0148.

Issued: August 26, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–25623 Filed 9–1–81; 8:45 am]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

Attorney General

U.S. v. Martin-Marietta Aluminum, Inc.; Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Martin-Marietta Aluminum, Inc.*, Civil Action No. C–80–295, has been lodged with the United States District Court for the Eastern District of Washington. The proposed consent decree calls for Martin-Marietta to pay $100,000 to the United States Treasury in settlement of all claims asserted by the United States in an action to bring Martin-Marietta Aluminum's aluminum smelting plants at Goldendale, Washington and The Dalles, Oregon into compliance with the Clean Water Act, 33 U.S.C. 1251 *et seq.*

The Department of Justice will receive until October 2, 1981, written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *Martin-Marietta Aluminum, Inc.*, D.J. Ref. No. 90–5–1–1–1122.

The proposed consent decree may be examined at the office of the United States Attorney, Eastern District of Washington, 841 U.S. Courthouse, West 920 Riverside, Spokane, Washington 99201; at the Region X office of the Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington 98101 and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81–25616 Filed 9–1–81; 8:45 am]

BILLING CODE 4410–01–M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Dance Panel; General Services to the Field and Grants to Dance Presenters Section; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the General Services to the Field and Grants to Dance Presenters Section of the Dance Advisory Panel to the National Council on the Arts will be held on September 9–10, 1981, from 8:30 a.m.—5:30 p.m. and on September 11, 1981 from 8:30 a.m.—5:00 p.m.; Room 1426, Columbia Plaza, 2401 E St., NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

August 18, 1981.

[FR Doc. 81–25634 Filed 9–1–81; 9:05 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Advanced Reactors; Meeting

The ACRS Subcommittee on Advanced Reactors will hold a meeting on September 17 and 18, 1981, Argonne National Laboratory, Building 208, Room C–234, Argonne, IL to discuss matters relating to the development of liquid metal fast breeder reactor safety design criteria. Notice of this meeting was published August 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday and Friday, September 17 and 18, 1981, 8:30 a.m. until conclusion of business each day

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives the NRC Staff, the Department of Energy, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Richard Major (telephone 202/634–1414) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: August 27, 1981.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 81–25585 Filed 9–1–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Decay Heat Removal System; Meeting Change

The ACRS Subcommittee on Decay Heat Removal Systems will hold a meeting at 12:00 noon instead of 1:00 p.m. on September 8, 1981 in Room 1046, 1717 H Street, NW, Washington, DC.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

All other items regarding this meeting remain the same as announced in the **Federal Register** published Thursday, August 20, 1981 (FR 46 42374).

Further information can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Richard Savio (telephone: 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: August 28, 1981.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 81–25588 Filed 9–1–81; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards, Subcommittee on Grand Gulf Nuclear Station Units 1 and 2; Meeting

The ACRS Subcommittee on Grand Gulf Nuclear Station Units 1 and 2 will hold a meeting on September 17 and 18, 1981, Waterways Experiment Station, 3909 Halls Ferry Road, New Auditorium—Building 1006, Vicksburg, MS. The Subcommittee will discuss the Mississippi Power and Light Company's request for an operating license. Notice of this meeting was published August 21.

In accordance with the procedures outlined in the **Federal Register** on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transpcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Cognizant Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance. However, portions of this meeting may be closed to the public to prevent discosure of safeguards information which is specifically exempted from disclosure by Section 147 of the Atomic Energy Act, 42 U.S.C. 2167 (Sunshine Act Exemption (3)). To the extent practicable, these closed sessions will be held so as to minimize inconvience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday, September 17, 1981, 1:00 p.m. until the conclusion of business
Friday, September 18, 1981—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions

with representatives of the Mississippi Power and Light Company, NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Staff Engineer, Mr. Herman Alderman (telephone 202/634-1413) between 8:15 a.m. and 5:00 p.m., EDT. The Designated Federal Employee for this meeting is Mr. Richard Major.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting. The authority for such closure is Exemption 3 to the Sunshine Act, 5 U.S.C. 552b(c)(3).

Dated: August 28, 1981.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 81-25587 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Reliability and Probabilistic Assessment; Postponement

The ACRS Subcommittee on Reliability and Probabilistic Assessment scheduled for September 9, 1981 has been postponed indefinitely. Notice of this meeting was published Friday, August 21, 1981 (FR 46 42553).

Dated: August 27, 1981.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 81-25588 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-213]

Connecticut Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. DPR-61, to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant (the facility), located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

The amendment revises the instantaneous release rate limit for noble gases in the Environmental Technical Specifications by incorporating a new X/Q factor and reducing the beta fraction used in the instantaneous release rate equation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 16, 1980, as revised by letter dated October 16, 1980, (2) Amendment No. 40 to License No. DPR-61, and (3) the Commission's related Environmental Evaluation. All these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Russell Library, 119 Broad Street, Middletown, Connecticut 06457. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 26th day of August, 1981.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-25589 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-414]

Duke Power Co.; Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received the following additional advice, pursuant to Section 105c of the amended Atomic Energy Act of 1954, from the Attorney General of the United States, dated July 31, 1981, with respect to the construction permit application for Catawba Nuclear Station, Unit 2:

You have requested our advice pursuant, to Section 105(c) of the Atomic Energy Act of 1954, as amended, in connection with the purchase of an ownership interest in Duke Power Company's (Duke) Catawba Nuclear Station, Unit 2 by Piedmont Municipal Power Agency (PMPA).

Duke's participation in the above-captioned nuclear units was the subject of an antitrust review conducted by the Department of Justice (Department) in 1973. As a result of that review the Department recommended that a hearing be held to determine whether Duke's proposed activities under the license would create or maintain a situation inconsistent with the antitrust laws. Because Duke was willing to have certain conditions attached to its license for the Catawba plant, the Department recommended that the antitrust proceeding it had initiated be terminated. More recently, in October 1980, the Department had occasion to review an application to include North Carolina Electric Membership Corporation and Saluda River Electric Cooperative as co-owners of Catawba Nuclear Station, Unit 1 and co-applicants for the construction permit for that facility. After reviewing the information submitted for antitrust review purposes, the Department advised the Commission that no antitrust hearing was necessary.

Review of the information submitted to the Department has not disclosed antitrust problems attending PMPA's participation in the plant. PMPA's participation, consisting of a 25% individual ownership interest in Catawba Nuclear Station, Unit 2, will not create or maintain a situation inconsistent with the antitrust laws. We do not, therefore, believe it necessary for the Commission to hold an antitrust hearing.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by either (1) by delivery to the NRC Docketing and Service Branch at 1717 H Street, NW, Washington, DC, or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch.

For the Nuclear Regulatory Commission.

Argil Toalston,

Acting Chief, Utility Finance Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 81-25590 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-201]

Nuclear Fuel Services, Inc. and New York State Energy Research & Development Authority (Western New York Nuclear Service Center); Receipt and Availability of Application for Amendment of License No. CSF-1

Nuclear Fuel Services, Inc. and New York State Energy Research and Development Authority (as successor to the New York State Atomic and Space Development Authority) hold provisional Operating License No. CSF-1. The license, issued under section 104b. of the Atomic Energy Act, authorizes operation of a spent nuclear fuel reprocessing and radioactive waste disposal facility at the Western New York Nuclear Service Center in West Valley, New York (the Center).

Under the West Valley Demonstration Project Act, Pub. L. 96-368, (the West Valley Act), the Department of Energy has been authorized to carry out a high level radioactive waste management demonstration project at the Center for the purpose of demonstrating solidification techniques which can be used for preparing high level liquid radioactive waste for disposal. The West Valley Act provides for the Secretary of the Department of Energy to enter into a cooperative agreement with the State of New York under which the State will among other things, carry out the following:

Submission jointly by the Department of Energy and the State of New York of an application for a licensing amendment as soon as possible with the Nuclear Regulatory Commission providing for the demonstration.

On August 19, 1981, the Commission received an application for amendment of License No. CSF-1 to authorize transfer of the facility to the Department of Energy. The application was submitted by the New York State Energy Research and Development Authority joined by the Department of Energy. The application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at Local Public Document Rooms maintained at the Buffalo and Erie County Public Library, Lafayette Square, Buffalo, New York; and the Town of Concord Public Library, 23 North Buffalo Street, Springville, New York.

Dated at Silver Spring, Maryland, this 26th day of August, 1981.

For the Nuclear Regulatory Commission.

Leland C. Rouse,

Chief, Advanced Fuel and Spent Fuel Licensing Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 81-25591 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-528A, STN 50-529A, and STN 50-530A]

Arizona Public Service Co., et al.; Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters

Arizona Public Service Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for antitrust reviews as required by 10 CFR Part 50, Appendix L. This information concerns two proposed additional ownership participants, the Los Angeles Department of Water and Power and the Southern California Public Power Authority, for the Palo Verde Nuclear Generating Station. The current holders of the construction permits are Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Southern California Edison Company, El Paso Electric Company, and Public Service Company of New Mexico.

The information was filed in connection with the application submitted by the construction permit holders for operating licenses for three pressurized water reactors. Construction was authorized on May 25, 1976 at the Palo Verde site located in Maricopa County, Arizona.

The original application was docketed on October 7, 1974, and the Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters was published in the **Federal Register** on October 22, 1974 (39 FR 37527). The Notice of Receipt of Application for Facility Operating Licenses; Notice of Availability of Environmental Report; and the Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing was published in the **Federal Register** on July 11, 1980 (45 FR 46941). Subsequently, the Notice of Hearing was published in the **Federal Register** on April 22, 1981 (46 FR 23001).

A copy of the above documents are available for publication examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona 85004.

Any person who wishes to have his views on the antitrust matters with respect to the Los Angeles Department of Water and Power and the Southern California Public Power Authority presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Chief, Utility Finance Branch Office of Nuclear Reactor Regulations, on or before November 9, 1981.

Dated at Bethesda, Md., this 26th day of August 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-25482 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 72 to Facility Operating License No. DPR-26, issued to the Consolidated Edison Company of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment revises the Operating License and the Technical Specifications to incorporate certain of the TMI-2 Lessons Learned Category "A" requirements.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for

amendment dated March 11, 1981 and April 27, 1981, (2) Amendment No. 72 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 24th day of August 1981.

For The Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-25483 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Facility Operating License No. DPR-40 issued to Omaha Public Power District (the licensee), which revised the Technical Specifications for operation of the Fort Calhoun Station, Unit No. 1, located in Washington County, Nebraska. The amendment is effective as of its date of issuance.

The amendment revises administrative controls for controlling personnel access to localized high radiation areas where the dose rate exceeds 1000 mrem per hour.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulation in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 21, 1981, (2) Amendment No. 61 to License No. DPR-40, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska 68102. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md., this 20th day of August 1981.

For the Nuclear Regulatory Commission.

Charles M. Trammell III,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-25484 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 67 to Facility Operating License No. NPF-1, issued to Portland General Electric Company, the City of Eugene, Oregon, and Pacific Power and Light Company (the licensees), which revised the license and Technical Specifications for operation of Trojan Nuclear Plant (the facility) located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

The amendment reflects completion of the Control Building modification program by: (1) deleting license requirements on interim operation of the facility which were applicable prior to completion of the Control building modifications; (2) deleting license conditions on the performance of Control Building and modification work which is now completed; and (3) updating the Design Features section of the Technical Specifications to appropriately describe the now-modified Control-Auxiliary-Fuel Building structures and the manner in which the modified structures are to be maintained.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendments.

For further details with respect to this action, see (1) the applications for amendment dated July 13 and 27, 1981, (2) Amendment No. 67 to License No. NPF-1 and (3) the Commission's related letter dated August 25, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the local public document room located at the Multnomah County Library, Social Science and Science Department, 801 S.W. 10th Avenue, Portland, Oregon 97205. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Md. this 25th day of August 1981.

For the Nuclear Regulatory Commission.

Eben L. Conner,

Acting Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-25485 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

Regional State Liaison Officers' Meeting

On September 23 and 24, 1981, the Nuclear Regulatory Commission will sponsor a regional meeting with the Governor-appointed State Liaison Officers from Illinois, Michigan, Minnesota, Missouri, Ohio, Indiana, Iowa and Wisconsin to discuss mutual regulatory interests.

The meeting will be conducted in the Washington Room at the Americana Congress Hotel, 520 South Michigan Avenue, Chicago, Illinois. The meeting is open to the public for attendance and observation and will take place from 9:00 a.m. until 5:15 p.m. on Wednesday, September 23, and from 8:30 a.m. until 12:15 p.m. on Thursday, September 24, 1981.

Questions regarding this meeting should be directed to Sue Weissberg at (301) 492–9877.

Dated at Bethesda, Md., this 26th day of August 1981.

For the Nuclear Regulatory Commission.

G. Wayne Kerr,

Director, Office of State Programs.

[FR Doc. 81-25486 Filed 9-1-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Privacy Act of 1974; Proposed Modification of System of Records

AGENCY: Securities and Exchange Commission.

ACTION: Notification of proposal to modify an existing system of records.

SUMMARY: The Securities and Exchange Commission proposes to modify an existing system of records, which was previously identified as SEC–42, Name Relationship Index System ("NRS"), 46 FR 22091 (April 15, 1981). This proposed modification is being published for public comment.

DATE: This amendment will become effective November 2, 1981, unless the Commission determines otherwise based upon comments received.

ADDRESSES: Comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's public reference section, Room 6101, 1100 L Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Andrew W. Sidman, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2454.

SUPPLEMENTARY INFORMATION: The NRS is a computerized system of records that relates the name of individuals who make certain filings with the Commission or are involved in investigations or enforcement actions instituted by the Commission, with the particular filing or enforcement action, and contains additional information concerning these matters.

The Commission, on this date, has proposed to create a new system of records, designated Matters Under Inquiry ("MUI") (SEC.–101). The MUI, which presentlay is part of the Division of Enforcement Investigative Working Files System (SEC.–24), contains information concerning persons and entities who are involved in matters subject to preliminary inquires by the Commission's staff. These inquiries are conducted to determine if there is evidence of possible violations of the federal securities laws and, if so, may result in a more formal investigation.

The proposed modification of the NRS would expand the categories of individuals and categories of records covered by that system of records, by including within it information contained in the MUI system. This alteration will enable the Commission's staff to determine whether a person is the subject of a MUI without having to duplicate the computerized name search capability already available in NRS, and will thus enhance the staff's ability to obtain complete information through the NRS.

A report of the proposal to alter this system of records was filed, pursuant to 5 U.S.C. 552a(o), with Congress and the Office of Management and Budget on July 28, 1981. The amended portion of the notice is italicized.

SEC–42

SYSTEM NAME:

Name-Relationship Index System (NRS)—SEC.

SYSTEM LOCATION:

Securities and Exchange Commission, Washington, D.C. 20549.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on principals and other individuals listed in filings by corporate issuers of securities; principals and other individuals listed in applications for registration and amendments thereto filed by broker-dealers, investment advisers, transfer agents (non-bank), municipal securities dealers (which are banks or separately identifiable departments or divisions of banks), clearing agencies (non-bank), and securities information processors; individuals who are required to file ownership reports as corporate insiders; *individuals who are the subjects of matters under inquiry;* individuals, including defendants, respondents and witnesses, named in investigations and enforcement actions relating to securites violations; and individuals listed in filings by self-regulatory organizations regarding the entry or re-entry of statutorily disqualified persons into the securities business.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records are computerized and contain index information that relates the name of the individual to the docketed name of the formal filing or the case name when an enforcement or litigation proceeding is involved. The records include the SEC file numbers, date information on the relationship, the social security number of the individual (if available), disposition of cases (if available), and violations alleged (if any).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 15, United States Code, Sections 77e, 77f, 77g, 77j, and 77o; 78f, 78*l*, 78m, 78*o*, 78o–1, 78p, 78q–1, and 78u; 79c, 79f, 79g, 79r, and 79s; 77eee, 77mmm, 77nnn, 77ttt, and 77uuu; 80a–8, 80a–20, 80a–29, 80a–32, 80a–40, 80a–44, and 80a–45; 80b–3, 80b–4, 80b–12, and 80b–16.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used as follows:

1. By authorized SEC personnel in connection with their official functions including, but not limited to, the processing of documents filed with the Commission, the conduct of investigations into possible violations of the Federal securities laws, and other matters relating to the Commission's regulatory and law enforcement functions.

2. To conduct name searches upon the request of authorized individuals in other governmental agencies (Federal, State, local or foreign) or securities self-regulatory organizations for purposes of carrying out their designated functions.

3. Where there is an indication of a violations or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulations, rule or order issued pursuant thereto, the relevent records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or a securities self-regulatory organization charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a securities self-regulatory organization involving one or more of its members.

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevent to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of indiviudals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

10. To aid in responding to inquires from Members of Congress, the press and the public concerning matters that are within the Commission's jurisdiction.

11. In connection with their regulatory and enforcement responsibilities mandated by the Federal securities laws, or State or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the Federal Banking authorities, including but not limited to the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, State Securities regulatory or law enforcement agencies or organizations, or regulatory or law enforcement agencies of a foreign government.

12. Records in this system may be disclosed as routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws or the Commission's Rules of Practice, 17 CFR 201.1 *et seq.*, or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice.

13. Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

14. A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

15. Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in Federal securities laws.

16. Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

17. Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 200.735–1 *et seq.*, and who assists in the investigation by the Commission of possible violations of Federal securities laws, in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

18. Disclosure may be made to a Congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained on magnetic disk and tape.

RETRIEVABILITY:

Information is retrieved by the name of the individual. Access for inquiry purposes is either by special request forms that are keypunched and processed by computer or by direct means via a computer terminal.

SAFEGUARD:

The special request forms must be authorized by the division or office head or by a member of the staff pursuant to delegated authority. Direct data access via computer terminals is restricted to certain authorized personnel.

RETENTION AND DISPOSAL:

A record of search transactions, either through the forms or via the computer terminals, is maintained on magnetic storage media. Computer tape and disk files, on which the data is stored, are available only through the librarian or chief of operations of the Office of Information Systems Management. Backup master files on tape are stored at a secured auxiliary SEC storage facility. Records are maintained indefinitely at this time.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Information Systems Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

NOTIFICATION PROCEDURE:

All request to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Section, Room 6101, 1100 L Street, N.W., Washington, D.C., or by

mail addressed to the Privacy Act Officer, Securities and Exchange Commission, Washington, D.C. 20549.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Privacy Act Officer, Securities and Exchange Commission, Washington, D.C. 20549.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

RECORD SOURCE CATEGORIES:

The sources include filings made by issuers, brokers-dealers, investment advisors, insiders, self-regulatory organizations, and others; documents relating to matters under inquiry and enforcement actions. The enforcement documents are comprised of SEC opinions and orders, recommendations from SEC enforcement officials for institution of docketed investigations, court pleading, and findings and orders issued by State and Federal courts, State securities boards, national securities exchanges and self-regulatory organizations, and individuals, including the individual to whom the information relates. Information may also be received from other State, local or foreign law enforcement or regulatory organizations.

By the Commission

George A. Fitzsimmons,

Secretary.

August 25, 1981.

[FR Doc. 81-25574 Filed 9-1-81; 8:45 am]

BILLING CODE 8010-01-M

Privacy Act of 1974; Proposed Creation of System of Records

AGENCY: Securities and Exchange Commission.

ACTION: Notification of proposal to create a system of records.

SUMMARY: The Securities and Exchange Commission proposes to create a system of records, Matters Under Inquiry ("MUI") (SEC–101), which was previously part of another system of records, Division of Enforcement Investigative Working Files (SEC–24), 41 FR 41571 (Sept. 22, 1976). This proposed modification is being published for public comment.

DATE: This amendment will become effective September 28, 1981, unless the Commission determines otherwise based upon comments received.

ADDRESSES: Comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's public reference section, Room 6101, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Andrew W. Sidman, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272–2454.

SUPPLEMENTARY INFORMATION: The Division of Enforcement Investigative Working Files System (SEC–24) contains records on individuals and entities that engage in activities that may involve violations of the federal securities laws or the rules of securities self-regulatory organizations. One aspect of this system, designated Matters Under Inquiry ("MUI"), is a computerized system containing information concerning persons and entities who are involved in matters subject to preliminary inquiries by the Commission's staff. These inquiries are conducted to determine if there is evidence of possible violations of the federal securities laws and if so may result in a more formal investigation.

The Commission proposes to alter the MUI system in two major respects to enhance the staff's ability to compile, analyze, and retrieve the information contained therein, and, accordingly, the Commission also proposes to separate the MUI system from the Division of Enforcement Investigative Working Files System, SEC–24. First, the Commission will transfer the MUI system to its nationwide telecommunications network as an on-line system, which will enable authorized regional office and home office staff to gain immediate access to system data and to enter data, through computer terminals located in most Commission offices. Second, the revised MUI system will contain information concerning the disposition of each MUI, thereby aiding Commission managers in planning future programs and providing assurances that each matter entered into the system has been appropriately considered before it is removed from that system.

A report of the proposal to create this system of records was filed, pursuant to 5 U.S.C. 552a(o), with Congress and the Office of Management and Budget on July 28, 1981.

SEC–101

SYSTEM NAME:

Matter Under Inquiry (MUI)—SEC.

SYSTEM LOCATION:

Securities and Exchange Commission, Washington, D.C. 20549. Records also may be maintained in regional and branch offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are established and maintained on individuals, corporations, partnerships, and other entities that may have engaged, or may be engaging, in activities that involve violations of the Federal securities laws, the rules and regulations thereunder, or the rules of self-regulatory securities organizations.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records are computerized and contain index information that relates the name of the individual or entity to the subject of a preliminary inquiry by the enforcement staff. The records include MUI number; SEC staff person responsible; SEC office; date entered; state(s) of residence(s) or location(s) of principal executive office of person under inquiry; regions affected by suspected activity; primary trading market(s) involved; type(s) of security involved; possible violation(s); and disposition of the MUI.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 15, United States Code, Sections 77s, 77t; 78u, 78w; 79r, 79t; 77sss, 77uuu; 80a–37, 80a–41; 80b–9, 80b–11.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and the information contained in these records may be used for the following:

1. By authorized SEC personnel for purposes of investigating possible violations of the Federal securities laws.

2. To conduct name searches upon the request of authorized individuals in other governmental agencies (Federal, State, local or foreign) or securities self-regulatory organizations for purposes of carrying out their designated functions.

3. Where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, foreign or self-regulatory, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the

statute, or rule, regulation or order issued pursuant thereto.

4. In any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

5. In connection with investigations or disciplinary proceedings by a State securities regulatory authority or by a self-regulatory organization involving one or more of its members.

6. When considered appropriate, records in this system may be referred to a bar association or similar Federal, State or local licensing authority for possible disciplinary action.

7. A record from this system of records may be disclosed as a "routine use" to a Federal, State or local governmental authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

8. A record from this system of records may be disclosed to a Federal, State or local governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

9. In connection with proceedings by the Commission pursuant to Rule 2(e) of its Rules of Practice, 17 CFR 201.2(e).

10. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

11. By the Commission to prepare and publish information concerning violations of the Federal securities laws as authorized by 15 U.S.C. 78u(a), as amended.

12. In connection with regulatory and enforcement responsibilities mandated by the Federal securities laws or state or foreign laws regulating securities or other related matters, records in this system of records may be disclosed to national securities exchanges and national securities associations that are registered with the Commission, the Municipal Securities Rulemaking Board, the Securities Investor Protection Corporation, the federal banking authorities, including but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, state securities regulatory authorities, or law enforcement agencies of a foreign government.

13. Records in this system may be disclosed as a routine use to any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws or the Commission's rules of practice, 17 CFR 202.1 *et seq.*, or otherwise, where such trustee, receiver, master, special counsel or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's rules of practice.

14. Records in this system may, in the discretion of the Commission's staff, be disclosed to any person during the course of any inquiry or investigation conducted by the Commission staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

15. A record or information in this system may be disclosed to any person with whom the Commission contracts to reproduce, by typing, photocopy or other means, any record within this system for use by the Commission and its staff in connection with their official duties or to any person who is utilized by the Commission to perform clerical or stenographic functions relating to the official business of the Commission.

16. Records or information from records in this system may be included in reports published by the Commission pursuant to authority granted in the Federal securities laws (as defined in section 21(g) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(g)).

17. Records or information in records contained in this system may be disclosed to members of advisory committees that are created by the Commission or by the Congress to render advice and recommendations to the Commission or to the Congress, to be used solely in connection with their official, designated functions.

18. Records or information in the records in this system may be disclosed as a routine use to any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 200.735–1 *et seq.*, and who assists in the investigation by the Commission of possible violations of Federal securities laws, in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

19. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained on magnetic tapes and disks.

RETRIEVABILITY:

The system is indexed by MUI number or the name of the matter although information regarding an individual can be obtained through use of the Commission's Name-Relationship Index system using the name of the individual as the index.

SAFEGUARD:

Access to and use of these records are limited to those persons whose official duties require such access. Direct data access via on-line terminals is limited to certain authorized personnel through use of special identification codes and other automatic access restrictions.

Personnel screening is employed to prevent unauthorized disclosure. Physical security is primarily obtained by limitation of access to the building in which the records are maintained.

RETENTION AND DISPOSAL:

The information in the system is transmitted to data entry personnel via a form designed for that purpose. The form is destroyed upon data entry and

verification. Information regarding any specific matter under inquiry, once in the system, will be reclassified for more formal action or closed within one year of entry. Within two years from date of entry, the information will be completely purged from the system. A computer generated form will be developed to obtain the disposition of the matter under inquiry for use in reclassifying the MUI. This form, which will contain sufficient information to enable the staff to distinguish among the several MUI's they may have pursued, will be destroyed upon entry and verification of the dispositions into the system.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Information Systems Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

NOTIFICATION PROCEDURE:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Section, Room 6101 at 1100 L Street NW., Washington, D.C., or by mail addressed to the Securities and Exchange Commission, Public Reference Section, Washington, D.C. 20549.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Privacy Act Officer, Securities and Exchange Commission, Washington, D.C. 20549.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

RECORD SOURCE CATEGORIES:

Information for these records is obtained from the Commission's files, newspaper articles, court papers, securities brokerage firms, corporations, banks, public utilities, credit organizations, individuals, and Federal, State, local and foreign law enforcement and securities self-regulatory organizations.

By the Commission.

George A. Fitzsimmons,

Secretary.

August 25, 1981.

[FR Doc. 81-25575 Filed 9-1-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11227]

Dart & Kraft, Inc. and Dart Industries Inc.; Application and Opportunity for Hearing

August 27, 1981.

Notice is hereby given that Dart & Kraft, Inc. ("Dart & Kraft") and Dart Industries Inc. ("Dart Industries") (collectively, the "Applicants") have filed an application dated July 29, 1981 (the "Application") under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "1939 Act"), for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Morgan Guaranty Trust Company of New York ("Morgan Guaranty") under (i) an Indenture dated as of July 15, 1972 between Dart Industries and Morgan Guaranty, as trustee, heretofore qualified under the 1939 Act (the "Domestic Indenture"), as supplemented by a First Supplemental Indenture dated as of July 20, 1981 (the "Domestic Supplemental Indenture") among Dart & Kraft, Dart Industries and Morgan Guaranty, as trustee, providing for the guaranty by Dart & Kraft of the payment of principal of and premium, if any, and interest on the 4¼% Subordinated Debentures due July 15, 1997, Exchangeable on and after August 1, 1973 for common stock of Minnesota Mining and Manufacturing Company, of Dart Industries (the "Domestic Debentures") issued and outstanding under the Domestic Indenture, and (ii) an Indenture dated as of August 16, 1972 (the "Eurodollar Indenture"), not qualified under the 1939 Act for the reasons set forth in the Application, as supplemented by a First Supplemental Indenture dated as of July 20, 1981 (the "Eurodollar Supplemental Indenture") among Dart & Kraft, Dart Industries and Morgan Guaranty, as trustee, providing for the guarantee by Dart & Kraft of the payment of principal of a premium, if any, and interest on the 4¾% Subordinated Debentures due August 15, 1987, Exchangeable on and after September 1, 1973 for common stock of Minnesota Mining and Manufacturing Company, of Dart Industries (the "Eurodollar Debentures") issued and outstanding under the Eurodollar Indenture (the Domestic Supplemental Indenture and the Eurodollar Supplemental Indenture being hereinafter collectively referred to as the "Subject Supplemental Indentures," the Domestic Indenture and the Eurodollar Indenture, as supplemented by the applicable Subject Supplemental Indenture, being hereinafter collectively referred to as the "Subject Indentures,"

the Domestic Debentures and the Eurodollar Debentures being hereinafter collectively referred to as the "Subject Debentures" and the Dart & Kraft guarantee of payment of the principal of and premium, if any, and interest on each of the Subject Debentures being hereinafter referred to as the "Dart & Kraft Guarantee"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Morgan Guaranty from acting as trustee under either of the Subject Indentures.

Section 310(b) of the 1939 Act provides in part that if a trustee under an indenture qualified under the 1939 Act has or shall acquire any conflicting interest (as defined in such Section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, *inter alia*, that with certain exceptions a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicants allege that:

(1) As of the date of the Application, (A) $59,990,000 aggregate principal amount of outstanding Domestic Debentures issued under the Domestic Indenture were held by registered holders other than Dart Industries and its affiliates, and (B) $20,000,000 aggregate principal amount of outstanding Eurodollar Debentures issued under the Eurodollar Indenture were held by registered holders other than Dart Industries and its affiliates.

(2) Prior to the execution of the Subject Supplemental Indentures, which took effect on July 22, 1981, when they were executed by Morgan Guaranty, as trustee, the Commission issued an Order dated November 27, 1972, upon application dated September 14, 1972 (the "Prior Application") and required notice, that the trusteeship of Morgan Guaranty under the Domestic Indenture and the Eurodollar Indenture was not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Morgan Guaranty from acting as trustee under any of such Indentures.

(3) The terms of the Subject Supplemental Indenture, except for the references therein to the appropriate Subject Indenture and Subject Debentures, are substantially the same and in each case provide for the Dart & Kraft Guarantee with respect to the appropriate Subject Debentures and the filing by Dart & Kraft with the Trustee of copies of certain reports and other documents that Dart & Kraft may be required to file with the Commission pursuant to the Securities Exchange Act of 1934, as amended. Dart & Kraft has not guaranteed the performance by Dart Industries of any other of Dart Industries' covenants, agreements or obligations under the Domestic Indenture or the Eurodollar Indenture.

(4) The Domestic Indenture contains the provisions permitted by the proviso to Section 310(b)(1) of the 1939 Act and the Eurodollar Indenture does not contain such provisions because it was not required to be, and therefore was not, qualified under the 1939 Act.

(5) (i) Each of the Subject Indentures is wholly unsecured. (ii) Dart Industries is not in default of its obligations under the Subject Indentures. (iii) Dart & Kraft's obligation to make payments pursuant to each Dart & Kraft Guarantee ranks equally with its obligation to make payments under the other Dart & Kraft Guarantee. (iv) Morgan Guarantee is not a trustee under any indenture qualified pursuant to the 1939 Act under which any securities have been issued with respect to which Dart & Kraft is the primary obligor. (v) Except for variations as to amounts and interest rates, maturity dates, dates of payment of principal and interest, redemption procedures, redemption dates and redemption prices, and certain other variations (listed in the Application) between the Domestic Indenture and the Eurodollar Indenture which were present prior to the execution of the Subject Supplemental Indentures and were set forth in the Prior Application, there are no material variations between the Subject Indentures with respect to Dart & Kraft's obligations to make payments under the Dart & Kraft Guarantees applicable thereto.

(6) Dart & Kraft and Dart Industries each believes that such differences as exist among the Subject Indentures are not so likely to involve a material conflict of interest as to make it

necessary in the public interest or for the protection of investors to disqualify Morgan Guaranty from acting as trustee under any of the Subject Indentures.

The Applicants have waived notice of hearing any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with the matter.

For a more detailed statement of the matters of fact and law asserted here, all persons are referred to said application, which is a public document on file in the offices of the Commission, at 1100 L Street, N.W., Washington, D.C. 20005.

Notice is further given that any interested person no later than September 21, 1981 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communications or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25601 Filed 9-1-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11224]

Dart & Kraft, Inc., etc.; Application and Opportunity for Hearing

August 26, 1981.

Notice is hereby given that Dart & Kraft, Inc. ("Dart & Kraft") Dart Industries, Inc. ("Dart Industries") and Duracell International Inc. ("Duracell") (collectively, the "Applicants") have filed an application dated July 28, 1981 (the "Application") under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939, as amended (the "1939 Act"), for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of The Chase Manhattan Bank (National Association) ("Chase Manhattan") under (i) an Indenture dated as of April 1, 1971 between Dart Industries and Chase Manhattan, as trustee, heretofore qualified under the 1939 Act (the "Dart Industries Indenture") among Dart & Kraft, Dart Industries and Chase Manhattan, as trustee, providing for the guarantee by Dart & Kraft of the payment of principal of and premium, if any, and interest on the 7½% Skining Fund Debentures Due April 1, 1996 of Dart Industries (the "Dart Debentures") issued and outstanding under the Dart Industries Indenture, (ii) an Indenture dated as of September 15, 1976 between P.R. Mallory & Co. Inc. (a predecessor name of Duracell) and Chase Manhattan, as trustee, heretofore qualified under the 1939 Act, as supplemented by a First Supplemental Indenture dated as of March 1, 1979 among Dart Industries, P. R. Mallory & Co. Inc. and Chase Manhattan, as trustee (such Indenture and First Supplemental Indentures being hereinafter collectively referred to as the "Duracell 1976 Indenture"), as supplemented by a Second Supplemental indenture dated as of July 20, 1981 (the "Duracell 1976 Second Supplemental Indenture") among Dart & Kraft, Dart Industries, Duracell and Chase Manhattan, as trustee, providing for the guarantee by Dart & Kraft of the payment of principal of and premium, if any, and interest on the 8⅞% Sinking Fund Debentures Due 1996 of Duracell (the "Duracell 8⅞% Debentures") issued and outstanding under the Duracell 1976 Indenture, and (iii) an Indenture dated as of June 15, 1978 between P.R. Mallory & Co. Inc. and Chase Manhattan, as trustee, heretofore qualified under the 1939 Act, as supplementd by a First Supplemental Indenture dated as of March 1, 1979 among Dart Industries, P.R. Mallory & Co. Inc. and Chase Manhattan, as trustee (such Indenture and First Supplemental Indenture being hereinafter collectively referred to as the "Duracell 1978 Indenture"), as supplemented by a Second Supplemental Indenture dated as of July 20, 1981 (the "Duracell 1978 Second Supplemental Indenture") among Dart & Kraft, Dart Industries, Duracell and Chase Manhattan, as trustee, providing for the guarantee by Dart & Kraft of the payment of any premium, if any, and interest on the 9⅛% Sinking Fund Debentures Due 2003 of Duracell (the "Duracell 9⅛% Debentures") issued and outstanding under the Duracell 1978 Indenture (the Dart Industries First Supplemental Indenture, the Duracell 1976 Second Supplemental Indenture and the Duracell 1978 Second Supplemental Indenture being hereinafter collectively referred to as the "Subject Supplemental Indentures",

the Dart Indenture, the Duracell 1976 Indenture and the Duracell 1978 Indenture, as supplemented by the applicable Subject Supplemental Indenture, being hereinafter collectively referred to as the "Subject Indentures", the Dart Debentures, the Duracell 8½% Debentures and the Duracell 9⅛% Debentures being hereinafter collectively referred to as the "Subject Debentures" and the Dart & Kraft guarantee of payment of the principal of and premium, if any and interest on each of the Subject Debentures being hereinafter referred to as the "Dart & Kraft Guarantee"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protction of investors to disqualify Chase Manhattan from acting as trustee under any of the Subject Indentures.

Section 310(b) of the 1939 Act provides in part that if a trustee under an indenture qualified under the 1939 Act has or shall acquire any conflicting interest (as defined in such Section), it shall within ninety days after ascertaing that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, *inter alia*, that with certain exceptions a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicants allege that:

(1) As of the date of the Application, (A) $43,817,000 aggregate principal amount of outstanding Dart Debentures issued under the Dart Indenture were held by registered holders other than Dart Industries and its affiliates, (B) $27,990,000 aggregate principal amount of outstanding Duracell 8⅞% Debentures issued under the Duracell 1976 Indenture were held by registered holders other than Duracell and its affiliates, and (C) $20,000,000 aggregate principal amount of outstanding Duracell 9⅛% Debentures issued under the Duracell 1978 Indenture were held by registered holders other than Duracell and its affiliates.

(2) Prior to the execution of the Subject Supplemental Indentures, which took effect on July 23, 1981, when they were executed by Chase Manhattan, as trustee, the Commission issued an Order dated June 22, 1979, upon application and required notice, that the trusteeship of Chase Manhattan under the Dart Industries Indenture, the Duracell 1976 Indenture and the Duracell 1978 Indenture was not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase Manhattan from a acting as trustee under any of such Indentures.

(3) The terms of the Subject Supplemental Indentures, except for the references therein to the appropriate Subject Indenture and Subject Debentures, are substantially the same and in each case provide for the Dart & Kraft Guarantee and the filings by Dart & Kraft with the Trustee of copies of certain reports and other documents which Dart & Kraft may be required to file with the Commission pursuant to the Securities Exchange Act of 1934, as amended, Dart & Kraft has guaranteed the performance by Dart Industries of any other of Dart Industries' covenants, agreements or obligations under the Dart Industries Indenture or the Dart Industries Debentures and has not guaranteed the performance by Duracell of any other of Duracell's covenants, agreements or obligations under the Duracell Debentures or the Duracell Indentures.

(4) Each of the Subject Indentures contains the provisions permitted by the proviso to Section 310(b)(1) of the 1939 Act.

(5) (i) Each of the Subject Indentures is wholly unsecured. (ii) Dart Industries is not in default of its primary obligations under the Dart Industries Indenture or its secondary obligations under the Duracell 1976 Indenture or the Duracell 1978 Indenture, and Duracell is not in default of its obligations under the Duracell 1976 Indenture or the Duracell 1978 Indenture. (iii) Dart & Kraft's obligation pursuant to each Dart Kraft Guarantee ranks equally with its obligation to make payments to make payments under each of the other Dart & Kraft Guarantees. (iv) Chase Manhattan is not a trustee under any indenture qualified pursuant to the 1939 Act under which any securities have been issued

with respect to which Dart & Kraft is the primary obligor. (v) Except for variations as to amounts and interest rates, maturity dates, dates of payment of principal and interest, redemption procedures, redemption dates and redemption prices, there are not material variations among the Subject Indentures with respect to Dart & Kraft's obligations to make payments under the Dart & Kraft Guarantees.

(6) Dart & Kraft, Dart Industries and (with respect to the Duracell Indentures) Duracell each believes that such differences as exist among the Subject Indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase Manhattan from acing as trustee under any of the Subject Indentures.

The Applicants have waived notice of hearing any and all rights to specify procedures under the Rules of Practice of the Securities and Exchange Commission in connection with the matter.

For a more detailed statement of the matters of fact and law asserted here, all persons are referred to said application, which is a public document on file in the offices of the Commission, at 1100 L Street, NW., Washington, D.C. 20005.

Notice is hereby given that any interested person, no later than September 21, 1981, may submit to the Commission in writing, his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communications or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-25602 Filed 9-1-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 771]

Bureau of Oceans and International Environmental and Scientific Affairs

AGENCY: Department of State.

ACTION: Finding of no significant impact.

SUMMARY: The Department of State has prepared an environmental assessment regarding an application for a permit authorizing Fraser, Inc. to construct a steam pipeline project across the St. John River between Edmunston, New Brunswick and Madawaska, Maine. The company operates pulp and paper plants on opposite sides of the river, and proposes to transport steam generated in Edmunston through the pipeline across the St. John River (the U.S.-Canadian boundary). The pipeline would cross the river on a new bridge. The total steamline length is approximately 6,000 feet.

Based upon the findings of the environmental assessment, the Department anticipates no significant adverse impacts will result from issuance of the international permit. No irreversible or irretrievable commitments of water, land or air resources have been identified.

Prior notification of the proposed project appeared in the **Federal Register**, (46 FR 14248) February 26, 1981; (46 FR 32722) June 24, 1981; and United States Coast Guard Public Notice 01-06-81, May 20, 1981. Copies of the Environmental Assessment may be obtained from Ms. Irene Friedrichs, OES/ENH, Room 7820, Department of State, Washington, D.C. 20520 (202-632-2311).

Dated: August 27, 1981.

Donald R. King,

Director, Office of Environment and Health.

[FR Doc. 81-25504 Filed 9-1-81; 8:45 am]

BILLING CODE 4710-09-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket S-700]

Lykes Bros. Steamship Co., Inc.; Applications for Amendment of Operating-Differential Subsidy Agreement

Notice is hereby given that Lykes Bros. Steamship Co., Inc. has filed an application dated August 10, 1981, to amend its present Operating-Differential Subsidy Agreement, Contract MA/MSB-451, so as to add the privilege of calling

at ports in the West Indies (including the Greater and Lesser Antilles, the islands of Jamaica, Trinidad, Tobago, and Barbados) to its subsidized Trade Route 31, Line F—West Coast South America service. Lykes is currently authorized to serve the West Indies as a privilege on three of its services: Trade Route 13, Line C—Mediterranean Line; Trade Route 22, Line D—Orient Line; and Trade Route 15B, Line E—Africa Line. The three services, Lines C, D, and E, have a combined contractual annual maximum sailings limitation of 132. Lykes has requested that a maximum of 132 serve as a combined maximum for U.S. Gulf/West Indies service by vessels operating on Lines C, D, E, and F.

Lykes has also filed an application dated August 17, 1981 to amend the Line F service description so as to (1) increase the annual maximum sailings permitted from 36 to 48, and (2) make the privilege ports of Atlantic coast Republic of Panama, the former Panama Canal Zone, and north coast of Colombia required ports on the service. Lykes' Line F service is between U.S. Gulf ports and ports on the west coast of South America, with contractual minimum/maximum sailings of 24/36 per annum. Lykes warrants that at least 24 sailings on the service as proposed to be amended would serve the west coast of South America. Thus the potential is provided for up to 24 sailings per annum to serve the Caribbean area exclusively without transiting the Panama Canal to the west coast of South America.

Interested parties may inspect this application in the Office of the Secretary, Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

Any person, firm, or corporation having any interest in such application and desiring to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Maritime Administration, Washington, D.C. 20590 by the close of business on September 10, 1981.

Note.—Maritime Administration was transferred from the Department of Commerce to the Department of Transportation by Pub. L. 97-31, Aug. 6, 1981.

The Maritime Subsidy Board will consider these views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS))

By Order of the Acting Maritime Administrator.

Dated: August 28, 1981.

Georgia Pournaras Stamas,

Assistant Secretary.

[FR Doc. 81-25790 Filed 9-1-81; 8:45 am]

BILLING CODE 3510-15-M

DEPARTMENT OF THE TREASURY

Office of Revenue Sharing

Final Date of Adjustment Demands and Close of Data Definitions

AGENCY: Office of Revenue Sharing, Department of the Treasury.

ACTION: Data and allocation notice.

SUMMARY: This notice announces that on September 30, 1981 the General Revenue Sharing allocations to eligible governments for Entitlement Period Eleven will become final unless a demand for adjustment has been received by September 30, 1981, and that the data definitions will become final for Entitlement Period 13.

DATE: September 30, 1981 effective date.

FOR FURTHER INFORMATION CONTACT: Matthew Butler, Manager, Data and Demography Division, Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226, telephone (202) 634-5166.

SUPPLEMENTARY INFORMATION: Section 102(b) of the State and Local Fiscal Assistance Act of 1972, as amended by Section 6(e)(2) of the State and Local Fiscal Assistance Amendments of 1976 (Pub.L. 94-488; 90 Stat. 2347; 31 U.S.C. 1221) provides that for entitlement periods beginning after December 31, 1976, no adjustment shall be made in a government's payments for an entitlement period, unless a demand for adjustment has been made by the recipient government or the Secretary of the Treasury within one year after the end of that entitlement period. A demand by the Director or Deputy Director of the Office of Revenue Sharing is treated as a demand for adjustment by the Secretary.

Therefore, the allocations to recipient governments for Entitlement Period 13 (October 1, 1979—September 30, 1980) will become final, unless a government or the Secretary of the Treasury has a demend for adjustment pending with the Office of Revenue Sharing on September 30, 1981. A demand accompanied by adequate supporting documentation pending at the close of business on the September 30, 1981 deadline will be researched and a written decision on the data challenge will be rendered. Any government which receives a data change as a result of an adjustment

demand will be eligible for an adjustment to its allocation, and will be notified of any adjustment amount at the completion of the adjustment process.

In accordance with § 51.23(a) of the revenue sharing regulations, the Office of Revenue Sharing also announces that the data definitions upon which the allocations are based for Entitlement Period 13 (October 1, 1981–September 30, 1982) will become final on September 30, 1981. These data definitions were sent to all eligible governments and notice of that fact was published in the **Federal Register** on May 21, 1981 (46FR 27829).

According to § 51.23(a) of the revenue sharing regulations, the data definitions include the provisions of Section 109(e)(2)(B) of the Revenue Sharing Act (31 U.S.C. 1228(e)(2)(B)), the so-called "Memphis Rule." This provision allows the Governor of a State to certify for the computation of local tax effort, that certain county sales taxes are eligible to be credited to local governments in the county. That certification must be received by the Office of Revenue Sharing on or before September 30, 1981 to be effective for Entitlement Period 13.

This notice is issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended (31 U.S.C. 1221 et seq.) and Treasury Department Order No. 224, January 26, 1973 (33 FR 3342) as amended by Treasury Department Order No. 242, Revision No. 1, May 17, 1977.

Dated: August 27, 1981.

Judith A. Denny,

Acting Director, Office of Revenue Sharing.

[FR Doc. 81-25565 Filed 9-1-81; 8:45 am]

BILLING CODE 4810-28-M

VETERANS ADMINISTRATION

Availability of Report of 38 U.S.C. 219 Program Evaluation

Notice is hereby given that the program evaluation of the Veterans Administration's Condominium Program has been completed.

Single copies of the Condominium Report are available free. Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. Errol D. Clark, Director, Program Evaluation and Appraisal Service, Veterans Administration (074), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: August 26, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-25559 Filed 9-1-81; 8:45 am]

BILLING CODE 8320-01-M

Central Office Education and Training Review Panel; Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92–463 that a meeting of the Central Office Education and Training Review Panel will be held in room 444E, Veterans Administration Central Office, 810 Vermont Avenue, N.W., Washington, D.C. on September 30, 1981, at 10 a.m. The meeting will be held for the purpose of reviewing the charges that the Oregon Meatcutting School, Cottage Grove, Oregon 97424, willfully and knowingly submitted false certifications which have or could result in improper payment of allowances, and willfully repeated a violation of law after having been notified in writing of the violation. The recommendation of the Station Committee on Educational Allowances (Veterans Administration Regional Office, Portland, Oregon) was not unanimous. The Director of that office referred the matter to the Veterans Administration Central Office in accordance with 38 CFR 21.4207.

The Panel will consider whether VA educational benefits should be discontinued because requirements of the law are not being met or have been violated.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Larry R. Stockmoe, Education Service, Veterans Administration Central Office (phone 202–389–2850) prior to September 21, 1981.

Dated: August 26, 1981.

Robert P. Nimmo,

Administrator.

[FR Doc. 81-25558 Filed 9-1-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 170
Wednesday, September 2, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 43354, August 27, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., September 2, 1981.

CHANGES IN THE MEETING: Addition of the following item to the open session:

3. Agreement No. 9355–8: Modification of the Atlantic and Gulf American-Flag Berth Operators Agreement to add intermodal authority.

Withdrawal of the following item from the closed session:

2. Docket No. 81–10: General Rate Increases in the Puerto Rico and Virgin Island Trades—Consideration of Request for Oral Argument and Possible Consideration of the Record.

[S–1314–81 Filed 8–31–81; 10:42 am]

BILLING CODE 6730–01–M

2

FEDERAL RESERVE SYSTEM.

(Board of Governors)

TIME AND DATE: 10 a.m., Tuesday, September 8, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed cost-saving initiatives for Federal Reserve Banks.

2. Request by the General Accounting Office for Board comment on a draft report concerning regulatory agencies' internal auditing procedures.

3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

4. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board, (202) 452–3204.

Dated: August 31, 1981.

William W. Wiles,

Secretary of the Board.

[S–1316–81 Filed 8–31–81; 10:57 am]

BILLING CODE 6210–01–M

3

INTERNATIONAL TRADE COMMISSION.

[USITC SE–80–26A]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 41898, August 18, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Tuesday September 1, 1981.

CHANGES IN THE MEETING: Emergency action to close a portion of the meeting originally announced as open to the public.

Pursuant to the specific exemptions of 5 U.S.C. 552b(c)(4) and in conformity with 19 CFR 201.36(b)(4), Commissioners Alberger, Calhoun, Bedell, and Stern voted by action jacket INV–81–121 to hold a portion of the discussion with respect to item No. 6 [Investigation 731–TA–48 [Preliminary] (Certain Amplifier Assemblies and Parts Thereof from Japan)—briefing and vote] in closed session.

Commissioners Alberger, Calhoun, Bedell, and Stern determined, pursuant to 19 CFR 201.37(b) that Commission business requires the change in the determination of the Commission to open or close this portion of the meeting and directed the issuance of this notice at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–1315–81 Filed 8–31–81; 11:05 am]

BILLING CODE 7020–02–M

federal register

Wednesday
September 2, 1981

Part II

Department of Education

Bilingual Education: Training Projects Program

DEPARTMENT OF EDUCATION

Office of Bilingual Education and Minority Languages Affairs

34 CFR Part 510

Bilingual Education: Training Projects Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues amendments to the regulations governing the award of grants under the Bilingual Education Training Projects Program. These amendments clarify statutory requirements concerning advisory councils and advisory committees and give priority to applications that propose to serve areas having the greatest need for training projects.

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 the effective date of these final regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Dr. Kelly Acosta, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education (Room 421, Reporters Building), 400 Maryland Avenue, S.W., Washington, D.C. Telephone (202) 447-9273.

SUPPLEMENTARY INFORMATION: On November 23, 1980 the Secretary proposed amendments to the regulations governing the Bilingual Education: Training Projects Program to clarify statutory requirements concerning advisory councils and to give greater consideration to the relative need for training projects in the areas that applications under this program propose to serve. Only three commenters responded to the Secretary's invitation to submit comments and recommendations during the 60 day comment period. Based on their comments, the Secretary made a language change to the regulations establishing advisory committee requirements.

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

Summary of Comments and Responses

A summary of the comments on the proposed regulations and the Secretary's responses follow. The comments are addressed in the order of the sections of the proposed regulations to which they pertain.

§ 510.21 What requirements pertain to advisory councils and advisory committees?

Comment. One commenter asked why the proposed regulations did not repeat the legislative language in describing the types of training projects covered under the statutory advisory council and advisory committee requirements. The commenter asked why the proposed regulations limited the applicability of those requirements to training projects designed to meet the needs of particular LEAs.

Response. No change has been made. The amendments do not repeat the legislative language which describes the types of training projects required to form advisory councils and advisory committees because the legislative language pertaining to eligible training activities is implemented in the regulations issued on April 4, 1980 (as 45 CFR Part 123e) to carry out the training authority. These regulations are recodified as 34 CFR Part 510.

The amendments cover the types of training projects listed in the legislation and provide a reasonable interpretation of the applicability of the advisory council and advisory committee requirements to training projects. The amendments apply those requirements only to applications proposing training activities designed to improve the conduct of programs of bilingual education in particular LEAs. Section 703(a)(4)(E) of the Bilingual Education Act requires that the advisory committee be selected by and predominantly composed of parents of children participating in the bilingual education program funded under the grant. A reasonable application of this provision to the Training Projects Program would appear to require that particular LEAs be identified as affected by the training project in order to permit the selection of the advisory committee by parents of children participating in bilingual education programs in those LEA's schools.

The Secretary considers it appropriate that applicants notify and involve parents in the planning and implementation of training activities that will affect the education of their children. However, where applicants are proposing training activities that are national or regional in scope, it would be difficult, if not impossible, to identify the children who will benefit from the training activities. The Secretary therefore considers it unreasonably burdensome to require those applicants to form parent advisory committees.

Comment. One commenter asked why the proposed regulations established a minimum membership for an advisory committee, when the law does not specify a minimum.

Response. The regulations adopt by cross-reference the existing requirement for Basic Projects advisory committees establishing a mimimum membership of seven. That requirement was based on the belief that a committee composed of less than seven members would not be appropriate representative. The Department will be reviewing those pre-existing regulations under Executive Order 12291 (Regulations Review), including review of the requirement in question.

§ 510.42 What requirements pertain to the establishment of an advisory committee?

Comment. One commenter feared that parental involvement in the implementation of a project would detract from effective project administration and would cause confusion over the authority of a grantee relative to its project committee and over a grantee's responsibility for the project's success.

Response. The law requires a grantee to consult frequently with its advisory committee in carrying out the project. However, a grantee does not delegate decisionmaking authority or responsibility for administration of the project to its advisory committee.

Comment. One commenter asked why the proposed regulations included parents of children who will be participating in programs of bilingual education as committee members in addition to parents of children currently participating in programs of bilingual education.

Response. The regulations include as advisory committee members parents of children who will be participating in programs of bilingual education because many training projects are designed to train teachers and other education personnel to start new programs of bilingual education or to expand existing programs. A project's advisory committee should include parents of children eligible for programs of bilingual education that will be implemented or expanded as a result of

training activities conducted under the project.

Comment. One commenter asked why the regulations do not specifically state that secondary school representatives on a project's advisory committee must be representative of the secondary school students to be served in the programs of bilingual education that will benefit from the training activities carried out in the project.

Response. A change has been made. The commenter's recommendation has been adopted.

Citation of Legal Authority

The reader will find a citation of statutory or other legal authority placed in parentheses on the line following each substantive provision of the regulations.

(Catalog of Federal Domestic Assistance No. 84.003, Bilingual Education Program)

Dated: August 26, 1981.

T. H. Bell,

Secretary of Education.

PART 510—BILINGUAL EDUCATION: TRAINING PROJECTS

The Secretary of Education amends Title 34 of the Code of Federal Regulations by amending Part 510 as follows:

1. The table of contents is amended by adding the following entries:

Sec.

* * * * *

510.21 What requirements pertain to advisory councils and advisory committees?

510.34 What factors does the Secretary consider in awarding grants?

510.42 What requirements pertain to the establishment of an advisory committee?

2. A new § 510.21 is added to read as follows:

§ 510.21 What requirements pertain to advisory councils and advisory committees?

An applicant that proposes a training project designed to provide preservice or inservice training to persons who are participating in, or preparing to participate in, programs of bilingual education in a particular LEA or LEAs shall—

(a) Comply with the requirements in 34 CFR 501.20 (a) and (b) pertaining to advisory councils; and

(b) Submit with its application an assurance that, in carrying out its project, it will provide for continuing consultations with, and participation by, the advisory committee described in § 510.42.

(20 U.S.C. 3223(a)(4)(E), 3233(a)(8))

3. In § 510.32, the introductory paragraph is revised; paragraph (a) is deleted; and (b)–(f) is redesignated as (a)–(e) as follows:

§ 510.32 What selection criteria does the Secretary use for applications proposing to provide short-term or year-round training institutes?

The Secretary considers the following criteria worth a total of 85 points:

(a) Impact (45 points) * * *

(b) Evaluation plan (5 points) * * *

(c) Plan of operation (10 points) * * *

(d) Budget (5 points) * * *

(e) Personnel (20 points) * * *

(20 U.S.C. 3233(a)(1))

4. A new § 510.34 is added to read as follows:

§ 510.34 What factors does the Secretary consider in awarding grants?

(a) The Secretary considers the following factors in awarding a grant:

(1) The rank order of the application as determined by applying the selection criteria in § 510.31 (for applications proposing to provide training programs at institutions of higher education), § 510.32 (for applications proposing to provide short-term or year-round training institutes), or § 510.33 (for applications proposing to provide training projects for SEA personnel).

(2) The need for the training project in the area to be served by the applicant.

(b) In determining need under paragraph (a)(2) of this section, the Secretary considers—

(1) The number of children of limited English proficiency who would benefit from the training to be provided to persons participating in the project;

(2) The number and kinds of personnel currently participating in or preparing to participate in programs of bilingual education for these children, compared to the number and kinds of personnel needed; and

(3) The number and kinds of personnel that applicants propose to train under this program and other programs supported under the Act.

(c) In determining need under paragraph (a)(2) of this section, the Secretary uses—

(1) Information provided by the applicant;

(2) Information provided by the SEA under 34 CFR 500.20;

(3) Information on current and past training activities supported under the Act; and

(4) Other statistical information available to the Secretary.

(20 U.S.C. 3231(c), 3233(a)(1))

5. A new § 510.42 is added to read as follows:

§ 510.42 What requirements pertain to the establishment of an advisory committee?

(a) A grantee carrying out training activities designed to provide preservice or inservice training to persons who are participating in, or preparing to participate in, programs of bilingual education in a particular LEA or LEAs shall—

(1) Establish an advisory committee within 60 days after it receives an award; and

(2) Provide for continuing consultation with the committee in carrying out its project.

(b) The members of the committee must be selected by parents of children who are or will be participating in programs of bilingual education in that LEA.

(c) Parents of children who are or will be participating in programs of bilingual education in that LEA must be a majority of the committee.

(d) In the case of projects to train persons to participate more effective in programs of bilingual education at secondary schools, the committee must include representatives of the students who would be served under those programs of bilingual education.

(e) The committee may also include—

(1) Parents of children attending schools in that LEA;

(2) Teachers in that LEA; and

(3) Other interested individuals.

(f) A member of the advisory council described in § 510.21 also may serve as a member of the advisory committee.

(20 U.S.C. 3223(a)(4)(E), 3233(a)(8))

[FR Doc. 81-25590 Filed 9-1-81; 8:45 am]

BILLING CODE 4000-01-M

federal register

Wednesday
September 2, 1981

Part III

Department of Agriculture

Animal and Plant Health Inspection Service

Mediterranean Fruit Fly; Regulated Areas

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Mediterranean Fruit Fly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the Mediterranean fruit fly quarantine and regulations which quarantine California and impose restrictions on the movement of regulated articles from regulated areas in California by adding to the list of regulated areas portions of Los Angeles and San Benito Counties and that portion of Santa Cruz County not previously designated as a regulated area (with this addition the entire county of Santa Cruz is now designated as a regulated area). This action is necessary as an emergency measure for the purpose of preventing the artificial spread of the Mediterranean fruit fly into noninfested areas of the United States. The effect of this action is to impose restrictions on the interstate movement (movement from California into or through any other State, Territory, or District of the United States) or regulated articles from the portions of Los Angeles, San Benito, and Santa Cruz Counties added to the list of regulated areas.

DATES: Effective date of amendment September 2, 1981. Written comments concerning this interim rule must be received on or before November 2, 1981.

ADDRESSES: Written comments should be submitted to Thomas Lanier, Chief Staff Officer, 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.

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 and Emergency Action

This interim rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512–1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this interim rule will have an estimated annual effect on the economy of less than $275,000; 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.

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 on this interim rule. 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 interim rule are impracticable and contrary to the public interest; and good cause is found for making this interim rule effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and a final document discussed comments received and any amendments required will be published in the **Federal Register** as soon as possible.

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. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from portions of Los Angeles, San Benito, and Santa Cruz 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 compiled by the U.S. Department of Agriculture, it has been determined that approximately 85 small entities move such articles interstate from such portions of Los Angeles, San Benito, and Santa Cruz Counties. Further, the overall economic impact from this action is estimated to be less than $275,000.

Background

The Mediterranean fruit fly, *Ceratitis capitata* Wiedemann, 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.

Because of infestations of the Mediterranean fruit fly found in areas in California, Mediterranean fruit fly quarantine and regulations were made effective on July 22, 1981 (46 FR 37706–37713), and were amended on August 7, 1981 (46 FR 40203–40205) and on August 19, 1981 (46 FR 42072–42073). The quarantine and regulations are set forth in 7 CFR 301.78 through 301.78–10.

For the purpose of preventing the artificial spread of the Mediterranean fruit fly into noninfested areas in the United States, the quarantine and regulations restrict 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 designated as regulated areas. For the reasons explained below, it is necessary to amend the quarantine and regulations on an emergency basis by adding portions of Los Angeles San Benito, and Santa Cruz Counties to the list of regulated areas. Regulated areas are listed in § 301.78–3(c) of the quarantine and regulations.

Prior to the effective date of this document, all of Alameda, San Mateo, and Santa Clara Counties in California and portions of Santa Cruz and Stanislaus Counties in California were designated as regulated areas. However, based on trapping surveys conducted by inspectors of the U.S. Department of Agriculture and State agencies of California, it has now been determined that the Mediterranean fruit fly has spread into portions of San Benito and Los Angeles Counties and into that portion of Santa Cruz County not previously designated as a regulated area. Therefore, because of the

occurrence of the Mediterranean fruit fly, it is necessary as an emergency measure in order to prevent the further spread of the Mediterranean fruit fly to amend § 301.78–3(c) of the quarantine and regulations by adding to the list of regulated areas that portion of Santa Cruz County not previously designated as a regulated area (with this addition the entire county of Santa Cruz is now designated as a regulated area) and by adding to the list of regulated areas the following areas in Los Angeles and San Benito Counties:

Los Angeles County. That portion of the county bounded by a line beginning at a point where the southern boundary of the Angeles National Forest meets San Gabriel Canyon Road; then southwesterly along San Gabriel Canyon Road to Azusa Avenue; then southerly along Azusa Avenue to Foothill Boulevard; then easterly along Foothill Boulevard to Alosta Avenue; then easterly along Alosta Avenue to its intersection with Grand Avenue; then southerly along Grand Avenue to the northern city limits of Walnut; then southwesterly along the Walnut and West Covina City limits to Nogales Street; then southerly along Nogales Street to Valley Boulevard; then westerly along Valley Boulevard to Hacienda Boulevard; then southerly on Hacienda Boulevard to the Pomona Freeway (Interstate 60); then westerly along the Pomona Freeway to Rosemead Boulevard; then northerly on Rosemead Boulevard to Huntington Drive; then easterly along Hungington Drive to Santa Anita Avenue; then northerly along Santa Anita Avenue to Foothill Boulevard; then easterly on Foothill Boulevard to the city limits on Monrovia; then northerly along the city limits of Monrovia and Arcadia to the southern boundary of the Angeles National Forest; then easterly along the Angeles National Forest boundary to point of beginning.

San Benito County. That portion of the county bounded by a line beginning at a point where La Gloria Road intersects the Monterey-San Benito County line; then northerly on said county line to the San Benito-Santa Cruz County line; then easterly on said county line to the San Benito-Santa Clara County line; then easterly on said county line to San Benito-Merced County line; then southerly on said county line to the point where San Benito, Merced, and Fresno County lines intersect; then westerly from said intersection on an imaginary line to the intersection of La Gloria Road and State Highway 25; then westerly on La Gloria Road to the point of beginning.

Amendment to Regulations

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, the Mediterranean fruit fly quarantine and regulations (7 CFR 301.78 *et seq.*), which, as noted above, became effective on July 22, 1981, and were amended on August 7, 1981 and August 19, 1981, (46 FR 37706–37713, 40203–40205, 42072–42073), are further amended by revising § 301.78–3(c) to read as follows:

§ 301.78–3 Regulated areas.

* * * * *

(c) The areas described below are designated as regulated areas:

California

Alameda County. The entire county.

Los Angeles County. That portion of the county bounded by a line beginning at a point where the southern boundary of the Angeles National Forest meets San Gabriel Canyon Road; then southwesterly along San Gabriel Canyon Road to Azusa Avenue; then southerly along Azusa Avenue to Foothill Boulevard; then easterly along Foothill Boulevard to Alosta Avenue; then easterly along Alosta Avenue to its intersection with Grand Avenue; then southerly along Grand Avenue to the northern city limits of Walnut; then southwesterly along the Walnut and West Covina City limits to Nogales Street; then southerly along Nogales Street to Valley Boulevard; then westerly along Valley Boulevard to Hacienda Boulevard; then southerly on Hacienda Boulevard to the Pomona Freeway (Interstate 60); then westerly along the Pomona Freeway to Rosemead Boulevard; then northerly on Rosemead Boulevard to Huntington Drive; then easterly along Hungington Drive to Santa Anita Avenue; then northerly along Santa Anita Avenue to Foothill Boulevard; then easterly on Foothill Boulevard to the city limits on Monrovia; then northerly along the city limits of Monrovia and Arcadia to the southern boundary of the Angeles National Forest; then easterly along the Angeles National Forest boundary to point of beginning.

San Benito County. That portion of the county bounded by a line beginning at a point where La Gloria Road intersects the Monterey-San Benito County line; then northerly on said county line to the San Benito-Santa Cruz County line; then easterly on said county line to the San Benito-Santa Clara County line; then easterly on said county line to San Benito-Merced County line; then southerly on said county line to the point where San Benito, Merced, and Fresno County lines intersect; then westerly from said intersection on an imaginary line to the intersection of La Gloria Road and State Highway 25; then westerly on La Gloria Road to the point of beginning.

San Mateo County. The entire county.

Santa Clara County. The entire county.

Santa Cruz County. The entire county.

Stanislaus County. That portion of the county beginning at a point where the San Joaquin River intersects the San Joaquin-Stanislaus County line, then southerly along the San Joaquin River to Hills Ferry Road, then westerly along Hills Ferry Road to its intersection with State Route J 18, then westerly along State Route J 18 to its intersection with Interstate 5, then due west from the intersection of State Route J 18 and Interstate 5 along an imaginary line to its intersection with Orestimba Creek, then westerly 3 miles along Orestimba Creek, then due north along an imaginary line to its intersection with the San Joaquin-Stanislaus County line, then easterly along said line to the point of beginning.

(Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); 37 FR 28464, 28477, as amended; 38 FR 19141.)

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

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-25875 Filed 9-1-81; 10:01 am]

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Wednesday, September 2, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.

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 September 6 through September 12, 1981

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

35907 7-13-81 / Gypsy moth; hazardous recreational vehicle sites; comments by 9-11-81

35912 7-13-81 / Inspection and handling of livestock for exportation; deletion and addition to ports of embarkation of animals; comments by 9-11-81

Food and Nutrition Service—

35658 7-10-81 / Food Stamp Program; Wage matching; comments by 9-8-81

Food Safety and Inspection Service—

35660 7-10-81 / Definitions and standards of identity or composition; Braunschweiger, Liver Sausage, and Liverwurst; comments by 9-8-81

CIVIL AERONAUTICS BOARD

42872 8-25-81 / Elimination of rules tariffs; notice to passengers of conditions of carriage; comments by 9-9-81

35664 7-10-81 / Proposal to allow foreign indirect air carriers to organize chartes and consolidate freight in interstate and overseas markets; comments by 9-8-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

40518 8-10-81 / High Seas Salmon off Alaska; comments by 9-9-81

CONSUMER PRODUCT SAFETY COMMISSION

35296 7-8-81 / Exemption from child-resistant packaging of all unit-dose forms of potassium supplements containing not more than 50 milliequivalents of potassium per unit-dose; comments by 9-8-81

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

40893 8-13-81 / Interstate rate ceilings on money market certificates and small savers certificates; comments by 9-9-81

ENVIRONMENTAL PROTECTION AGENCY

40218 8-7-81 / Air quality implementation plans; Commonwealth of Pennsylvania; comments by 9-8-81

40220 8-7-81 / Chlorothalonil; proposed tolerance; comments by 9-8-81

40774 8-12-81 / Texas; proposed revision to State Implementation Plan; comments by 9-11-81

FEDERAL COMMUNICATIONS COMMISSION

39630 8-4-81 / Automatic aviation weather reporting systems at certain airports; reply comments by 9-11-81

37058 7-17-81 / FM broadcast station in Natchitoches, La.; proposed changes in table of assignments; comments by 9-8-81

35131 7-7-81 / FM broadcast station in North Muskegon, Mich.; changes in table of assignments; reply comments by 9-8-81

37921 7-23-81 / FM broadcast station in Redmond, Oregon; changes int able of assignments; comments by 9-6-81

40536 8-10-81 / Frequency allocations and radio treaty matters geneal rules and regulations; comments by 9-8-81

38390 7-27-81 / Regulatory and deregulatory requirements for medical services radio systems operating in the 450-460 MHz band in the Special Emergency Radio Service; comments by 9-8-81

FEDERAL EMERGENCY MANAGEMENT AGENCY

35921 7-13-81 / Consultation with appropriate local officials when undertaking a study of flood elevations; comments by 9-11-81

FEDERAL TRADE COMMISSION

38105 7-24-81 / Inclusion of furnaces in category of appliances requiring energy efficiency labeling provisions; comments by 9-8-81

35668 7-10-81 / Proprietary vocational and home study schools; comments by 9-8-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

35122 7-7-81 / Blood grouping serum, amendment of additional standards to permit use of chemically modified antisera; comments by 9-8-81

35121 7-7-81 / Hepatitis requirements, amendments of restrictions on use as injectiable biological products; comments by 9-8-81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary—

40498 8-7-81 / Mobile home construction and safety standards, procedural and enforcement regulations and consumer manual requirements; comments by 9-8-81

40496 8-7-81 / Mobile home procedural and enforcement regulations; comments by 9-8-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

42887 8-25-81 / Endangered and threatened wildlife and plants; special rule for African Elephant; comments by 9-9-81

26464 5-12-81 / Petition submitted by the International Council for Bird Preservation, U.S. Section, Inc. to list 77 birds as endangered or threatened under the Endangered Species Act of 1973; comments by 9-9-81

Land Management Bureau—

37725 7-22-81 / Oil and gas leasing—National Petroleum Reserve—Alaska; Proposed rulemaking authorizing oil and gas leasing; comments by 9-8-81

Surface Mining Reclamation and Enforcement Office—

40047, 40049 8-6-81 / Abandoned mine lands reclamation program; comments by 9-8-81

2043 1-8-81 / Surface Coal Mining and reclamation enforcement operations; permanent regulatory program reporting and recordkeeping requirements; exemption for coal extraction incident to Government-financed highway or other construction; comment period extended to 9-10-81

[*See also* 44 FR 35192, 6-18-79]

INTERSTATE COMMERCE COMMISSION

43219 8-27-81 / Fuel surcharge program; LTL surcharge and new surcharge for household goods carriers; comments by 9-11-81

40221 8-7-81 / Modification of the Motor Carrier Fuel Surcharge Program; comments by 9-8-81

JUSTICE DEPARTMENT

Drug Enforcement Administration—

35529 7-9-81 / Schedules of controlled substances; proposed placement of Tiletamine and Zolazepam into Schedule 1 and the proposed placement of certain preparations which contain both Tiletamine and Zolazepam into Schedule III, comments by 9-8-81

MERIT SYSTEMS PROTECTION BOARD

40702 8-11-81 / Practices and procedures provisions; comments by 9-8-81

NATIONAL CREDIT UNION ADMINISTRATION

36862 7-16-81 / Organization and operation of Federal Credit Unions; Share, Share Draft, and Share Certificate of Accounts; comments by 9-7-81

NUCLEAR REGULATORY COMMISSION

38374 7-27-81 / Codes and standards for Nuclear Power Plants; comments by 9-10-81

35662 7-10-81 / Receipt of petition for rulemaking from the National Bureau of Standards, Commerce, to exempt certain radioactive material from certain specific license application requirements; comments by 9-8-81

34595 7-2-81 / Reporting of changes to the Quality Assurance Program; comments by 9-8-81

PERSONNEL MANAGEMENT OFFICE

35658 7-10-81 / Retirement; Health Care Employees; comments by 9-8-81

35108 7-7-81 / Temporary and term employment; noncompetitive career appointments; former employees of legislative or judicial branch; comments by 9-8-81

TRANSPORTATION DEPARTMENT

Coast Guard—

38378 7-27-81 / COLREGS demarcation lines, Savannah River, GA, to Amelia Island, Fl; comments by 9-10-81

Federal Aviation Administration—

40527 8-10-81 / Advisory material for flight attendant seats; comments by 9-9-81

Research and Special Programs Administration—

40540 8-10-81 / Carriage of tear gas devices aboard aircraft; comments by 9-9-81

TREASURY DEPARTMENT

Customs Service—

35682 7-10-81 / Changes in field organizations; Saginaw-Bay City-Flint, Mich., et al; comments by 9-8-81

Deadlines for Comments on Proposed Rules for the Week of September 13 through September 19, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

40892 8-13-81 / Fresh peaches grown in designated counties in Washington; comments by 9-14-81

42492 8-21-81 / Implementation of user fees for cotton classification service to producers; comments by 9-10-81

42490 8-21-81 / Revision in fees for cotton and cottonseed; comments by 9-10-81

Animal and Plant Health Inspection Service—

41519 8-17-81 / Citrus blackfly regulations; comments by 9-16-81

36148 7-14-81 / Mediterranean fruit fly; addition of portions of Alameda and Santa Clara Counties and all of San Mateo County, Calif. to list of regulated areas; (interim rule); comments by 9-14-81

37706 7-22-81 / Mediterranean Fruit Fly; emergency designation; comments by 9-14-81

36711 7-15-81 / Screwworms; relief of restrictions to prevent spread; comments by 9-14-81

Food Safety and Inspection Service—

36113 7-14-81 / Cattle Post-mortem inspection staffing standards (interim rule); comments by 9-14-81

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

39764 8-4-81 / Minimum guidelines and requirements for accessible design; comments by 9-18-81 [2 documents]

CIVIL AERONAUTICS BOARD

35936 7-13-81 / Elimination of rules tariffs and notice to passengers of conditions; reply comments by 9-14-81

DEFENSE DEPARTMENT

Air Force Department—

41527 8-17-81 / Environmental impact analysis process; comments by 9-16-81

Office of the Secretary—

42083 8-19-81 / Enforcement of state traffic laws on DOD installations; comments by 9-18-81

EDUCATION DEPARTMENT

3880, 3889 — 7–29–81 / College housing progam; comments by 9–14–81 (2 documents)

ENVIRONMENTAL PROTECTION AGENCY

39175 — 7–31–81 / Air programs; delayed compliance order for New England Power Company, Salem Harbor Generating Station, Mass.; comments by 9–14–81

36716 — 7–15–81 / Approval and promulgation of implementation plans; Iowa; Comments by 9–14–81

42089 — 8–19–81 / Chlorpyrifos; proposed insecticide tolerances on Chinese Cabbage; comments by 9–18–81

42088 — 8–19–81 / Chlorpyrifos; proposed tolerance for insecticide in or on peppers; comments by 9–18–81

36717 — 7–15–81 / Control of air pollution from motor vehicles and motor vehicle engines; exclusion and exemption; comments by 9–14–81

41818 — 8–18–81 / Designation of area for air quality planning purposes attainment status; Ohio; comments by 9–17–81

42472 — 8–21–81 / Municipal wastewater treatment works; construction grants; draft availability; comments by 9–15–81

32599 — 6–24–81 / National emission standards for hazardous air pollutants; benzene fugitive emissions; comment by 9–14–81

41104 — 8–14–81 / Noise emission standards for portable air compressors, medium and heavy trucks, motorcycles and motorcycle replacement exhaust systems, truck mounted solid waste compactors, and noise labeling requirements for hearing protectors; comments by 9–14–81

41817 — 8–18–81 / Standards of performance for new stationary sources; fossil fuel fired steam generator; comments by 9–17–81

FEDARAL COMMUNICATIONS COMMISSION

37923 — 7–23–81 / Amendment to permit increased antenna height of Class A FM Commercial Broadcast Stations in Puerto Rico and the Virgin Islands; comments by 9–15–81

34609 — 7–2–81 / FM broadcast station in Canton, Ill.; proposed changes in table of assignments; reply comments by 9–14–81

37919 — 7–23–81 / FM broadcast station, College, Alaska; changes in table of assignments; comments by 9–14–81

34608 — 7–2–81 / FM broadcast station in DeRidder, La.; proposed changes in table of assignments; reply comments by 9–14–81

34605 — 7–2–81 / FM broadcast station in Leone, American Samoa; proposed changes in table of assignments; reply comments by 9–14–81

35132 — 7–7–81 / FM broadcast station in Lowville, N.Y.; changes in table of assignments; reply comments by 9–17–81

35133 — 7–7–81 / FM broadcast station in Midland, Texas; changes in table of assignments; reply comments by 9–17–81

34606 — 7–2–81 / FM broadcast station in Petal, Miss.; proposed changes in table of assignments; reply comments by 9–14–81

34603 — 7–2–81 / FM broadcast station in St. Johns, Arizona; proposed changes in table of assignments; reply comments by 9–14–81

34607 — 7–2–81 / FM broadcast station in Sidney, N.Y.; proposed changes in table of assignments; reply comments by 9–14–81

37925 — 7–23–81 / FM broadcast station in Tremonton, Utah; changes in table of assignments; comments by 9–15–81

35127 — 7–7–81 / FM broadcast stations in Yuma, Ariz.; proposed changes in table of assignments; reply comments by 9–17–81

42478 — 8–21–81 / Inquiry into future role of TV translators and low-power television broadcasting in national telecommunications systems; comments by 9–15–81

43068 — 8–26–81 / Process regarding Equal Access to Justice Act rules; comments by 9–15–81

40536 — 8–10–81 / Reallocation of UHF–TV broadcast Channel 17 for common carrier fixed relay and control operations in the State of Hawaii; reply comments by 9–15–81

37927 — 7–23–81 / Release, allocation, assignment and criteria for use of the remaining 250 channels in the 800 MHz private land mobile reserve band; comments by 9–14–81

41820 — 8–18–81 / Short-term operation without prior approval; creation of new auxiliary broadcast service license class to permit non-broadcast station license holders to be licensed and operate radio relay stations for direct rebroadcast of program material; comments by 9–14–81

37916 — 7–23–81 / TV auxiliary broadcast pickup stations on a secondary basis, allocating a certain frequency band; comments by 9–18–81

FEDERAL EMERGENCY MANAGEMENT AGENCY

35942 — 7–13–81 / Environmental considerations; providing temporary housing to individual disaster victims; comments by 9–15–81

FEDERAL HOME LOAN BANK BOARD

42273 — 8–20–81 / Eligibility of partnerships to hold NOW accounts at member institutions; interpretive rule; comments by 9–18–81

42275 — 8–20–81 / Treatment of gains and losses from the sale of mortgage assets; comments by 9–14–81

FEDERAL RESERVE SYSTEM

32592 — 6–24–81 / Credit by brokers and dealers and credit by banks for the purpose of purchasing or carrying margin stocks; comments by 9–15–81

37516 — 7–21–81 / Securities credit by persons other than banks, brokers, or dealers; credit by brokers and dealers; credit by banks for the purpose of purchasing or carrying margin stocks; comments by 9–15–81

INTERSTATE COMMERCE COMMISSION

41825 — 18–18–81 / Special procedures governing recovery of expenses by parties to commission adjudicatory proceedings; comments by 9–17–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

36130 — 7–14–81 / Bioavailability and bioequivalence requirements; updating of drug list; (final rule); comment by 9–14–81

LABOR DEPARTMENT

Federal Contract Compliance Programs Office—

42490 — 8–21–81 / Advance notice of affirmative action requirements for government contractors; comments by 9–14–81

36213 — 7–14–81 / Affirmative action requirements for Government contractors including federally assisted construction contractors; comments by 9–14–81

PERSONNEL MANAGEMENT OFFICE

41077 — 8–14–81 / Pay under the general schedule; comments by 9–14–81

TRANSPORTATION DEPARTMENT

Coast Guard—

37002 — 7–16–81 / Annex I to Inland Navigation Rules—positioning and technical details of lights and shapes; comments by 9–14–81

37008 — 7–16–81 / Annex III to Inland Navigation Rules—technical details of sound signal appliances; comments by 9–14–81

37012 — 7–16–81 / Annex V to Inland Navigation Rules; pilot rules; comments by 9–14–81

Federal Aviation Administration—
39606 8-4-81 / Provisions for operation of the air traffic control system and activation of national traffic control contingency plan (phase II); (final rule); comments by 9-15-81

Federal Railroad Administration—
39461 8-3-81 / General safety inquiry; comments by 9-15-81

Research and Special Program Administration—
31294 6-15-81 / Definition of Oxidizer; comments by 9-14-81

TREASURY DEPARTMENT

Internal Revenue Service—
36198 7-14-81 / Individual retirement plans and simplified employee pensions; comments by 9-14-81
40774 8-12-81 / Installment sales; general rules for reporting gains; comments by 9-17-81

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42944 8-25-81 / Arts and Humanities Foundation, Humanities Panel, Washington, D.C. (closed), 9-9-81
40745 8-11-81 / Design Arts Panel (Design Exploration/ Research), Washington, D.C. (closed), 9-8 and 9-9-81
41644 8-17-81 / Humanities Panel, Washington, D.C. (closed), 9-8 through 9-11
42944 8-25-81 / Humanities Panel, Washington, D.C. (closed), (3 documents), 9-11-81
40358 8-7-81 / Humanities Panel, Washington, D.C. (closed), 9-9 through 9-11-81
40109 8-6-81 / Humanities Panel, Washington, D.C. (closed), 9-10-81
42226 8-19-81 / Music Panel (New Music Performance Section), Washington, D.C. (partially open), 9-8 through 9-11-81

CIVIL RIGHTS COMMISSION

41540 8-17-81 / Iowa Advisory Committee, Des Moines, Iowa (open), 9-11-81
40064 8-6-81 / Maine Advisory Committee, Augusta, Maine (open), 9-10-81
42708 8-24-81 / Oklahoma Advisory Committee, Oklahoma City, Okla. (open), 9-11 and 9-12-81
42498 8-21-81 / Utah Advisory Committee, Salt Lake City, Utah (open), 9-10-81

COMMERCE DEPARTMENT

International Trade Administration—
42896 8-25-81 / Exporters' Textile Advisory Committee, Washington, D.C. (open), 9-10-81

National Oceanic and Atmospheric Administration—
41128 8-14-81 / Mid-Atlantic Fishery Management Council, Philadelphia, Pa. (open), 9-8 and 9-9-81
41545 8-17-81 / New England Fishery Management Council, Scientific and Statistical Committee, Durham, N.H. (open), 9-9-81
41838 8-18-81 / North Pacific Fishery Management Council and the Alaska Board of Fisheries, Kodiak, Alaska (open), 9-10 and 9-11-81

National Telecommunications and Information Administration—
42499 Frequency Management Advisory Council, Washington, D.C. (open), 9-11-81

DEFENSE DEPARTMENT

Air Force Department—
39881 8-5-81 / USAF Scientific Advisory Board, Kirtland Air Force Base, N. Mex. (closed), 9-9 and 9-10-81

Office of the Secretary—
41132 8-14-81 / Defense Intelligence Agency Advisory Committee, Rosslyn, Va. (closed meeting), 9-10 and 9-11-81
41132 8-14-81 / Education of Handicapped Dependents National Advisory Panel, Overseas Dependents Schools, Alexandria, Va. (open), 9-8, 9-9, and 9-10-81
37541 7-21-81 / Wage Committee, Washington, D.C. (closed), 9-8-81

EMPLOYMENT POLICY, NATIONAL COMMISSION

40951 8-13-81 / Meeting, Washington, D.C. (open), 9-10 and 9-11-81 (2 documents)

ENERGY DEPARTMENT

40070 8-6-81 / Energy Research Advisory Board, Biomass Panel, Washington, D.C. (open), 9-9-81
42095 8-19-81 / National Petroleum Council, Environmental Conservation Committee, Coordinating Subcommittee, Cleveland, Ohio (open), 9-9 and 9-10-81
41843 8-18-81 / DOE/NSF Nuclear Science Advisory Committee, Computational Capabilities for Nuclear Theory Subcommittee, Washington, D.C. (open), 9-10 and 9-11-81

ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH, PRESIDENT'S COMMISSION FOR THE STUDY OF

41889 8-18-81 / Meeting, Los Angeles, Calif. (open), 9-11 and 9-12-81

FEDERAL COMMUNICATIONS COMMISSION

43392 8-27-81 / International Radio Consultative Committee, Washington, D.C., 9-11-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—
41212 8-14-81 / Endocrinologic and Metabolic Drugs Advisory Committee, Rockville, Md. (open), 9-10 and 9-11-81

Health Resources Administration—
41562 8-17-81 / Health Planning and Development National Council, Washington, D.C. (open), 9-11-81
41562 8-17-81 / Health Planning and Development National Council, Implementation and Administration Subcommittee, Washington, D.C. (open), 9-10-81

National Institutes of Health—
41567 8-17-81 / Clinical Sciences Study Section 3, Bethesda, Md. (partially open), 9-10-81
41566 8-17-81 / National Cancer Advisory Board, Nutrition Ad Hoc Subcommittee, Bethesda, Md. (open), 9-8 and 9-9-81
41567 8-17-81 / Progress on Joint Environmental and Occupational Cancer Studies Workshop, Rockville, Md. (open), 9-9 through 9-11-81
39770 8-4-81 / Recombinant DNA Advisory Committee, Bethesda, Md. (partially open), 9-10 and 9-11-81

INTERIOR DEPARTMENT

Land Management Bureau—
39899 8-5-81 / Butte District Grazing Advisory Board, Butte, Mont. (open), 9-10-81
40097 8-6-81 / Carson City District Advisory Council, Markleeville, Calif. (open), 9-11-81
39043 7-30-81 / Multiple Use Advisory Council, Winnemucca, Nev. (open), 9-11-81
42198 8-19-81 / National Advisory Board, Alaska Regional Technical Working Group Committee, Juneau, Alaska (open), 9-9 and 9-10-81
40938 8-13-81 / Rock Springs Advisory Council, Rock Springs, Wyo. (open), 9-10-81

40936 8–13–81/Salt Lake District Multiple-Use Advisory Council, Salt Lake City, Utah (open), 9–9 and 9–10–81

41620 8–17–81/Southern Appalachian Regional Coal Team, Tuscaloosa, Ala. (open), 9–10–81

40096 8–6–81/Ukiah District Advisory Council, Ukiah, Calif. (open), 9–11–81

41620 8–17–81/Vale District Advisory Board, Vale, Oreg. (open), 9–11–81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

42550 8–21–81/NASA Advisory Council, Aeronautics Advisory Committee, Aerodynamics Informal Advisory Subcommittee, Hampton, Va. (open), 9–9 and 9–10–81

NUCLEAR REGULATORY COMMISSION

42945 8–25–81/Reactor Safeguards Advisory Committee, Washington, D.C. (partially open), 9–10 through 9–12–81

42374 9–20–81/Reactor Safeguards Advisory Committee, Decay Heat Removal System Subcommittee, Washington, D.C. (open), 9–8–81

42552 8–21–81/Reactor Safeguards Advisory Committee, Evaluation of Licensee Event Reports Subcommittee, Washington, D.C. (open), 9–9–81

42553 8–21–81/Reactor Safeguards Advisory Committee, Nuclear Safety Research, Development, and Demonstration Act of 1980 Working Groups, Washington, D.C. (partially open), 9–9–81

42553 8–21–81/Reactor Safeguards Advisory Committee, Regulatory Activities Subcommittee, Washington, D.C. (open), 9–9–81

42553 8–21–81/Reactor Safeguards Advisory Committee, Reliability and Probabilistic Assessment Subcommittee, Washington, D.C. (open), 9–9–81

POSTAL RATE COMMISSION

42558 8–21–81/Electronic mail classification, Washington, D.C., 9–9–81

STATE DEPARTMENT

Office of the Secretary—

39261 7–31–81/International Investment, Technology, and Development Advisory Committee, International Data Flows Working Group, Washington, D.C. (open), 9–10–81

42950 8–25–81/Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Washington, D.C. (open), 9–9–81

41895 8–18–81/Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Subdivision, Stability and Load Lines and Safety of Fishing Vessels Working Groups, Washington, D.C. (open), 9–10–81

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration—

7123 1–22–81/Safety Standards International Harmonization; Group of Rapporteurs on Pollution and Energy, Fourth session; Geneva, Switzerland; 9–7 through 9–10–81

Next Week's Public Hearings

INTERNATIONAL TRADE COMMISSION

36778 7–15–81/Bolts, nuts, and large screws of iron or steel; investigation, Washington, D.C., 9–10–81

TREASURY DEPARTMENT

Internal Revenue Service—

24595 5–1–81/Income taxes; consolidated returns; percentage bad debt deduction for thrift institutions; Washington, D.C., 9–9–81

[*See also* 46 FR 9965, 1–30–81; and 46 FR 27968, 5–22–81]

27968 5–22–81/Income tax; consolidated return regulations, Washington, D.C., 9–8–81

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**

Last Listing August 26, 1981

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

APPLICATIONS DEADLINES

42793 8–24–81/SBA—Minority small business and capital ownership development; management and technical assistance application announcement; apply by 9–11–81

MEETINGS

42944 8–25–81/NFAH—Humanities Panel, Washington, D.C. (closed), 9–14–81

OTHER ITEMS OF INTEREST

43077 8–26–81/ED—Commonwealth of the Northern Mariana Islands, intent to waive statutory requirement; comments by 9–25–81

43078 8–26–81/ED—Trust Territory of the Pacific Islands, intent to waive applicability of certain title IV and title V Elementary and Secondary Education Act requirements; comments by 9–25–81

43417 8–28–81/EPA—Grants for construction of wastewater treatment works; class deviation from rules; effective 8–17–81

43504 8–28–81/HHS/SSA—Low Income Energy Assistance program; reallotment of funds for 1981

43529 8–28–81/LSC—Grants and contracts; Legal Aid Society of Metropolitan Denver, Colo.

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register in cooperation with Lexington Technical Institute.

WHAT: Special public briefing (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WHEN: September 17 at 9:00 a.m.

WHERE: Room 215, Lexington Technical Institute, Cooper Drive, Lexington, Ky.

RESERVATIONS: Call Martha Birchfield, (606) 258–4919.

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