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Thursday
October 22, 1981

Highlights

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Presidential Documents

Title 3—

The President

Executive Order 12331 of October 20, 1981

President's Foreign Intelligence Advisory Board

By virtue of the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to enhance the security of the United States by improving the quality and effectiveness of intelligence available to the United States, it is ordered as follows:

Section 1. There is hereby established within the White House Office, Executive Office of the President, the President's Foreign Intelligence Advisory Board (the "Board"). Members of the Board shall serve at the pleasure of the President and shall be appointed by the President from among trustworthy and distinguished citizens outside the Government who are qualified on the basis of achievement, experience, and independence. The President shall designate a Chairman and Vice Chairman from among the members. The Board shall utilize full-time staff and consultants as authorized by the President. Such staff shall be headed by an Executive Director, appointed by the President.

Sec. 2. The Board shall assess the quality, quantity, and adequacy of intelligence collection, of analysis and estimates, of counterintelligence, and other intelligence activities. The Board shall have the authority to continually review the performance of all agencies of the Government that are engaged in the collection, evaluation, or production of intelligence or the execution of intelligence policy. The Board shall further be authorized to assess the adequacy of management, personnel, and organization in the intelligence agencies.

Sec. 3. The Board shall report directly to the President and advise him concerning the objectives, conduct, management, and coordination of the various activities of the agencies of the intelligence community. The Board shall report periodically, but at least semi-annually, concerning findings and appraisals and shall make appropriate recommendations for actions to improve and enhance the performance of the intelligence efforts of the United States.

Sec. 4. The Board shall receive, consider, and take appropriate action with respect to matters, identified to the Board by the Director of Central Intelligence, the Central Intelligence Agency, or other Government agencies engaged in intelligence or related activities, in which the support of the Board will further the effectiveness of the national intelligence effort. With respect to matters deemed appropriate by the President, the Board shall advise and make recommendations to the Director of Central Intelligence, the Central Intelligence Agency, and other Government agencies engaged in intelligence and related activities, concerning ways to achieve increased effectiveness in meeting national intelligence needs.

Sec. 5. The Board shall have access to the full extent permitted by applicable law to all information necessary to carry out its duties in the possession of any agency of the Government. Information made available to the Board shall be given all necessary security protection in accordance with applicable laws and regulations. Each member of the Board, each member of the Board's staff, and each of the Board's consultants shall execute an agreement never to reveal any classified information obtained by virtue of his or her service with the Board except to the President or to such persons as the President may designate.

Sec. 6. Members of the Board shall serve without compensation, but may receive transportation, expense, and per diem allowances as authorized by law. Staff and consultants to the Board shall receive pay and allowances as authorized by the President.

Ronald Reagan

THE WHITE HOUSE,
October 20, 1981.

[FR Doc. 81-30718
Filed 10-20-81; 3:31 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 4876 of October 20, 1981

Suspension of the Application of Obligations Under an Agreement Between the Governments of the United States of America and Argentina Concerning Hide Exports and Other Trade Matters

By the President of the United States of America

A Proclamation

1. On August 10, 1979, the Governments of the United States of America and the Argentine Republic entered into an Agreement Concerning Hide Exports and Other Trade Matters (the Agreement). The Agreement was implemented by Proclamation 4694 of September 29, 1979, and became effective October 1, 1979.

2. The Agreement provides in pertinent part that Argentina adopts a 20% ad valorem tax on exports of cattle hides, effective October 1, 1979, to replace its existing embargo on exports of such products, and then to phase out the tax in accordance with the following schedule:

	Percent ad valorem
April 1, 1980	15
October 1, 1980	10
April 1, 1981	5
October 1, 1981	Free

The United States, inter alia, agreed to reduce its 5 percent ad valorem duty on bovine leather provided for in item 121.61 of the Tariff Schedules of the United States (TSUS) in accordance with the following schedule:

	Percent ad valorem
October 1, 1979	2
October 1, 1980	1
October 1, 1981	Free

3. The United States has complied with the terms of the Agreement. In October 1980, Argentina reduced its export tax to 10 percent, but has failed to reduce it further as required by the Agreement. The Government of Argentina has informed the United States that it does not intend to meet its obligations for further reductions in the export tax.

4. Argentina's breach of the Agreement constitutes a suspension of the application of trade agreement obligations of benefit to the United States. Adequate compensation has not been received therefor. The action taken by this proclamation is necessary to protect the economic interest of the United States.

5. Section 125(d)(1) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2135(d)(1)) authorizes the President to withdraw, suspend, or modify the application of trade agreement obligations which are substantially equivalent to those which have been withdrawn, suspended, or modified by a foreign country, and to proclaim under section 125(c) of the Trade Act such import restrictions as are appropriate to effect adequate compensation from that foreign country or instrumentality.

6. Section 125(f) of the Trade Act requires the President to provide the opportunity for interested parties to present views at a public hearing prior to

taking action pursuant to Section 125(d)(1). Such an opportunity was presented by scheduling such a hearing for September 28, 1981, at the Office of the United States Trade Representative (USTR).

7. I have decided, pursuant to section 125(d)(1) of the Trade Act, to suspend the application of the Agreement insofar as it requires the United States to reduce its duty on bovine leather imports provided for in item 121.61 of the TSUS to free, and to modify the TSUS pursuant to Section 125(c) of the Trade Act to provide a one percent ad valorem column 1 rate of duty on such bovine leather imports.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes of the United States, including Sections 125 and 604 of the Trade Act of 1974 (19 U.S.C. 2135 and 2483), do proclaim that:

(1) The application of the obligation of the United States pursuant to the Agreement to reduce its column 1 rate of duty on certain bovine leather imports to free as implemented by Proclamation 4694, is hereby suspended for and until such time as the USTR makes a determination (published in the **Federal Register**) that Argentina is in compliance with the Agreement or has otherwise granted adequate compensation for the breach thereof.

(2) The column 1 rate of duty applicable to item 121.61 of the TSUS is modified to read "1% ad val." effective as to articles entered, or withdrawn from warehouse for consumption, on or after the third day following the date of publication of this proclamation in the **Federal Register** and until such time as the USTR makes the determination referred to in paragraph (1) above, at which time the column 1 rate of duty would be free.

(3) The modification of the TSUS and the determination made by the USTR under the above paragraphs shall be published in the **Federal Register.**

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

Ronald Reagan

[FR Doc. 81-30818
Filed 10-21-81; 10:41 am]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Gypsy Moth and Browntail Moth Quarantine and Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This document affirms amendments to the gypsy moth and browntail moth quarantine and regulations which quarantined the States of Illinois and Ohio because of the gypsy moth and designated areas in these States as gypsy moth low-risk areas; which designated areas in the quarantined States of Connecticut, Maine, Michigan, New Hampshire, and Vermont as gypsy moth high-risk areas; and which designated areas in the quarantined States of Connecticut, Maine, New Hampshire, New York, Vermont, and Virginia as gypsy moth low-risk areas. These amendments are necessary to help retard the spread of the gypsy moth. The effect of the amendments is to impose restrictions on the interstate movement of gypsy moth regulated articles from such gypsy moth high-risk areas and to provide official notice that restrictions may apply to the movement of gypsy moth regulated articles from such gypsy moth low-risk areas.

EFFECTIVE DATE: October 22, 1981.

FOR FURTHER INFORMATION CONTACT:
T. J. 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, 301–436–8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The amendments affirmed by this document have been determined to be not a "major rule" under Executive Order 12291 and Secretary's Memorandum 1512–1. Based on information compiled by the Department, it has been determined that the amendments will have an annual effect on the economy of approximately $10,000; 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 have a significant adverse effect 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.

Preliminary estimates indicate that the gypsy moth defoliated approximately 12 million acres of trees in 1981 in the United States during the defoliation season. Based on departmental expertise it is estimated that total losses in 1981 due to the gypsy moth exceeded $600 million. There are more than 200 million susceptible forested acres in the United States which are not infested with the gypsy moth. The quarantine and regulations are designed to retard the movement of the gypsy moth into these noninfested areas. It is estimated that without the quarantine and regulations a much larger portion of susceptible forested areas would become infested with the gypsy moth and losses due to the gypsy moth would be significantly higher.

There does not appear to be sufficient personnel or funding to prevent all spread of the gypsy moth. The quarantine and regulations reflect a pest risk concept which concentrates a major percentage of the available resources and manpower for the purpose of enforcing restrictions on the interstate movement of those articles in high-risk areas most likely to artificially spread pests. However, other resources and manpower are available to take action as necessary to impose restrictions on the movement of certain regulated articles from low-risk areas.

This document concerns the quarantining of the States of Illinois and Ohio and the designation of areas in these States as gypsy moth low-risk areas. This document also concerns the designation of areas in the quarantined States of Connecticut, Maine, Michigan, New Hampshire, and Vermont as gypsy moth high-risk areas; and the designation of areas in the quarantined States of Connecticut, Maine, New Hampshire, Vermont, and Virginia as gypsy moth low-risk areas. These actions are part of the overall gypsy moth quarantine program and are necessary to help retard the spread of the gypsy moth. Further, it appears that there is no feasible alternative to consider regarding the requirement that agencies choose the alternative that maximizes net benefits to society at the lowest net cost.

Background

In a document published in the **Federal Register** on May 4, 1979 (44 FR 26089–26113), the Department proposed to revise the gypsy moth and browntail moth quarantine and regulations (7 CFR 301.45 *et seq.*) by adopting a new regulatory management concept based on moth population levels in an area in relation to the potential for artificial spread of the moths with regulated articles; and by quarantining Michigan, North Carolina, South Carolina, Virginia, Washington, West Virginia, and Wisconsin because of the gypsy moth. It was proposed under the new regulatory management concept to impose restrictions on the interstate movement of gypsy moth regulated articles from gypsy moth high-risk areas and to provide criteria for inspectors to impose restrictions on the interstate movement of gypsy moth regulated articles from gypsy moth low-risk areas. Based on the proposal, a final rule was published on March 11, 1980, in the **Federal Register** (45 FR 15505–15521). The final rule added only Michigan, North Carolina, Virginia, and Wisconsin to the list of gypsy moth quarantined States, and adopted the new regulatory management concept with minor changes. In addition to the provisions of the final rule which were based on the proposal, the final rule included provisions not based on the proposal. In this connection, the final rule also amended the quarantine and regulations on an emergency basis by quarantining the States of Illinois and Ohio because of the gypsy moth and designating areas in these States as gypsy moth low-risk

areas; by designating areas in the quarantined States of Connecticut, Maine, Michigan, New Hampshire, and Vermont as gypsy moth high-risk areas; and by designating areas in the quarantined States of Connecticut, Maine, New Hampshire, New York, Vermont, and Virginia as gypsy moth low-risk areas. Based on the reasons set forth in the final rule of March 11, 1980, the emergency amendments in the final rule are affirmed.

In the document of March 11, 1980, interested persons were invited to submit written comments on or before May 12, 1980, concerning the emergency quarantine of Illinois and Ohio because of the gypsy moth, and concerning the emergency designation of areas as gypsy moth high-risk areas or gypsy moth low-risk areas. In response, two written comments were received. One was from a representative of the Ohio Department of Agriculture and the other was from a representative of a public interest organization. The document of March 11, 1980, also included a notice of a public hearing concerning these emergency measures. Pursuant to this notice, a public hearing was held on April 8, 1980, in Toledo, Ohio. Two oral comments were presented at the public hearing. One was presented by representatives of the Illinois Department of Agriculture and the other was presented by a representative of the Ohio Department of Agriculture.

One of the comments at the public hearing was in support of the emergency amendments. The other three comments were in opposition to aspects of the emergency amendments and are discussed below.

A representative of the Ohio Department of Agriculture contended at the public hearing that it was unnecessary to designate areas in Ohio as gypsy moth "low-risk" areas. It was asserted that the risk of gypsy moths being carried out of the low-risk areas on any gypsy moth regulated articles appears to be minimal for the following reasons: the areas concerned are relatively small in size; the gypsy moth population boundaries within each area are well-defined and under close scrutiny by the State's field staff; and residents and property owners within these areas have been contacted and made aware of the situation. No changes are made based on this comment. Under the regulations, restrictions concerning the gypsy moth are imposed on movements of gypsy moth regulated articles from gypsy moth low-risk areas only if it is determined by an inspector that any life stage of the gypsy moth is on the regulated article, and the person in possession of the article has been so notified by an inspector. It is necessary to designate certain areas as gypsy moth "low-risk" areas in order to provide official notice of the likelihood that inspectors may conduct inspections in such areas and that, based on their findings of life stages of gypsy moth, restrictions may apply to the movement of gypsy moth regulated articles from such areas.

Another representative of the Ohio Department of Agriculture asserted in a written comment that Ohio should not be quarantined because of the gypsy moth. This assertion was apparently based on the contention that gypsy moth regulated articles would be allowed to move without restriction from gypsy moth high-risk areas interstate into gypsy moth low-risk areas in Ohio and that this would jeopardize the State's efforts for eradication by the possible reintroduction of gypsy moths after the eradication measures had been taken. It does not appear that this is a valid objection and no changes are made based on this comment. Ohio is completely surrounded by nonregulated areas and gypsy moth regulated articles moving interstate from gypsy moth high-risk areas into or through nonregulated areas are subject to restrictions. Accordingly, gypsy moth regulated articles moving interstate from gypsy moth high-risk areas into gypsy moth low-risk areas in Ohio would first move directly from gypsy moth high-risk areas into nonregulated areas and, therefore, be subject to restrictions.

The public interest organization submitted a written comment concerning various issues, including: the browntail moth; the quarantining of North Carolina, South Carolina, Virginia, Washington, and Wisconsin because of the gypsy moth; and the use of pesticides for eradication of the gypsy month on infested lands. These specified issues do not relate to the amendments which were added to the final rule on an emergency basis, and, therefore, they cannot be considered in this document. In this connection, it should be noted that the document of March 11, 1980, limited the scope of comments to issues relating to the emergency quarantining of Illinois and Ohio because of the gypsy moth, and the emergency designation of areas as gypsy moth high-risk areas or gypsy moth low-risk areas. The public interest organization also commented concerning requests for examination of regulated articles, the definition of the term "defoliation," and deletion of the regulations. These comments do relate to the emergency amendments and, therefore, they are discussed below.

The public interest organization noted that persons desiring to obtain a certificate or limited permit necessary for the movement of a regulated article from a gypsy moth high-risk area might be "amused or indignant" to learn that requests for examination of articles for the issuance of such documents should be made no less than 48 hours before the desired movement of the article. The comment did not suggest a change concerning this procedure and no changes are made based on this comment. In order to issue certificates or limited permits, inspectors in many cases make visits to premises of persons seeking permission to move regulated articles. Certificates or limited permits are also issued based on supervision of treatments by inspectors and inspections of regulated articles at places other than the premises of such persons. The provisions relating to the 48 hour notice are included in order to advise persons desiring to move gypsy moth regulated articles that it could take as much as 48 hours before an inspector would be available to take actions concerning the issuance of a certificate or limited permit.

Also, the public interest organization objected to the definition of the term "defoliation" as used in the regulations. Section 301.45–1(e) provides that "defoliation" occurs "when at least 10 percent of the leaves are stripped from trees in an area by gypsy moth larvae as determined by visual inspection of an inspector." In particular, it was asserted that the ten percent figure is extremely low to form a basis for a determination concerning whether sufficient damage has occurred to trees in order to justify control measures. No changes are made based on this comment. The term "defoliation" as used in the regulations does not relate to damage to trees. Instead it relates to criteria for determining whether restrictions should be imposed on the interstate movement of gypsy moth regulated articles for the purpose of preventing the artificial spread of the gypsy moth. In this connection, the regulations, among other things, impose restrictions on the interstate movement of gypsy moth regulated articles from gypsy moth high-risk areas; and under the regulations there is a basis for designating an area as a gypsy moth high-risk area if an inspector determines that regulated articles exist within or adjacent to an area where "defoliation" has occurred.

In addition, the public interest organization asserted that the gypsy

moth regulations should be deleted because the Department had determined that "it appears that it is not feasible to prevent all spread of the (gypsy moth) pests" (See 45 FR 15507). No changes are made based on this comment. As explained below, the quarantine and regulations are not designed to prevent all spread of the gypsy moth, but are designed to retard the movement of the gypsy moth to noninfested areas.

There does not appear to be sufficient personnel or funding to prevent all spread of the gypsy moth. The quarantine and regulations reflect a pest risk concept which concentrates a major percentage of the available resources and manpower for the purpose of enforcing restrictions on the interstate movement of those articles in high-risk areas most likely to artificially spread the pests. However, other resources and manpower would be made available to take action as necessary to impose restrictions on the movement of certain regulated articles from low-risk areas.

Preliminary estimates indicate that the gypsy moth defoliated approximately 12 million acres of trees in 1981 during the defoliation season. Based on departmental expertise it is estimated that total losses in 1981 due to the gypsy moth exceeded $600 million. There are more than 200 million susceptible forested acres in the United States which are not infested with the gypsy moth. It is estimated that without the quarantine and regulations a much larger portion of susceptible forested areas would become infested with the gypsy moth and losses due to the gypsy moth would be significantly higher. The emergency amendments are part of the overall gypsy moth quarantine program and are necessary to help retard the spread of the gypsy moth.

Under the circumstances referred to above, it has been determined that the emergency provisions should remain effective as published in the **Federal Register** on March 11, 1980.

(Secs. 8 and 9, 37 Stat. 318, as amended, secs. 105 and 106, 71 Stat. 32, 71 Stat. 33; 7 U.S.C. 161, 162, 150dd, 150ee; 37 FR 28464, 28477, as amended; 45 FR 8564, 8565)

Done at Washington, D.C. this 19th day of October 1981.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-30614 Filed 10-21-81; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 686; Valencia Orange Reg. 685, Amdt. 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period October 23–October 29, 1981, and increases the quantity of such oranges that may be so shipped during the period October 16–October 22, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective October 23, 1981, and the amendment is effective for the period October 16–22, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, (202) 447–5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a non-major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. 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 Valencia Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980–81. The marketing policy was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on October 20, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges has improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. § 908.986 is added as follows:

§ 908.986 Valencia Orange Regulation 686.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period October 23, 1981, through October 29, 1981, are established as follows:

(1) District 1: 550,000 cartons;

(2) District 2: Unlimited cartons;

(3) District 3: Unlimited cartons.

2. § 908.985 Valencia Orange Regulation 685 (46 FR 50779), is hereby amended by revising paragraphs (1), (2) and (3) to read:

§ 908.985 Valencia Orange Regulation 685.

* * * * *

(1) District 1: 600,000 cartons;

(2) District 2: Unlimited cartons;

(3) District 3: Unlimited cartons.

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

Dated: October 21, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-30855 Filed 10-21-81; 1:04 pm]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1421

Barley Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR §§ 1421.72–1421.76 (1980-Crop Barley Loan and Purchase Program). Provisions setting forth the availability, maturity of loans, warehouse charges, and loan schedules for barley eligible for price support have been published annually in the **Federal Register** and later codified in the Code of Federal Regulations. These program provisions enable eligible barley producers to receive price support through loans or purchases, with respect to their eligible crop of barley. In order to avoid amending the Code of Federal Regulations each year, the annual crop year data will no longer be codified in the Code of Federal Regulations beginning with loan schedules for 1981-crop barley. The provisions setting forth the loan and purchase rates and discounts will be published annually as a notice in the **Federal Register.** The provisions under the Barley Loan and Purchase Program relating to availability, maturity of loans, and warehouse charges are being deleted from 7 CFR 1421.73–1421.75 and will be added by a separate document to the general regulations governing the barley program appearing at 7 CFR 1421.50–1421.58.

EFFECTIVE DATE: October 22, 1981.

FOR FURTHER INFORMATION CONTACT: Eloise V. Mauck, (202) 447–7923.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum 1521–1 and has been classified as "nonmajor." This final rule has been classified as "nonmajor" since it will not have an annual effect on the economy of $100 million or more.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule.

This rule will not have a major impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A–95 was not used to assure that units of local government are informed of this rule.

Previously, provisions setting forth the availability, maturity of loans, warehouse charges, and loan schedules were published annually in the **Federal Register** as final rules. The same data was later codified in the Code of Federal Regulations. Effective with th 1981 crop of barley, loan and purchase rates and discounts will be published annually as a notice in the **Federal Register.** Also, provisions relating to loan availability, loan maturity dates, and warehouse charges will be codified by a separate document in the general provisions governing the Barley Loan and Purchase Program. Since this rule makes no substantive change but merely deletes certain provisions from the Code of Federal Regulations, it has been determined that no further public rulemaking is required. The provisions previously appearing at 7 CFR 1421.72–1421.76 shall remain applicable to the respective crop years.

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

§§ 1421.72–1421.76 [Removed]

Accordingly, the regulations at 7 CFR 1421.72 through 421.76 (1980-Crop Barley Loan and Purchase Program) are hereby removed from the Code of Federal Regulations.

(Secs. 4, 5, Pub. L. 80–89, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 105A, 401, Pub. L. 81–439, 63 Stat. 1051, as amended (7 U.S.C. 1444c, 1421))

Signed at Washington, D.C., on October 15, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-30628 Filed 10-21-81; 8:45 am]

BILLING CODE 3410-05-M

7 CFR Part 1421

Corn Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1421.111–1421.115 (1980-Crop Corn Loan and Purchase Program). Provisions setting forth the availability, maturity of loans, warehouse charges, and loan schedules for corn eligible for price support have been published annually in the **Federal Register** and later codified in the Code of Federal Regulations. These program provisions enable eligible corn producers to receive price support through loans or purchases, with respect to their eligible crop of corn. In order to avoid amending the Code of Federal Regulations each year, the annual crop year data will no longer be codified in the Code of Federal Regulations beginning with loan schedules for 1981-crop corn. The provisions setting forth the loan and purchase rates, premiums, and discounts will be published annually as a notice in the **Federal Register.** The provisions under the Corn Loan and Purchase Program relating to availability, maturity of loans, and warehouse charges are being deleted from 7 CFR 1421.112–1421.114 and will be added by a separate document to the general regulations governing the corn program appearing at 7 CFR 1421.90–1421.98.

EFFECTIVE DATE: October 22, 1981.

FOR FURTHER INFORMATION CONTACT: Thomas Fink, (202) 447–7923.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum 1521–1 and has been classified as "nonmajor." This final rule has been classified as "nonmajor" since it will not have an annual effect on the economy of $100 million or more.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule.

This rule will not have a major impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A–95 was not used to assure that units of local government are informed of this rule.

Previously, provisions setting forth the availability, maturity of loans, warehouse charges, and loan schedules were published annually in the **Federal Register** as final rules. The same data was later codified in the Code of Federal Regulations. Effective with the 1981 crop of corn, loan and purchase rates, premiums, and discounts will be published annually as a notice in the **Federal Register.** Also, provisions relating to loan availability, loan maturity dates, and warehouse charges will be codified by a separate document in the general provisions governing the Corn Loan and Purchase Program. Since this rule makes no substantive change but merely deletes certain provisions from the Code of Federal Regulations, it has been determined that no further public relemaking is required. The provisions previously appearing at 7

CFR 1421.111–1421.115 shall remain applicable to the respective crop years.

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

§ 1421.111–1421.115 [Removed]

Accordingly, the regulations at 7 CFR 1421.111 through 1421.115 (1980-Crop Corn Loan and Purchase Program) are hereby removed from the Code of Federal Regulations.

(Secs. 4, 5, Pub. L. 80–89, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 105A, 401, Pub. L. 81–439, 63 Stat. 1051, as amended (7 U.S.C. 1444c, 1421))

Signed at Washington, D.C. on October 15, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-30627 Filed 10-21-81; 8:45 am]

BILLING CODE 3410-05-M

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7 CFR Part 1421

Rye Loan and Purchase Program

AGENCY: Commodity Credit Corporation.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1421.350–1421.354 (1980-Crop Rye Loan and Purchase Program). Provisions setting forth the availability, maturity of loans, warehouse charges, and loan schedules for rye eligible for price support have been published annually in the **Federal Register** and later codified in the Code of Federal Regulations. These program provisions enable eligible rye producers to receive loans and purchases with respect to their eligible crop of rye. In order to avoid amending the Code of Federal Regulations each year, the annual crop year data will no longer be codified in the Code of Federal Regulations beginning with loan schedules for 1981-crop rye. The provisions setting forth the loan and purchase rates, premiums, and discounts will be published annually as a notice in the **Federal Register.** The provisions under the Rye Loan and Purchase Program relating to availability, maturity of loans, and warehouse charges are being deleted from 7 CFR 1421.351–1421.353 and will be added by a separate document to the general regulations governing the rye program appearing at 7 CFR 1421.335–1421.343.

EFFECTIVE DATE: October 22, 1981.

FOR FURTHER INFORMATION CONTACT: Celestine Ware, (202) 447–7923.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum 1521–1 and has been classified as "nonmajor." This final rule has been classified as "nonmajor" since it will not have an annual effect on the economy of $100 million or more.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule.

This rule will not have a major impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A–95 was not used to assure that units of local government are informed of this rule.

Previously, provisions setting forth the availability, maturity of loans, warehouse charges, and loan schedules were published annually in the **Federal Register** as final rules. The same data was later codified in the Code of Federal Regulations. Effective with the 1981 crop of rye, loan and purchase rates, premiums, and discounts will be published annually as a notice in the **Federal Register.** Also, provisions relating to loan availability, loan maturity dates, and warehouse charges will be codified by a separate document in the general provisions governing the Rye Loan and Purchase Program. Since this rule makes no substantive change but merely deletes certain provisions from the Code of Federal Regulations, it has been determined that no further public rulemaking is required. The provisions previously appearing at 7 CFR 1421.350–1421.354 shall remain applicable to the respective crop years.

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

§ 1421.350–1421.354 [Removed]

Accordingly, the regulations at 7 CFR 1421.350 through 1421.354 (1980-Crop Rye Loan and Purchase Program) are hereby removed from the Code of Federal Regulations.

(Secs. 4, 5, Pub. L. 80–89, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 105A, 401, Pub. L. 81–439, 63 Stat. 1051, as amended (7 U.S.C. 1444c, 1421))

Signed at Washington, D.C. on October 15, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-30624 Filed 10-21-81; 8:45 am]

BILLING CODE 3410-05-M

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7 CFR Part 1421

Sorghum Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1421.235–1421.239 (1980-Crop Sorghum Loan and Purchase Program). Provisions setting forth the availability, maturity of loans, warehouse charges, and loan schedules for sorghums eligible for price support have been published annually in the **Federal Register** and later codified in the Code of Federal Regulations. These program provisions enable eligible sorghum producers to receive price support through loans or puchases, with respect to their eligible crop of sorghum. In order to avoid amending the Code of Federal Regulations each year, the annual crop year data will no longer be codified in the Code of Federal Regulations beginning with loan schedules for 1981-crop sorghum. The provisions setting forth the loan and purchase rates and discounts will be published annually as a notice in the **Federal Register.** The provisions under the Sorghum Loan and Purchase Program relating to availability, maturity of loans, and warehouse charges are being deleted from 7 CFR 1421.236–1421.238 and will be added by a separate document to the general regulations governing the sorghum program appearing at 7 CFR 1421.210–1421.218.

EFFECTIVE DATE: October 22, 1981.

FOR FURTHER INFORMATION CONTACT: W. W. Beesley, (202) 447–7923.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum 1521–1 and has been classified as "nonmajor." This final rule has been classified as "nonmajor" since it will not have an annual effect on the economy of $100 million or more.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule.

This rule will not have a major impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A–95 was not used to assure that units of local government are informed of this rule.

Previously, provisions setting forth the availability, maturity of loans, warehouse charges, and loan schedules were published annually in the **Federal Register** as final rules. The same data was later codified in the Code of Federal Regulations. Effective with the 1981 crop of sorghum, loan and purchase rates and discounts will be published annually as a notice in the **Federal Register.** Also, provisions relating to loan availability, loan maturity dates, and warehouse charges will be codified by a separate document in the general provisions governing the Sorghum Loan and Purchase Program. Since this rule makes no substantive change but merely deletes certain provisions from the Code of Federal Regulations, it has been determined that no further public rulemaking is required. The provisions previously appearing at 7 CFR 1421.235–1421.239 shall remain applicable to the respective crop years.

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

§§ 1421.235–1421.239 [Removed]

Accordingly, the regulations at 7 CFR 1421.235 through 1421.239 (1980-Crop Sorghum Loan and Purchase Program) are hereby removed from the Code of Federal Regulations.

(Secs. 4, 5, Pub. L. 80–89, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 105A, 401, Pub. L. 81–439, 63 Stat. 1051, as amended (7 U.S.C. 1444c, 1421))

Signed at Washington, D.C. on October 15, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-30623 Filed 10-21-81; 8:45 am]

BILLING CODE 3410-05-M

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7 CFR Part 1421

Soybean Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1421.390–1421.394 (1980-Crop Soybean Loan and Purchase Program). Provisions setting forth the availability, maturity of loans, warehouse charges, and loan schedules for soybeans eligible for price support have been published annually in the **Federal Register** and later codified in the Code of Federal Regulations. These program provisions enable eligible soybean producers to receive loans and purchases with respect to their eligible crop of soybeans. In order to avoid amending the Code of Federal Regulations each year, the annual crop year data will no longer be codified in the Code of Federal Regulations beginning with loan schedules for 1981-crop soybeans. The provisions setting forth the loan and purchase rates, premiums, and discounts will be published annually as a notice in the **Federal Register.** The provisions under the Soybean Loan and Purchase Program relating to availability, maturity of loans, and warehouse charges are being deleted from 7 CFR 1421.391–1421.393 and will be added by a separate document to the general regulations governing the soybean program appearing at 7 CFR 1421.365–1421.373.

EFFECTIVE DATE: October 22, 1981.

FOR FURTHER INFORMATION CONTACT:
Thomas Fink, (202) 447–7923.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in accordance with Executive Order 12291 and Secretary's Memorandum 1521–1 and has been classified as "nonmajor." This final rule has been classified as "nonmajor" since it will not have an annual effect on the economy of $100 million or more.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since Commodity Credit Corporation is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule.

This rule will not have a major impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A–95 was not used to assure that units of local government are informed of this rule.

Previously, provisions setting forth the availability, maturity of loans, warehouse charges, and loan schedules were published annually in the **Federal Register** as final rules. The same data was later codified in the Code of Federal Regulations. Effective with the 1981 crop of soybeans, loan and purchase rates, premiums, and discounts will be published annually as a notice in the **Federal Register.** Also, provisions relating to loan availability, loan maturity dates, and warehouse charges will be codified by a separate document in the general provisions governing the Soybean Loan and Purchase Program. Since this rule makes no substantive change but merely deletes certain provisions from the Code of Federal Regulations, it has been determined that no further public rulemaking is required. The provisions previously appearing at 7 CFR 1421.390–1421.394 shall remain applicable to the respective crop years.

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

§§ 1421.390–1421.394 [Removed]

Accordingly, the regulations at 7 CFR 1421.390 through 1421.394 (1980-Crop Soybean Loan and Purchase Program) are hereby removed from the Code of Federal Regulations.

(Secs. 4, 5, Pub. L. 80–89, 62 Stat. 1070, as amended (15 U.S.C. 714b, 714c); secs. 201, 401, Pub. L. 81–439, 63 Stat. 1051, as amended (7 U.S.C. 1446, 1421))

Signed at Washington, D.C. on October 15, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-30622 Filed 10-21-81; 8:45 am]

BILLING CODE 3410-05-M

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7 CFR Part 1434

Honey Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 1434.40–1434.44 (Honey Loan and Purchase Program). The availability, maturity of loans, and loan schedules for honey eligible for price support have been published each year in the **Federal Register** and later codified in the Code of Federal Regulations. In order to avoid amending the Code of Federal Regulations each year, the annual crop year data will no longer be codified in the Code of Federal Regulations beginning with loan schedules for 1981-crop honey. The loan and purchase rates and discounts will be published in the **Federal Register** in the notice section. Provisions governing the availability and maturity of loans will be added to the continuing regulations for honey appearing at §§ 1434.1–1434.35.

EFFECTIVE DATE: October 22, 1981.

FOR FURTHER INFORMATION CONTACT:
W. W. Beesley, (202) 447–7923.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." This final rule has been classified as "not major" since it will not have an annual effect on the economy of $100 million or more. It has been determined that the Regulatory Flexibility Act is not applicable to this rule since Commodity Credit

Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Previously, availability, maturity of loans, and loan schedules were published in the **Federal Register** as final rules. The same data was later codified in the Code of Federal Regulations. Effective with the 1981 crop of honey, loan and purchase rates and discounts will appear as a notice in the **Federal Register**. Since this rule makes no substantive change but merely deletes the unnecessary publication of loan schedules in the Code of Federal Regulations, it is hereby determined that no further public rulemaking is required. The provisions relating to the availability and maturity of loans will be added to the continuing regulations for honey found at 7 CFR 1434.1–1434.35. The material previously appearing at 7 CFR 1434.40–1434.44 shall remain applicable to the crop year to which it was applicable.

PART 1434—HONEY

§§ 1434.40–1434.44 [Removed]

Accordingly, the regulations appearing at 7 CFR 1434.40–1434.44 (Honey Loan and Purchase Program) are hereby removed from the Code of Federal Regulations.

(Secs. 4, 5, 62 Stat. 1070, 1072, as amended (15 U.S.C. 714b and c); secs. 201, 401, 63 Stat. 1052, 1054 (7 U.S.C. 1446, 1421))

Signed at Washington, D.C. on October 15, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-30625 Filed 10-21-81; 8:45 am]

BILLING CODE 3410-05-M

Packers and Stockyards Administration

9 CFR Part 201

Federal Seed Act Regulations; Definitions

Correction

In FR Doc. 81–29631 appearing at page 50510 in the issue for Wednesday, October 14, 1981, make the following correction:

On page 50510, in the third column, the part heading for Part 201 should have read as follows:

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

BILLING CODE 1505-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 0

Conduct of Employees; Post-Employment Restrictions

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations on the conduct of employees in order to bring the section placing post-employment restrictions on former NRC employees into conformity with the post-employment restrictions of the Ethics in Government Act of 1978, as amended. It has also adopted several other minor amendments and nomenclature changes to its regulations on the conduct of employees.

EFFECTIVE DATE: October 22, 1981.

FOR FURTHER INFORMATION CONTACT: Trip Rothschild, Esq., Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (202–634–1465).

SUPPLEMENTARY INFORMATION: The Ethics in Government Act of 1978 imposed new post-employment restrictions on agency personnel. The present regulations, 10 CFR 0.735–26, are based on 1962 legislation which has been superseded by that Act. The changes will bring NRC's regulations into conformity with the Ethics in Government Act. In addition, the Commission has adopted several minor amendments and nomenclature changes to 10 CFR Part 0.

Because the amendments involve matters relating to agency management and personnel, good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary and for making the rules effective upon October 22, 1981.

Paperwork Reduction Act Statement

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96–511, 94 Stat. 2812, are not applicable to this final rule because the final rule does not contain any new or amended requirements for recordkeeping, reporting, plans or procedures, applications, or any other type of information collection.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, notice is hereby given that the following amendments to 10 CFR Part 0 are published as a document subject to codification.

PART 0—CONDUCT OF EMPLOYEES

1. The authority citation for Part 0 is revised to read as follows:

Authority: The provisions of this Part 0 issued under E.O. 11222, May 8, 1965, 3 CFR, 1964–1965 Comp. at pp. 306–311; 5 CFR 735.104; Sec. 201(f), Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 5841(f)). Sec. 0.735–26 also issued under Title V of the Ethics in Government Act of 1978, as amended, secs. 501 and 502, Pub. L. 95–521, 92 Stat. 1864–1867, as amended by secs. 1 and 2, Pub. L. 96–28, 93 Stat. 76–77 (18 U.S.C. 207).

2. The Table of Contents to Part 0 is amended by revising the entry for Annex A to read:

* * * * *

Annex A—Code of Ethics for Government Service

* * * * *

3. In § 0.735–3, paragraphs (a)(3), (d)(2), (e)(5) and (h)(2) are revised and paragraph (a)(9) is added to read as follows:

§ 0.735–3 Responsibilities and authorities.

(a) * * *

(3) Be guided in all their activities by the Code of Ethics for Government Service (Annex A).

* * * * *

(9) Report to the Director of their Office all allegations or indications of misconduct, including fraud, graft, corruption, and diversion of NRC assets by NRC or contract employees; however, when the exigencies of the circumstances dictate, employees may make such reports directly to the Office of Inspector and Auditor.

* * * * *

(d) * * *

(2) Report to the Office of Inspector and Auditor all complaints concerning fraud, graft, corruption, diversion of NRC assets by NRC employees or contractors, and misconduct of NRC employees; take action as a result of investigations; and report on action taken, as provided in NRC Manual Chapter 0702, "Notification and Investigation of Misconduct."

* * * * *

(e) * * *

(5) Has available for review by employees and special Government employees, as appropriate, copies of

laws, Executive Order 11222, NRC regulations, and pertinent Office of Personnel Management regulations and instructions relating to ethical and other conduct.

* * * * *

(h) * * *

(2) Serves as NRC's designee to the Office of Personnel Management on matters covered by this part.

* * * * *

3. In § 0.735–20, paragraph (d) is revised to read as follows:

§ 0.735–20 General.

* * * * *

(d) An employee, including a Special Government employee, is not precluded from having a financial interest or engaging in financial transactions to the same extent as a private citizen not employed by the Government so long as it is not prohibited by the law, Executive Order 11222, Office of Personnel Management regulations, or the regulations in this part.

* * * * *

4. Section 0.735–26 is revised to read as follows:

§ 0.735–26 Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners of current officers and employees (based on 18 U.S.C. 207).

(a) No employee, after terminating NRC employment, shall knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States) in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to:

(1) any department, agency, court, courtmartial, or any civil, military or naval commission of the United States or the District of Columbia, or any officer or employee thereof, and

(2) in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties in which the United States or the District of Columbia is a party or has a direct and substantial interest, and

(3) in which the individual participated personally and substantially as an employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, while so employed.

(b)(1) No employee shall, within two years after terminating NRC employment, knowingly act as agent or attorney for, or otherwise represent, any other person (except the United States), in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication on behalf of any other person (except the United States) to:

(i) any department, agency, court, courtmartial, or any civil, military or naval commission of the United States or the District of Columbia, or any officer or employer thereof, and

(ii) in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in which the United States or the District of Columbia is a party or has a direct and substantial interest, and

(iii) which was actually pending under the individual's official responsibility as an employee within a period of one year prior to the termination of such responsibility.

(2) No employee shall, within two years after terminating NRC employment, as specified in paragraph (d) of this section, knowingly represent, or aid, counsel, advise counsel or assist in representing any other person (except the United States) by personal presence at any formal or informal appearance before:

(i) any department, agency, court, courtmartial, or any civil, military or naval commission of the United States or the District of Columbia, or any officer or employer thereof, and

(ii) in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest or other particular matter involving a specific party or parties in which the United States or the District of Columbia is a party or has a direct and substantial interest, and

(iii) in which the individual participated personally and substantially as an employee.

(c) No employee, other than a special Government employee who serves for less than sixty days in a given calendar year, having been employed as specified in paragraph (d) of this section, shall, within one year after termination of NRC employment, knowingly act as agent or attorney for, or otherwise represent, anyone other than the United States in any formal or informal appearance before, or, with the intent to influence, make any oral or written communication on behalf of anyone other than the United States, to:

(1) the Nuclear Regulatory Commission, and

(2) in connection with any judicial, rulemaking, or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter, and

(3) which is pending before the Commission or in which the Commission has a direct and substantial interest.

(d)(1) Paragraph (c) of this section applies to a person employed:

(i) at a rate of pay specified in or fixed according to Subchapter II of Chapter 53 of Title 5, United States Code, or a comparable or greater rate of pay under other authority, or

(ii) in a position which involves significant decision-making or supervisory responsibility, as designated by the Director of the Office of Government Ethics, in consultation with the Commission. Only positions for which the basic rate of pay for GG–17 of the General Schedule prescribed by section 5332 of Title 5, United States Code, or positions which are established within the Senior Executive Service pursuant to the Civil Service Reform Act of 1978 may be designated.

(2) The prohibition of paragraph (c) of this section shall not apply to appearances, communications, or representation by a former employee, who is:

(i) an elected official of a State or local government, or

(ii) whose principal occupation or employment is with (A) an agency or instrumentality of a State or local government, (B) an accredited, degree-granting institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, or (C) a hospital or medical research organization, exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1954, and the appearance, communication, or representation is on behalf of such government, institution, hospital, or organization.

(e) The prohibitions of paragraphs (a), (b), and (c) of this section shall not apply with respect to the making of communications solely for the purpose of furnishing scientific or technological information under procedures acceptable to the Commission, or if the Commissioners, in consultation with the Director of the Office of Government Ethics, make a certification, published in the **Federal Register**, that the former employee has outstanding qualifications in a scientific, technological, or other technical discipline, and is acting with

respect to a particular matter which requires such qualifications, and that the national interest would be served by the participation of the former officer or employee.

(f) A partner of an NRC employee, including a special government employee, shall not act as agent or attorney for anyone other than the United States before any department, agency, court, court-martial, or any civil, military, or naval commission of the United States or the District of Columbia, or any officer or employee thereof, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter in which the United States or District of Columbia is a party or has a direct and substantial interest, and in which such employee participates or has participated personally and substantially as an employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of his official responsibility.

(g) Nothing in this section shall prevent a former employee from giving testimony under oath, or from making statements required to be made under penalty of perjury.

(h) The prohibition contained in paragraph (c) of this section shall not apply to appearances or communications by a former employee concerning matters of a personal and individual nature, such as personal income taxes or pension benefits; nor shall the prohibition of that subsection prevent a former employee from making or providing a statement, which is based on the former employee's own special knowledge in the particular area that is the subject of the statement, provided that no compenstion is thereby received, other than that regularly provided for by law or regulation for witnesses.

(i) If the Commission finds, after notice and opportunity for a hearing, that the former employee violated paragraph (a), (b), or (c) of this section, the Commission may prohibit that person from making on behalf of any other person (except the United States), any informal or formal appearance before, or, with the intent to influence, any oral or written communication to, the Commission on a pending matter of business for a period not to exceed five years, or may take other appropriate disciplinary action. Such disciplinary action shall be subject to review in an appropriate United States district court. The Commission's procedures for implementing this subsection are contained in NRC Manual Chapter 4124.

(j) The Office of Personnel Management has promulgated detailed regulations explaining and interpreting the post-employment regulations set forth in this section. See 5 Code of Federal Regulations Part 737.

5. In § 0.735–28, paragraph (g) is revised to read as follows:

§ 0.735–28 Confidential Statement of Employment and Financial Interests.

* * * * *

(g) *Availability of review.* Any employee who believes that his position has been improperly included under this section as one requiring the submission of a statement of employment and financial interests may submit a grievance. A non-bargaining unit employee must use the grievance procedure in NRC Manual Chapter 4157 for review of the complaint. A bargaining unit employee must use the grievance procedure negotiated with the National Treasury Employees Union.

In § 0.735–30, paragraphs (i), (k), (q) and (x) are revised to read as follows:

§ 0.735–30 Description of statutory provisions.

* * * * *

(i) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918). (See also NRC Manual Chapter 4121, "Oath of Office" and NRC Manual Chapter 4166, "Labor-Management Relations Program for Federal Employees.")

* * * * *

(k) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

* * * * *

(q) The prohibition against embezzlement of Government money or property (18 U.S.C. 641). (See also NRC Manual Chapter 5201, "Personal Property Management.")

* * * * *

(x) The Code of Ethics for Government Service (5 U.S.C. 7301).

7. In § 0.735–40, paragraph (d) is revised to read as follows:

§ 0.735–40 Outside employment and other outside activity.

* * * * *

(d) Employees are encouraged to engage in teaching, lecturing, and writing that is not prohibited by law, Executive Order 11222, Office of Personnel Management regulations, or the regulations in this part. However, an employee shall not, either for or without compensation, engage in teaching, lecturing, or writing, including teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Office of Personnel Management or Board of Examiners for the Foreign Service, that is dependent on information obtained as a result of his Government employment, except when that information has been made available to the general public or will be made available on request, or when the Executive Director for Operations has given written authorization for the use of nonpublic information on the basis that the use is in the public interest.

* * * * *

8. Section 0.735–45 is revised to read as follows:

§ 0.735–45 Employee indebtedness.

Except as provided in § 0.735–42(d), the NRC considers the credit affairs of its employees essentially their own concern. However, employees are expected to conduct their credit affairs in a manner which does not reflect adversely on the Government as their employer. The NRC will not be placed in the position of acting as a collection agency for private debts or of determining the validity or amount of contested debts to private concerns. An employee is expected to pay each just financial obligation in a proper and timely manner, especially one imposed by law such as Federal, State, or local taxes. Failure on the part of an employee without good reason to honor just financial obligations or to make or adhere to satisfactory arrangements for settlement may be cause for disciplinary action. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which NRC determines does not, under the circumstances, reflect adversely on the Government as the individual's employer.

9. Annex A to Part 0 is revised to read as follows:

Annex A—Code of Ethics for Government Service (5 U.S.C. 7301)

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

2. Uphold the Constitution, laws, and legal Regulations of the United States and of all governments therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to

anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that public office is a public trust.

Signed this 8th day of October 1981, at Bethesda, Maryland.

For The Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-30631 Filed 10-21-81; 8:45 am]

BILLING CODE 7590-01-M

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10 CFR Parts 2, 50, 70, and 73

Protection of Unclassified Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to require NRC licensees and other persons to protect unclassified safeguards information against unauthorized disclosure. The rule establishes requirements and sets forth conditions to be applied by NRC licensees and other persons for the protection of unclassified Safeguards Information for operating power reactors, spent fuel shipments, and activities involving formula quantities of strategic special nuclear material.

EFFECTIVE DATE: October 22, 1981 for §§ 2.744(e), 2.790(d)(1), 73.2 (jj) and (ll), and 73.21 (a), (b) and (c)(1). All remaining sections will be effective on January 20, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. Donald J. Kasun, Physical Security Licensing Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Phone 301-427-4010.

SUPPLEMENTARY INFORMATION:

Background

On December 29, 1980, the Nuclear Regulatory Commission published for comment a proposed rule that would prohibit the unauthorized disclosure of certain safeguards information by NRC licensees or other persons (45 FR 85459). The proposed rule was published in response to the provisions of a new section 147, SAFEGUARDS INFORMATION of the Atomic Energy Act, as amended. Public comment on the proposed rule was received from forty-five groups and organizations as follows:

Power Reactor Licensees	19
Fuel cycle licensees	6
Nuclear service companies	7
States	5
Law firms	3
Associations	2
Other government agencies	2
Private citizens	1

There were no comments received from public interest groups or organizations.

Extensive revisions have been made to the rule as a result of the comments received. The most significant revisions include:

Excluding from the scope of the rule activities involving less than a formula quantity of strategic special nuclear material (except for spent fuel shipments).

Deleting limit of error of inventory difference (LEID) information from the rule.

Adding guard qualification and training plans as items considered to be Safeguards Information (those portions that disclose facility safeguards features).

Deeming information protection systems used by State and local police force adequate to meet regulatory requirements.

Rephrasing § 2.790(d)(1).

Not requiring the marking of documents more than one year old stored by licensee contractors. Such documents would be marked if and when taken from storage for use.

A. *Discussion of Comments Resulting in Changes to Proposed Rule*

(1) *Reduction in the Scope of Application*—A number of commenters suggested that physical protection information for facilities that possess only special nuclear material of low strategic significance (Category III) be deleted from the rule considering the small potential hazard of such materials. Commenters also suggested that this type of information when in the hands of the NRC be withheld from public disclosure as commercially valuable (proprietary) information.

The Commission agrees with both points. The original determination of scope was based on the assumption that appropriate information pertinent to all facilities and special nuclear materials required to be protected under 10 CFR Part 73 should be included in the proposed rule. Upon further review the Commission has concluded that applicability should be more closely related to the "significant adverse effect on the health and safety" standard contained in Section 147 of the Atomic Energy Act, as amended. Accordingly, the scope of the rule has been reduced to apply only to those facilities, nuclear materials, or transport activities for which there exists significant potential for harm to the public health and safety if the nuclear materials or facilities involved are intentionally misused or damaged. Therefore, Safeguards Information is limited to information regarding the physical protection of:

All activities involving formula quantities of strategic special nuclear material, both irradiated and unirradiated (most of the physical protection information for activities involving a formula quantity of *unirradiated* strategic special nuclear material would be classified as National Security Information under 10 CFR Part 95),

Operating power reactors, and

Spent fuel shipments (but not routes and quantities).

This separation is generally consistent with the overall NRC Policy of graded safeguards. The activities that remain under the rule (with certain minor exceptions such as non-power reactors) require protection by armed guards, whereas the activities deleted do not. Appropriate paragraphs of § 73.21 have been modified to reflect this scope change. In regard to the second point, the Commission has determined generically that information concerning a licensee's or applicant's material control and accounting or physical security program for special nuclear material, not otherwise covered by specific statutory exemptions, is commercial or financial information for purposes of Freedom of Information Act (5 U.S.C. 552) (FOIA) requests. In order to reduce both the licensee's and the Commission's administrative burden associated with licensees applying for a withholding determination for each item of such information submitted to the NRC under 10 CFR 2.790(b)(1), 10 CFR 2.790(d)(1) has been amended to deem such information confidential commercial information under exemption (4) of the FOIA. This continues in effect present procedures for such information.

Nine commenters supported the retention and/or expansion of § 2.790(d)(1) as an appropriate method

for withholding material control and accounting and physical security information not considered to be Safeguards Information. There were no comments to the contrary.

(2) *Deletion of Limit of Error of Inventory Difference (LEID) Information*—A large number of commenters recommended the deletion of LEID information for low enriched uranium fabrication facilities on the basis that this information would not be very valuable to a diverter attempting to steal material within the limits of a statistical alarm threshold.

The Commission agrees and LEID information has been deleted from the rule (LEID information for activities involving formula quantities of strategic special nuclear material would still be classified under Part 95).

(3) *Addition of Guard Qualification and Training Plans to the Rule*—Ten comments were received on this matter, the most for any item. Commenters stated that guard qualification and training plans contained, among other things, site specific response procedures and descriptions of facility safeguards features. A review of several such plans received by the NRC disclosed that while some plans were so general that they could not be considered Safeguards Information, others contained specific information that should be protected. The rule has been amended to include those *portions* of guard qualification and training plans that disclose site specific features of the physical protection system.

(4) *Grandfathering*—Comments pointed out that certain organizations (e.g. architect/engineering firms) may have very large quantities of old documents that qualify as Safeguards Information but are rarely removed from storage. They suggested that this information be exempted or at least given special consideration. The Commission agrees with this suggestion in part and has amended the rule to require marking of documents more than one year old only when they are removed from storage. Storage, protection and access requirements however, would still apply. Documents containing Safeguards Information located at the operating facility would have to be marked regardless of age.

(5) *"As Built" Drawings*—Some commenters suggested that all revisions of drawings, not just the final, be considered as Safeguards Information. Other commenters suggested that preliminary design and construction drawings be specifically excluded from the rule. The Commission believes there is some merit in both suggestions. Accordingly, the rule has been changed to indicate that any drawing or document that substantially represents the final design of the physical security system would have to be protected. This change eliminates the need to control much of the initial information, such as requests for bids, but still requires protection of documents that are only slightly different from the final version.

(6) *Vital Area Identification and Location*—Several commenters noted that the proposed rule might be interpreted as requiring protection of information already in public documents, such as in the FSAR, specifically in regard to drawings that show locations of safety related equipment. The rule was therefore revised to indicate that only drawings or documents that explicitly identify items of safety-related equipment as vital for purposes of physical protection are required to be protected. (Note that the content of Appendix E has now been incorporated into the text of the rule at paragraph § 73.21(b).) Other than as above, engineering and construction drawings that show the locations of safety-related equipment are not considered Safeguards Information.

(7) *Acceptability of Present Protection Systems*—Several commenters suggested that specific physical protection requirements not be included in the existing rule but that licensee or State standard procedures be accepted instead. The Commission has concluded, based on frequent NRC staff contacts, that State and local police forces protect information in a way that is equivalent to the rule requirements. Accordingly, the rule has been revised to deem State and local police information protection procedures acceptable. In regard to NRC licensees that fall into the scope of the rule, the Commission has concluded that without formal requirements there would be no assurance of uniformity, consistency or an adequate level of protection across the industry. As evidenced by the comments received, there is considerable divergence of opinion as to what constitutes a minimum acceptable level.

(8) *Other Minor Changes*—Based primarily on comments received, additional rule changes have been made to:

Permit Safeguards Information to be transported by any individual authorized access under the rule.

Show that matter other than documents may contain Safeguards Information.

Allow use of ADP systems by contractors of licensees.

Indicate that non-security related orders and procedures for guards need not be protected.

Limit off-site communication information that needs to be protected to communications used for security purposes.

Show that portions of any correspondence that contains Safeguards Information would have to be protected.

Remove from the rule and place in guidance documents many of the detailed requirements relative to marking, transmission, and destruction of documents that contain Safeguards Information.

Note in § 2.744(e) the applicability of criminal sanctions, as well as civil penalties, for violations of Board orders pertaining to Safeguards Information.

B. *Discussion of Comments Not Accepted By the Commission*

(1) *Protection During Agency Proceedings*—The adequacy of proposed 10 CFR 2.744(e) was questioned by law firm commenters representing licensees. The amendment as proposed would confirm a presiding officer's authority to issue appropriate protective orders whenever protected Safeguards Information is required in an adjudicatory hearing. The amendment was seen by the Commission as the minimum restriction needed to protect the health and safety of the public or the common defense and security in the context of adjudicatory hearings pursuant to section 147a of the Atomic Energy Act of 1954, as amended (the Act), and to impose the minimum impairment of procedural rights, as required by section 181 of the Act. The amendment makes it clear that the physical protective measures and need to know standards of proposed § 73.21 would apply to Safeguards Information in adjudicatory hearings.

First, the commenters note correctly, but as a shortcoming, that § 2.744(e) applies only to agency records and not to Safeguards Information possessed only by an applicant, licensee, or contractor. A second objection was that the proposed § 2.774(e) gives relatively weak authority to the licensing boards to prevent disclosure by intervenors and their lawyers. The commenter asserted that some showing of reliability should be required of such persons before Safeguards Information is disclosed. Third, the commenters stated that the proposed regulation gives inadequate guidance to the licensing boards on the kind of protection intervenors should be required to give to Safeguards Information. The commenters suggest that the restrictions used in the Diablo Canyon case be adopted. See *Pacific Gas and Electric Co.* (Diablo Canyon Nuclear Power Plant Units 1 and 2)

ALAB-600, 12 NRC 3 (1980). Finally, the commenters suggest that the possibility of criminal sanctions, as well as of civil penalties, be noted for violations of Board orders pertaining to Safeguards Information.

In response to these comments the Commission has made one change to proposed § 2.744(e). That change notes the applicability of criminal sanctions by stating, for the purpose of section 223 of the Act, that any order issued pursuant to § 2.744(e) with respect to Safeguards Information be considered an order issued pursuant to section 161b. of the AE Act. This is in accord with section 147b. of the Act.

The Commission believes the other comments should not be adopted. It was not the intention of the Commission to place any restrictions on discovery by intervenors, or to write any special rules chilling intervenors' rights, such as a screening requirement not applicable to all parties. Not only would such rules be discriminatory, but also would be contrary to sections 181 and 147a of the Act. This Commission cannot presume beforehand that intervenors and their counsel are any-the-less trustworthy than the staff or applicant and their counsel.

The minimum protection required for Safeguards Information is stated in proposed § 73.21. The requirements there apply to intervenors and their counsel as well as to the applicant or licensee. Section 2.744(e) allows a Board to go further, if, in its judgment after hearing all relevant arguments, the circumstances warrant it. This Commission needless to say, has confidence in the ability of its Boards to exercise sound judgment in the exercise of their discretion under § 2.744(e), and therefore at this time declines to write any special rules for the guidance of the Boards as to the extra measures they may require for the protection of Safeguards Information in adjudicatory hearings.

With respect to the protective measures used by the Boards in the Diablo Canyon case and their potential general applicability, the Commission notes that those conditions are involved in a review of the Diablo Canyon hearing by an Atomic Safety and Licensing Appeal Board. The Appeal Panel has informed the Commission that it would like to make some suggestions regarding the handling of Safeguards Information in adjudicatory hearings but feels constrained not to do so until the Diablo Canyon adjudication is finished. The Commission believes that the suggestions of the Appeal Panel will be most useful in determining if restrictions on intervenor's rights of discovery of Safeguards Information should be inserted into the agency's rules as the commenters request.

For this reason also, the Commission will defer to a later time the decision whether it should stipulate any further guidance or rules for how the licensing boards should write protective orders to protect Safeguards Information. At this time the Commission believes that its opinion and those of the Boards provide adequate guidance. See, *Pacific Gas and Electric Co.* (Diablo Canyon Nuclear Power Plant, Units 1 and 2), CLI 80-24, 11 NRC 775 (1980), ALAB 410, 5 NRC 1398, (1977); ALAB 580, 11 NRC 227 (1980); ALAB 592, 11 NRC 744 (1980); and ALAB 600, 12 NRC 3 (1980).

One commenter also took the position that proposed § 2.744(e) did not provide adequate protection against undesirable disclosure of physical security plans for nuclear power plants. In his view a protective order and affidavit of nondisclosure would not eliminate the risk of unauthorized disclosure by intervenors who had an ulterior motive of securing the plans for use in sabotaging the plant. This commenter recommended (i) inclusion of rules of decision based upon *Diablo Canyon* for presiding officers to apply in hearings, and (ii) security clearances or a screening program for persons with access to Safeguards Information in hearings, in order to assure trustworthiness and reliability. Both of these recommendations have been discussed above and rejected. In addition, the Commission does not propose to write rules affecting rights of intervenors in adjudicatory hearings based upon a suspicion of ulterior motives in intervening. To do so would be tantamount to writing rules based upon speculation rather than on fact and law. The hearing process already contains screens to separate the genuine intervenor from the spurious. The intervenor must validate both his standing under judicial rules and the merit of his contentions. He is a known and readily identifiable person who openly participates at considerable expense. Intervenors generally make no effort to conceal their opposition to nuclear power, but this does not supply an adequate basis to consider them as potential co-conspirators in plots to sabotage operating power reactors.

In contrast to the above, a third commenter stated that proposed § 2.744(e) was potentially too restrictive of intervenors' rights in that it gave too much authority to the presiding officer. The commenter suggested modification of proposed § 2.744(e) to allow disclosure of Safeguards Information to a party upon a showing by the party of reasonable necessity for disclosure. 10 CFR 2.744(e) as drafted requires a finding by the presiding officer that disclosure is necessary to a proper decision. The presiding officer, as usual, will exercise a rule of reason in applying the standard. The language used accomplishes the same result and is generally consistent with the terminology in § 2.744.

(2) *Trustworthiness Determinations*—A number of commenters disagreed with the absence of a personnel clearance or screening program as a necessary condition for access to Safeguards Information, noting that the traditional requirements for access to sensitive information include both "need-to-know" and trustworthiness determinations. One commenter suggested that persons having access be subjected to the screening program which the Commission has directed be established for power reactor personnel. Another commenter suggested that individuals be required to show sufficient evidence of trustworthiness before being granted access.

The Commission's position on this matter has not changed. In the first place, Section 147 of the Atomic Energy Act contains no provisions regarding trustworthiness determinations on which to base a federal personnel security program (as is set forth in Section 145 for access to Restricted Data). Secondly, the Commission does not believe that there is any reasonable regulatory framework that can be used to establish a licensee administered screening program, considering the wide distribution afforded some Safeguards Information. While the power reactor access authorization program mentioned by one commenter might be used for "clearing" licensee employees and other persons granted unescorted access to the reactor facility, it would not be applicable to engineering firm employees who are never on the site (but who in some cases have total access to the physical protection system design information). Thirdly, the Commission believes that the proper administration of the need-to-know requirement combined with the rule's occupational restrictions will provide an effective information protection program and still satisfy the "minimum restrictions" provisions of section 147a of the Act.

(3) *Unrestricted Use of Telecommunications*—Several commenters suggested that the restrictions on the use of telephone circuits for transmission of Safeguards Information be deleted. Various reasons were given for this change. One

commenter stated that the rule would prevent the licensee from calling for help in a safeguards emergency. This is not so since the regulations make an exception for extraordinary or emergency circumstances. Another commenter contended that the resources needed to intercept unsecured communications exceeded the technical capabilities of the design basis threat. The Commission disagrees with this position and believes that relatively little skill is needed to tap phone lines or eavesdrop on radio conversations. A third commenter noted that the telephone is normally used to transmit shipping information and it would be burdensome to use another method. In this regard, the only shipments covered by the final rule are spent fuel and formula quantities of strategic special nuclear material. (Category I.)

Notifications regarding spent fuel shipments are required to be by mail (See 10 CFR 73.72) except that reporting schedule changes are permitted to be made by phone in the form of time deviations from the original schedule. Information regarding Category I shipments is classified National Security Information under Part 95 and use of unsecured telephone for such information is prohibited.

Another commenter stated that the rule conflicts with the requirements of § 73.71 regarding the telephonic reporting of physical security events. The events for which reporting is required are considered to be extraordinary conditions in themselves and therefore exempt from the restrictions. An explicit statement was added to the rule in this regard. The Commission, after careful consideration, concluded that the restrictions on the use of unsecured telecommunication circuits needs to be retained in the rule to assure that Safeguards Information is not lost or compromised *without the knowledge of the person responsible for its protection.* There is no indication that these restrictions will unduly burden the licensee or the NRC staff during routine licensing matter or transport activities. For example, periodic call-ins required during shipments can be made using prearranged signals or an operating code.

(4) *Restrictions on Use of ADP Systems*—Commenters stated that the meaning of an "ADP system" was not clear, that facilities without on-site capabilities would be excessively burdened, and that the restrictions should be removed. The Commission disagrees noting that the problem regarding unauthorized access to Safeguards Information stored in ADP systems is more severe than with telephone usage. ADP systems located at engineering firms may have in memory large amounts of information on the design of a physical security system. Without restrictions, access to such information potentially could be gained by anyone, authorized or not, who is familiar with the operation and has access to a terminal. Remote terminals could provide an especially easy and unobtrusive means for obtaining selected Safeguards Information. Access to unprotected data lines between facilities could also be used to compromise a physical security system.

(5) *Physical Protection Requirements*—Several commenters stated that the storage requirements were too restrictive. Suggested alternatives (to locked security storage containers) included storage in desks, file cabinets, locked rooms, undesignated or non-GSA approved storage repositories, or anywhere in a controlled access or protected area. The Commission does not agree with the suggested alternatives. The basic objective of the security container is to make more difficult *undiscovered* compromise of Safeguards Information. A steel filing cabinet secured with a locking bar and a GSA approved combination lock, or a GSA approved security container both satisfy this objective. On the other hand, locked file cabinets, desks, and ordinary doors can be entered with little difficulty and without leaving any indication that compromise has occurred. The objection to storing anywhere in a controlled access or protected area is based on the free access this would allow to anyone in these areas. However, the rule has been changed to delete the requirement that the security storage container be in a *locked* room when inside a controlled access or protected area.

Other commenters objected to the requirement for control of Safeguards Information by an individual while in use within a controlled access or protected area. The Commission agrees that some relaxation is warranted on this matter; however, the basic requirement has been left in the rule and guidance has been provided to indicate that under certain conditions the general control exercised over controlled access and protected areas would satisfy the requirement.

One commenter noted that the requirements to keep Safeguards Information in locked security containers would have an adverse impact on the availability of the security force to respond to a threat or a safeguards incident. The Commission does not agree. Documents located within alarm stations and guard houses need not be in locked security containers since they are under direct control of security personnel. Similarly, guard orders and procedures may be posted at access control points provided that the post is continuously manned and the information is located so as to prevent observation by visitors.

(6) *Addition of Other Types of Information*—Several commenters disagreed with the deletion of generic safeguards studies and reports (such as the Sandia Laboratories' *Handbooks on Barrier Technology and Entry Control Systems)* from the scope of the rule and noted that no justification was given for the omission. On this matter the Commission notes that the original legislative proposal prepared by the NRC, and interim versions of the legislation, contained explicit language regarding the protection of "studies, reports, and analyses ——— which concern the safeguarding of nuclear materials or facilities."[1] This provision was deleted from the final version of section 147. In view of this deliberate action by the Congress, the Commission has no choice but to delete these items from the rule.

One commenter suggested that information developed during the course of probabilistic risk assessments be protected under this rule. The Commission, while agreeing that such information might have value to a potential saboteur, has concluded that on balance the public interest is better served if all safety-related studies are available for scrutiny. The question also arises concerning the legality of withholding information under Section 147 that is neither related to a licensee's physical protection program nor produced in response to security considerations.

(7) *Deletions of Certain Types of Information*—One commenter suggested that it would be unlawful to include information regarding off-site response forces, shipment schedules and locations of safehavens in that these items are not "security measures" as set forth in section 147. The Commission disagrees on this point. NRC regulations require licensees to make arrangements with State or local police forces for response to safeguards emergencies. For fixed sites these arrangements are documented and become part of the facility physical security plan. For transport of spent fuel and Category I

[1] Congressional Record—House, H 11334, November 29, 1979.

quantities of highly enriched uranium and plutonium, route surveys are conducted by the NRC staff in order to determine what police response could be expected in an emergency, the location of safe havens, and zones of weak radio-telephone communications. The information gathered is documented and transmitted to the licensee for inclusion in his physical protection plan. In this regard, the U.S. District Court for the District of Columbia has recently upheld the Commission's position that police response capabilities and telephone shortcomings are legitimate items for withholding under section 147 of the Act.[2]

Another commenter stated that it might be impossible to prevent disclosure of certain information regarding local police forces. The Commission agrees in part and the rule has been modified to more accurately reflect the original intent that only details of the forces *committed to respond* to a facility safeguards emergency need be protected.

(8) *Withholding Spent Fuel Route Information*—Two commenters recommended that routes used for spent fuel shipments be withheld until the shipments have been completed. This is not a matter for Commission deliberation. Section 147 contains an explicit statement that "Nothing in this Act shall authorize the Commission to prohibit the public disclosure of information pertaining to the routes and quantities of shipments of——irradiated nuclear reactor fuel."

(9) *Limit Regulations to Parts 2 and 9*—One commenter suggested that the licensed industry be allowed to devise its own methods of protection, that specific requirements be deleted from Part 73, and that Parts 2 and 9 contain directives that Safeguards Information be protected. As is stated elsewhere, the Commission believes that without formal requirements (which are considered to be the minimum restrictions that provide an acceptable level of protection) there would be no assurance of uniformity or consistency. Comments received indicate there is no general agreement in the licensed industry concerning what constitutes a minimum level of protection.

(10) *Other Comments*—Following is a list of other comments on minor matters that were not incorporated into the final rule on the basis of no demonstratable need or benefit:

Show that the licensees are not responsible for compliance by other persons that receive Safeguards Information.

Require records to be kept for any Safeguards Information transmitted off-site.

Require that a list be kept of persons who have a need-to-know.

Note that distribution, reproduction, and destruction of Safeguards Information need not be documented.

Include a document exclusion list in the rule.

Add attorneys to the occupation list contained in § 73.21(c); (not necessary in that attorneys are already included in (c) (i) and (vi)).

Amend the definition of Safeguards Information to add "controlled" before Safeguards Information.

Add a definition for "composite plan."

Limit withholding of information on security system weaknesses to those items severe in nature.

(11) *Comments Regarding Guidance*—A number of comments were received regarding guidance needed to implement the rule. The specific items mentioned by commenters were taken into consideration during the development of the guidance document.

(12) *Cost*—Several commenters stated that the estimated costs for implementing the rule were too low, particularly in regards to storage during the construction phase, protection at licensee contractor facilities, and recurring labor. The Commission has revised its estimates as follows. (A value-impact analyses is available in the Public Document Room.)

Initial costs	Recurring (annual)
Licensees and Nuclear Service Companies (245 Locations)	
$4,000 per location (avg) × 245 locations. Total $986,500	$2,200 per location (avg) × 245 locations Total $531,000
State Governments (40 States)	
Total $24,000	Total $126,000

(13) *Public Announcement*—One commenter noted that some firms who may have Safeguards Information are not part of an information network that would inform them of the existence of this new rule. The Commission agrees that special effort is needed regarding public dissemination of the rule. In addition to the normal practice of publication in the **Federal Register** and distribution of NRC public announcements the Commission intends to (i) encourage licensees to notify their contractors, suppliers, and local police response forces, (ii) send out a special mailing to nuclear service firms that do business with power reactor licensees, and (iii) invite certain associations to notify their members.

C. *Petition for Rulemaking*

On June 7, 1977, the Northern States Power Company and Wisconsin Electric Power Company petitioned the Nuclear Regulatory Commission to amend 10 CFR 50.34(c) so as to include plant security information within the definition of Restricted Data, or alternatively within the definition of National Security Information, to amend 10 CFR 2.905 so as to assure that discovery of plant security information is subject to the protections of Subpart I to 10 CFR Part 2, to amend Subpart I to 10 CFR Part 2 to explicitly recognize that its protections extend to information not under Commission control, and to delete 10 CFR 2.790(d)(1). The Commission's decision on the petition, in light of the issuance of this rule, will be set forth in a separate **Federal Register** Notice.

D. *Effective Dates*

The Commission has decided to make §§ 2.744(e), 2.790(d)(1), 73.2(jj) and (ll), and 73.21(a), (b) and (c)(1) effective immediately for good cause pursuant to the exception provided by 5 U.S.C. 553(d)(3). The enumerated sections define the scope of Safeguards Information protected by the rules, identify those persons who are permitted access, set forth certain protections afforded by the Commission to such information, and provide certain protections for physical protection and material control and accounting information not otherwise designated as Safeguards Information or classified as National Security Information or Restricted Data. These sections alone impose no new requirements on licensees or other persons outside the agency.

Immediate effectiveness of these sections is warranted to avoid further delay in implementing the Congressional intent in enacting Section 147 of the Atomic Energy Act to provide protection from public disclosure for certain specified types of Safeguards Information. Since the rule also codifies current Commission procedure as to what types of information are protected, immediate effectiveness of those provisions will not adversely affect Commission licensees or others in possession of Safeguards Information.

The remaining provisions of the rule will be effective on January 20, 1981.

E. *Paperwork Reduction Statement*

There are no reporting or recordkeeping requirements contained in this regulation and therefore it is not subject to Office of Management and Budget clearance as required by Pub. L. 96–511.

The promulgation of these amendments would not result in any

[2] *Virginia Sunshine Alliance* vs *NRC*, Civil Action No. 80–2099, February 26, 1981 (Presently under appeal.)

activity that affects the environment. Accordingly, the Commission has determined under the National Environmental Quality guidelines and the criteria of 10 CFR 51.5(d) that neither an environmental impact statement nor environmental impact appraisal to support a negative declaration for the proposed amendments to Title 10 is required.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Parts 2, 50, 70, and 73, are published as a document subject to codification.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for Part 2 is revised to read as follows:

Authority: Secs. 161p and 181, Pub. L. 83–703, 68 Stat. 950 and 953 (42 U.S.C. 2201(p) and 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1242 (42 U.S.C. 5841) (5 U.S.C. 552), unless otherwise noted. Sections 2.200–2.206 also issued under sec. 186, Pub. L. 83–703, 68 Stat. 955 (42 U.S.C. 2236) and sec. 206, Pub. L. 93–438, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.800–2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, as amended, Pub. L. 85–256, 71 Stat. 579, and Pub. L. 95–209, 91 Stat. 1483 (42 U.S.C. 2039).

2. Section 2.744 is amended by adding a new paragraph § 2.744(e) to read as follows:

§ 2.744 Production of NRC records and documents.

* * * * *

(e) In the case of requested documents and records (including Safeguards Information referred to in sections 147 and 181 of the Atomic Energy Act, as amended) exempt from disclosure under § 2.790, but whose disclosure is found by the presiding officer to be necessary to a proper decision in the proceeding, any order to the Executive Director for Operations to produce the document or records (or any other order issued ordering production of the document or records) may contain such protective terms and conditions (including affidavits of non-disclosure) as may be necessary and appropriate to limit the disclosure to parties in the proceeding, to interested States and other governmental entities participating pursuant to § 2.715(c), and to their qualified witnesses and counsel. When Safeguards Information protected from disclosure under section 147 of the Atomic Energy Act, as amended, is received and possessed by a party other than the Commission staff, it shall also be protected according to the requirements of § 73.21 of this chapter. The presiding officer may also prescribe such additional procedures as will effectively safeguard and prevent disclosure of Safeguards Information to unauthorized persons with minimum impairment of the procedural rights which would be available if Safeguards Information were not involved. In addition to any other sanction that may be imposed by the presiding officer for violation of an order issued pursuant to this paragraph, violation of an order pertaining to the disclosure of Safeguards Information protected from disclosure under section 147 of the Atomic Energy Act, as amended, may be subject to a civil penalty imposed pursuant to § 2.205. For the purpose of imposing the criminal penalties contained in section 223 of the Atomic Energy Act, as amended, any order issued pursuant to this paragraph with respect to Safeguards Information shall be deemed an order issued under section 161b of the Atomic Energy Act.

* * * * *

3. Section 2.790 is amended by revising paragraph (d)(1) as follows:

§ 2.790 Public inspections, exemptions, requests for withholding.

* * * * *

(d) * * *

(1) Correspondence and reports to or from the NRC which contain information or records concerning a licensee's or applicant's physical protection or material control and accounting program for special nuclear material not otherwise designated as Safeguards Information or classified as National Security Information or Restricted Data.

* * * * *

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

4. The authority citation for Part 50 is revised to read as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); Secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under Sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under Sec. 184, 68 Stat. 954, as amended; (42 U.S.C. 2234). Sections 50.100–50.102 issued under Sec. 186, 68 Stat. 955; (42 U.S.C. 2236). For the purposes of Sec. 223, 68 Stat. 958, as amended; (42 U.S.C. 2273). § 50.54(i) issued under sec. 161i, 68 Stat. 949; (42 U.S.C. 2201(i)). §§ 50.70, 50.71, and 50.78 issued under Sec. 161o, 68 Stat. 950, as amended; (42 U.S.C. 2201(o)) and the Laws referred to in Appendices.

5. Section 50.34 is amended by adding a new paragraph (e) to read as follows:

§ 50.34 Contents of applications; technical information.

* * * * *

(e) Each applicant for a license to operate a production or utilization facility, who prepares a physical security plan, a safeguards contingency plan, or a guard qualification and training plan, shall protect the plans and other related Safeguards Information against unauthorized disclosure in accordance with the requirements of § 73.21 of this chapter, as appropriate.

6. Section 50.54 is amended by adding a new paragraph (v) to read as follows:

§ 50.54 Conditions of licenses.

* * * * * *

(v) Each licensee subject to the requirements of Part 73 of this chapter shall ensure that physical security, safeguards contingency and guard qualification and training plans and other related Safeguards Information are protected against unauthorized disclosure in accordance with the requirements of § 73.21 of this chapter, as appropriate.

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

7. The authority citation for Part 70 is revised to read as follows:

Authority: Secs. 51, 53, 161, 182, 183, 68 Stat. 929, 930, as amended, 948, as amended, 953, as amended, 954 (42 U.S.C. 2071, 2073, 2201, 2232, 2233); Secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846) unless otherwise noted.

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 70.3, 70.19(c), 70.21(c), 70.22 (a), (b), (d)–(k), 70.24 (a) and (b), 70.32(a) (3), (5), and (i), 70.36, 70.39 (b) and (c), 70.41(a), 70.42(a) and (c), 70.56, are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); §§ 70.20a(d), 70.32(a)(6), (c), (d), (e), and (g), 70.36, 70.51(c)–(g), 70.56, 70.57(b) and (d), 70.58(a)–(g)(3) and (h)–(j) are issued under sec. 161, 68 Stat. 949, as amended (42 U.S.C. 2201(i)), and §§ 70.32(h), 70.51(b) and (i), 70.52, 70.53, 70.54, 70.55, 70.58(g)(4), (k) and (l), 70.59, are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

8. Section 70.22 is amended by adding a new paragraph (l) after paragraph (k) to read as follows:

§ 70.22 Contents of applications.

* * * * *

(l) Each applicant for a license to possess, use, transport, or deliver to a carrier for transport formula quantities of strategic special nuclear material.

who prepares a physical security, safeguards contingency, or guard qualification and training plan shall protect these plans and other related Safeguards Information against unauthorized disclosure in accordance with the requirements of § 73.21 of this chapter.

9. Section 70.32 is amended by adding a new paragraph (j) to read as follows:

§ 70.32 Conditions of licenses.

* * * * *

(j) Each licensee who possesses a formula quantity of strategic special nuclear material, or who transports, or delivers to a carrier for transport, a formula quantity of strategic special nuclear material or more than 100 grams of irradiated reactor fuel shall ensure that physical security, safeguards contingency, and guard qualification and training plans and other related Safeguards Information are protected against unauthorized disclosure in accordance with the requirements of § 73.21 of this chapter.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

10. The authority citation for Part 73 is revised to read as follows:

Authority: Secs. 53, 147, 161b, 161i, 161o, Pub. L. 85–703, 68 Stat. 930, 948–950, as amended, Pub. L. 85–507, 72 Stat. 327, Pub. L. 88–489, Stat. 602, Pub. L. 93–377, 88 Stat. 475, Pub. L. 96–295, 94 Stat. 780, (42 U.S.C. 2073, 2201, 2167); sec. 201, Pub. L. 93–438, 88 Stat. 1242, 1243, as amended, Pub. L. 94–79, 89 Stat. 413 (42 U.S.C. 5841). For the purposes of sec. 223, 68 Stat. 958, as amended, 42 U.S.C. 2273, § 73.55 is issued under sec. 161b, 68 Stat. 948, as amended, 42 U.S.C. 2201(b); §§ 73.20, 73.24, 73.25, 73.26, 73.27, 73.37, 73.40, 73.45, 73.46, 73.50, 73.55, and 73.67 are issued under sec. 161i, 68 Stat. 949, as amended, 42 U.S.C. 2201(i); and §§ 73.20(c)(i), 73.24(b)(i), 73.26(b)(3), (h)(6), (i)(6), and (k)(4), 73.27 (a) and (b), 73.40(b) and (d), 73.46(g)(6), and (h)(2), 73.50(g)(2), (3)(iii)(B) and (h), 73.55(h)(2), and (4)(iii)(B), 73.70, 73.71, and 73.72 are issued under sec. 161o, 68 Stat. 950, as amended, 42 U.S.C. 2201(o).

11. Section 73.1 is amended by adding a new paragraph (b)(7) to read as follows:

§ 73.1 Purpose and scope.

* * * * *

(b) * * *

(7) This part prescribes requirements for the protection of Safeguards Information in the hands of any person, whether or not a licensee of the Commission, who produces, receives, or acquires Safeguards Information.

* * * * *

12. Section 73.2 is amended by adding new paragraphs (jj), (kk), (ll) and (mm) to read as follows:

§ 73.2 Definitions.

* * * * *

(jj) "Safeguards Information" means information not otherwise classified as National Security Information or Restricted Data which specifically identifies a licensee's or applicant's detailed, (1) security measures for the physical protection of special nuclear material, or (2) security measures for the physical protection and location of certain plant equipment vital to the safety of production or utilization facilities.

(kk) "Need to know" means a determination by a person having responsibility for protecting Safeguards Information that a proposed recipient's access to Safeguards Information is necessary in the performance of official, contractual, or licensee duties of employment.

(ll) "Person" means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, government agency other than the Commission or the Department of Energy (DOE), (except that the DOE shall be considered a person to the extent that its facilities are subject to the licensing and related regulatory authority of the Commission pursuant to section 202 of the Energy Reorganization Act of 1974 and sections 104, 105, and 202 of the Uranium Mill Tailings Radiation Control Act of 1978), any state or political subdivision of a state, or any political subdivision of any government or nation, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

(mm) "Security Storage Container" includes any of the following repositories: (1) For storage in a building located within a protected or controlled access area, a steel filing cabinet equipped with a steel locking bar and a three position, changeable combination, GSA approved padlock; (2) A security filing cabinet that bears a Test Certification Label on the side of the locking drawer, or interior plate, and is marked, "General Services Administration Approved Security Container" on the exterior of the top drawer or door; (3) A bank safe-deposit box; and (4) Other repositories which in the judgement of the NRC, would provide comparable physical protection.

13. A new § 73.21 is added to read as follows:

§ 73.21 Requirements for the protection of safeguards information.

(a) *General performance requirement.* Each licensee who (1) possesses a formula quantity of strategic special nuclear material, or (2) is authorized to operate a nuclear power reactor, or (3) transports, or delivers to a carrier for transport, a formula quantity of strategic special nuclear material or more than 100 grams of irradiated reactor fuel, and each person who produces, receives, or acquires Safeguards Information shall ensure that Safeguards Information is protected against unauthorized disclosure. To meet this general performance requirement, licensees and persons subject to this section shall establish and maintain an information protection system that includes the measures specified in paragraphs (b) through (i) of this section. Information protection procedures employed by State and local police forces are deemed to meet these requirements.

(b) *Information to be protected.* The specific types of information, documents, and reports that shall be protected are as follows:

(1) *Physical Protection at Fixed Sites.* Information not otherwise classified as Restricted Data or National Security Information relating to the protection of facilities that possess formula quantities of strategic special nuclear material, and power reactors. Specifically: (i) The composite physical security plan for the nuclear facility or site.

(ii) Site specific drawings, diagrams, sketches, or maps that substantially represent the final design features of the physical protection system.

(iii) Details of alarm system layouts showing location of intrusion detection devices, alarm assessment equipment, alarm system wiring, emergency power sources, and duress alarms.

(iv) Written physical security orders and procedures for members of the security organization, duress codes, and patrol schedules.

(v) Details of the on-site and off-site communications systems that are used for security purposes.

(vi) Lock combinations and mechanical key design.

(vii) Documents and other matter that contain lists or locations of certain safety-related equipment explicity identified in the documents as vital for purposes of physical protection, as contained in physical security plans, safeguards contingency plans, or plant specific safeguards analyses for production or utilization facilities.

(viii) The composite safeguards contingency plan for the facility or site.

(ix) Those portions of the facility guard qualification and training plan which disclose features of the physical security system or response procedures.

(x) Response plans to specific threats detailing size, disposition, response

times, and armament of responding forces.

(xi) Size, armament, and disposition of on-site reserve forces.

(xii) Size, identity, armament, and arrival times of off-site forces committed to respond to safeguards emergencies.

(2) *Physical protection in transit.* Information not otherwise classified as Restricted Data or National Security Information relative to the protection of shipments of formula quantities of strategic special nuclear material and spent fuel. Specifically: (i) The composite transportation physical security plan.

(ii) Schedules and itineraries for specific shipments. (Routes and quantities for shipments of spent fuel are not withheld from public disclosure. Schedules for spent fuel shipments may be released 10 days after the last shipment of a current series.)

(iii) Details of vehicle immobilization features, intrusion alarm devices, and communication systems.

(iv) Arrangements with and capabilities of local police response forces, and locations of safe havens.

(v) Details regarding limitations of radio-telephone communications.

(vi) Procedures for response to safeguards emergencies.

(3) *Inspections, audits and evaluations.* Information not otherwise classified as National Security Information or Restricted Data relating to safeguards inspections and reports. Specifically:

(i) Portions of safeguards inspection reports, evaluations, audits, or investigations that contain details of a licensee's or applicant's physical security system or that disclose uncorrected defects, weaknesses, or vulnerabilities in the system. Information regarding defects, weaknesses or vulnerabilities may be releases after corrections have been made. Reports of investigations may be released after the investigation has been completed, unless withheld pursuant to other authorities, e.g., the Freedom of Information Act (5 U.S.C. 552).

(4) *Correspondence.* Portions of correspondence insofar as they contain Safeguards Information specifically defined in paragraphs (b)(1) through (b)(3) of this paragraph.

(c) *Access to Safeguards Information.* (1) Except as the Commission may otherwise authorize, no person may have access to Safeguards Information unless the person has an established "need to know" for the information and is:

(i) An employee, agent, or contractor of an applicant, a licensee, the Commission, or the United States Government;

(ii) A member of a duly authorized commmittee of the Congress;

(iii) The Governor of a State or designated representatives;

(iv) A representative of the International Atomic Energy Agency (IAEA) engaged in activities associated with the U.S./IAEA Safeguards Agreement who has been certified by the NRC;

(v) A member of a state or local law enforcement authority that is responsible for responding to requests for assistance during safeguards emergencies; or

(vi) An individual to whom disclosure is ordered pursuant to § 2.744(e) of this chapter.

(2) Except as the Commission may otherwise authorize, no person may disclose Safeguards Information to any other person except as set forth in paragraph (c)(1) of this section.

(d) *Protection while in use or storage.* (1) While in use, matter containing Safeguards Information shall be under the control of an authorized individual.

(2) While unattended, Safeguards Information shall be stored in a locked security storage container. Knowledge of lock combinations protecting Safeguards Information shall be limited to a minimum number of personnel for operating purposes who have a "need to know" and are otherwise authorized access to Safeguards Information in accordance with the provisions of this section.

(e) *Preparation and marking of documents.* Each document or other matter that contains Safeguards Information as defined in paragraph (b) in this section shall be marked "Safeguards Information" in a conspicuous manner to indicate the presence of protected information (portion marking is not required for the specific items of information set forth in paragraph § 73.21(b) other than guard qualification and training plans and correspondence to and from the NRC). Documents and other matter containing Safeguards Information in the hands of contractors and agents of licensees that were produced more than one year prior to the effective date of this amendment need not be marked unless they are removed from storage containers for use.

(f) *Reproduction and destruction of matter containing Safeguards Information.* (1) Safeguards Information may be reproduced to the minimum extent necessary consistent with need without permission of the originator.

(2) Documents or other matter containing Safeguards Information may be destroyed by any method that assures complete destruction of the Safeguards Information they contain.

(g) *External transmission of documents and material.* (1) Documents or other matter containing Safeguards Information, when transmitted outside an authorized place of use or storage, shall be packaged to preclude disclosure of the presence of protected information.

(2) Safeguards Information may be transported by messenger-courier, United States first class, registered, express, or certified mail, or by any individual authorized access pursuant to § 73.21(c).

(3) Except under emergency or extraordinary conditions, Safeguards Information shall be transmitted only by protected telecommunications circuits (including facsimile) approved by the NRC. Physical security events required to be reported pursuant to § 73.71 are considered to be extraordinary conditions.

(h) *Use of automatic data processing (ADP) systems.* Safeguards Information may be processed or produced on an ADP system provided that the system is self-contained within the licensee's or his contractor's facility and requires the use of an entry code for access to stored information. Other systems may be used if approved for security by the NRC.

(i) *Removal from Safeguards Information category.* Documents originally containing Safeguards Information shall be removed from the Safeguards Information category whenever the information no longer meets the criteria contained in this section.

14. Section 73.80 is revised to read as follows:

§ 73.80 Violations.

An injunction or other court order may be obtained prohibiting any violation of any provision of the Atomic Energy Act of 1954, as amended, or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, 109, or 147 of the Act, or section 206 of the Energy Reorganization Act of 1974, or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be

punished by fine or imprisonment or both, as provided by law.

Dated at Washington, D.C. this 19th day of October, 1981.

For the U.S. Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-30630 Filed 10-20-81; 8:45 am]

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OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

10 CFR Ch. XV

[Order No. 3]

Statement of Policy on General Standards and Procedures for Rate Base Audit and Approval for the Alaska Natural Gas Transportation System

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Statement of policy and request for public comments.

SUMMARY: In light of Section 102(d) of Reorganization Plan No. 1 of 1979, 44 FR 33663 (June 12, 1979) and Federal Energy Regulatory Commission (FERC) Delegation Order No. ANGTS-2 to the Office of the Federal Inspector, 45 FR 85511 (December 29, 1980), the Office of the Federal Inspector (OFI) states its policy for general standards and procedures fo fulfill its regulatory responsibility to audit and approve—on a timely basis for inclusion in project rate base—the costs incurred in planning and constructing the Alaska natural Gas Transportation System (ANGTS). At the same time the OFI is requesting comments from the public on this statement of policy.

DATES: Effective date: This statement of policy is effective October 22, 1981. Written comments by November 20, 1981.

ADDRESS: For filing comments:

Office of the Federal Inspector, ANGTS, Room 3407, Post Office Building, 1200 Pennsylvania Ave., NW., Washington, DC. 20044;

Mr. Ned Hengerer, General Counsel, (202) 275-1144;

Mr. Richard Berman, Director, Office of Audit and Cost Analysis, (202) 275-1153.

SUPPLEMENTARY INFORMATION:

A. *General Standard for Rate Base Approval.* Rate base represents capital investment in tangible and intangible plant. For the OFI's role in ANGTS, rate base will initially include all cost prudently incurred until completion and commissioning occurs. Rate base will also include post-completion additions, working capital allowance, interim service phase cost deferrals, and IROR adjustments. When rate base is multiplied by rate of return, return on investment is ascertained, which in turn is added to cost elements, such as taxes, depreciation, and operating and maintenance expenses, to yield the ANGTS revenue requirement for FERC ratemaking purposes under Sections 4 and 5 of the Natural Gas Act, 15 U.S.C. 717.

In developing a rate base standard for ANGTS, the OFI starts with Natural Gas Act precedent. No doubt the ANGTS sponsors are limited to earning a reasonable return on prudently incurred capital costs.[1] Traditionally, Prudence of investment would be presumed, unless waste or mismanagement were clearly shown.[2] And even today, "unless an abuse of discretion is shown, expenses incurred in the rendition of the services are primarily a matter of managerial judgment."[3] Apart from these precepts and other related FPC/FERC precedent, however, the standard for including costs in rate base must be geared to the specifics of ANGTS: The regulatory framework for ANGTS is so unique as to require one-of-a-kind treatment.

The hallmark of this standard is reliance on project-specific regulatory schemes already established to control costs on ANGTS. In this way duplication is avoided, and regulatory certainty is enhanced, thereby reducing financial risk. The criteria, developed through this reliance on existing regulatory schemes and listed below, are somewhat general. In the future the OFI will provide more specificity. In this effort the OFI Director of Audit and Cost Analysis—also acting as the FERC's agency authorized officer—will provide the primary policy link between the OFI and the FERC.

1. The Incentive Rate of Return (IROR) must be considered. As first conceived by the President, it is meant "to provide substantial incentives to construct the project without incurring overruns." *Decision and Report to Congress on the Alaska Natural Gas Transportation System (Decision)*, 1977, at 37. And as implemented by the FERC in Order No. 31, *Determination of Incentive Rate of Return*, Docket No. RM78-12, issued June 8, 1979, the IROR itself stimulates management efficiency: It rewards or penalizes the ANGTS sponsors through an increase or decrease in rate of return, as construction costs (audited actual costs deflated to a base year) plus a finance charge are either less or more than the OFI approved estimate (final design cost estimate and scope changes) plus a finance charge, respectively. The IROR applies to the Alaska and Eastern Leg segments of ANGTS. For its segment Canada also imposes an IROR administered by the National Energy Board.

The IROR does not eliminate the necessity for a timely rate base review process. But by the same token, it cannot be ignored for, as the FERC concluded, "the IROR, then, is designed to complement the disallowance of cost mechanism . . ." *Id.*, at 23. Instead, scrutiny of rate base for prudence should focus on significant instances of cost escalation due to deviation from approved systems, plans, and designs, since the sponsors are already motivated to control costs.

2. The role of the Federal Inspector in project planning and construction should have a positive effect on ANGTS cost control, and concomitantly on rate base formation. Specifically, as part of his total package to reduce regulatory and construction risks, the President has set forth a number of terms and conditions requiring the Federal Inspector to scrutinize every significant phase of the ANGTS sponsors' preconstruction and construction effort. In fact, the President referred to these Federal Inspector terms and conditions as creating the "requisite processes and assurances for the reduction of both uncertainty and costs." *Decision*, at 104.

In this manner cost-effective management can be assured from the beginning. The OFI's *active* oversight is unique in private pipeline construction. While the project sponsors are charged with the duty to manage planning and construction, the scope of the OFI's cost and management oversight is extensive.[4] It entails OFI review and

[1] *FPC v. Hope Natural Gas Co.*, 320 U.S. 591 (1944). *Accord, Virginia Electric and Power Company*, Opinion No. 118, FERC Docket No. ER78-522, issued April 10, 1981 ("this Commission cannot, consistent with its legal duties, approve passing through to jurisdictional ratepayers higher costs incurred as a result of negligence, mismanagement or inefficiency." Slip op. at 23).

[2] *E.g., Bluefield Waterworks & Improvement Company v. Public Service Commission*, 262 U.S. 679, 693 (1923); *West Ohio Gas Company v. Public Utility Commission*, 294 U.S. 63, 73 (1934); *ICC v. Chicago Great Western Railway Company*, 209 U.S. 106, 118-119 (1908); and *State of Missouri Ex Rel. Southwestern Bell Telephone Company v. Public Service Commission of Missouri*, 262 U.S. 276, 289 (1923) (Brandeis, J., dissenting).

[3] *Cf., Columbia Gas Transmission Corporation*, Opinion No. 65, FERC Docket No. RP73-65, order issued October 25, 1979, at 8.

[4] 1. The applicants are required to prepare before certification a detailed overall management plan for

Continued

approval of all major management systems and other key plans, upon which cost control is predicated, before construction may commence.

Accordingly, the general rate base standard must also recognize this pre-approval process by the OFI. Specifically, once these systems, plans, and designs have been approved by the OFI, costs expended thereunder—while subject to audit—will not be challenged relative to prudence.[5] If experience subsequently demonstrates that changes are either needed to control costs more effectively or likely to reduce estimated costs further, appropriate recommendations for plan changes will be made, but costs expended to that point will not be challenged.[6]

3. Similarly, the OFI-approved final design—with its attendant cost and schedule estimates—will be presumed reasonable for purposes of rate base formation. Only significant cost increases will be scrutinized for prudence.

The OFI is reviewing ANGTS cost estimates for two separate, though related, regulatory purposes. First, as part of its so-called "70% design review," the OFI reviews and approves before construction each sponsor's "final design, design-cost estimate and construction schedule." *Decision* at 29. This is an engineering review, which necessarily entails scrutiny of the costs associated with design and schedule. For example, life-cycle costs and costs of alternative designs are considered. OFI approval of the design-cost estimate is based in part on a finding of reasonableness. The OFI has concluded that this finding "is relevant to the Federal Inspector's subsequent regulatory responsibility of determining prudence of construction costs for rate base formation."[7] To date, the OFI has given this final design approval for the Eastern and Western Leg "prebuild" segments.

Second, the IROR mechanism is predicated on detailed cost estimate review.[8] While not directly tied to the rate base process, the IROR cost estimation process affords the OFI a more complete understanding of the cost consequences of project designs and changes in those designs.

Implementation of this reliance on the approved plans, schedules, and designs will require analysis of discrete units of work, so that physical progress can be compared to planned costs on a timely basis during construction, as required by the *Decision*. The FERC-approved Work Breakdown Structure will be employed.[9] In that way each unit can be assessed as construction progresses, comparing actual to planned costs.

4. Generally, procurement of construction materials and services is left to pipeline management, in that many factors go into the often complex decision of awarding contracts. But under Paragraph 7 of the Agreement on Principles with Canada (Section 7 of the *Decision*), the OFI is to assure that ANGTS procurement is on "generally competitive terms." The appropriate authorities in the U.S. and Canada have promulgated reciprocal procedures to implement this procurement review, focusing scrutiny on the four major material items (pipe, valves, compressors, and fittings). To complement this authority, the FERC has delegated to the OFI the added function of procurement review under 18 CFR Part 160. *Supra*, Delegation Order No. ANGTS–2.

At least for the major material items, OFI procurement review should also be relied upon for rate base purposes.[10] Likewise, after future consultation the OFI and ANGTS sponsors could possibly arrange for advance approval of certain other procurement items: Only major procurements are prone to this pre-approval. Thus, formation of these contracts, once accepted by the OFI, will not later be challenged.[11]

5. Finally, in the process of examining cost escalations due to deviations from the approved systems, plans, and designs, prudence will, in the first instance, be presumed. The OFI will consider, as "imprudent," only those increased costs attributable to "patently unreasonable management action", as the FERC stated in Order No. 31, *supra* at 22. It is not enough—when considering cost disallowance for rate base purposes—that project management took actions which in fact led to cost overruns: Existence of a centerpoint above "one" in the IROR calculus reaffirms this precept. Management discretion is, in the first instance, vested in the ANGTS sponsors.

While generally difficult to define, "patently unreasonable management actions" in the unique context of ANGTS might be manifested in the following ways: unwarranted failure to employ reasonably the OFI-approved systems and plans; failure to react reasonable to clear indicators of major construction problems; actions which

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both preconstruction and construction phases for the Federal Inspector's approval.

2. Contracts with execution contractors may not be cost-plus, unless otherwise permitted by the Federal Inspector under special circumstances.

3. Insurance, bonding, and other prequalification requirements for consultants and execution contractors require Federal Inspector approval.

4. The applicant must prepare a detailed analysis and description of its cost and schedule control techniques.

5. 70% final design, design-cost estimate, and construction schedule must be submitted for approval by the Federal Inspector.

6. Plans for equipment supply, repair facilities, and spare-part inventories must also be prepared for the Federal Inspector.

7. Detailed information must be supplied to the Federal Inspector on labor relations procedures, including disputes procedures under collective bargaining agreements.

8. Contracts with execution contractors should include procedures for resolving contract disputes, so as to avoid litigation.

9. Quality assurance and quality control procedures must be submitted to the Federal Inspector before the commencement of construction.

10. There must be notice to proceed before construction on any aspect of the pipeline.

[5] The OFI's audits, consistent with those performed by the FERC, will be designed to determine whether expenditures are properly assignable to the project and are of a nature that would qualify for eventual inclusion in the rate base. To assure compliance with the FERC's Uniform System of Accounts, Section 8 of the Natural Gas Act, 15 U.S.C. Section 717g, and FERC precedent, all costs will be subject to audit for proper classification (for example, see the Show Cause proceeding for ANGTS expenditures through 1979). Prudence is a special test under which expenditures found to be attributable to "patently unreasonable management action" will not be allowable in rate base. (See discussion on pp 8–9, *Infra*). This test of prudence will be presumed to be satisfied for expenditures made pursuant to OFI-approved systems, plans, and designs.

[6] Failure to follow or implement properly these systems, plans, or designs is not so immunized from rate base scrutiny.

[7] Letter from John T. Rhett, Federal Inspector, to Howard Hawks, President, Northern Plains Natural Gas Company (March 20, 1981), "Federal Inspector Final Design and Schedule Approval," p. 3.

[8] As part of final certification for the Eastern Leg and Alaska segments, the FERC has or will set certification cost and schedule estimates. The respective sponsors then apply to the OFI to increase their FERC estimates for post-certification design and schedule changes. The costs associated with approved changes, added to the earlier FERC estimate, yield the final design cost estimate, which constitutes the projected capital costs for administering the IROR mechanism. Finally, during construction the sponsors may seek OFI approval of further increases governing a limited list of scope change events.

[9] The phrase "discrete units of work" as used herein, is intended to cover a significant unit of work over which management can and should maintain close control—*e.g.*, a pipeline spread, compressor station or similar unit of work covered by an execution contract. Generally, such work units comport with Work Breakdown Structure (WBS) level 4 on the Eastern Leg of the ANGTS and WBS level 3 on the Alaskan Leg (as described in Alaskan Northwest's July 1981 Certificate filing).

[10] See Legal Opinion of the OFI General Counsel on Procurement Review Authority, July 9, 1980, at 5–7.

[11] Contract performance is a different matter. For example, unreasonable delays in delivery schedules, lapses in quality control, and escalations above contract price could be reviewed, if they were both the cause of otherwise substantial overruns above the approved cost estimate and also the product of unreasonable management actions on the part of an ANGTS sponsor.

are clearly unrelated to, or unnecessary for, constructing ANGTS in a cost effective manner; and failure to comply with the various ANGTS legal requirements to the extent that delays (and thus cost escalation) result from valid OFI enforcement actions.

B. *General Procedures for Rate Base Approval.* The normal FERC rules of practice and procedure do not completely fit the legal and administrative realities of ANGTS; the FERC has never before been called upon to set rate base during construction. The full complement of procedures for pipeline ratemaking—including five month suspension periods, refund obligations, extensive cross-examination, initial and reply briefs, initial decisions, and briefs on exceptions and opposing briefs—are neither required nor appropriate for the timely rate base approval conducted by the OFI. Instead, the OFI will establish procedures which comport with both the mandate for expedition (under Section 9 of the Alaska Natural Gas Transportation Act, 15 U.S.C. 719g, and the President's *Decision*) and also basic principles of procedural fairness (under the Natural Gas Act and other relevant authority, *supra* Delegation Order No. ANGTS–2, ¶c).

Certain general procedures can be set in advance. They are predicated on the underlying fact that OFI planning and construction oversight is far greater than is the case with the FERC on any other projects. Thus, instead of sitting in the traditional quasi-judicial role of balancing the evidentiary presentations of parties in interest (applicant, staff, and intervenors), the OFI will have perhaps the best, first-hand independent knowledge about significant cost increases.[12] As such, while there might still be some genuine controversies of material fact requiring an OFI decision based on a hearing record, most disputes would appear to be resolvable on the basis of pleadings alone.[13]

The general rate base procedures to be established by the OFI for each U.S. segment of ANGTS will contain the following steps:[14]

1. The OFI will render a tentative determination for rate base formation on a timely periodic basis.

a. Timing of the determinations will depend on receipt of audited cost certification reports from the sponsors and on the degree of OFI access to the necessary sponsor documents, systems, and personnel. Quarterly review is planned, unless any sponsor desires a longer cycle for its ANGTS segment.

b. The Director of the OFI Office of Audit and Cost Analysis will issue this tentative determination, following receipt of both a quarterly audit report and a quarterly management systems assessment report.

i. The sponsor companies will be allowed to comment informally as the audit and management systems reports are prepared before receipt by the Director.

ii. There will be internal OFI staff comment to the Director on these reports prior to the tentative determination.

c. The quarterly tentative determination will normally be issued within 45 calandar days of receipt by the Director of the audit and management systems reports.

2. Upon issuance, this tentative determination will be publicly noticed. Notice will include both **Federal Register** publication and also mailing to parties on a service list. With the publication of this statement of policy, the OFI will establish this list by contacting all parties to the FERC's ANGTS certification proceedings, CP78–123, *et al*, and CP80–435, giving them an opportunity to intervene in this separate ongoing process.

3. Comments to the tentative determination must be filed with the OFI (and served by express delivery on all parties) within thirty calendar days of notice. To the extent that any party supports the tentative determination, or portions thereof, it should not file initial comments (other than perhaps a brief statement of support), waiting instead until reply comment as per paragraph 4 below to respond to any protests. The commenting party, whether the ANGTS sponsors or any intervenor, must accompany any protest with the following documentation:

a. a statement of position, including specification of clear errors of material fact or law;

b. a brief supporting the statement of position; and

c. affidavits under oath substantiating any counterstatements of material fact.

4. Replies in opposition to any protests must be filed with the OFI (and served by express delivery on all parties) within fifteen calendar days of service. Replies must also be accompanied by the same type of statement of position, brief, and affidavits, where appropriate.

5. Except under extenuating circumstances requiring development of further record facts, the Federal Inspector will then render a final agency determination on rate base inclusion based on the record developed to that time. The record will include the tentative determination, any protest and supporting material, and any replies and supporting material, unless there are no protests, in which case the tentative determination will constitute the complete record. The Federal Inspector will expedite this final determination. Normally this should take fifteen calendar days.

6. The Federal Inspector—acting either *sua sponte* or on the request of a party, as contained in its earlier protest—will decide whether extenuating circumstances exist. A finding of extenuating circumstances is left to the Federal Inspector and the dictates of fairness.

a. When he finds extenuating circumstances, the Federal Inspector will call for more documentation by the parties, possibly including hearings on the record. He might also ask his staff to supplement the tentative decision.

b. In making this decision on extenuating circumstances, the Federal Inspector will balance the delay inherent in any evidentiary hearing against the extent to which material facts—notwithstanding the substantial record already developed, including affidavits under oath—are still in genuine controversy.

c. Any evidentiary hearing set by the Federal Inspector will necessarily be expedited and limited to the specific material facts in dispute. Immediately following the hearing, the Federal Inspector will consider the hearing transcript, along with the record developed earlier, in making his final rate base determination. No additional pleadings by the parties will be solicited.

7. The Federal Inspector's quarterly rate base determination will constitute final agency action, as per Section

[12] In executing its rate base responsibility, the OFI will both utilize this unique expertise and also comport with Section 1–107 of Executive Order 12142 of June 21, 1979, 44 FR 36927 (June 25, 1979).

[13] Cost disallowance under the Natural Gas Act generally requires a hearing. *Willmut Gas and Oil Co. v. FPC*, 294 F.2d 245, 248–249 (D.C. Cir. 1961), *cert. denied*, 368 U.S. 975. However, summary disposition is proper "where the facts are not in dispute and the new tariff [or in this case capital costs] contravenes valid and explicit [FERC] regulations or policy." *United Gas Pipeline v. FPC*, 551 F.2d 460, 463 (D.C. Cir. 1977). Moreover, this rate base function is a constituent part of "ratemaking," which, pursuant to Section 403(c) of the Department of Energy Organization Act, may be conducted by rulemaking. *Alaskan Northwest Natural Gas Transportation Company*, Docket No. CP80–435, order issued August 1, 1980, slip op. at 5, n.7.

[14] Unless otherwise provided for expressly in these procedures, computation of time will comport with the relevant provisions of the FERC Rules of Practice and Procedure, 18 CFR Part 1.

202(a) of the Reorganization Plan. Therefore, Section 10 of ANGTA governs any party's objection to that final determination.

8. Nevertheless, any party may still apply to the Federal Inspector for rehearing of his final determination.

a. Rehearing must be sought within fifteen calendar days of issuance of the final determination.

b. Rehearing must be in writing and must state with specificity the factual or legal error being alleged, including direct citation to record material only.

c. Application for, and Federal Inspector consideration of, rehearing will not stay the operation of Section 10(b)(2) of ANGTA.

d. Any application for rehearing will be deemed denied if not acted upon by the Federal Inspector within thirty (30) calendar days of its receipt.

C. *Written Comments.* While the OFI is not yet promulgating substantive regulations, it nonetheless solicits comments from the public on this statement of policy. As is evident, this is a new process, and a full ventilation of views is thus appropriate. In this way the OFI can better ascertain whether and to what extent subsequent binding regulations should be promulgated.

Interested parties are invited to submit written comments to the OFI. Five copies should be submitted by Nov. 20, 1981.

Dated: October 19, 1981.

John T. Rhett,

Federal Inspector.

[FR Doc. 81-30564 Filed 10-21-81; 8:45 am]

BILLING CODE 6820-AW-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 523

[No. 81-609]

Counting Federal Home Loan Mortgage Corporation Short-Term Notes Towards Liquidity

Dated: October 15, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board has amended its liquidity rules for members of the Federal Home Loan Bank System to classify short-term securities issued by the Federal Home Loan Mortgage Corporation as liquid assets. The amendment will enable institutions to choose from a broader variety of securities in reaching liquidity and will help the FHLMC in its efforts to raise money for housing.

EFFECTIVE DATE: October 15, 1981.

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

SUPPLEMENTARY INFORMATION: The Federal Home Loan Bank Board is amending its definition of liquid assets for members of the Federal Home Loan Bank System to allow obligations issued or guaranteed by the Federal Home Loan Mortgage Corporation ("FHLMC") to count towards the liquidity requirement. The current definition of liquid assets includes obligations of five years or less remaining until maturity, issued, or fully guaranteed as to principal and interest, by a variety of Federal agencies and instrumentalities such as the Federal Home Loan Banks, the Federal National Mortgage Association, and Government National Mortgage Association. 12 CFR 523.10(g)(3) (1981). Any of these securities may be used to help meet the liquidity requirement of 12 CFR 523.11.

Although the FHLMC has had the authority to issue securities of the type enumerated in § 523.10(g)(3) since 1970, it has never before issued these short-term obligations. *See* Federal Home Loan Mortgage Corporation Act, section 306, 12 U.S.C. 1455 (1976). The liquid asset definition therefore has not included short-term obligations of the FHLMC. The FHLMC, however, has now begun issuing short-term discount notes to provide funds for its secondary market activities.

The Board finds that these discount notes are agency obligations of the type enumerated in Section 5A(b)(1)(C) of the Federal Home Loan Bank Act, 12 U.S.C. 1425a(b)(1)(C) (1976). Although these notes are housing-related investments, the failure to count FHLMC obligations toward liquidity limits their utility to Federal Home Loan Bank members. The Board therefore has determined to amend § 523.10 to include short-term FHLMC obligations.

As with the other securities listed in § 523.10(g)(3), FHLMC obligations will be considered liquid assets only if they have five years or less remaining until maturity. Thus, FHLMC's pass-through certificates will not constitute liquid assets unless they have been outstanding for some time. A FHLMC obligation may be considered a short-term liquid asset if it has less than a year until maturity. *See* 12 CFR 523.10(h)(2).

Because there is a present need to attract funds to housing through programs like the FHLMC's and the regulatory change will relieve a current restriction and will contribute to the acceptability of the FHLMC obligations, the Board finds that the notice and public procedures of 5 U.S.C. 552(b) and 12 CFR 508.11 and the 30-day delayed effective date requirement of 5 U.S.C. 552(d) and 12 CFR 508.14 are unnecessary and not in the public interest. Therefore, the amendments will take effect immediately.

Accordingly, the Board hereby amends Part 523, Subchapter B, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

PART 523—MEMBERS OF BANKS

1. Amend § 523.10 by removing the word "or" at the end of paragraph (g)(3)(x) and placing it at the end of paragraph (g)(3)(xi), and by adding a new paragraph (g)(3)(xii) thereto, to read as follows:

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

* * * * *

(g) *Liquid assets.* * * *

(3) obligations with 5 years or less remaining until maturity, issued, or fully guaranteed as to principal and interest, by:

* * * * *

(xii) the Federal Home Loan Mortgage Corporation;

* * * * *

(Federal Home Loan Bank Act, section 5A, 12 U.S.C. 1425a; Reorg. Plan No. 3 of 1947, 3 CFR 1071 (1943-48 Comp.))

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-30616 Filed 10-21-81; 8:45 am]

BILLING CODE 6720-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 21

[Docket No. 21905, Special Condition 25-102-NM-7]

Special Conditions: Cessna Model 650 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued under §§ 21.16 and 21.101(b) of the Federal Aviation Regulations (FAR) to the Cessna Aircraft Company for the Model 650 series airplanes. This airplane will have novel or unusual

design features associated with the unusually high operating altitude (51,000 feet) for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. These special conditions contain safety standards which the Administrator finds necessary to establish a level of safety equivalent to that established in the regulations.

EFFECTIVE DATE: November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Iven Connally, Lead Region Staff, FAA Northwest Mountain Region, FAA Building, Boeing Field, Seattle, Washington 98108. Telephone (206) 767-2565.

SUPPLEMENTARY INFORMATION:

Background

On November 8, 1976, the Cessna Aircraft Company, P.O. Box 7704, Wichita, Kansas 67201, filed an application for a type certificate in the transport category for the Cessna 650. The Cessna 650 series has a high aspect ratio, moderate, swept-back supercritical wing and a T-tail. It will be powered by two Garrett AiResearch TFE 731-3-100S engines mounted on the aft fuselage. Its maximum takeoff weight is 19,500 pounds. It is pressurized and designed to have a maximum operating altitude of 51,000 feet. The type design of the Cessna 650 series airplane contains a number of novel and unusual design features for an airplane type certificated under the applicable provisions of Part 25 of the FAR. Those features include the relatively small passenger cabin volume and a high operating altitude. The applicable airworthiness requirements do not contain adequate or appropriate safety standards for the Cessna 650 series airplanes. Therefore, special conditions are necessary to establish a level of safety equivalent to that established in the regulations.

A higher degree of pressure vessel integrity than envisioned by the original type certification basis is required to assure that depressurization at high altitude is unlikely. The ventilation, air conditioning, and pressurization systems require upgrading to ensure survivability with certain system failures. Part 25 does not define the oxygen system required to operate above 40,000 feet. A special condition is therefore required to define the oxygen system. Special conditions were proposed (46 FR 35929; July 13, 1981) to provide a level of safety equivalent to that established in the regulations. Only one comment was received as a result of publication of the proposed special conditions. It suggested editorial changes, some of which have been incorporated in the special conditions.

Type Certification Basis

The certification basis for the Cessna Aircraft Company (Cessna) Model 650 series airplane is as follows: Part 25 of the Federal Aviation Regulations (FAR) effective February 1, 1965, as amended through Amendment 25-39, 25-43, and 25-44; § 25.901(c) of Amendment 25-40; §§ 25.1309 and 25.1351(d) of Amendment 25-41; §§ 25-177, 25-255, and 25-703 of Amendment 25-42; Part 36 of the FAR effective December 1, 1969, either as amended through Amendment 36-10 or as amended at time of the noise test; SFAR 27 effective February 1, 1974, as amended through Amendment 27-2; and these special conditions.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designated in accordance with § 21.17(a)(1) do not contain adequate or appropriate safety standards because of novel or unusual design features of the airplane. Special conditions, as appropriate, are now issued after public notice in accordance with §§ 11.28 and 11.29(b), effective October 14, 1980, and will become part of the type certification basis in accordance with § 21.17(a)(2).

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

The Proposed Special Conditions

Accordingly, the following special conditions are issued to the Cessna Aircraft Company for the Cessna Model 650 series airplanes for operation at a maximum altitude of 51,000 feet:

A. *Ventilation.* Instead of the requirements of § 25.831(a), the ventilation system must be designed to provide a sufficient amount of uncontaminated air to enable the crewmembers to perform their duties without undue discomfort or fatigue and to provide reasonable passenger comfort during normal operating conditions and in the event of any minor failure of any system on the airplane which would aversely affect the cabin ventilation air. For normal operations, crewmembers and passengers must be provided with at least 10 cubic feet of fresh air per minute per person, or the equivalent in filtered, recirculated air based on the volume and composition at the corresponding cabin pressure altitude of not more than 8,000 feet.

B. *Air Conditioning.* In addition to the requirements of §25.831(b) through (e), cabin cooling systems must be designed to meet the following conditions during flight above 15,000 feet MSL:

1. After any probable failure, the cabin temperature-time history may not exceed the values shown in Figure 1.

2. After any improbable failure, the cabin temperature-time history may not exceed the values shown in Figure 2.

C. *Pressurization.* In addition to the requirements of § 25.841, the following apply:

1. The pressurization system must be capable of maintaining the following relationships between specific failure and cabin altitude-time histories for operations above 45,000 feet:

(a) The cabin altitude-time history may not exceed that shown in Figure 3 after each of the following:

(1) Any probable double failure in the pressurization system.

(2) Any single failure in the pressurization system combined with the occurrence of a leak produced by a complete loss of a door seal element, or a fuselage leak through an opening having an effective area 2.0 times the effective area which produces the maximum permissible fuselage leak rate approved for normal operation, whichever produces a more severe leak.

(b) The cabin altitude-time history may not exceed that shown in Figure 4 after each of the following:

(1) The maximum pressure vessel opening resulting from crack propagation for a period encompassing two normal inspection intervals. The initial crack must be at least one-half the local panel width in length. Mid-panel cracks and cracks through skin-stringer and skin-frame combinations must be considered.

(2) The pressure vessel opening resulting from probable damage, while under maximum operating cabin pressure differential, created by a tire burst, engine rotor burst, loss of antennas or stall warning vanes, or any probable equipment failure.

(3) Complete loss of thrust from all engines.

2. In showing compliance with paragraph 1 of this special condition, it may be assumed that an emergency descent is made in accordance with an approved emergency procedure. In showing compliance with paragraph 1(b), a 17-second crew recognition and reaction time must be applied between cabin altitude warning and the initiation of an emergency descent.

D. *Oxygen Equipment and Supply.* In addition to the requirements of § 25.1441, the following apply:

1. A quick-donning oxygen mask system with a pressure-demand, mask-mounted regulator must be provided for

the flightcrew. It must be shown that each quick-donning mask can, with one hand and within 5 seconds, be placed on the face from its ready position, properly secured, sealed, and supplying oxygen upon demand.

2. A continuous-flow oxygen system must be provided for the passengers.

E. *Pressure Vessel Integrity.*

1. The maximum extent of failure and pressure vessel opening that can be demonstrated to comply with paragraph C of these special conditions must be determined. It must be demonstrated by crack propagation and fail-safe testing that a larger opening or a more severe failure than demonstrated will not occur in normal operation.

2. Inspection schedules and procedures must be established to ensure that cracks and normal fuselage leak rates will not progress or that the pressurization system capability will not deteriorate to the extent that an unsafe condition could exist during normal operation.

3. The pressure vessel structure, including doors and windows, must comply with § 25.365(d) using a factor of 1.67 instead of the 1.33 factor prescribed.

4. In addition to the requirements of § 25.571, the loads prescribed in § 25.571(c) and this paragraph must be multiplied by a factor of 1.15 unless the dynamic effects of failure under static load are otherwise considered. In addition, the following apply as ultimate loading conditions:

(a) The normal operating pressures combined with the expected external aerodynamic pressures must be applied simultaneously with the flight loading conditions specified in § 25.571(c); and

(b) The combined pressures set forth in paragraph 4(a) of this special condition multiplied by a factor of 1.67 must be applied to the pressurized cabin without any other load.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)).

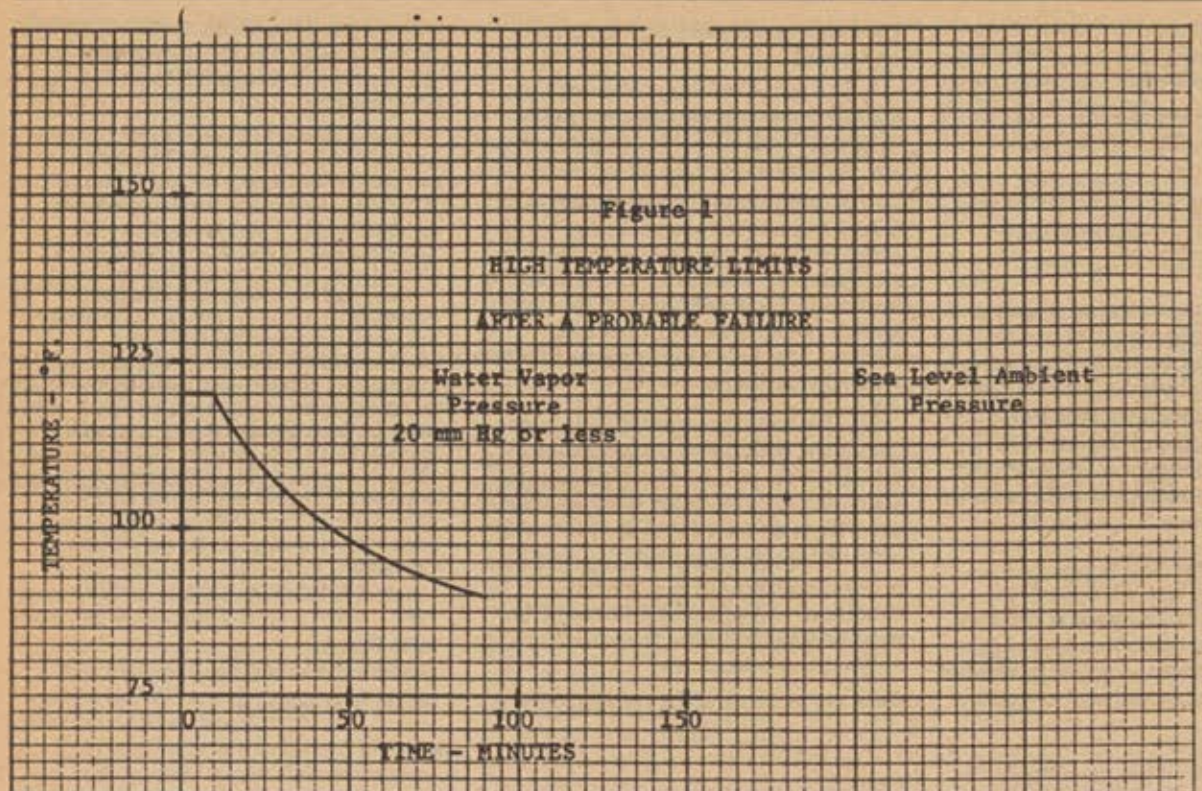
Note.—This action is not a proposed rule of general applicability and is therefore not covered under Executive Order 12291 or the Regulatory Flexibility Act. The FAA has determined that this document is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the docket. A copy of it may be obtained by contacting the person identified as the information contact. This rule is a final order of the Administrator as defined by Section 1005 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1485). As such, it is subject to review only by the courts of appeals of the United States or the United States Court of Appeals for the District of Columbia.

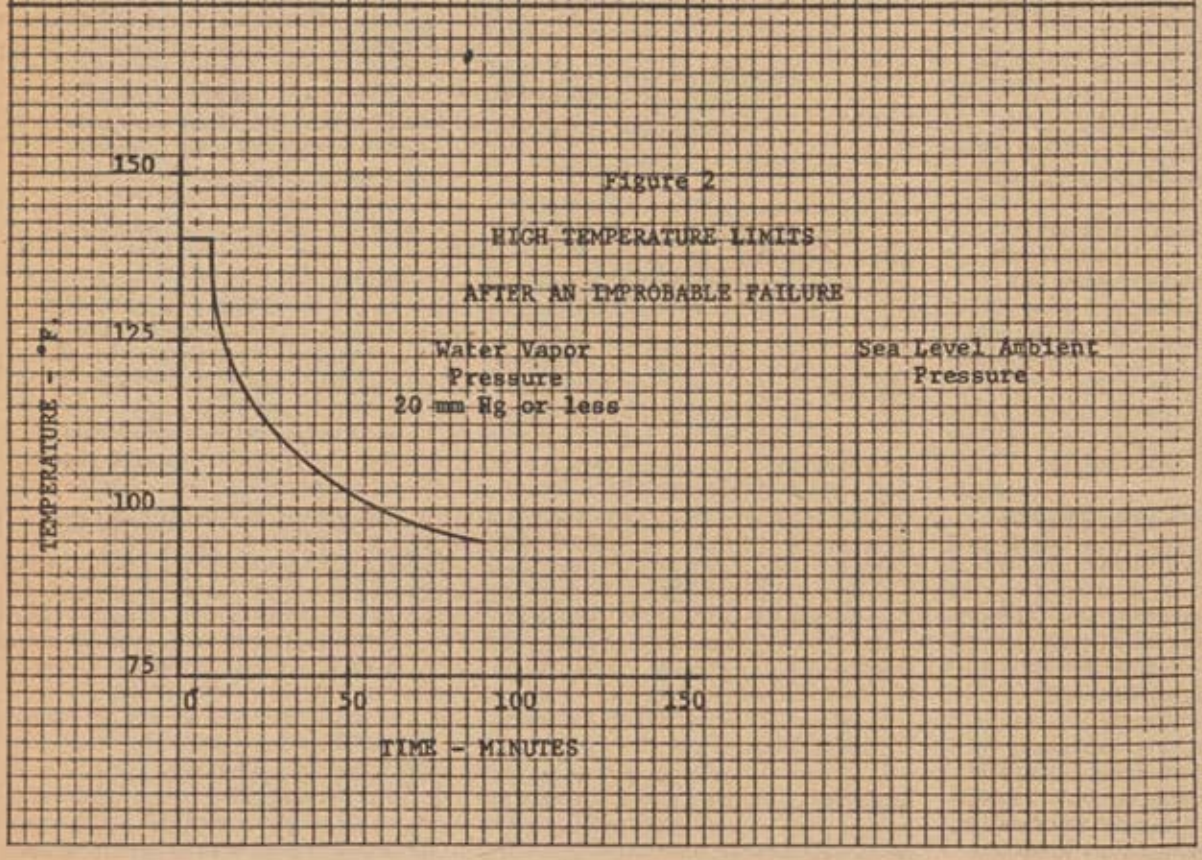
Issued in Washington, D.C., on October 15, 1981.

M. C. Beard,

Director of Airworthiness.

BILLING CODE 4910-13-M





[FR Doc. 81-30516 Filed 10-21-81; 8:45 am]
BILLING CODE 4910-13-C

14 CFR Part 39

[Docket No. 22287; Amdt. 39-4239]

Airworthiness Directives, Flug Und Fahrzeugwerke AG Model Diamant HBV and 16.5 Gliders

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the Federal Register and makes effective as to all persons an amendment adopting a new airworthiness directive (AD) which was previously made effective as to all known U.S. owners and operators of certain Flug Und Fahrzeugwerke AG Model Diamant HBV and 16.5 gliders by individual telegrams. The AD requires an initial inspection of the lower close tolerance bolt on the rudder or tightness, and repetitive inspection of the bolt until replaced. The AD is necessary to prevent loss of the rudder lower close tolerance bolt and disconnection of the rod, which could result in loss of the rudder.

DATES: Effective October 22, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T81-12-51, issued June 10, 1981, which contained this amendment.

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

ADDRESS: The applicable service bulletin may be obtained by writing to: Flug Und Fahrzeugwerke AG, CH-9422 Staad-SG, Switzerland.

A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: C. Christie, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30, or C. Chapman, Chief, Technical Standards Branch, AWS-110, FAA, 800 Independence Avenue, SW., Washington, D.C. 20591, Telephone: 202-426-8374.

SUPPLEMENTARY INFORMATION: On June 10, 1981, telegraphic AD T81-12-51 was issued and made effective immediately as to all known U.S. owners and operators of certain Flug Und Fahrzeugwerke AG Model Diamant HBV and 16.5 gliders. The AD required an initial inspection of the rudder lower close tolerance bolt for tightness, and a repetitive inspection of the bolt until replaced. AD action was necessary to prevent loss of the rudder lower close tolerance bolt and disconnection of the rod, which could result in loss of the rudder.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual telegrams issued June 10, 1981, to all known U.S. owners and operators of certain Flug Und Fahrzeugwerke AG Model Diamant HBV and 16.5 gliders. These conditions still exist and the AD is hereby published in the Federal Register as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

PART 39—AIRWORTHINESS DIRECTIVES

Adoption of the Amendment

§ 39.13 [Amended]

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

FLUG UND FAHRZEUGWERKE AG.

Applies to AG Model Diamant HBV and 16.5 gliders, certificated in all categories.

Compliance required as indicated, unless already accomplished.

To prevent loss of the rudder lower close tolerance bolt, which could result in loss of the rudder, accomplish the following:

(a) Before further flight, unless already accomplished within the last 25 flight hours, and thereafter at intervals not to exceed 25 flight hours until replacement per paragraph (b) is accomplished, inspect the rudder close tolerance bolt for tightness in accordance with Flug Und Fahrzeugwerke AG Service Bulletin Number 10, dated April 1981, or in accordance with applicable criteria of FAA Advisory Circular 43.13-1A. If the bolt is loose (free to rotate), before further flight, replace the bolt in accordance with the above noted Service Bulletin, or an FAA-approved equivalent.

(b) Unless already accomplished, prior to January 1, 1982, replace the rudder close tolerance bolt in accordance with Flug Und Fahrzeugwerke AG Service Bulletin Number 10, dated April 1981, or an FAA-approved equivalent, as follows:

(1) Remove rudder as follows:

(i) Push rudder to the right deflection limit so that the bolt is visible through the opening on the left side of the rudder.

(ii) Remove connecting bolt at the end of the push rod.

(iii) Remove close tolerance bolt.

(iv) Remove rudder from the bearing block by pulling the rudder backwards. As soon as the rudder is off the bearing block, pull the rudder downwards to remove it from the upper bearing.

(2) Modification procedure:

(i) On the lower bearing block remove both rivets from the anchor nut. Then rivet bracket and sheet together again (without anchor nut).

(ii) Mount rudder in reverse order to Item 1.

(iii) Check deflections according to the flight manual, Item 5.2 (plus or minus 30 degrees, +3°, −0°).

(iv) Check rudder and elevator controls for free movement.

(3) Material:

Materials	Part number
1 connecting bolt	D1.206-0303.1.
1 spacer	R20002 AN 960-C10L.
2 castle nuts	M6 VSM 13780.
2 cotter pins	1.6 × 16 VSM 12760.
1 close tolerance bolt	D1.201-1228.1.
2 rivets	MS 20470-AD2-10.

(c) For the purpose of compliance with this AD, an equivalent procedure may be approved by the Chief of the FAA Engineering and Manufacturing Branch of any FAA Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Flug Und Fahrzeugwerke AG, CH-9422 Staad SG, Switzerland. These documents may be examined at FAA Headquarters, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

This amendment becomes effective October 22, 1981, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T81-12-51, issued June 10, 1981, which contained this amendment.

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

Note.—The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule was previously issued in telegraphic form to known owners and operators to correct an unsafe condition in aircraft. The present action codifies the rule and makes it effective as to all persons. It has been further determined that this rule involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by

contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT."

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

Issued in Washington, D.C., on October 9, 1981.

M. C. Beard,

Director of Airworthiness.

[FR Doc. 81-30400 Filed 10-21-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 81-CE-4-AD; Amdt. 39-4235]

Airworthiness Directives; Beech Models 99, 99A, A99A, A99, and B99 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 81-18-08 as extended by Amendment 39-4233 (46 FR 48619) applicable to Beech Models 99, 99A, A99A, A99 and B99 airplanes by replacing the Kinds of Operation Equipment List (KOEL) provided as Appendix 1 to the AD with a revised KOEL dated September 25, 1981. This amendment is required since there was a need to correct specific inaccuracies and clarify certain items noted in the initially-publised KOEL.

EFFECTIVE DATE: December 2, 1981.

ADDRESS: Copies of the draft evaluation for this regulation may be obtained from: Paul A. Cormaci, Aerospace Engineer, Airworthiness Standards Program, Room 1639, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Paul A. Cormaci, Aerospace Engineer, Airworthiness Standards Program, Room 1639, 601 East 12th Street, Kansas City, Missouri 64106; (816) 374-6942.

SUPPLEMENTARY INFORMATION: AD 81-18-08, Amendment 39-4196 (46 FR 43656-43658) applicable to Beech Model 99, 99A, A99A, A99 and B99 airplanes requires the deletion of the Minimum Equipment List (MEL) and Configuration Deviation List (CDL) from the FAA Approved Airplane Flight Manual (AAFM) and the insertion therein of a new document entitled "Kinds of Operations Equipment List" (KOEL) as operating limitations for these Beech model airplanes. This action was taken pursuant to a Notice of Proposed Rulemaking (46 FR 24189-24192) and is necessary to preclude unsafe operation of the airplanes with certain inoperative equipment.

Subsequent to the issuance of AD 81-18-08, it was brought to the FAA's attention that some Model 99 series airplane owners/operators may still misunderstand the KOEL and its relationship to an FAA Master Minimum Equipment List (MMEL) and the MEL being removed from the AFM and that there may be mistakes in the initial KOEL (Appendix 1 to AD 81-18-08). Accordingly, the FAA issued Amendment 39-4233 (46 FR 48619) which extended the AD effective date to December 2, 1981. The 60-day extension to the AD effective date affords the FAA time to clarify the KOEL where necessary and to correct any inaccuracies noted in the initial KOEL.

The following is a description of revisions and the reason for the revisions being made to the revised KOEL, which is identified as Appendix I, revision 1, dated September 25, 1981, and is attached to this document:

1. The initial KOEL did not include an AC volt meter as a required instrument even though this instrument is installed on certain of the affected 99 series airplanes and is required to indicate power to AC-powered flight instruments. Accordingly, the KOEL is revised under the heading "Electrical Power" to include a new entry: Item 9. AC Volt Meter, (If Installed), one (1) required for all conditions.

2. Under the heading "Equipment and Furnishings," the initial KOEL shows three (3) exit signs—self-illuminating while four (4) are actually installed and required for all conditions. Accordingly, the KOEL is revised to show four (4) exit signs—self-illuminating for all conditions.

3. It was not clear in the initial KOEL under the heading "Fire Protection" that the items, "Engine Fire Detector" and "Firewall Fuel Shutoff" were systems; therefore, the KOEL is revised to include the word "system" after each of these two items.

4. Under the initial KOEL "Ice and Rain Protection" heading:

a. Item 2. Engine inlet scoop deicer-prop deice indicator, lists two (2) required for all conditions, while, in fact, there is only one indicator installed in the Model 99 series airplanes. Further, the indicator is labeled "Prop/Inlet." Since the number listed is a technical inaccuracy, the KOEL item title and number are revised to read "Indicator—Propeller/Inlet Deicer," one (1) required for all conditions.

b. Item 6. The engine auto-ignition system is not installed on certain Model 99 series and/or certain serial number airplanes; therefore, the words "if installed" in parentheses are added after this entry in the revised KOEL.

c. Item 7. Propeller deice lists two (2) required for icing conditions, meaning that each propeller deice boot must be operational while, in fact, there is one (1) propeller deice system which controls the propeller deice boot on each propeller. The initial KOEL is hereby clarified by adding the word "system" after the entry and listing one (1) required for icing conditions.

d. Item 10. The stall warning mounting plate heater is only required in icing conditions; therefore, the initial KOEL is revised to show one (1) required for icing conditions only.

5. Under the "Landing Gear" heading of the initial KOEL, some inservice Model 99 series airplanes with electric-actuated landing gear are being, or have been, converted to hydraulic-actuated landing gear. Therefore, a new entry is added to the revised KOEL as item 5, "Landing Gear Hydraulic Pump (if installed)," one (1) required for all conditions.

6. Under the "Lights" heading of the initial KOEL:

a. Item 3 listed landing light assembly (two lamps), one (1) required for VFR and IFR night operation. The FAA and manufacturer previously agreed that the KOEL list the individual number of lamps installed and type certificated on the airplane as four (4). However, subsequent review of the Model 99 certification requirements and Beech data applicable to airworthiness compliance shows that any 2 of the 4 bulbs installed on the Model 99 series airplanes are adequate for conducting night landing operations.

The initial KOEL is, accordingly, revised to read "Landing Light Bulbs (any 2 of 4 bulbs)," two (2) required for VFR and IFR night operations.

b. Item 4 lists position light system, one (1) required for VFR and IFR night operation. The manufacturer prefers that the KOEL list the number of individual position lights required. Accordingly, the initial KOEL is revised to show landing lights, three (3) required for VFR and IFR night operation.

c. The Cabin and Baggage Door Warning Lights (Items 5 and 6) are combined into one annunciator light on certain Model 99 series and certain serial number airplanes. Therefore, to provide for configuration differences, the initial KOEL is revised by adding "(Note)" after the item 5 and 6 KOEL entry with a note below these items to read: "Where combined into one cabin/

baggage annunciator—one (1) is required for all conditions."

7. Under the Vacuum System heading of the initial KOEL, certain Model 99 series and certain serial number airplanes are equipped with a pressure rather than a vacuum gauge. In addition, there was some concern from the manufacturer that the gauge did not include the airplane's instrument air system. Accordingly, and to further clarify the initial KOEL, item 1 is revised to include the words "or pressure" and a new item 2 added to read "Instrument Air System," one (1) required for all conditions.

8. Under the Propeller heading of the initial KOEL, there is actually only one, do not reverse warning light/annunciator (Item 3) installed in all Model 99 series airplanes, while the initial KOEL required two (2) warning lights, which is a technical inaccuracy. In addition, the manufacturer asked that propeller reversing systems be added to the initial KOEL and that two (2) be required for all conditions. Accordingly, the initial KOEL is revised to show one (1) do not reverse warning light required for all conditions and that a new item 4 added to show propeller reversing, (2) two required for all conditions.

9. Under the Engine Oil heading of the initial KOEL, the manufacturer is concerned that since the initial KOEL, item 4, Engine Chip Detector is listed with other indicators/lights, item 4 could be interpreted to mean there must be an indicator or light installed to meet the KOEL. To clarify this item, the manufacturer asks that the word "system" be added to the entry. The FAA is aware that AD 75-11-04, which requires the magnetic chip detector on various United Aircraft PT-6A series engines, only provides a means for chip detection along with periodic maintenance checks for compliance and does not specify indicators/lights. Accordingly, the initial KOEL item 4 is revised to include the word "system" after the entry.

10. Finally, the FAA is aware that the initial KOEL does not include, for example, instruments, navigation and communications equipment required by the Operating Requirements even though those instruments and equipment are installed and evaluated during type certification and are part of the airplane type design approved under type certification. Accordingly, Note 4 has been added to the revised KOEL to make it clear that the KOEL does not include those instruments/equipment or systems required by any applicable operating requirements.

Since this amendment is relieving and clarifying in nature, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective December 2, 1981.

PART 39—AIRWORTHINESS DIRECTIVES

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending Airworthiness Directive 81-18-08, Amendment 39-4196, (46 FR 43656-43658) as amended by Amendment 39-4233, (46 FR 48619) as follows:

Revise paragraph (B)2. to read:

"2. In Section 1, Limitations, insert the Kinds of Operations Equipment List (KOEL), a copy of which is attached hereto and identified as Appendix I, Revision 1, dated September 25, 1981, for temporary insertion until an identical permanent list is provided by the manufacturer, and operate the airplane in accordance with that Equipment List."

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

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979) and will not have a significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves changes to manuals affecting operations used on only a few aircraft owned by small entities. A draft evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

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

Issued in Kansas City, Missouri, on October 9, 1981.

John E. Shaw,

Acting Director, Central Region.

Appendix I.—Kinds of Operations Equipment List (KOEL)

This airplane may be operated in day or night VFR, day or night IFR and icing conditions when the appropriate equipment is installed and operable.

The following equipment list identifies the systems and equipment upon which type certification for each kind of operation was predicated and must be installed and operable for the particular kind of operation indicated. However, certain operations may be authorized with certain listed equipment and/or systems inoperative under certain conditions and under provisions defined by a current Minimum Equipment List (MEL) approved by the FAA which is dated concurrently with or after this AFM revision and authorized under an operating regulation which provides for use of an MEL.

	VFR day	VFR night	IFR day	IFR night	Icing
Electrical power:					
1. Battery	1	1	1	1	1
2. D.C. generator	2	2	2	2	2
3. D.C. loadmeter	2	2	2	2	2
4. D.C generator warning light	2	2	2	2	2
5. Inverter	2	2	2	2	2
6. Inverter warning light	1	1	1	1	1
7. Feeder limiter warning light	1	1	1	1	1
8. Battery monitor system	1	1	1	1	1
9. AC volt meter (if installed)	1	1	1	1	1
Equipment/furnishings:					
1. Exit signs—self-illuminated	4	4	4	4	4
Fire protection:					
1. Engine fire detector system	2	2	2	2	2
2. Firewall fuel shutoff system	2	2	2	2	2
Flight Controls:					
1. Flap system	1	1	1	1	1
2. Flap position indicator	1	1	1	1	1
3. Horizontal stabilizer trim system—main	1	1	1	1	1
4. Horizontal stabilizer trim system—standby	1	1	1	1	1
5. Stabilizer out-of-trim aural warning indicator	1	1	1	1	1
6. Trim-in-motion aural indicator	1	1	1	1	1
7. Horizontal stabilizer position indicator	1	1	1	1	1
8. Stall warning horn	1	1	1	1	1
9. Trim tab indicator—rudder	1	1	1	1	1
10. Trim tab indicator—aileron	1	1	1	1	1
Fuel:					
1. Fuel boost pumps (4 are installed)	(1)	(1)	(1)	(1)	(1)
2. Fuel quantity indicator	2	2	2	2	2
3. Fuel quantity gauge selector switch	1	1	1	1	1
4. Nacelle not-full warning light	2	2	2	2	2
5. Crossfeed light	1	1	1	1	1
6. Fuel boost pump low pressure warning light	2	2	2	2	2
7. Fuel flow indicator	2	2	2	2	2
8. Jet transfer pump	2	2	2	2	2
Ice and rain protection:					
1. Engine inlet scoop deicer boot	2	2	2	2	2
2. Indicator—propeller/inlet deicer	1	1	1	1	1
3. Engine inertial anti-icing system	2	2	2	2	2
4. Pitot heat	0	0	2	2	2

	VFR day	VFR night	IFR day	IFR night	Icing
5. Alternate static air source	0	0	1	1	1
6. Engine auto-ignition system (if installed)	2	2	2	2	2
7. Propeller deicer system	0	0	0	0	1
8. Windshield heat (left)	0	0	0	0	1
9. Surface deicer system	0	0	0	0	1
10. Stall warning mounting plate heater	0	0	0	0	1
11. Wing ice light (left)	0	0	0	0	1
12. Windshield wiper (left)	1	1	1	1	1
Landing gear:					
1. Landing gear position indicator lights	3	3	3	3	3
2. Landing gear handle light	1	1	1	1	1
3. Flap-controlled landing gear aural warning	1	1	1	1	1
4. Nose steering disconnect actuator	1	1	1	1	1
5. Landing gear hydraulic pump (if installed)	1	1	1	1	1
Lights:					
1. Cockpit and instrument (required illumination)	0	1	0	1	0
2. Anti-collision	0	2	0	2	0
3. Landing light bulbs (any 2 of 4 bulbs)	0	2	0	2	0
4. Position lights	0	3	0	3	0
5. Cabin door warning light (note)	1	1	1	1	1
6. Baggage door warning light (note)	1	1	1	1	1

Note.—Where combined into one cabin/baggage annunciator—one (1) is required for all conditions.

Navigation (instrument)					
1. Altimeter (left)	1	1	1	1	1
2. Airspeed (left)	1	1	1	1	1
3. Magnetic compass	1	1	1	1	1
4. Outside air temperature	1	1	1	1	1
Vacuum System:					
1. Suction or pressure gauge	1	1	1	1	1
2. Instrument air system	1	1	1	1	1
Propeller:					
1. Autofeather system	2	2	2	2	2
2. Low pitch light (PT6A-20 engine only)	2	2	2	2	2
3. Do not reverse warning light	1	1	1	1	1
4. Propeller reversing	2	2	2	2	2
Engine Indicating:					
1. Tachometer indicator (propeller)	2	2	2	2	2
2. Tachometer indicator (gas generator)	2	2	2	2	2
3. ITT indicator	2	2	2	2	2
4. Torque indicator	2	2	2	2	2
Engine oil:					
1. Oil temperature indicator	2	2	2	2	2
2. Oil pressure indicator	2	2	2	2	2
3. Low oil pressure light	2	2	2	2	2
4. Engine chip detector system	2	2	2	2	2

[1] Per AFM limitations.

NOTE 1.—The zeros (0) used in the above list mean that the equipment and/or system was not required for type certification for that kind of operation.

NOTE 2.—The above system and equipment list is predicated on a crew of one pilot.

NOTE 3.—Equipment and/or systems in addition to those listed above may be required by operating regulations (FAR Part 135) that may specify certain items of equipment for more than one pilot.

NOTE 4.—The above system and equipment list does not include specific flight instruments and communications/navigation equipments required by the FAR Part 91 and 135 operating requirements.

[FR Doc. 81-30468 Filed 10-21-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 18605/80-APC-6]

Alteration of Group II Terminal Control Area; Honolulu, HI

Correction

In FR Doc. 81-29236, appearing at page 49834, in the issue of Thursday, October 8, 1981, make the following changes:

On page 49834, in the third column, in paragraph 1., in the fourth line change "within" to read "with", and in the fifth line, change "container" to "contain".

BILLING CODE 1505-01-M

14 CFR Part 71

[Airspace Docket No. 81-ANW-12]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area and Control Zone, Lewiston, Idaho

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action alters the Lewiston, Idaho, transition area and control zone to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Lewiston airport.

EFFECTIVE DATE: November 26, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, Airspace Specialist (ANW-534), Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108; telephone (206) 767-2610.

SUPPLEMENTARY INFORMATION:

History

On July 16, 1981, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Lewiston, Idaho, transition area and control zone (46 FR 38377). This action provides controlled airspace for aircraft executing a new instrument approach procedure to the Lewiston airport. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, these amendments are the same as those proposed in the notice. §§ 71.181 and 71.171 were republished on January 2, 1981 (46 FR 540 and 455).

The Rule

These amendments to Part 71 of the Federal Aviation Regulations amend §§ 71.181 and 71.171, altering the Lewiston, Idaho, transition area and control zone to provide additional controlled airspace to accommodate a new instrument approach procedure for Lewiston airport.

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, §§ 71.181 and 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540 and 455) are amended, effective 0901 GMT, November 26, 1981, as follows:

§ 71.171 [Amended]

In § 71.171, revise the description of the Lewiston Control Zone to read:

"Within a 5-mile radius of Lewiston-Nez Perce County Airport (lat. 46°22'29" N, long. 117°00'52" W); within 3 miles each side of the Lewiston-Nez Perce ILS localizer course, extending from the 5-mile radius zone to 17 miles east of the airport; within 4 miles each side of the Lewiston VOR 266° radial extending from the 5-mile radius zone to 15 miles west of the airport. This control zone is effective during the specific dates and times published in the Airport/Facility Directory."

§ 71.181 [Amended]

In § 71.181, revise the description of the Lewiston, Idaho, Transition Area to read:

That airspace extending upwards from 700 feet above the surface within an area bounded by a line beginning at lat. 46°29'25" N, long. 117°34'05" W, east to lat. 46°30'45" N, long. 117°00'45" W, north to lat. 46°34'25" N, long. 117°04'40" W, then via the arc of a 16.5-mile radius centered on the Lewiston VOR (lat. 46°22'54" N, long. 116°52'07" W), to lat. 46°27'00" N, long. 116°32'05" W, east to lat. 46°25'30" N, long. 116°26'00" W, south to lat. 46°13'20" N, long. 116°30'00" W, west to lat. 46°14'40" N, long. 116°35'40" W, then via the arc of a 16.5-mile radius centered on the Lewiston VOR (lat. 46°22'54" N, long. 116°52'07" W) to lat. 46°09'00" N, long. 116°46'50" W, north to lat. 46°17'00" N, long. 116°49'10" W, west to lat. 46°18'05" N, long. 117°00'11" W, west to lat. 46°17'42" N, long. 117°22'00" W, south to lat. 46°10'30" N, long.

117°26'20" W, west to lat. 46°12'00" N, long. 117°35'40" W, north to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded on the east by W long. 116°, bounded on the south by N lat. 46°, bounded on the west by the arc of a 19-mile radius circle centered on the Walla Walla VOR (lat. 46°06'13" N, long. 118°17'29" W) and bounded on the north by V-536.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

Issued in Seattle, Washington, October 8, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 81-30491 Filed 10-21-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 91

[Docket No. 21022A; Reg. Notice No. 91-100]

Update of Emergency Air Traffic Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Update of emergency air traffic regulations.

SUMMARY: Section 91.100 of the Federal Aviation Regulations (14 CFR 91.100) requires aircraft operators to comply with emergency air traffic regulations issued under that section and covered by Notices to Airmen (NOTAMs) that are also issued under that section. This document is not itself regulatory, but provides notice of regulations already adopted and immediately effective under § 91.100, for which the FAA has also issued NOTAMs. It adds, to Notice 91-100, emergency regulations implementing Special Federal Aviation Regulation No. 44, as amended, that are necessary to respond to a shortage in air traffic control personnel.

EFFECTIVE DATE/TIME: As stated in each regulation listed.

ADDRESSES: Send comments on the listed regulations, in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21022A, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may be examined in the Rules Docket, Room 915, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: B. Keith Potts, Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591, telephone (202) 426-3731.

SUPPLEMENTARY INFORMATION:

Comments Invited

The regulations issued under § 91.100 and listed herein are emergency final rules involving immediate air traffic requirements throughout the United States. The need for immediate regulatory response under § 91.100 is stated at 46 FR 16666, *et seq.* In issuing the regulations in this notice, the FAA has found that emergency conditions cited in § 91.100 exist or will exist and that the regulations are necessary in order to respond to those conditions in the public interest. Where necessary, these regulations may be supplemented or amended hourly, or even more frequently, as weather or other air traffic conditions change. Accordingly, good cause exists for making these regulations effective immediately, without prior notice and public procedure, other than the public notice already afforded on the draft National Air Traffic Control Contingency Plan (45 FR 75096; November 13, 1980), on the Contingency Plan adopted February 27, 1981 (46 FR 15402; March 5, 1981), and on the adoption of § 91.100 (46 FR 16666, March 13, 1981), Special Aviation Regulation No. 44 (46 FR 39997; August 6, 1981), Special Federal Aviation Regulation No. 44-1 (46 FR 44424; September 4, 1981), and Special Federal Aviation Regulation No. 44-2 (46 FR 48906; October 5, 1981). Comments were also invited on the emergency regulations previously published in the **Federal Register** in Notice 91-100.

Comments are invited on any aspect of the listed regulations, individually or cumulatively, and on any aspect of the emergency air traffic control conditions they respond to. When § 91.100 was issued, the FAA noted that it was an emergency regulation under Executive Order 12291 and DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and had no cost impact in itself since it was only procedural. However, the FAA also stated (at 46 FR 16669) that the regulations distributed in accordance with § 91.100 will be evaluated individually, as appropriate, to determine whether they have cost impacts. To assist the FAA in determining, as soon as practicable after issuance, the cost impacts of the regulations issued under § 91.100, comments on economic impact are specifically invited.

Commenters wishing the FAA to acknowledge receipt of their comments in response to these rules must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 21022A." The postcard will be date/time stamped and returned to the commenter.

Effect of Publication

When § 91.100 was issued (Amendment No. 91-175, March 9, 1981, published in the **Federal Register**, 46 FR 16666, on March 13, 1981), the FAA stated, at 46 FR 16667, that subsequent publication, in the **Federal Register**, of emergency air traffic regulations issued under that section, will provide constructive legal notice of those regulations to all persons who may not have received the NOTAMs concerning those regulations or who otherwise may not have legal notice of the adoption of those regulations. This document provides this constructive legal notice of immediately effective emergency regulations that have already been adopted. Additional emergency rules will be published periodically if the need for their adoption continues.

Availability Prior to Publication: Preflight Requirement

Since there is a necessary time lag between the issuance of emergency air traffic regulations and NOTAMs under § 91.100 and the publication of these regulations in the **Federal Register**, and since these regulations and NOTAMs respond to emergency conditions that exist, or will exist, relating to the FAA's ability to operate the Air Traffic Control System, this document also provides constructive notice that the NOTAMs concerning these regulations are available at operating air traffic facilities and Regional Air Traffic Division offices prior to **Federal Register** publication and as long as they remain effective. Under § 91.5 *Preflight Action* (14 CFR 91.5), each pilot in command is required to familiarize himself or herself with all available information concerning each flight.

Air Traffic Controller Shortage: SFAR No. 44

The emergency air traffic regulations listed in this amendment to Notice 91-100 follow the adoption, by the FAA, on August 3, 1981, of Special Federal

Aviation Regulation (SFAR) No. 44, as amended, in response to the threat of a strike by Air Traffic Controllers Organization (PATCO), and subsequent organized controller action that in fact occurred. The emergency aspects of that action are described at 46 FR 39997, *et seq.* As a result, air traffic control facilities have experienced staffing shortages that have reduced the level of air traffic that can be handled with the required levels of safety and efficiency. To ensure that these levels of safety and efficiency are fully maintained during this shortage of air traffic personnel, the emergency regulations listed in section 2 of this notice have been issued under § 91.100. Emergency regulations adopted for the period August 17, 1981, through October 6, 1981, are included herein, and will be supplemented, for the indefinite future, with additional regulations until staffing levels improve.

Regulatory Impact

The FAA has determined that the regulations listed in this notice are emergency regulations under section 8(a)[1] of Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to these regulations, since they are issued in response to existing or expected emergency conditions relative to FAA's ability to operate the Air Traffic Control System. It has been further determined that the listed regulations are emergency regulations under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If these regulations are later determined to be significant, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Notice of Adoption

Accordingly, pursuant to the authority delegated to me by the Administrator in § 91.100 of the Federal Aviation Regulations (14 CFR 91.100; 46 FR 16666, March 13, 1981) and that cited below, the following emergency air traffic regulations have been adopted, effective as stated therein, and covered by NOTAMs under that section.

(Secs. 307, 313(a), 601, 603, 902, 1110, and 1202, Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1421, 1442, 1443, 1472, 1510, and 1522); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

In consideration of the foregoing, section 2 of Notice 91-100 is hereby amended by adding the following emergency regulations following the regulation numbered FDC 1/1967.

AIR TRAFFIC CONTROLLER SHORTAGE of 1981, and related emergency conditions (SFAR-44), as amended. Doc. No. 21022A

FDC 1/2212 EMERGENCY FLIGHT RULES SEPTEMBER 3, 1981

Because of reduced facility staffing and IFR capacity in certain ARTCC areas the practice of obtaining an IFR clearance while airborne places a burden on the Air Traffic Control System and disrupts efforts to implement flow management procedures. Accordingly, pursuant to FAR 91.100 the following regulation is effective immediately in the New York/Chicago/Cleveland/Indianapolis/Minneapolis/Oakland/Los Angeles/Anchorage/Honolulu/Boston/Kansas City/Denver/Memphis and Atlanta ARTCC areas in order to provide for the safe orderly handling and movement of IFR traffic:

1. Except for operators participating in stored or direct flight plan filing programs, IFR flight plans shall be filed with a flight service station at least 1 hour but not more than 6 hours before the time clearance will be required.

2. Unless otherwise authorized by ATC, IFR clearances shall be obtained before takeoff.

3. Requests for authorization shall be made through a Flight Service Station. Do not contact the ARTCC by radio until the authorization has been obtained through the Flight Service Station.

FDC 1/2254 EMERGENCY FLIGHT RULES SEPTEMBER 9, 1981

Because of reduced facility staffing and IFR capacity in certain ARTCC areas the practice of obtaining an IFR clearance while airborne places a burden on the Air Traffic Control System and disrupts efforts to implement flow management procedures. Accordingly, pursuant to Special Federal Aviation Regulation Numbered 44-1 and Federal Aviation Regulation Section 91.100, the following regulation is effective in the ARTCC areas listed below to provide for the safe, orderly handling and movement of IFR traffic. Anchorage/Atlanta/Boston/Chicago/Cleveland/Denver/Fort Worth/Honolulu/Indianapolis/Kansas City/Los Angeles/Memphis/Minneapolis/New York and Oakland.

1. Except for operators participating in stored or direct flight plan filing programs, flight plans shall be filed with a Flight Service Station at least 1 hour but not more than 6 hours before the time clearance will be required.

2. Unless otherwise authorized by ATC, IFR clearances shall be obtained before takeoff.

3. Request for authorization shall be made through a Flight Service Station. Do not contact the ARTCC by radio until the authorization has been obtained through the Flight Service Station. Information. This adds Forth Worth to the ARTCCs listed in FDC NOTAM 1/2212. Cancel FDC 1/2212.

FDC 1/2261 EMERGENCY FLIGHT RULES SEPTEMBER 10, 1981

Air Traffic Control System Interim Operations Plan. Pursuant to Special Federal Aviation Regulation Number 44-1 and Federal Aviation Regulation Section 91.100 the Director of Air Traffic Service has ordered the reduction of flight operations effective at 0401 GMT September 10, 1981 as follows:

1. At the following airports: ATL Hartsfield/BOS Boston/CLE Hopkins/ORD O'Hare/DAL Dallas/Fort Worth Regional/DEN Stapleton/DTW Metropolitan Wayne Co./FLL Hollywood International/IAH Houston Intercontinental/MCI Kanass City International/LAS McCarran/LAX Los Angeles International/MIA Miami International/MSP Minneapolis/St Paul International/LGA Laguardia/JFK John F. Kenndey/EWR Newark/PIT Greater Pittsburgh/PHL Philadelphia International/STL Lambert/SFO San Francisco/DCA Washington National.

2. Scheduled IFR and VFR air carrier, commuter and air taxi operations shall be reduced in accordance with the Air Traffic Control Interim Operations Plan.

3. All other flight operations will be reduced by existing flow management procedures relative to schedules established in accordance with the Air Traffic Control Interim Operations Plan.

4. All operations conducted in accordance with the Air Traffic Control Interim Operations Plan will be handled by flow management procedures consistent with the schedules established.

5. Priority will be given to flights that are military necessities, medical emergency flights, Presidential flights and flights transporting critical FAA employees.

6. Exceptions may be issued or withdrawn by the Air Traffic Control Command Center as system capacity changes.

FDC 1/2268 EMERGENCY FLIGHT RULES/IFR FLIGHT PLAN FILING EFFECTIVE 2000 GMT SEPTEMBER 10, 1981

Because of reduced facility staffing and IFR capacity in certain ARTCC

areas the practice of obtaining an IFR clearance while airborne places a burden on the Air Traffic Control System and disrupts efforts to implement flow management procedures. Accordingly/pursuant to Special Federal Aviation Regulation Number 44–1 and Federal Aviation Regulation Section 91.100/the following regulation is effective in the ARTCC areas listed below to provide for the safe/orderly handling and movement of IFR traffic. Anchorage/Atlanta/Boston/Chicago/Cleveland/Denver/Fort Worth/Honolulu/Indianapolis/Houston/Kansas City/Los Angeles/Memphis/Minneapolis/New York and Oakland.

1. Except for operators participating in stored or direct flight plan filing programs/flight plans shall be filed with a Flight Service Station at least 1 hour but not more than 6 hours before the time clearance will be required.

2. Unless otherwise authorized by ATC/IFR clearances shall be obtained before takeoff.

3. Request for authorization shall be made through a Flight Service Station. Do not contact the ARTCC by radio until the authorization has been obtained through the Flight Service Station. Information. This adds Houston to the ARTCCs listed in FDC NOTAM 1/2254. Cancel FDC 1/2254.

FDC 1/2274 EMERGENCY FLIGHT RULES/IFR FLIGHT FILING/ EFFECTIVE 2000 GMT SEPTEMBER 10, 1981

Because of reduced facility staffing and IFR capacity in certain ARTCC areas the practice of obtaining an IFR clearance while airborne places a burden on the Air Traffic Control System and disrupts efforts to implement flow management procedures. Accordingly/pursuant to Special Federal Aviation Regulation Number 44–1 and Federal Aviation Regulation Section 91.100/the following regulation is effective in the ARTCC areas listed below to provide for the safe/orderly handling and movement of IFR traffic. Anchorage/Atlanta/Boston/Chicago/Cleveland/Denver/Fort Worth/Honolulu/Indianapolis/Houston/Los Angeles/Memphis/Minneapolis/New York and Oakland.

1. Except for operators participating in stored or direct flight plan filing programs/flight plans shall be filed with a Flight Service Station at least 1 hour but not more than 6 hours before the time clearance will be required.

2. Unless otherwise authorized by ATC/IFR clearances shall be obtained before takeoff.

3. Request for authorization shall be made through a Flight Service Station. Do not contact the ARTCC by radio until the authorization has been obtained through the Flight Service Station. Information. This deletes Kansas City. Cancel FDR 1/2268.

FDC 1/2371 EMERGENCY FLIGHT RULES/IFR FLIGHT FILING/ EFFECTIVE IMMEDIATELY 2115Z SEPTEMBER 18, 1981

Because of reduced facility staffing and IFR capacity in certain ARTCC areas the practice of obtaining an IFR clearance while airborne places a burden on the Air Traffic Control System and disrupts efforts to implement flow management procedures. Accordingly/pursuant to Special Federal Aviation Regulation Number 44–1 and Federal Aviation Regulation Section 91.100/the following regulation is effective in the ARTCC areas listed below to provide for the safe/orderly handling and movement of IFR traffic. Anchorage/Atlanta/Boston/Chicago/Cleveland/Denver/Fort Worth/Honolulu/Indianapolis/Houston/Kansas City/Los Angeles/Minneapolis/New York and Oakland.

1. Except for operators participating in stored or direct flight plan filing programs/flight plans shall be filed with a Flight Service Station at least 1 hour but not more than 6 hours before the time clearance will be required.

2. Unless otherwise authorized by ATC/IFR clearances shall be obtained before takeoff.

3. Request for authorization shall be made through a Flight Service Station. Do not contact the ARTCC by radio until the authorization has been obtained through the Flight Service Station. Information. This deletes Memphis. Cancel FDR 1/2274.

FDC 1/2415 EMERGENCY FLIGHT RULES/IFR FLIGHT PLAN FILING/ EFFECTIVE 1352Z SEPTEMBER 23, 1981

Because of reduced facility staffing and IFR capacity in certain ARTCC areas the practice of obtaining an IFR clearance while airborne places a burden on the Air Traffic Control System and disrupts efforts to implement flow management procedures. Accordingly/pursuant to Special Federal Aviation Regulation Number 44–1 and Federal Aviation Regulation Section 91.100/the following regulation is effective in the ARTCC areas listed below to provide for the safe/orderly handling and movement of IFR traffic. Anchorage/Atlanta/Boston/Chicago/Cleveland/Denver/Fort Worth/Honolulu/Indianapolis/Kansas City/Los Angeles/Minneapolis/New York and Oakland.

1. Except for operators participating in stored or direct flight plan filing programs/flight plans shall be filed with a Flight Service Station at least 1 hour but not more than 6 hours before the time clearance will be required.

2. Unless otherwise authorized by ATC/IFR clearances shall be obtained before takeoff.

3. Request for authorization shall be made through a Flight Service Station. Do not contact the ARTCC by radio until the authorization has been obtained through the Flight Service Station. Information. This deletes Houston. Cancel FDC 1/2371.

FDC 1/2431 EMERGENCY FLIGHT RULES/IFR FLIGHT PLAN FILING EFFECTIVE 2112Z SEPTEMBER 24, 1981

Because of reduced facility staffing and IFR capacity in certain ARTCC areas the practice of obtaining an IFR clearance while airborne places a burden on the Air Traffic Control System and disrupts efforts to implement flow management procedures. Accordingly/pursuant to Special Federal Aviation Regulation Number 44–1 and Federal Aviation Regulation Section 91.100/the following regulation is effective in the ARTCC areas listed below to provide for the safe/orderly handling and movement of IFR traffic. Anchorage/Atlanta/Boston/Chicago/Cleveland/Denver/Fort Worth/Honolulu/Indianapolis/Kansas City/Minneapolis/New York.

1. Except for operators participating in stored or direct flight plan filing programs/flight plans shall be filed with a Flight Service Station at least 1 hour but not more than 6 hours before the time clearance will be required.

2. Unless otherwise authorized by ATC/IFR clearances shall be obtained before takeoff.

3. Request for authorization shall be made through a Flight Service Station. Do not contact the ARTCC by radio until the authorization has been obtained through the Flight Service Station. Information. This deletes Los Angeles and Oakland. Cancel FDC 1/2415.

FDC 1/2528 EMERGENCY FLIGHT RULES/IFR FLIGHT PLAN FILING EFFECTIVE 2120Z OCTOBER 02, 1981

Because of reduced facility staffing and IFR capacity in certain ARTCC areas the practice of obtaining an IFR clearance while airborne places a burden on the Air Traffic Control

System and disrupts efforts to implement flow management procedures. Accordingly/pursuant to Special Federal Aviation Regulation Number 44–1 and Federal Aviation Regulation Section 91.100/the following regulation is effective in the ARTCC areas listed below the provide for the safe/orderly handling and movements of IFR traffic. Anchorage/Atlanta/Boston/Chicago/Cleveland/Denver/Fort Worth/Honolulu/Indianapolis/Kansas City/Minneapolis/New York/Salt Lake.

1. Except for operators participating in stored or direct flight plan filing programs/flight plans shall be filed with a Flight Service Station at least 1 hour but not more than 6 hours before the time clearance will be required.

2. Unless otherwise authorized by ATC/IFR clearances shall be obtained before takeoff.

3. Request for authorization shall be made through a Flight Service Station. Do not contact the ARTCC by radio until the authorization has been obtained through the Flight Service Station. Information. This adds Salt Lake ARTCC to the list of affected ARTCCs. Cancel FDC 1/2431.

Issued in Washington, D.C., on October 16, 1981.

Ramon A. Alverez,

Acting Director, Air Traffic Service.

[FR Doc. 81–30517 Filed 10–21–81; 10:15 am]

BILLING CODE 4910–13–M

Coast Guard

33 CFR Part 165

[CCGD3–81–16–R]

Safety Zone: Arthur Kill, New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard's Safety Zone regulations establishes a portion of the waters of the Arthur Kill, Staten Island, New York as a Safety Zone. The Safety Zone is established by the Captain of the Port, New York, consistent with an order of the Federal District Court, Southern District, of New York. No person or vessel may enter or remain in the Safety Zone without the permission of the Captain of the Port, New York.

EFFECTIVE DATE: This amendment is effective on August 17, 1981.

FOR FURTHER INFORMATION CONTACT: Captain B.E. JOYCE, Captain of the Port, New York, Building 109, Governors Island, New York, NY 10004, (212) 668–7917, during normal working hours 8:00 a.m. to 4:30 pm, Monday through Friday.

SUPPLEMENTARY INFORMATION: This amendment is issued without publication of a notice of proposed rulemaking and this amendment is effective on August 17, 1981, which is less than 30 days from the date of publication because of the immediacy of the circumstances and the unusual nature of the facts. On August 17, 1981, the Federal District Court, Southern District of New York, issued an Order assigning exclusive rights to certain lost cargo in the area of the Safety Zone. Due to the Order, and the safety factors involving both the salvors and commercial traffic in the area, this rule is exempt from the procedures for review of regulations contained in Executive Order 12291. It is not a major regulation under the terms of that Executive Order. Extensive local notice has been given.

Drafting Information

The principal persons involved in drafting this rule are: Lieutenant Junior Grade C.M. SCARBOROUGH, Project Manager, Captain of the Port, New York, New York; and Lieutenant Ronald NELSON, Project Attorney, Legal Office, Third Coast Guard District, New York, New York.

Cancellation

The Safety Zone established on June 30, 1981, 33 CFR 165.327, 46 FR 41494, is hereby cancelled.

PART 165—SAFETY ZONES

In consideration of the foregoing, Part 165 of Title 33 of the Code of Federal Regulations, is amended by adding § 165.331 to read as follows:

§ 165.331 Arthur Kill, New York.

The waters of the Arthur Kill, New York extending south of Port Reading Reach to the Staten Island shoreline, then to buoy 12 (LLN 1758), then to Buoy 18 (LLN 1763) are established as a Safety Zone by the Captain of the Port, New York to be effective 5:00 p.m. E.D.S.T. August 17, 1981.

(92 Stat. 1471, (33 U.S.C. 1225 & 1231); 49 CFR 1.46 (n)(4))

Dated: September 30, 1981.

B. E. Joyce,

Captain, U.S. Coast Guard, Captain of the Port, New York.

[FR Doc. 81–30615 Filed 10–21–81; 8:45 am]

BILLING CODE 4910–14–M

VETERANS ADMINISTRATION

38 CFR Part 36

Home Loans; Decrease in Maximum Interest Rate

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is decreasing the maximum interest rate on guaranteed, insured and direct loans for homes and condominiums. The maximum interest rate is decreased because the mortgage money market has eased in recent weeks. The decrease in the interest rate will allow eligible veterans to obtain a loan at a lower monthly cost.

EFFECTIVE DATE: October 12, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW., Washington, D.C. 20420 (202–389–3042).

SUPPLEMENTARY INFORMATION: The Administrator is required by law to establish a maximum interest rate for home and condominium loans guaranteed, insured or made by the Veterans Administration as he finds the loan market demands. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans, the general availability of mortgage funds, and the results of the bi-weekly Federal National Mortgage Association auctions—have shown that the mortgage market has eased. After consultation with the Secretary of Housing and Urban Development as required by law, it has been determined that a decrease in the VA home and condominium interest rate is warranted at this time.

The decrease in the VA maximum home and condominium interest rate should not have an adverse impact on the availability of funds necessary to make VA loans. The decrease in the VA interest rate, however, should allow more veterans to purchase a home because of the lower monthly payment for principal and interest required at the lower interest rate.

The Administrator's statutory authority to establish interest rates has been delegated by 38 CFR 2.6 to the Chief Benefits Director, Deputy Chief Benefits Director, or person authorized to act for them.

Regulatory Flexibility Act/Executive Order 12291

For the reasons discussed in the May 7, 1981 **Federal Register**, (46 FR 25443), it has previously been determined that final regulations of this type which change the maximum interest rates for loans guaranteed, insured, or made pursuant to chapter 37 of title 38, United States Code, are not subject to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

These regulatory amendments have also been reviewed under the provisions of Executive Order 12291. The VA finds that they are not "major rules" as defined in that Order. The existing process of informal consultation among representatives within the Executive Office of the President, OMB, the VA and the Department of Housing and Urban Development has been determined to be adequate to satisfy the intent of this Executive Order for this category of regulations. This alternative consultation process permits timely rate adjustments with minimal risk of premature dislosure. In summary, this consultation process will fulfill the intent of the Executive Order while still permitting compliance with statutory responsibilities for timely rate adjustments and a stable flow of mortgage credit at rates consistent with the market.

These final regulations come within exceptions to the general VA policy of prior publication of proposed rules as contained in 38 CFR 1.12. The publication of notice of a regulatory change in the VA maximum interest rates for VA guaranteed, insured or direct loans would deny veterans the benefit of lower interest rates pending the final rule publication date which would necessarily be more than 30 days after publication in proposed form. Accordingly, it has been determined that publication of proposed regulations prior to publication of final regulations is impracticable, unnecessary, and contrary to the public interest.

The official program numbers and titles of the VA programs affected by this action as set forth in OMB Circular A-89, Catalog of Federal Domestic Assistance, are 64.113, Veterans Housing—Direct Loans and Advances, and 64.114, Veterans Housing—Guaranteed and Insured Loans.

These regulations are adopted under authority granted to the Administrator by sections 210(c), 1803(c)(1) and 1811(d)(1) of title 38, United States Code and delegated to the undersigned by 38 CFR 2.6(b)(3). The regulations are clearly within that statutory authority and are consistent with Congressional intent.

These decreases are accomplished by amending §§ 36.4311(a), and 36.4503(a), Title 38, Code of Federal Regulations.

Approved: October 9, 1981.
By direction of the Administrator.

Dorothy L. Starbuck,
Chief Benefits Director.

PART 36—LOAN GUARANTY

1. In § 36.4311, paragraph (a) is revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 16½ per centum per annum, effective October 12, 1981, the interest rate on any home or condominium loan guaranteed or insured wholly or in part on or after such date may not exceed 16½ per centum per annum on the unpaid principal balance. (38 U.S.C. 1803(c)(1))

* * * * *

2. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1980, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $27,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Except as to home improvement loans, loans made by the Veterans Administration shall bear interest at the rate of 16½ percent per annum. Loans solely for the purpose of energy conservation improvements or other alterations, improvements, or repairs shall bear interest at the rate of 18 percent per annum. (38 U.S.C. 1811(d)(1) and (2)(A))

* * * * *

(38 U.S.C. 210(c), 1803(c), 1811(d))

[FR Doc. 81-30605 Filed 10-21-81; 8:45 am]
BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3 FRL-1911-5]

Approval of Revision of the Pennsylvania State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is deleting the indirect source review regulations it promulgated in 1974 as part of the Pennsylvania State Implementation Plan (SIP) because Section 110(a)(5)(A)(ii) of the Federal Clean Air Act, as amended in 1977, states that, "no plan promulgated by the Administrator shall include any indirect source review program for any air quality control region, or portion thereof."

On March 4, 1981, Pennsylvania requested EPA to delete the Indirect Source Review Regulations which EPA promulgated as part of the Pennsylvania State Implementation Plan in 1974. EPA is agreeing to delete these regulations because EPA no longer has authority to promulgate Indirect Source Review Regulations.

EFFECTIVE DATE: This action will be effective on December 21, 1981, unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of this revision and associated support material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region II, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106; ATTN: Patricia Sheridan

Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control, Fulton Bank Building, 200 North Third Street, Harrisburg, Pennsylvania 17120; ATTN: Henry Alexander

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street, SW. (Waterside Mall), Washington, D.C. 20460

Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Ed Shoener (3AH11), EPA, Region III; Telephone: (215) 597-8179.

SUPPLEMENTARY INFORMATION: On February 25, 1974, EPA promulgated indirect source review regulations for the Commonwealth of Pennsylvania (39 FR 7270 (1974)). Subsequent to that promulgation, EPA stayed enforcement of these regulations on December 30, 1974 (39 FR 45015 (1974)) and when the United States Congress amended the Federal Clean Air Act in 1977 it prohibited EPA from promulgating indirect source review regulations. See Section 110(a)(5)(A)(ii) of the Federal Clean Air Act. In light of EPA's lack of legal authority to promulgate indirect source review regulations and in response to a recent request from the Commonwealth of Pennsylvania, EPA is today taking final action to delete the indirect source review regulations from the Pennsylvania SIP.

The public is advised that this action will be effective December 21, 1981. However, if notice is received within 30

days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it imposes no new regulatory requirements; in fact, it relieves the State from the need to comply with outdated requirements.

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

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

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

(42 U.S.C. 7401–642)

Dated: September 19, 1981.

Anne M. Gorsuch,

Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart NN—Pennsylvania

§ 52.2055 [Amended]

Part 52 of Title 40, Subpart NN—Pennsylvania, § 52.2055 is amended by removing paragraphs (a) and (b).

[FR Doc. 81-30606 Filed 10-21-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-7-FRL 1938-8]

Approval and Promulgation of Kansas State Implementation Plan for Lead

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: As required by section 110 of the Clean Air Act and the October 5, 1978 (43 FR 46246) promulgation of National Ambient Air Quality Standards (NAAQS) for lead, the State of Kansas has submitted for approval to EPA a State Implementation Plan (SIP) for lead. The lead SIP shows that all areas of the State of Kansas are presently, and will remain, in attainment of the lead NAAQS.

A notice of Proposed Rulemaking (PRM) on this action appeared in the **Federal Register** on June 26, 1981 (46 FR 33058). The PRM contained a discussion on the basis for EPA's proposed actions and requested public comments. No public comments have been received. The present action is a final rulemaking which approves the Kansas lead SIP and amends the Code of Federal Regulations at Sections 52.870 and 52.879.

DATES: This approval is effective November 23, 1981.

ADDRESSES: Copies of the proposed rulemaking, the state submission, the public hearing minutes, and the technical support memo (which explains the rationale for EPA's actions) are available for public review at the following locations:

Kansas Department of Health and Environment, Bureau of Air Quality and Occupational Health, Forbes Field, Topeka, Kansas 66620;

Environmental Protection Agency, Region VII, Air, Noise and Radiation Branch, 324 East 11th Street, Kansas City, Missouri 64106;

Public Information Reference Unit, EPA, Library, Room 2922, PM 213, 401 M Street, S.W., Washington, D.C. 20460;

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

FOR FURTHER INFORMATION CONTACT: Ken Greer at (816) 374–3791 (FTS 758–3791).

SUPPLEMENTARY INFORMATION:

I. Background

On October 5, 1978, the NAAQS for lead were promulgated by EPA (43 FR 46246). Both the primary and secondary standards were set at a level of 1.5 micrograms of lead per cubic meter of air (μg lead/m^3), averaged over a calendar quarter. As required by section 110(a)(1) of the Clean Air Act (CAA), within nine months after promulgation of a NAAQS each State is required to submit a SIP which provides for attainment and maintenance of the primary and secondary NAAQS within the State. The State of Kansas has developed and submitted a SIP for the attainment of the lead NAAQS. The SIP shows that all areas of the State are presently, and will remain, in attainment of the NAAQS.

The basic requirements for a SIP in general are outlined in Section 110(a)(2) of the CAA and EPA regulations at 40 CFR Part 51, Subpart B. These provisions require the submission of air quality data, emission inventory data, air quality modeling, a control strategy, a demonstration that the NAAQS will be attained within the time frame specified by the CAA, and provisions for ensuring maintenance of the NAAQS. Specific requirements for developing a SIP for lead are outlined in 40 CFR Part 51, Subpart E.

II. Description of Kansas Lead SIP

On February 17, 1981, the Governor of Kansas submitted to EPA the state's SIP for attainment of the NAAQS for lead. A description of the Kansas lead SIP was included in the PRM published in the **Federal Register** on June 26, 1981 (46 FR 33058). Also, a discussion was presented in the PRM of the adequacy of the SIP submission, and a description of EPA's proposed actions. The rationale for EPA's proposed actions was explained in a technical support memo which accompanied the PRM and has been available for public review. As explained in the PRM, the SIP meets all of the basic EPA requirements for an approvable lead SIP.

III. Public Comments

No public comments were received by EPA during the 60-day public comment period.

EPA's Actions

EPA approves all parts of the Kansas lead SIP as adequate to attain and maintain the lead NAAQS in the State of Kansas.

EPA's decision to approve the Kansas lead SIP was based on the information received from the State and on a determination that the SIP meets the requirements of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Subparts B and E, as described in the proposed rulemaking, and in the technical support memo referenced above.

Under Executive Order 12291, EPA must judge whether a rule is "major"

and therefore subject to the requirement of a Regulatory Impact Analysis. This rule is not "major" because it would only approve State actions and would impose no additional substantive requirements which are not currently applicable under State law. Hence it would be unlikely to have an annual effect on the economy of $100 million or more, or to have other significant adverse impacts on the national economy.

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

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this Rule will not have a significant economic impact on a substantial number of small entities. The reason for this determination is that it only approves state actions and imposes no additional substantive regulatory requirements.

Incorporation by reference of the SIP for the State of Kansas was approved by the Director of the Office of the Federal Register on July 1, 1981.

(Sections 110 and 310(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)))

Dated: October 15, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Title 40, Part 52, Subpart R—Kansas, of the Code of Federal Regulations is amended to include the following:

(1) Section 52.870 is amended by adding paragraph (c)(10) as follows:

§ 55.870 Identification of plan.

* * * * *

(c) * * *

(10) The Kansas State Implementation Plan for lead was submitted on February 17, 1981 by the Governor of Kansas, along with a submittal letter which provided additional information concerning the Kansas State Implementation Plan for lead.

(2) Section 52.879 is amended by adding to the table the pollutant "lead" in a new column with the letter "c" in each existing row in the table as follows:

§ 52.879 Attainment dates for national standards.

Pollutants		
Air quality control region	* * *	Lead
Metropolitan Kansas City Interstate		c
South Central Kansas: Intrastate		c
Northeast Kansas Intrastate		c
Southeast Kansas Intrastate		c
North Central Kansas Intrastate		c
Northwest Kansas Intrastate		c
Southwest Kansas Intrastate		c

* * * * *

[FR Doc. 81-30463 Filed 10-21-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-5-FRL-1938-4]

Designation of Areas for Air Quality Planning Purposes: Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: This rulemaking changes the air quality attainment designation relative to the total suspended particulate (TSP) National Ambient Air Quality Standards (NAAQS) for the Cities of Duluth and International Falls, in Minnesota. For the City of Duluth EPA is reducing the size of the primary nonattainment area and designating those areas of Duluth not within the primary nonattainment area as either attainment or nonattainment for the secondary TSP standard. For the City of International Falls EPA is changing the designation from nonattainment of the primary TSP standard to nonattainment for the secondary TSP standard.

EFFECTIVE DATE: This final rulemaking becomes effective November 23, 1981.

ADDRESSES: Copies of the redesignation request, and the Notice of Proposed Rulemaking (46 FR 26504), are available for inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

Copies of the submittal are also available at:

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

Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113.

FOR FURTHER INFORMATION CONTACT: Delores Sieja, Regulatory Analysis Section, U.S. Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added Section 107(d) to the Clean Air Act (Act) which directed each State to submit to the Administrator of EPA a list of the NAAQS attainment status for all areas within the State. The Administrator was required to promulgate the State lists with any necessary modifications. The Administrator published these lists in the **Federal Register** on March 3, 1978 (43 FR 8962), and made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation.

On March 3, 1978 and October 5, 1978, EPA designated the cities of Duluth and International Falls as nonattainment for the primary TSP standard (43 FR 9005, 46010). A change in an area's designation from primary nonattainment to either secondary nonattainment or attainment may be approved if there are either (1) eight consecutive quarters of recent ambient air quality data which show no violation of the appropriate primary NAAQS; or (2) four consecutive quarters of the most recent ambient air quality data which show no violation of the appropriate primary NAAQS and which show air quality improvement. The demonstration of air quality improvement must be a result of legally enforceable emission reductions.

On November 7, 1980, the State of Minnesota requested EPA to change its designation for the City of International Falls from primary nonattainment to secondary nonattainment for TSP. For the City of Duluth, the State requested EPA to reduce the area of primary nonattainment and to designate those portions of Duluth not within the primary nonattainment area as either attainment or nonattainment for the secondary TSP standard. To support its redesignation request for these cities, the State submitted ambient air monitoring data from the years 1978, 1979 and the first half of 1980. In International Falls, there were no violations of the primary TSP NAAQS for either the 24-hour or annual periods. However, numerous violations of the secondary TSP NAAQS were recorded. For Duluth (1) violations of the primary TSP NAAQS were recorded in the modified primary nonattainment area; (2) violations of the secondary TSP NAAQS were recorded in the proposed secondary nonattainment area; and (3) no violations of either the primary or the secondary TSP NAAQS were recorded in the proposed attainment area.

Therefore, based upon the ambient air monitoring data, on May 13, 1981 (46 FR 26504) EPA proposed to redesignate the

City of International Falls as a secondary nonattainment area for TSP, to reduce the size of the Duluth primary nonattainment area, and to designate those portions of Duluth not within the primary nonattainment area as either attainment or nonattainment for the secondary TSP standard.

Interested parties were given until June 12, 1981 to comment on the proposed rulemaking. No public comments were received. Therefore, pursuant to Section 107 of the Clean Air Act, EPA approves the redesignation as proposed in the Notice of Proposed Rulemaking on May 13, 1981 at 46 FR 26504. The redesignation is effective November 23, 1981.

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

Pursuant to the provisions of 5 U.S.C. 605(b), I have certified on January 27, 1981 (46 FR 8709) that approvals of SIPs under Section 107(d) of the Act would not have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes air quality designations pursuant to section 107(d) of the Act. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation because it only changes an area's air quality designation and imposes no regulatory requirements. Any regulatory requirement which may occur as a result of this action will be dealt with in a separate notice. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

This Final Rulemaking is issued under the authority of Section 107 of the Clean Air Act as amended (42 U.S.C. 7407).

Dated: October 15, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—AIR QUALITY CONTROL REGIONS, CRITERIA AND CONTROL TECHNIQUES

Subpart C—Section 107 Attainment Status Designations

Section 81.324 of Part 81 of Chapter 1, Title 40, Code of Federal Regulations is amended. In the table for Minnesota—TSP" the entries for City of International Falls and City of Duluth are revised to read as follows:

§ 81.324 Minnesota.

MINNESOTA—TSP

	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
* * *	*	*	*	*
City of International Falls		X		
The City of Duluth (starting point is the south corner of the Duluth Arena. Go northwest on Commerce Street to I-35 corridor. Continue northeast on proposed I-35 corridor to Second Avenue East. Continue northwest on Second Avenue East to Superior Street (Minnesota U.S. 61). Go southwest on Superior Street to I-35 corridor. Follow I-35 corridor to 41st Avenue West. Continue southeast on 41st Avenue West to dock line. Follow dock line and harbor lines to the south corner of the Duluth Arena.).	X			
The City of Duluth (starting point is Superior Street and Second Avenue East. Go northwest on Second Avenue East to Second Street (Minnesota 281). Continue southwest on Second Street to Fourth Avenue West. On Fourth Avenue West go northwest to Third Street. Continue southwest to Mesaba Avenue. On Mesaba Avenue go south to Second Street. Go southwest on Second Street to Eighth Avenue West. On Eighth Avenue West continue southeast to First Street. Follow First Street southwest to Tenth Avenue West. On Tenth Avenue West go northwest to Second Street. Continue southwest on Second Street to 14th Avenue West. On 14th Avenue West go southeast to First Street. Follow First Street southwest to 17th Avenue West. Go northwest on 17th Avenue West to Second Street. On Second Street continue southwest to 30th Avenue West. Follow 30th Avenue West to Vernon Street. Continue west on Vernon Street to Grand Avenue. On Grand Avenue go southwest to 34th Avenue West. On 34th Avenue West continue southeast to Second Street. From Second Street go southwest to the Northern Pacific Railway Line. Follow the Northern Pacific Railway Line to 61st Avenue West. From 61st Avenue West go to the dock line. Follow the dock line to 41st Avenue West. On 41st Avenue West continue northwest to the I-35 corridor. Go northeast along the I-35 corridor to Superior Street (Minnesota U.S. 61). On Superior Street go northeast to Second Avenue East.)		X		
* * *	*	*	*	*

[FR Doc. 81-30461 Filed 10-21-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-6-FRL 1934-8]

State of Texas: Designation of Areas for Air Quality Planning Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves the Texas request to change the existing designation of nonattainment for particulate matter for the Dallas 3 area to attainment. EPA has previously published a proposal to approve this request (46 FR 34819, July 6, 1981) and solicited public comments. No comments were received. This action is taken based upon the State's request to revise its original designation of the Dallas 3 area. Approval of this redesignation will relieve the State of the requirement to prepare and submit a State Implementation Plan to demonstrate attainment of the total suspended particulate (TSP) National Ambient Air Quality Standard (NAAQS) for the Dallas 3 area.

EFFECTIVE DATE: October 22, 1981.

FOR FURTHER INFORMATION CONTACT: Estela S. Wackerbarth, Chief, Implementation Plan Section, Air and Hazardous Materials Division, Environmental Protection Agency.

Region VI, Dallas, Texas 75270, (214) 767–1518.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 9037) EPA designated the Dallas 3 area as nonattainment for particulate matter. On March 28, 1980, the Texas Air Control Board (TACB) submitted to EPA its request in Resolution R80–5 to redesignate this area to attainment for particulate matter. EPA reviewed the request and on July 6, 1981 (46 FR 34819) published a notice of proposed approval. That proposal discusses more fully the underlying rationale for today's action. Public comments were solicited but none were received. Therefore, EPA is today granting final approval to Texas' request to redesignate the Dallas 3 area to attainment for particulate matter.

Under Section 307(b)(1) of the Clean Air Act judicial review of this final rulemaking notice is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of October 22, 1981. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

EPA finds that good cause exists for making this action immediately effective. The redesignation of an area from nonattainment to attainment relieves the State of the necessity to develop, submit and obtain EPA approval of an implementation plan designed to demonstrate attainment of the standard. Relief from this requirement is a benefit which should be made available to the State and its citizens as soon as possible.

Pursuant to the provisions of 5 U.S.C. 605(b) I certify that attainment status redesignations under Section 107(d) of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. This action constitutes an attainment status redesignation under Section 107(d) of the Clean Air Act. This action imposes no regulatory requirements but only changes an air quality designation. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not Major because it is merely approving a State's redesignation request. It will impose no new regulatory action.

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

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

(Section 107(d) of the Clean Air Act, as amended, 42 U.S.C. 7407(d))

Dated: October 16, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C of Part 81 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 81.344 *Texas*, the attainment status designation table for total suspended particulate (TSP) is amended by revising the designation for limited areas in Dallas County from "does not meet primary standards" to "better than national standard." The amended portion of the Texas-TSP table for § 81.344 reads as set forth below.

§ 81.344 Texas.

TEXAS—TSP

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
• • •	•	•	•	•
AQCR 215				
1 Limited area is Dallas County (Dallas 3)				×
2 Limited areas in Dallas County	×			
Limited areas in Tarrant County		×		
Remainder of AQCR			×	
• • •	•	•	•	•

[FR Doc. 81-30610 Filed 10-21-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 162

[OPP 00149; PH-FRL-1964-8]

Advocacy of Pesticide Uses Which Do Not Appear on Registered Pesticide Label; Statement of Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule related notice.

SUMMARY: The Office of Pesticides and Toxic Substances Enforcement has reconsidered its position that the advocacy of section 2(ee) of the Federal Insecticide, Fungicide, and Rodenticide Act uses be limited to user/applicators. This notice informs the public that since sec. 2(ee) uses are no longer misuse, any person may legally recommend or advertise such uses.

DATE: This policy statement is effective October 22, 1981.

FOR FURTHER INFORMATION CONTACT:

Russell B. Selman, Office of Pesticides and Toxic Substances Enforcement (EN-342), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460 (202–755–9404).

SUPPLEMENTARY INFORMATION: The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) was amended by the Federal Pesticide Act of 1978 (FPA) on September 30, 1978. The FPA broadened the construction of section 12(a)(2)(G) of FIFRA which provides that it shall be unlawful "to use any registered pesticide in a manner inconsistent with its labeling." The new section 2(ee) defines the phrase "to use any registered pesticide in a manner inconsistent with its labeling." According to the language of this new section, it is a violation of section 12(a)(2)(G) to use a registered pesticide "in a manner not permitted by the labeling" with the exception of four specific areas. Under section 2(ee) it is not misuse to:

1. Apply a pesticide at any dosage, concentration, or frequency less than that specified on the labeling.

2. Apply a pesticide against any target pest not specified on the labeling if the application is to the crop, animal, or site specified on the labeling, (unless the label states that the pesticide may be used only against pests specified on the label).

3. Employ any method of application not prohibited by the labeling.

4. Mix a pesticide or pesticides with a fertilizer when such mixture is not prohibited by the labeling.

This notice informs the public that since section 2(ee) uses are no longer misuse, any claims made regarding these uses are not unlawful unless the registered pesticide label specifically prohibits the use. Thus, to the extent that section 2(ee) allows particular uses, any person may legally recommend or advertise such uses provided that recommendations made under section 2(ee)(1) pertaining to the amount of diluent used in applying pesticides for forestry or agricultural purposes must be made in accordance with the Advisory Opinion published in the **Federal Register** of March 3, 1981 (46 FR 14965). This Policy does not prospectively amend any existing pesticide labeling; all changes in a registered pesticide label must still be approved by the Agency. This Notice supersedes the **Federal Register** notice of June 8, 1979, (44 FR 33151) which limited section 2(ee) recommendations to user/applicators.

Civil Liability

This new policy not only implements the Congressional intent of section 2(ee) to allow beneficial nonlabel pesticide uses but also provides for strong enforcement to ensure appropriate recommendations of such uses. The policy statement in no way relaxes the administrative or other civil liability of persons who recommend pesticide uses. It should be noted that the FPA only amends Federal pesticide law and does not purport to affect State pesticide laws or possible private civil liability. The only change is that the Agency no longer limits the advocacy of permitted uses on the basis of financial interest in the use. The Agency will, however, take enforcement action under section 12(a)(1)(B) against any person with a financial interest who makes pesticide use recommendations which exceed the limits of section 2(ee). Additionally, any person who recommends section 2(ee) uses, of course, remains liable for possible civil damages arising out of his own negligence.

(Secs. 2 and 12, as amended, 92 Stat. 819 (7 U.S.C. 136))

Dated: October 14, 1981.

Edwin H. Clark,

Acting Assistant Administrator, Office of Pesticides and Toxic Substances.

[FR Doc. 81-30437 Filed 10-21-81; 8:45 am]

BILLING CODE 6560-32-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 5B-1, 5B-2, and 5B-16

[APD 2800.4 CHGE 9]

Reporting Possible Antitrust Violations and Other Miscellaneous Amendments

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: Chapter 5B, General Services Administration Procurement Regulations (GSPR), is amended to: (1) Add procedures for reporting possible antitrust violations, (2) establish dollar thresholds for requiring financial responsibility reports and for requiring preaward surveys, (3) allow 20 days for bid preparation for repair and improvement construction contracts under $50,000, (4) delete references to the Review List of Bidders, (5) illustrate new and revised forms. These actions were requested by the Public Buildings Service and reflect changes in policies and operating procedures. The intended effect of these changes is to improve the procurement system.

EFFECTIVE DATE: October 23, 1981.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Director, Federal Procurement Regulations Directorate, Office of Acquisition Policy (703) 557-8947.

PART 5B-1—GENERAL

The table of contents of Part 5B-1 is amended by adding five items and deleting two items, as follows:

Subpart 5B-1.9 Reporting Possible Antitrust Violations

Sec.
5B-1.901 General.
5B-1.902 Documents to be transmitted.

Subpart 5B-1.12 Responsible Prospective Contractors

5B-1.1203 [Deleted]
5B-1.1205 Procedures for determining responsibility or nonresponsibility.
5B-1.1205-2 When information will be obtained.
5B-1.1205-4 Preaward surveys.
5B-1.1251 [Deleted]

1. Section 5B-1.700 is revised as follows:

§ 5B-1.700 General.

This subpart implements and supplements Subpart 1-1.7 by prescribing procedures for implementing the GSA small business program, including unilateral set-asides.

2. Section 5B-1.701-8 paragraph (c) is revised as follows:

§ 5B-1.701-8 Set-aside for small business.

* * * * *

(c) *Class set-aside authority.* Except for construction and architect-engineer services contracts subject to provisions of § 5B-1.706(b), (c), and (f), small business class set-asides normally will be made on a unilateral basis by the contracting officer and documented in accordance with § 5B-1.706-51(a), using the format set forth therein. It should be noted that § 1-1.706-2(c) requires that class set-aside determinations be reviewed at least annually and that they do not apply to any individual procurement for which small purchase procedures are to be used. The legal authorities for making small business set-asides are set forth in §§ 1-1.706-8 and 1-3.201. All GSA-initiated determinations to set aside shall be approved in accordance with current Agency delegations of authority.

3. Section 5B-1.703-1 is revised as follows:

§ 5B-1.703-1 Representation by bidder or offeror.

If during the contracting officer's review of offers and other preaward information there is data that causes the contracting officer to question the veracity of an offeror's small business representation, the requirements of § 1-1.703-1(c)(4) shall be followed.

4. Section 5B-1.704-2(c) is deleted as follows:

§ 5B-1.704-2 Program operations.

* * * * *

(c) [Deleted]

5. Section 5B-1.706 paragraphs (a), (b), (c) and (e) are revised as follows:

§ 5B-1.706 Procurement set aside for small business.

(a) *General.* Procuring activities, to the maximum extent feasible, shall make unilateral small business set-asides on all procurements qualifying therefor, as provided in Subpart 1-1.7, and as required by the following paragraphs.

(b) *Construction contracts from $10,000 to $500,000.* Pursuant to an understanding with the SBA, every proposed procurement for construction,

including alteration, maintenance, and repairs estimated to cost between $10,000 and $500,000 shall be considered individually as though the SBA had initiated a set-aside request and shall be set aside, except as otherwise provided in § 5B–1.706(d) and (h).

(c) *Construction contracts from $500,000 to $1 million.* A unilateral class set-aside has been established for procurements of construction, including alteration, maintenance, and repairs estimated to cost between $500,000 and $1 million. Such procurements shall be set aside for small business except as otherwise provided in § 5B–1.706(d) and (h).

* * * * *

(e) *Building service contracts of $10,000 or more.* Each procuring activity shall, to the maximum extent feasible, arrange for the making of small business set-asides on all contract actions which qualify therefor, as provided in Subpart 1–1.7. In the initiation of small business set-asides, procuring activities should give priority consideration to the establishment of class set-asides. Procuring activities shall periodically review individual set-asides to identify services suitable for class set-asides.

* * * * *

6. Subpart 5B–1.9 is added as follows:

Subpart 5B–1.9—Reporting Possible Antitrust Violations

§ 5B–1.901 General.

(a) When contracting officers become aware of circumstances concerning an offer or offers that may indicate violation of antitrust laws, they shall report the information required by §§ 1–1.902 and 1–1.903 in narrative form, in duplicate, as follows:

(1) Central Office contracting officers shall report to the appropriate Assistant Commissioner in the service (for PBS, the Assistant Commissioner for Contracts).

(2) Regional contracting officers shall report to the appropriate Assistant Regional Administrator.

(b) Contracting officers may contact the Office of Inspector General for assistance in preparing formal documents and statements for submission to the Department of Justice.

§ 5B–1.902 Documents to be transmitted.

(a) Contracting officers initially shall prepare documents and statements required by §§ 1–1.902 and 1–1.903.

(b) Specific material shall be prepared for each category in §§ 1–1.902 and 1–1.903. When a category has no applicability to a particular procurement, it shall be so stated in the report. Written statements shall indicate if information is unavailable or if contracting officers are ignorant of such matters as, for example, the existence of patents.

(c) The Office of Inspector General shall determine the need for additional data to meet the requirement of Subpart 1–1.9. Contracting officers shall secure such additional data and complete all documents and statements and forward them to the Inspector General.

(d) If the Inspector General finds that violations of antitrust laws may have been committed, the Inspector General, with the coordination of General Counsel, will refer the matter to the Department of Justice, in accordance with section 4(d) of the Inspector General Act of 1978, 5 U.S.C. Appendix.

Subpart 5B–1.12—Responsible Prospective Contractors

7. Section 5B–1.1203 is deleted as follows:

§ 5B–1.1203 [Deleted]

8. Section 5B–1.1204 is revised as follows:

§ 5B–1.1204 Determination of responsibility or nonresponsibility.

(a) When contracting officers find a bidder or offeror, who is a small business, to be nonresponsible, the matter shall be referred to the Small Business Administration for review and further action (see § 1–1.708).

(b) When a bid or offer is rejected because of a determination of nonresponsibility, the prospective contractor shall be notified by letter, stating the reason for the rejection.

9. Section 5B–1.1205 is added as follows:

§ 5B–1.1205 Procedures for determining responsibility of prospective contractors.

§ 5B–1.1205–2 When information will be obtained.

(a) Contracting officers shall obtain a financial responsibility report on the apparent low bidder/offeror for procurements of $50,000 or more prior to award by submitting, in duplicate, GSA Form 894, Financial Responsibility—Inquiry and Reply, to the appropriate financial office. All documents used to prepare a financial responsibility report shall be attached to the GSA Form 894 and returned to the contracting officer for review. (See § 5B–16.950–894).

§ 5B–1.1205–4 Preaward surveys.

(a) Preaward surveys of prospective contractors should not be requested for contracts valued at $25,000 or less, except when contracting officers determine that the risk involved warrants the cost of preaward survey.

(b) When a bid bond has been furnished and performance and payment bonds are to be furnished, preaward surveys should be conducted only when contracting officers determine it is necessary due to the requirement for unique or unusual expertise, or when the contracting officers possess information that indicates the contractor is not responsible.

(c) Onsite facility inspections of workshops for the blind and other severely handicapped shall be made only upon request from the Committee for Purchase from the Blind and Other Severely Handicapped regardless of dollar value.

10. Section 5B–1.1250 is revised as follows:

§ 5B–1.1250 Performance records.

(a) Regional procuring activities shall maintain performance records alphabetically, by contractor.

(b) The performance record should contain information regarding:

(1) Delivery, nonperformance and default;

(2) Integrity, business ethics, and judgment; and

(3) Financial matters.

(c) Contracting officers shall use the performance records in making the determination of responsibility for prospective contractors.

11. Section 5B–1.1251 is deleted as follows:

§ 5B–1.1251 [Deleted]

PART 5B–2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5B–2.2—Solicitation of Bids

1. Section 5B–2.201–70 is revised as follows:

§ 5B–2.201–70 Building services.

(a) GSA Form 1467, Solicitation, Offer and Award (Contract for Building Services), GSA Form 1467–A, Solicitation, Instructions and Conditions (Contract for Building Services), and GSA Form 1468, General Provisions (Contract for Building Services), shall be used without limitation as to dollar amount.

(b) GSA Form 527, Contractor's Qualifications and Financial Information, shall be obtained for all contracts of $50,000 or more. The use of GSA Form 527 is optional for contracts under $50,000.

(c) GSA Form 2166, Service Contract Act of 1965 (as amended), shall be used for contracts in excess of $2,500 (see § 5B–16.875).

(d) Article 13, Insurance, GSA Form 1468, General Provisions (Contract for Building Services), may require modification when the limits of liability, are inadequate to afford proper protection.

2. Section 5B–2.201–81 is revised as follows:

§ 5B–2.201–81 Distribution of bidding documents.

(a) Principal construction subcontractors may obtain copies of bid documents by (1) submitting written requests and (2) paying the required bid document charges or deposits, as provided in § 5B–2.202–76. (See GSA Overprint of Standard Form 20, Invitation for Bids (Construction Contract) in § 5B–16.901–20, and GSA Form 2056, Pre-Invitation Notice (Construction Contract) in § 5B–16.950–2056).

(b) When copies are not available, subcontractors shall be informed where bid documents may be reviewed.

3. Section 5B–2.202–1 is revised as follows:

§ 5B–2.202–1 Bidding time.

(a) Except as provided in paragraph (b) below, the following bidding times shall be used:

(1) Not less than 20 days shall be allowed for bid preparation on contracts for repairs and alterations estimated to cost less than $50,000.

(2) Not less than 30 days shall be allowed for bid preparation on (i) all contracts for new construction and (ii) contracts for repairs and alterations estimated to cost more than $50,000.

(b) The Regional Director, Contracts Division (Region 3—Director, Real Property Contracts Division) may approve a shorter bid preparation time when circumstances justify.

(c) Care must be taken to avoid an unnecessarily long bidding time.

PART 5B–16—PROCUREMENT FORMS

1. The Table of Contents for Part 5B–16 is amended by adding an entry as follows:

5B–16.950–894 GSA Form 894, Financial Responsibility—Inquiry and Reply.

Subpart 5B–16.8—Miscellaneous Forms

2. Section 5B–16.871(j) is revised as follows:

§ 5B–16.871 Construction forms.

* * * * *

(j) Department of Labor Form WLSA (WD)–1, Decision of the Secretary, is prescribed for use in lieu of WLSA–1.

3. Section 5B–16.875 is revised as follows:

§ 5B–16.875 Forms for building service contracts.

(a) GSA Form 527, Contractor's Qualifications and Financial Information, illustrated at § 5B–16.950–527, shall be used for all contracts of $50,000, or more. The form is optional for contracts under $50,000.

(b) The following GSA forms are prescribed for use in procuring building services without limitation as to amount of the procurement. (See § 5B–2.201–70.)

(1) GSA Form 1467, Solicitation, Offer and Award (Contract for Building Services), illustrated at § 5B–16.950–1467. Pending publication of a new edition of GSA Form 1467, the certifications prescribed below shall be added to the representations and certifications prescribed on the form: (1) Women-Owned Business (prescribed by § 1–1.340 of the Federal Procurement Regulations (FPR); (ii) Identification of DUNS Contractor Establishment Number and Principal Place of Performance prescribed by § 1–16.101 (a) and (d) of the FPR); (iii) Certification Regarding Crimes, Debarments, Suspensions and Defaults (prescribed by § 5–1.1205–2(a) of the General Services Procurement Regulations).

(2) GSA Form 1467–A, Solicitation, Instructions, and Conditions (Contract for Building Services), illustrated at § 5B–16.950–1467–A.

(3) GSA Form 1468, General Provisions (Contract for Building Services), November 1976 edition, illustrated at § 5B–16.950–1468. Pending publication of a new edition of the form, the following modifications are authorized: (i) The Utilization of Women-Owned Business Concerns clause prescribed by § 1–1.340 of the FPR shall be added; (ii) The Disputes clause prescribed by FPR Temporary Regulation 55 shall be substituted for the Disputes clause, Provision 9; (iii) The Utilization of Small Business Concerns and Small Business Concerns Owned and Controlled by Socially and Economically Disadvantaged Individuals clause prescribed by FPR Temporary Regulation 50, Supplement 2, shall be substituted for the Utilization of Small Business Concerns and Utilization of Minority Business Enterprises clause, Provision 14; and (iv) The Payment of Interest on Contractors' Claims clause, prescribed in Provision 24, shall be deleted in its entirety.

(c) GSA Form 1714, Equal Opportunity Clause, illustrated at § 5B–16.950–1714, shall be used for contracts in excess of $10,000 when forms containing general provisions that do not include the clause are employed.

(d) GSA Form 2166, Service Contract Act of 1965 (as amended), illustrated at § 5B–16.950–2166 shall be used for contracts in excess of $2,500.

Subpart 5B–16.9—Illustrations of Forms

1. Section 5B–16.950–894 is added to read as follows:

§ 5B–16.950–894 GSA Form 894, Financial Responsibility—Inquiry and Reply.

Note.—The form illustrated at § 5B–16.950–894 is filed with the original document and does not appear in this volume.

2. Section 5B–16.950–1467 is revised to read as follows:

§ 5B–16.950–1467 GSA Form 1467, Solicitation, Offer, and Award (Contract for Building Services).

Note.—The form illustrated at § 5B–16.950–1467 is filed with the original document and does not appear in this volume.

3. Section 5B–16.950–1467–A is revised to read as follows:

§ 5B–16.950–1467–A GSA Form 1467–A, Solicitation Instructions and Conditions (Contract for Building Services).

Note.—The form illustrated at § 5B–16.950–1467–A is filed with the original document and does not appear in this volume.

4. Section 5B–16.950–1468 is revised to read as follows:

§ 5B–16.950–1468 GSA Form 1468, General Provisions (Contract for Building Services).

Note.—The form illustrated at § 5B–16.950–1468 is filed with the original document and does not appear in this volume.

5. Section 5B–16.950–1714 is revised to read as follows:

§ 5B–16.950–1714 GSA Form 1714, Equal Opportunity clause.

Note.—The form illustrated at § 5B–16.950–1714 is filed with the original document and does not appear in this volume.

6. Section 5B–16.950–2166 is revised to read as follows:

§ 5B–16.950–2166 GSA Form 2166, Service Contract Act of 1965 (as amended).

Note.—The form illustrated at § 5B–16.950–2166 is filed with the original document and does not appear in this volume.

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

Dated: September 23, 1981.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 81–30511 Filed 10–21–81; 8:45 am]

BILLING CODE 6820–61–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 9

[Docket No. FEMA-GEN-9C]

Floodplain Management and Protection of Wetlands

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This regulation makes final an interim regulation published on May 4, 1981 (46 FR 24951–2). In finalizing the interim regulation, it amends § 9.11(e) (1), (2) and (3) of the FEMA floodplain management regulations (44 CFR Part 9, 45 FR 59520, September 9, 1980, as previously amended at 46 FR 9084, January 23, 1981). It changes some of the substantive provisions of the September 1980 regulation and begins implementation on October 1, 1981. The final regulation differs from the interim regulation in providing a mechanism for insurance rate adjustments.

Unlike the system established in the September 1980 rule, the Federal Insurance Administration of FEMA will not be required to individually assess the insurance risk on each new or substantially improved structure in coastal high hazard areas (V Zones), except as regards its elevation. This change from the initial system of individual rating was necessitated by an anticipated administrative burden imposed by the individual rating system and by comments received by FEMA. The new rating scheme is intended to account for wave heights and achieve actuarial flood insurance rates in V Zones without the administrative burden. The deferral of the implementation date from May 1, 1981, to October 1, 1981, has been necessary to implement the new system. *This regulation applies only to new construction and substantial improvements of existing structures.*

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: John Scheibel, Assistant General Counsel for Environmental Quality and Hazard Mitigation, 500 C Street, SW., Washington, D.C. 20472, Telephone (202) 287–0380.

SUPPLEMENTARY INFORMATION:

Background

As the Federal Insurance Administration (FIA) of FEMA has gained experience in insuring structures in coastal high hazard areas (V Zones), it has become clear that the flood insurance rates for new construction in such areas are too low. Recent figures indicate that the Government is underwriting policies in V Zones at deficits of $130 per policy per year for new structures. However, prior to this past year (when we experienced no hurricane damage to speak of), the figure was $432 per policy. The deficits apparently result from the fact that two key risk factors have not been taken into consideration in the mapping and insurance systems: wave heights and stability of the structure to withstand wave impacts. To put the flood insurance program on an actuarially and technically sound basis in V Zones, it is imperative that these elements be factored into the mapping and rating processes. The flood elevations reflected on FEMA's Flood Insurance Rate Maps (FIRMs) are the basis for the actuarial insurance rates. For the most part, they do not reflect wave heights in V Zones. Inasmuch as it will take several years to reflect wave heights on FIRMs, an interim insurance rating system is being established in this rule.

In order to operate the flood insurance program in V Zones on an actuarially sound basis, FEMA issued regulations which required individual insurance rating of structures in V Zones. Section 9.11(e) of the FEMA floodplain management regulations (44 CFR Part 9, 45 FR 59520, September 9, 1980) provided that in implementing the National Flood Insurance Program (NFIP), the Federal Insurance Administrator, who heads a component within the Federal Emergency Management Agency and to whom the Director of FEMA had delegated the authority and responsibility for administering the NFIP, would, by February 1, 1981, take a number of actions with respect to providing flood insurance for new construction or a substantial improvement in a coastal high hazard area, and would identify all coastal high hazard areas (with or without base flood elevations) in the United States by October 1, 1981.

In order to implement the provisions of § 9.11(e) (1), (2) and (3) FIA published a proposed rule at 45 FR 78181, 78182 on November 25, 1980, proposing various procedures for taking the actions required of FIA after February 1, 1981. On January 21, 1981, FEMA amended 44 CFR 9.11(e)(2) by changing the date for compliance from February 1, 1981 to May 1, 1981 (46 FR 9084, January 28, 1981). To further encourage additional comments concerning its proposed rule of November 25 and, in conformity with the amending of the implementation date of § 9.11(e)(2) from February 1, 1981 to May 1, 1981, FEMA published on February 23, 1981, at 46 FR 13527, 13528 a notice stating that rulemaking was being delayed and that pending expiration, on April 15, 1981, of an additional comment period, FEMA did not intend to publish any final rules generated by the November 25, 1980, proposed rulemaking other than certain rules not pertaining to § 9.11(e)(2), which were published as final in the Rules section of the **Federal Register** of February 23, 1981.

Section 9.11(e)(2) had conditioned the availability of flood insurance for new and substantially improved construction in V Zones on several factors: (1) Each structure was individually rated; (2) wave heights have been delineated for the site of the structure; and (3) the structure was elevated to the wave height level.

Based upon additional comments received and further study, it became clear that certain requirements of § 9.11(e)(2) were not presently administratively feasible.

Section 9.11(e)(1) (September 9, 1980) also required FEMA–FIA to identify all coastal high hazard areas by October 1, 1981. Due to constraints of budget and time, FEMA–FIA is unable to meet this deadline. Also, the methodology developed by the National Academy of Sciences for establishing wave heights is applicable primarily to the east and gulf coasts of the United States. For these reasons, § 9.11(e)(1) had to be changed to require FEMA to give priority to identifying coastal high hazard areas as part of its overall mapping effort, with no specific deadline imposed.

The comments received in response to the proposed implementation of this system and reconsideration of the system reflected significant administrative difficulties in going ahead with this system of individual rating. It also indicated the advantages of a simpler proposal which does not require rating on a structure-by-structure basis for all of the risk factors. *It was also felt that it would be more effective to charge an actuarial rate for construction below the wave height level rather than to deny insurance altogether.*

Based on these concerns, FEMA published an interim rule for comment on May 4, 1981 (46 FR 24951–2). Under the rule, FEMA–FIA will not be required to assess the insurance risk on each new or substantially improved structure in V Zones except as regards its elevation. Factored into the system for rate determination are criteria to assess the ability of a structure to withstand the force of waves. Each new or substantially improved structure will be rated based on its relationship to the

wave height level. For structures built below the wave height level, it is anticipated that the rate will be markedly higher than the present rate.

This is necessary to reflect the risk due to wave heights. Without the designation of wave heights, no flood insurance may be provided as the structure will be unratable. Even if a structure is only 1 foot below wave height level, it may be subject to total loss upon the impact of waves driven by hurricane force winds. The final rule differs, in substance, from the interim rule only in the addition of a process for rate adjustments. This is described below. It also differs slightly in identifying organizational units responsible for particular actions and incorporates § 9.11(e)(3) (September 1980) into an expanded version of that section. This is due to an internal reorganization of FEMA.

The Director has determined that this is not a "major rule" under Executive Order 12291. This rule is expected to have no net effect on the economy. If the rates are actuarially sound, it will be the insured, rather than the American taxpayer, who is paying for the risk. Were the rating system not to be implemented, the cost would be identical but tax dollars would be making up for a premium deficit. Further, this rule is only accelerating a process that would take place anyway. Due to the lack of money for mapping and administrative delays, FEMA does not expect to have wave heights on all V Zones on FIRMs until about FY 1986. The new rating system is an interim system intended to take up the slack in V Zone rating until the FIRMs reflect wave height levels. Based on FIA's data, it is anticipated that there are 3,000 new structures built each year in areas designated as V Zones. Assuming that these structures are built exactly as before, conceivably it could cost $2,300 per year more in insurance premiums. Even given this scenario, the aggregate cost to the insureds would fall short of $7 million. Further, the interim rule does not mandate any new construction standards.

This action completes a rulemaking process first initiated in interim regulations which appeared in the **Federal Register** on December 27, 1979 (44 FR 76510–23). FEMA's interim rule was refined as a final rule on September 9, 1980 (45 FR 59520–38). FIA issued a proposed implementing rule on November 25, 1980. FEMA issued a fully effective interim rule on May 4, 1981 (46 FR 24951–2). Comments were solicited and received on this interim effective rule which was to be implemented October 1, 1981. The only substantive change made in the final rule is the addition of a procedural mechanism for rate adjustments.

Therefore, as the rulemaking was in a final stage prior to January 1, 1981, regulatory flexibility analyses are not required under section 4 of the Regulatory Flexibility Act. (That Act exempts rulemaking which was in a proposed stage prior to January 1, 1981.) Furthermore, the regulation affects only a very small number of flood insurance policies (FIA estimates 3,000 per year) most of which are obtained by homeowners. It would not, in any event, affect a substantial number of small entities as that term is defined in the Regulatory Flexibility Act, and this is so certified under section 605.

For the above reasons, no regulatory flexibility analysis has been prepared.

Description of System

The regulation conditions the availability of flood insurance for new construction and substantial improvements in V Zones on (1) the designation of wave heights for the site of the structure and (2) an insurance rating which reflects waive heights and the capacity of new and substantially improved structures in V Zones to withstand the force of waves.

Some of the comments received requested additional information regarding the methodology by which wave heights are to be designated and the details of how the structures are to be rated for flood insurance purposes. The interim regulation set out the legal requirements for the rating sytem but did not describe the "nuts and bolts" of the wave height methodology or the details of the insurance rating system. However, due to the interest expressed, we provide the following description of the "nuts and bolts" of the system.

The usual NFIP insurance application process for new construction and substantial improvements in V Zones will be:

1. Lender (or possibly permit official or insurance agent) informs builder that the property is in a flood area and insurance should be purchased.

2. If desired, prior to construction, builder may contact insurance agent for calculation of estimated premium at various flood elevations and designs.

3. Insurance agent provides the necessary forms to builder or buyer. (Post Construction Elevation Certificate may be supplied by community permit office.)

4. Community official requires floodplain management criteria as condition of issuing building permit. *Such criteria may not include wave height levels.*

5. Once structure is built:

a. Engineer, architect, surveyor or community official determines the applicable FIRM flood risk zone, and certifies elevation and structural design (for both insurance agent and community official). This is done by completing Post Construction Elevation Certificate (Appendix A).

b. Insurance agent submits insurance application, necessary certifications and premium to NFIP.

c. NFIP reviews documents and provides insurance coverage.

Copies of the Post Construction Elevation Certificate (Appendix A) may be obtained by writing the servicing contractor for the National Flood Insurance Program, at the following address: National Flood Insurance Program, Forms Order Unit, P.O. Box 34294, Bethesda, Maryland 20817.

The rating system will apply to new and substantially improved buildings shown on Flood Insurance Rate Maps (FIRMs) as located within V-Zones. More specifically:

1. Buildings in special flood hazard Zones V, V1–V30 with building permit applications dated on or after October 1, 1981;

2. Buildings in special flood hazard Zones V, V1–V30 on which the building permit was issued before October 1, 1981, and the construction of which did not begin within 180 days of the permit date.

Either revised FIRMs or individually calculated flood elevations, both adjusted for wave height, will be used in determining actuarial insurance rates for new construction. If the Flood Insurance Rate Map (FIRM) does not include wave height in the Base Flood Elevation (BFE), a wave height adjustment to the BFE is to be calculated by the insurance agent under the new rating system by utilizing the data provided on the Post Construction Elevation Certificate (Appendix A) by an architect or engineer. The wave height adjustment is based on an adaptation of a formula derived by the National Academy of Sciences. In essence it is based on the concept that depth-limited waves in shallow water reach a maximum breaking height equal to 0.78 times the stillwater depth and that the wave crest is 70% of the total height above the stillwater level. Therefore, the Base Flood Elevation Wave Height (BFEWH) adjustment formula is: BFEWH equals the stillwater BFE added to the product of multiplying the stillwater BFE, minus the average grade elevation at building site, by 0.55. The 0.55 factor in the

formula is derived from the product of the 0.78 coefficient for the maximum wave height and the 70% of the total wave height that is above stillwater BFE (0.55 = 0.78 x 70%).

Three new features will be a part of the new rating system: First, FEMA–FIA has prepared a new Post Construction Elevation Certificate (Appendix A) which requires the insertion of the elevation of the average grade at the building site. Second, there has been a clarification of the meaning of the words "lowest floor" as an elevation reference point. In Zones V1–V30, for insurance purposes, "lowest floor" means the lowest portion of the lowest horizontal structural member (excluding piles or columns) (see Appendix A). Third, a lower insurance rate is available in *unnumbered* V-Zones, which are coastal high hazard zones for which no base flood elevation appears on the FIRM, if the insurance applicant submits with the insurance application a certification, consistent with § 60.3(e)(4)(ii) of NFIP regulations (44 CFR) by a registered professional engineer or architect certifying *that the structure is securely anchored to adequately anchored pilings or columns to withstand velocity waters and hurricane wave wash.* In lieu of a copy of such a certification, the NFIP will accept a written statement by an appropriate community permit official that satisfactory engineering certification meeting the requirements of Section 60.3(e)(4)(ii) is on file with the community.

The New Post Construction Elevation Certificate may be supplied to a building owner by an insurance agent to enable the owner or prospective buyer to obtain the necessary data from either the community permit official or a professional engineer, architect, or surveyor. Insurance agents will not be able to rate a flood insurance policy without an elevation certification.

Property owners will have the opportunity to obtain adjustment in the wave height levels determined according to the prescribed methodology. Under § 9.11(e)(2)(i), FEMA may accept the designation of wave heights generated by someone other than FEMA provided that such designation is technically satisfactory to the Director. If a property owner submits information superior to that used by FEMA to determine wave heights, then FEMA will consider such information and modify the elevations as appropriate. Such information must be of a scientific or technical nature and indicate the proper wave height levels as well as the calculations used to arrive at these levels.

Though not in response to this rule, there has been discussion regarding differences in the methodologies used to establish flood elevations for coastal areas in some states from the methodologies used in other states. In establishing flood elevations, FEMA uses the best available methodology. It has always been FEMA's policy to accept appeals to its flood elevation determinations and to modify such elevations if they are shown to be scientifically or technically incorrect.

An example of the effect of the new rating system, for $50,000 insurance coverage on the structure and $10,000 coverage on contents is as follows:

COASTAL V ZONE—COMPARISON OF ANNUAL PREMIUM CHARGES

[$50,000 Building/$10,000 Contents]

Flood risk zone	Elevation relative to base flood elevation with wave height	New construction (1975–9/30/81) present premium charge (A)	New construction post 10/1/81 premium charge
V12–V14 (37% OF V Zone Policies).	−5 (approx. old BFE).	$199	$1,710(A)/$1,093(B)
	−1 (approx. old + 4).	199	742(A)/483(B)
	0	199	597(A)/394(B)
	+4	199	265(A)/182(B)

(A)—Standard $200 Deductible.
(B)—New $3,000 Deductible.

The new rates are the product of a class rating system which FIA has developed. Data on structural damage have been evaluated and reflected in the risk ratings. The class rating system is based upon the potential for flood damage to an "average" structure.

For the class rating system it has been assumed that only new construction after October 1981 will be considered to define the "average" structure. Further, it has been assumed that the FEMA Coastal Construction Manual will be distributed widely among homebuilders, design professionals and building officials. Further, it is assumed that FEMA will meet with groups of the above individuals throughout coastal communities to discuss, encourage and provide guidance in the use of the design and construction guidelines in this coastal construction manual. Based upon all the above assumptions an "average" house is conceived as one that is quite well-constructed and reasonably resistant to coastal flood water and wave action. Without the above assumptions, a lesser chance of survival and greater potential damage would exist to the lesser "average" house. From this base value (average structure) a modification was made to the building risk rating as a function of elevation of the building relative to the base flood elevation including wave height (BFEWH). The basic reference point is the bottom of the lowest horizontal structural member which should be at or above BFEWH. Data on damage versus elevation above BFEWH were studied.

If a property owner believes that his or her structure is not being treated fairly for insurance rating purposes, a rate adjustment may be sought. Presumably, any such adjustment would be sought on the basis that the structure was able to withstand wave impact better than the "average" structure.

In order to obtain a rate adjustment, a property owner must submit to FEMA specific information regarding the structure and its immediate environment. Adequate completion of the V-Zone Risk Factor Rating Form is sufficient for FEMA–FIA to determine whether a rate adjustment is appropriate. This sheet need only be completed and submitted if the property owner seeks a rate adjustment from FEMA–FIA. Otherwise, the initial rate prescribed by FEMA–FIA will be charged. FEMA will also review information relevant to the rate, which is not submitted on the V-Zone Risk Factor Rating Form.

Response to Comments

About 35 comments were received on the interim regulations. A number of the comments were on opposite sides of the same issues. Many of the comments expressed philosophical positions, though a few did make substantive suggestions regarding the regulation. We now address the issues raised in the comments.

There were comments on both sides of the issue as to whether FEMA should provide flood insurance in V Zones, and if so, under what circumstances. One comment suggested that the Government should subsidize flood insurance and not charge actuarial rates. Another comment stated that the Government should not provide flood insurance at all, particularly in V Zones. Other comments recommended restricting flood insurance in V Zones until the Flood Insurance Rate Maps with wave heights are published. A couple of comments sought to deny flood insurance to new structures built below the wave height level.

FEMA has determined that it will continue to provide flood insurance in V Zones provided that actuarial rates are charged for new construction and substantial improvements. The regulation makes clear that no insurance

will be provided unless wave heights have been delineated and the wave height factor is taken into consideration in determining the rate. If the rate reflects the risk, the Government will not lose money on insurance for new construction and individuals will not be encouraged to build in V Zones by unduly low insurance rates.

Another comment asked why FEMA was singling out V Zones for a particular rating process. FEMA realizes that there are many risk factors affecting the rates in all the flood zones used in the NFIP. Experience in the program has indicated that the V Zone is one of the most critical of all the flood zones and, therefore, it was in the best interests of the taxpayers to modify our rates in this zone. As is indicated above, there are risk factors and impacts associated with wave heights in V Zones which, until now, have not been accounted for in the flood insurance rates. In addition, we will be evaluating our rates in all other zones and adjust those as appropriate, over time. It was also suggested that the insurance mechanism alone be used to eliminate unwise development in V Zones; that the floodplain management component is unnecessary. FEMA believes that the insurance and floodplain management components are complementary and operate best in tandem. One comment proposed combining the two components by conditioning the availability of insurance on elevation to the wave height level. Such a provision had appeared in the September 9, 1980 rule.

It was asserted that elevation to the wave height level is not cost effective. However, a recent report (February 1980) done for FEMA concluded that elevation to the wave crest level is cost effective. Another comment suggested that structures should be given insurance credit for each foot they are elevated above the wave height level. The rates will, in fact, be lower for each foot a structure is elevated above the wave height level, up to four feet above base flood elevation, including wave height.

A number of comments expressed opposition to the individual risk rating system. This regulation, consistent with the May 4, 1981, interim regulation, is a departure from individual rating. The wave height level will be determined individually for each new or substantially improved structure in a V Zone where the FIRM does not already include wave heights. The ability of new construction in V Zones to withstand the force of waves has been class rated, based, as described above, on the "average" structure. If a property owner seeks a rate adjustment on the basis that his or her structure is more stable than the "average", only then will FEMA–FIA rate that structure individually.

Two comments favored the individual rating system, stating that it would more accurately rate the flood risk and would provide an incentive for safer construction. While both of these concerns have merit, the individual rating system presented administrative difficulties which make the class system more desirable at this time. The mechanism for rate adjustments for safer than average structures should provide an incentive to build more safely.

One comment proposed that when an area is not yet designated as V Zone on a FIRM, but which is subsequently so designated, all structures built after the effective date of the rule in such area should then be charged the V Zone rate. FEMA believes that this would not be equitable to the property owner who built without knowledge of the future V Zone designation.

A number of comments suggested that more information was needed about the new rating system. This concern is largely addressed above. One additional point is worth making. This regulation requires no change in a community's floodplain management ordinance; this regulation is strictly confined to insurance rating for new construction in V Zones, as an interim measure until the FIRMs are revised to reflect wave heights. A couple of comments expressed concern about application of the regulation to existing structures. This regulation applies only to new construction. The only instance in which it will have an effect on an existing structure is when such structure is substantially improved.

A few comments expressed concern about the provision in the regulation which conditions the availability of insurance on the establishment of the wave height level for a given site. Designation of the wave height level is to be done based on a simplified adaptation of the wave height methodology derived by the National Academy of Sciences. A registered professional architect, engineer or surveyor will supply the basic data (Post Construction Elevation Certificate—Appendix A) to the insurance agent who will then apply these data according to the instructions provided by FEMA. As quickly as the architect, engineer or surveyor and the insurance agent submit this information, wave heights will have been designated to FEMA's technical satisfaction (within the meaning of this regulation).

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and the implementing regulations of the Council on Environmental Quality (40 CFR Parts 1500–1508), FEMA has found that there will be no significant impact on the quality of the human environment as a result of the issuance of these regulations. This finding is based on an environmental assessment prepared for these regulations. On this basis, an environmental impact statement will not be prepared.

PART 9—FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS

Accordingly, 44 CFR 9.11(e) (1), (2) and (3) is revised to read as follows:

§ 9.11 Mitigation.

* * * * *

(e) *In the implementation of the National Flood Insurance Program.* (1) The Office of State and Local Programs of FEMA shall make identification of all coastal high hazard areas a priority;

(2) Beginning October 1, 1981, the Federal Insurance Administration of FEMA may only provide flood insurance for new construction or substantial improvements in a coastal high hazard area if:

(i) Wave heights have been designated for the site of the structure either by the Director of FEMA based upon data generated by FEMA or by another source, satisfactory to the Director; and

(ii) The structure is rated by FEMA–FIA based on a system which reflects the capacity to withstand the effects of the 100-year frequency flood including, but not limited to, the following factors:

(A) Wave heights;

(B) The ability of the structure to withstand the force of waves.

(3)(i) FEMA shall accept and take fully into account information submitted by a property owner indicating that the rate for a particular structure is too high based on the ability of the structure to withstand the force of waves. In order to obtain a rate adjustment, a property owner must submit to FEMA specific information regarding the structure and its immediate environment. Such information must be certified by a registered professional architect or engineer who has demonstrable experience and competence in the fields of foundation, soils, and structural engineering. Such information should include:

(A) Elevation of the structure (bottom of lowest floor beam) in relation to the

Base Flood Elevation including wave height;

(B) Distance of the structure from the shoreline;

(C) Dune protection and other environmental factors;

(D) Description of the building support system; and

(E) Other relevant building details.

Adequate completion of the "V-Zone Risk Factor Rating Form" is sufficient for FEMA to determine whether a rate adjustment is appropriate. The form is available from and applications for rate adjustments should be submitted to:

National Flood Insurance Program
Attention: V-Zone Underwriting Specialist
6430 Rockledge Drive
Bethesda, Maryland 20817
800-638-6620

Pending a determination on a rate adjustment, insurance will be issued at the class rate. If the rate adjustment is granted, a refund of the appropriate portion of the premium will be made. *Unless a property owner is seeking an adjustment of the rate prescribed by FEMA–FIA, this information need not be submitted.*

(ii) FIA shall notify communities with coastal high hazard areas and federally related lenders in such communities, of the provisions of this paragraph. Notice to the lenders may be accomplished by the Federal instrumentalities to which the lenders are related.

* * * * *

Dated: October 19, 1981.

Louis O. Giuffrida,

Director.

Appendix A

Note.—Appendix A will not appear in the Code of Federal Regulations.

BILLING CODE 6718-01-M

OMB 026-R-0126

FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM

POST CONSTRUCTION ELEVATION CERTIFICATE/FLOODPROOFING CERTIFICATE

	BUILDING OWNER	COMMUNITY NUMBER

INSTRUCTIONS: The registered professional engineer, architect, surveyor or community permit official completes Section I below. Section II may be completed by any of the professionals listed at the beginning of Section II, or by a similarly qualified local permit official or by a local permit official relying on official permit records. Print or type the information on this form. This form is to be used for new (POST-FIRM) construction and for substantial improvements to existing structures in Zones A1-A30, AO, AH, A99 and V1-V30 and existing (PRE-FIRM) buildings to be rated under POST-FIRM rules and rates.

SECTION I

PROPERTY LOCATION (lot and block numbers and address if available)

FIA MAP PANEL ON WHICH PROPERTY IS LOCATED	FIA MAP ZONE IN WHICH PROPERTY IS LOCATED
FIA MAP EFFECTIVE DATE	BASE FLOOD ELEVATION AT THE BUILDING SITE

START OF CONSTRUCTION DATE	Name and Title	PHONE (with Area Code)

ADDRESS

(Signature) (Date)

SECTION II

INSTRUCTIONS

Complete only the Elevation Certification unless the building has been floodproofed at least to the base flood elevation. If floodproofing is used, complete only the Floodproofing Certification. The Elevation Certification may be completed by a registered professional engineer, architect, or surveyor. The Floodproofing Certification may only be completed by a registered professional engineer or architect.

ELEVATION CERTIFICATION

ZONES A, A1-30, A-99, AH: I certify that the building at the property location described above has the lowest floor (including basement) at an elevation of _____ feet, NGVD (mean sea level) and the average grade at the building site is at an elevation of _____ feet, NGVD.

ZONES V, V1-V30: I certify that the building at the property location described above has the bottom of the lowest floor beam at an elevation of _____ feet, NGVD (mean sea level), and the average grade at the building site is at an elevation of _____ feet, NGVD.

ZONE AO: I certify that the building at the property location described above has the lowest floor (including basement) elevated _____ feet above the highest adjacent grade. This meets ☐, does not meet ☐ the community's requirement for new construction.

FLOODPROOFING CERTIFICATION

I certify to the best of my knowledge, information, and belief, that the structure is designed so that the structure is watertight to an elevation of _____ feet NGVD (mean sea level), with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy that would be caused by the flood depths, pressures, velocities, impact and uplift forces associated with the base flood.

In the event of flooding, will this degree of floodproofing be achieved with human intervention?* _____

Will the structure be occupied as a residence? _____

If the answer to both questions is Yes, the floodproofing cannot be credited for rating purposes and the elevation certification must be completed instead.

*Floodproofed with human intervention means that water will enter the structure when floods up to the base flood level occur, unless measures are taken prior to the flood to prevent entry of water (e.g. bolting metal shields over doors and windows).

CERTIFIER'S NAME	If certified by Engineer, Architect or Surveyor AFFIX SEAL OR WRITE PROFESSIONAL LICENSE NO. BELOW
TITLE	
ADDRESS	
(Signature) (Date)	

The insurance agent attaches the second copy of the completed form to the flood insurance policy application for new (POST-FIRM) construction or substantial improvements. Be sure that the second copy is certified.

INSURANCE AGENTS MAY ORDER THIS FORM

593-117

REV. 10/1/81

Pre-FIRM Construction:

For the purposes of determining insurance rates, buildings for which the start of construction or substantial improvement was on or before December 31, 1974 or the effective date of the initial Flood Insurance Rate Map (date printed on community FIRM), whichever is later. Special Note: If an approved building permit is dated prior to December 31, 1974 construction must have commenced not later than 180 days after the date of the approved building permit. "Existing Construction" and "Pre-FIRM Construction" have identical meanings for the purposes of The National Flood Insurance Program.

Post-FIRM Construction:

For insurance rating purposes buildings for which the start of construction or substantial improvement commenced after December 31, 1974 or the effective date of the initial Flood Insurance Rate Map (date printed on community FIRM), whichever is later. "NEW CONSTRUCTION" and "POST FIRM CONSTRUCTION" have identical meanings for the purposes of the National Flood Insurance Program.

Substantial Improvement:

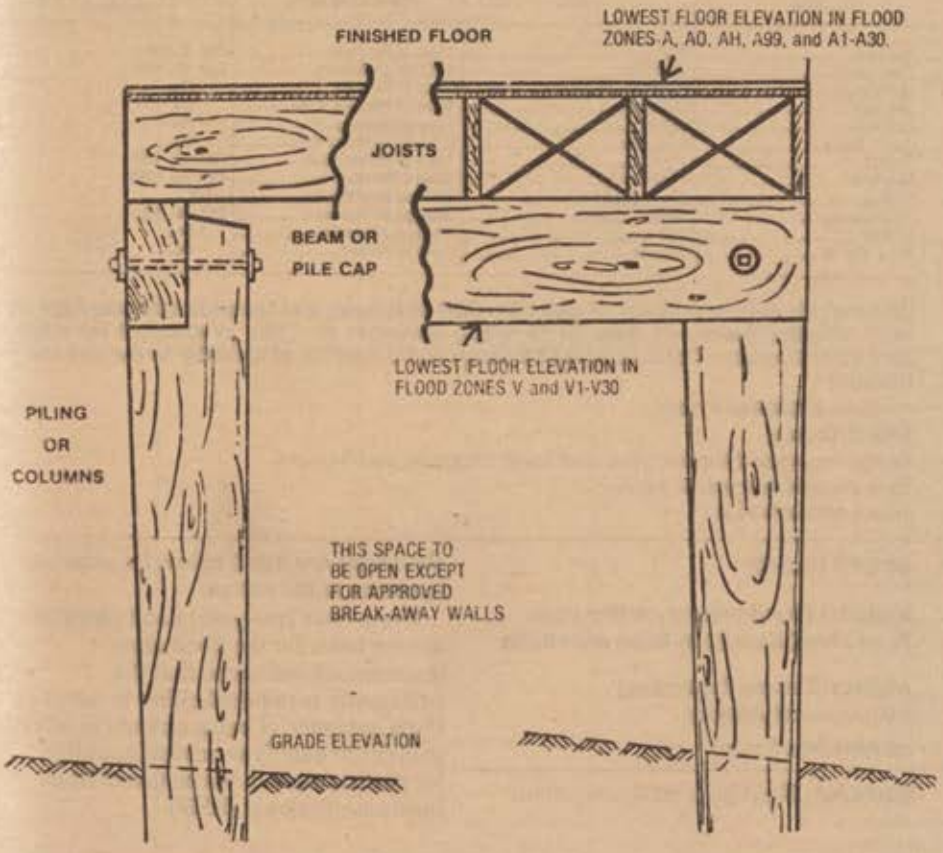
Any repair, reconstruction, or improvement of a building, the cost of which equals or exceeds 50 percent of the market value of the building either (a) before the improvement or repair is started, or (b) if the building has been damaged, and is being restored the market value before the damage occured. For Flood Insurance Program purposes substantial improvement is started when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. However, the term does not include either any project for health, sanitary, or safety code specifications which are soley necessary to assure safe living conditions; or any alteration of a building listed on the National Register of Historic Places or a State Inventory of Historic Places.

Lowest Floor

The lowest floor is defined to mean the lowest level of a building including, if any, finished or unfinished basement.

Lowest Floor Elevation

It is important to note that the lowest floor elevation for V-Zones is materially different from the reference point for A-Zones. The illustration set forth below exhibits the difference.



[FR Doc. 81-30611 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-01-C

44 CFR Part 64

[Docket No. FEMA 6132]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule. Correction.

SUMMARY: In the **Federal Register** appearing at page 45766 in the issue of September 19, 1981, the Town of Dover, Windham County, Vermont shows a regular program date for September 30, 1981 in error. Please delete the regular program date. The community is being suspended from the Emergency Flood Insurance Program September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, National Flood Insurance Program (202) 287–0184 or EDS Toll Free Line 800–638–6620, 500 C Street Southwest, Donohoe Building, Room 506, Washington, D.C. 20472.

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

Issued: October 6, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30572 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA-6161]

Communities With Minimal Flood Hazard Areas for the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 287–0270, Federal Emergency Management Agency, Washington, D.C. 20472.

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

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

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

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

PART 65—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

The entry reads as follows:

§ 65.7 List of communities with minimal food hazard areas.

State	County	Community name	Date of conversion to regular program
Indiana	Porter	Town of Hebron	Oct. 9, 1981.
Connecticut	Litchfield	Borough of Bantam	Oct. 15, 1981.
Connecticut	Tolland	Town of Hebron	Do.
Maryland	Somerset	Town of Princess Anne	Do.
New York	Orleans	Town of Barre	Do.
Pennsylvania	Lancaster	Borough of Mount Joy	Do.
Virginia	Page	Town of Shenandoah	Oct. 16, 1981.
Maryland	Frederick	Town of Middletown	Oct. 23, 1981.
Virginia	Shenandoah	Town of New Market	Do.
Pennsylvania	Wayne	Borough of Waymart	Oct. 30, 1981.
Virginia	Lee	Town of Jonesville	Do.
West Virginia	Fayette	Town of Ansted	Do.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128) Executive Order 12127, 44 FR 18367; and delegation of authority to the Associate Director)

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30570 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

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

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevation for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Agency has resolved the appeals presented by the community.

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

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

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

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Florida	Port St. Lucie (City) (St. Lucie County), FEMA-5947	Indian River	250 feet south along Canby Road from its intersection with Beving Avenue.	*7
		North Fork St. Lucie River	At the intersection of Bywood Avenue and Crowberry Street.	*9
		Shallow Flooding	The vicinity of Mile Lake within corporate limits	*12
			700 feet west along Walton Road from its intersection with the Florida East Coast Railroad.	*17
Maps available for inspection at City Hall Plaza, Port St., Lucie, Florida.				
New Jersey	Harding (Township) Morris County, FEMA-5947	Passaic River	50 feet west of the intersection of Madisonville Road and Pleasant Plains Road.	*245
			At the intersection of upstream corporate limit and Passaic River.	*340
		Great Brook	At the center of Woodland Avenue crossing of Great Brook.	*245
			40 feet upstream from center of Van Beuren Road crossing.	*272
		Tributary of Great Brook	At the center of James Street crossing of Tributary of Great Brook.	*279
		Silver Brook	50 feet upstream from center of James Street crossing.	*276
		Primrose Brook	20 feet upstream from center of Lees Hill Road crossing.	*238
			50 feet downstream from center of Mount Kemble Avenue crossing.	*316
Maps available for inspection at Office of Township Clerk, Township Hall, Township of Harding, P.O. Box 23, Madison, New Jersey.				
New York	Harrison, Town, Westchester County (Docket No. FI-5510)	Blind Brook	Downstream corporate Limits	*31
			Purchase Street	*33
			Cross Westchester Expressway	*36
			Downstream side of Rye City Dam	*37
			Upstream side of Rye City Dam	*61
			Bowman Avenue (Upstream side)	*65
			Westchester Avenue	*77
			Private Drive approximately 1,900' upstream of Westchester Avenue.	*88
			Private Drive approximately 3,100' upstream of Westchester Avenue.	*97
			Private Drive approximately 1,400' downstream of Westerleigh Road.	*108
			Westerleigh Road (Upstream side)	*119
			Lincoln Avenue	*123
			Brookside Way	*126
			Confluence of Tributary A	*128
			Hutchinson River Parkway downstream of confluence of Tributary B.	*140
			Confluence of Tributary B	*150
			Hutchinson River Parkway 2nd crossing upstream of confluence of Tributary B.	*162
			Downstream side of New Blind Brook	*190
			Upstream side of New Blind Brook Country Club Dam	*216
			Downstream side of Old Blind Brook Country Club Dam.	*232
			Upstream side of Old Blind Brook Country Club Dam	*239
			Downstream side of Anderson Hill Road	*240
			Upstream side of Anderson Hill Road	*245
			Approximately 3,200' upstream of Anderson Hill Road	*255

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 2,000' downstream of College Road	*269
			Approximately 1,000' downstream of College Road	*292
			Downstream side of College Road	*338
			Upstream side of College Road	*348
			Lincoln Avenue	*350
			Approximately 2,500' upstream of Lincoln Avenue	*367
		Mamaroneck River	Downstream Corporate Limits	*33
			New England Thruway (Upstream side)	*35
			Downstream side Winfield Avenue	*38
			Upstream side Winfield Avenue	*40
			Downstream side Water Works Dam	*41
		Mamaroneck River East Branch	Confluence with Mamaroneck River	*139
			Anderson Hill Road	*139
			Downstream side of Dam Spillway	*145
			Upstream side of Dam Spillway	*156
			Approximately 1,600' upstream of Dam Spillway	*167
			Approximately 2,350' upstream of Dam Spillway	*177
			Approximately 3,400' upstream of Dam Spillway	*187
			Approximately 3,950' upstream of Dam Spillway	*199
			Approximately 2,800' downstream of confluence of Tributary 1.	*207
			Confluence of Tributary 1	*214
			Barnes Lane (Upstream side)	*222
			Downstream side of New Lake Boulevard	*227
			Upstream side of New Lake Boulevard	*235
			Old Lake Boulevard (Upstream side)	*238
			Downstream side of Forest Lake Dam	*239
			Upstream side of Forest Lake Dam	*244
			Approximately 200' upstream of Forest Lake Dam	*245
		Beaver Swamp Brook Section 1	Downstream Corporate Limits	*32
			Bradford Avenue	*34
			Osborn Road	*35
			County Road	*36
			Upstream Corporate Limits	*40
		Beaver Swamp Brook Section 2	Downstream Corporation Limits	*48
			Private Golf Course Road	*51
			Downstream side of spillway	*58
			Upstream side of spillway	*65
			Downstream side of dam spillway	*65
			Upstream side of dam spillway	*73
			Park Drive	*77
		Brentwood Brook	Confluence with Beaver Swamp Brook—Section 1	*32
			Downstream side of Harrison Avenue	*38
			Upstream side of Harrison Avenue	*46
			Gleason Place	*49
			Henry Avenue	*54
			Halstead Avenue (Upstream side)	*59
			Holland Street	*62
			New England Thruway	*65
			Allen Place	*67
		Brentwood Brook Tributary	Confluence with Brentwood Brook	*65
			Crystal Street	*65
			Approximately 600' upstream of confluence with Brentwood Brook.	*67
Maps available for inspection at the Harrison Municipal Building, 1 Hillside Avenue, Harrison, New York.				
Texas	Jersey Village, City, Harris County (Docket No. FEMA-5978).	White Oak Bayou	Downstream Corporate Limits	*104
			Upstream Corporate Limits	*110
		Tributary A	Confluence with White Oak Bayou	*108
			Upstream Southern Pacific Railroad	*113
			Upstream Corporate Limits	*116
		Tributary B	Confluence with White Oak Bayou	*110
			Upstream Corporate Limits	*114
Maps available for inspection at the City Hall, 16501 Jersey Drive, Jersey Village, Texas.				

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

Issued: September 29, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30571 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-6076]

Letter of Map Amendment for the Township of Harrison, Michigan, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. 260123, Panel No. 0010C, published on June 10, 1981, in 46 FR 30627, indicates that the South 82 feet of Lot No. 32, Sunkist Subdivision No. 2, Township of Harrison, Macomb County, Michigan, as recorded in Volume 57 of Plats, Page 37, in the Office of the Register of Deeds of Macomb County, Michigan, is located within the Special Flood Hazard Area.

Map No. 260123, Panel No. 0010C, is hereby corrected to reflect that the existing structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on May 5, 1981. The structure is in Zone B.

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

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

Issued: October 8, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30608 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-6076]

Letter of Map Amendment for the Township of Harrison, Michigan, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. 260123, Panel No. 0010C, published on June 10, 1981, in 46 FR 30621, indicates that Lot No. 31, and the North 18 feet Lot No. 32, Sunkist Subdivision No. 2, Township of Harrison, Macomb County, Michigan, as recorded in Volume 57 of Plats, Page 37, in the Office of the Register of Deeds of Macomb County, Michigan, are located within the Special Flood Hazard Area.

Map No. 260123, Panel No. 0010C, is hereby corrected to reflect that the existing structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on May 5, 1981. The structure is in Zone B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and

imposes no new requirements or regulations on participating communities.

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

Issued: October 8, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30588 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6048]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. 270384, Panel No. 0001B, published on May 12, 1981, in 45 FR 26306, indicates that the four-lot units of Lots Nos. 29 through 32, Block 3 and Lots Nos. 13 through 16, Block 7, Silverwood Townhomes, City of Shoreview, Ramsey County, Minnesota, recorded as Documents Nos. 1471751, 1725153 and 2042467, in the Office of the Register of Deeds of Ramsey County, Minnesota, are located within the Special Flood Hazard Area.

In addition, Map No. 270384, Panels Nos. 0001B and 0003B, indicate that the four-lot units of Lots Nos. 33 through 36, Block 3 and Lots Nos. 17 through 20, Block 6, of the above-mentioned property, are not located within the Special Flood Hazard Area.

Map No. 270384, Panel No. 0001B, is hereby corrected to reflect that the four-lot units of Lots Nos. 29 through 32, Block 3 and Lots Nos. 13 through 16, Block 7, are not located within the Special Flood Hazard Area identified on April 1, 1981. The lots are in Zone C.

Furthermore, Map No. 270384, Panels Nos. 0001B and 0003B, are hereby corrected to reflect that the four-lot units of Lots Nos. 33 through 36, Block 3 and Lots Nos. 17 through 20, Block 6, are partially located within the Special Flood Hazard Area identified on April 1, 1981. The lots are partially within Zone A.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30589 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-6048]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

Map No. 270384, Panel No. 0003B, published on May 12, 1981, in 46 FR 26306, indicates that Lots Nos. 5 through 7, Lots Nos. 10 through 12, Block 1, and Lot No. 5 and and Lots Nos. 12 through 14, Block 2, Lexington Pond, City of Shoreview, Ramsey County, Minnesota, recorded as Documents Nos. 1738417, 1843104 and 1876520, in the Office of the Register of Deeds of Ramsey County,

Minnesota, are not located within the Special Flood Hazard Area.

Map No. 270384, Panel No. 0003B, is hereby corrected to reflect that the above-mentioned property is partially within the Special Flood Hazard Area identified on April 1, 1981. The lots are partially within Zone A.

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

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

Issued: October 8, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30590 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. H & I 290327 Panel 0150A, published on October 6, 1980, in 45 FR 66107, indicates that Lot 18, The Woodlands Business Park, St. Louis County, Missouri, as recorded in Book 199, Pages 68 through 71, in the Office of the Recorder, St. Louis County, Missouri, is within the Special Flood Hazard Area.

Map No. H & I 290327 Panel 0150A is hereby corrected to reflect that the existing structure located on the above mentioned property is not within the Special Flood Hazard Area identified on September 15, 1978. This structure is in Zone C.

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

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

Issued: October 8, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30591 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner for maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be

obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

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

Map No. H & I 290327 Panel 0150A, published on October 6, 1980, in 45 FR 66107, indicates that Lot 7 and a portion of Lot 6, The Woodlands Business Park, St. Louis County, Missouri, as recorded in Book 199, Pages 68 through 71, in the Office of the Recorder, St. Louis County, Missouri, are within the Special Flood Hazard Area.

Map No. H & I 290327 Panel 0150A is hereby corrected to reflect that the existing structure located on the above mentioned property is not within the Special Flood Hazard Area identified on September 15, 1978. This structure is in Zone C.

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

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

Issued: October 8, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30592 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Tulsa, Oklahoma, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. H & I 405381D Panel 92, published on October 6, 1980, in 45 FR 66095, indicates, that Lot 1, Block 1, Crow Dobbs Office Park II, Tulsa, Oklahoma, recorded as Plat No. 4103, in the Office of the Clerk, Tulsa County, Oklahoma, is within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 92, is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on August 14, 1979. This property is in Zone C.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30593 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. H & I 405378A Panel 124, published on October 6, 1980, in 45 FR 66095, indicates, that Lots 24 through 27, Block 1; Lots 22 through 28, 44, and 45, Block 3; and Lots 18 through 29, Block 4, Proposed Spring Creek Acres, being a part of the NW¼ of Section 21, Township 11 North, Range 2 West of the Indian Meridian, Oklahoma City, Oklahoma, as recorded in Book 4658, Pages 769 and 770, in the Office of the Clerk, Oklahoma County, Oklahoma, are within the Special Flood Hazard Area.

Map No. H & I 405378A Panel 124 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on February 2, 1979. These lots are in Zone C.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30594 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Tulsa, Okla., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. H & I 405381D Panel 131, published on October 6, 1980, in 45 FR 66095, indicates, that Cambridge Square, Tulsa, Oklahoma, recorded as Plat No. 4029, in the Office of the Recorder, Tulsa County, Oklahoma, is within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 131 is hereby corrected to reflect that the above mentioned property, with the exception of the areas designated as Reserve "A" (Drainageway) and Drainageway Easement as shown on the recorded plat map cited above, are not within the Special Flood Hazard Area identified on August 14, 1979. This property is in Zone C.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30595 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Tulsa, Okla., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. H & I 405381D Panel 114, published on October 6, 1980, in 45 FR 66095, indicates, that Block 1, Bishop Acres, Tulsa, Oklahoma, recorded as Instrument No. 804844, Plat No. 3947, in the Office of the County Clerk, Tulsa, Oklahoma, is within the Special Flood Hazard Area.

Map No. H & I 405381D Panel 114 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on August 14, 1979, with the exception of the Utility and Drainage Easements, and the Compensatory Storage Basin as shown on the Recorded Plat Map cited above. This property is in Zone C.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30596 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Alexandria, Va., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. H&I 515519A, Panel No. 07, published on October 6, 1980, in 45 F.R. 66053, indicates that Lots Nos. 4 through 6 and Lots Nos. 24 through 31, Waterford, City of Alexandria, Virginia, as recorded in Book 964, Pages 540 through 545, in the Office of the Clerk of the Circuit Court of the City of Alexandria, Virginia, are located within the Special Flood Hazard Area.

Map No. H&I 515519A, Panel No. 07, is hereby corrected to reflect that the structures located on the above-mentioned property are not within the Special Flood Hazard Area identified on October 22, 1976. The structures are in both Zone B and Zone C.

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

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

Issued: October 8, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30597 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. H&I 515520A, Panel No. 06, published on October 6, 1980, in 45 FR 66053, indicates that Lots No. 85, Section One, Long Branch Park, Unincorporated Area of Arlington County, Virginia, as recorded in Boom 539, Page 44, in the Office of the Clerk of the Circuit Court of Arlington County, Virginia, is located within the Special Flood Hazard Area.

Map No. H&I 515520A, Panel No. 06, is hereby corrected to reflect that existing structures located on the above-mentioned property are not within the Special Flood Hazard Area identified on December 31, 1976. The structures are in Zone C.

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

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

Issued: October 8, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30598 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Martinsburg, W. Va., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. 540006, Panel No. 0002B, published on October 6, 1980, in 45 FR 66056, indicates that portions of a parcel of land containing approximately 3-acres, situated along the south side of Meadowbrook Drive, City of Martinsburg, Berkeley County, West Virginia, being a portion of the lands recorded in Deed Book 221, Page 244, in the Office of the Clerk of the County Court of Berkeley County, West Virginia, are located within the Special Flood Hazard Area.

Map No. 540006, Panel No. 0002B, is hereby corrected to reflect that the portions of the above-mentioned property which are presently at or above 456.70 feet National Geodetic Vertical Datum (NGVD) at the

southwest property corner and 456.35 feet NGVD at a point approximately 240 feet downstream of the southwest property corner and 456.00 feet NGVD at the southeast property corner, as shown on the topographic survey for the property of James Shanholtzer, dated January 1980, prepared by Fox and Associates, Inc., are not within the Special Flood Hazard Area identified on December 18, 1979. The portions of the parcel which are presently at or above the above-mentioned elevations are in Zone B and Zone C.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30599 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. H & I 080099 Panel 0005B, published on October 6, 1980, in 45 FR 66109, indicates that Lots 14 through 17, Block 111, Fassbinder Addition, Durango, Colorado, being Parcel 001, Block 33, of the Assessors Map, recorded as Map 5665, Page 203, in the Office of the Assessor, La Plata County, Colorado, is within the Special Flood Hazard Area.

Map No. H & I 080099 Panel 0005B is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on January 17, 1979. These lots are in Zone B.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30573 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance

coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620 toll free.

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

Map No. 170712, Panel No. 0002B, published on October 6, 1980, in 45 FR 66075, indicates that Lot No. 8, River Oaks Estates Unit No. 1, Village of Shorewood, Will County, Illinois, recorded as Document No. R76-36479, in the Office of the Recorder of Will County, Illinois, is located within the Special Flood Hazard Area.

Map No. 170712, Panel No. 0002B, is hereby corrected to reflect that the existing structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on November 1, 1979. The structure is in Zone C.

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

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

Issued: October 8, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30574 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. 170169, Panel No. 0005B, published on October 6, 1980, in 45 FR 66075, indicates that Building No. 7704, Lot No. 3, Building No. 7722, Building No. 7734, Building No. 7738, Building No. 7748, Building No. 7764, Lot No. 4, Building No. 7774 and Building No. 7780, Lot No. 5, Bremen Towne Estates Unit No. 7, Village of Tinley Park, Cook County, Illinois, recorded as Document No. 21566452, in the office of the Recorder of Cook County, Illinois, are located within the Special Flood Hazard Area.

In addition, the above-mentioned Map and Panel Number indicates that Building No. 15924, Building No. 15934 and Building No. 15946, Lot No. 5, of the above-mentioned property are located in Zone B.

Map No. 170169, Panel No. 0005B, is hereby corrected to reflect that Building No. 7704, Lot No. 3, Building No. 7722, Building No. 7734, Building No. 7738, Building No. 7748, Building No. 7764, Lot No. 4, Building No. 7774 and Building No. 7780, Lot No. 5, are not within the Special Flood Hazard Area identified on December 4, 1979. The buildings are in Zone C.

Furthermore, the above-mentioned Map and Panel Number is hereby corrected to reflect that Building No. 15924, Building No. 15934 and Building No. 15946, Lot No. 5, are in Zone C.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30575 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. 170169, Panel No. 0005B, published on October 6, 1980, in 45 FR 66075, indicates that residential structures located on Lots Nos. 109 through 119, Lots Nos. 124, 126, 128, 130, Lots Nos. 135 through 145, Lots Nos. 150 through 153, Lots Nos. 172 through 175, Lots Nos. 180, 182, 184, 215 and Lots Nos. 228 through 234, Bremen Towne Estates Unit No. 2, Village of Tinley Park, Cook County, Illinois, recorded as Document No. 20856178, in the Office of the Recorder of Cook County, Illinois, are located within the Special Flood Hazard Area.

Map No. 170169, Panel No. 0005B, is hereby corrected to reflect that the residential structures located on the above-mentioned property are not within the Special Flood Hazard Area identified on December 4, 1979. The residential structures located on Lots Nos. 124, 126, 130, 150, 153 and 172 are in Zone B. The residential structures located on Lots Nos. 109 through 119, Lot No. 128, Lots Nos. 135 through 145, Lots Nos. 151, 152, Lots Nos. 173 through 175, Lots Nos. 180, 182, 184, 215 and Lots Nos. 228 through 234 are in Zone C.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30676 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Livermore, Calif., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. H & I 060008 Panel 02, published on October 6, 1980, in 45 FR 66117, indicates that Lots 30 through 32, 38, 39, 45, and 47 through 49, proposed Tract 4824, Livermore, California, being a portion of Parcels One, Two, and Three of the Deed, as recorded in Document No. 78-252736, in the Office of the Recorder, Alameda County, California, are within the Special Flood Hazard Area.

Map No. H & I 060008 Panel 02 is hereby corrected to reflect that the above mentioned lots are not within the Special Flood Hazard Area identified on July 5, 1977. These lots are in Zone B.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30577 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Novato, Calif., Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. H & I 060178 Panel 0003A, published on October 6, 1980, in 45 FR 66118, indicates, that Lot 10A, Record of Surveys, The Woodlands, Lots 7A, 8A, 9A, 10A, 28A, 29A, and 30A, Novato, California, as recorded in Book 3598, Page 272, in the Office of the Recorder, Marin County, California, is within the Special Flood Hazard Area.

Map No. H & I 060178 Panel 0003A is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on January 19, 1978. This lot is in Zone C.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30578 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Novato, California, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

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

Map No. H & I 060178 Panel 0003A, published on October 6, 1980, in 45 FR 66118, indicates that Lot 13, The Woodlands, Novato, California, as recorded in the Office of the Recorder, Marin County, California, is within the Special Flood Hazard Area.

Map No. H & I 060178 Panel 0003A is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on January 19, 1978. This lot is in Zone C.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30579 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for Sacramento County, California, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. H & I 060262 Panel 0085B, published on October 6, 1980, in 45 FR 6111, indicates, that Lots 10 through 61 and 63 through 66, Live Oak Estates; and Lots 4 through 14, 16 through 18, and 36, Live Oak Estates, Unit No. 2, Sacramento County, California, as recorded in Book 113 of Maps, Map No. 18; and Book 117 of Maps, Map No. 8, respectively, in the Office of the Recorder, Sacramento County, California, are within the Special Flood Hazard Area.

Map No. H & I 060262 Panel 0085B is hereby corrected to reflect that Lots 11, 14 through 16, 31 through 40, 45 through 48, 51, 52, 55, 56, and 58, Live Oak Estates, are not within the Special Flood Hazard Area identified on April 21, 1981. These lots are in Zone B.

Map No. H & I 060262 Panel 0085B is also corrected to reflect that Lots 10, 41 through 44, 49, 50, 53, 54, 56, and 59 through 61, Live Oak Estates; and Lot 36, Live Oak Estates, Unit No. 2, are not within the Special Flood Hazard Area identified on April 21, 1981. These lots are in Zone C.

Map No. H & I 060262 Panel 0085B is also corrected to reflect that the existing structures located on Lots 12, 13, and 63, Live Oak Estates, are not within the Special Flood Hazard Area identified on April 21, 1981. These structures are in Zone B.

Map No. H & I 060262 Panel 0085B is also corrected to reflect that the existing structures located on Lots 17 through 30 and 64 through 66, Live Oak Estates; and Lots 4 through 14 and 16 through 18, Live Oak Estates, Unit No. 2, are not within the Special Flood Hazard Area identified on April 21, 1981. These structures are in Zone C.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30580 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

Letter of Map Amendment for the City of Aurora, Colorado, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. H & I 080002 Panel 0015A, published on October 6, 1980, in 45 FR 66109, indicates, that Lots 8 through 16, Block 1; and Lots 11 through 28, Block 2, Calico Subdivision, Filing No. 1, Aurora, Colorado, as recorded in Book 45, Pages 46 and 47, in the Office of the Recorder, Arapahoe County, Colorado, are within the Special Flood Hazard Area.

Map No. H & I 080002 Panel 0015A is hereby corrected to reflect that the existing structures located on the above mentioned lots are not within the Special Flood Hazard Area identified on June 7, 1979. These structures are in Zone C.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81–30581 Filed 10–21–81; 8:45 am]

BILLING CODE 6718–03–M

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44 CFR Part 70

[Docket No. FEMA–5909]

Letter of Map Amendment for the Town of Columbine Valley, Colorado, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. H & I 080014 Panel 0001C, published on October 6, 1980, in 45 FR 66109, indicates that Lot 16, Block 3 Plat of Columbine Valley, Columbine Valley, Colorado, as recorded in Book 12, Pages 12 through 14, in the Office of the Recorder, Arapahoe County, Colorado, is within the Special Flood Hazard Area.

Map No. H & I 080014 Panel 0001C is hereby corrected to reflect that the existing structure located on the above mentioned property is not within the Special Flood Hazard Area identified on December 2, 1980. This structure is in Zone B.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30582 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5909]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. 170169, Panel No. 0005B, published on October 6, 1980, in 45 FR 66075, indicates that the residential structures located on Lots Nos. 17, 20 and 21, Block 5, Lots Nos. 12 and 22, Block 6 and Lots Nos. 4 and 5, Block 7, Tinley Heights Unit 3, Village of Tinley Park, Cook County, Illinois, recorded as Document No. 18024142, in the Office of the Recorder of Cook County, Illinois, are located within the Special Flood Hazard Area.

In addition, the above-mentioned Map and Panel Number indicates that the residential structures located on Lot No. 3, Block 7 and Lot No. 22, Block 11, of the above-mentioned property are located in Zone B.

Map No. 170169, Panel No. 0005B, is hereby corrected to reflect that the residential structures located on Lots Nos. 17, 20 and 21, Block 5, Lots Nos. 12 and 22, Block 6 and Lots Nos. 4 and 5, Block 7, are not within the Special Flood Hazard Area identified on December 4, 1979. The residential structure located on Lot No. 5, Block 7 is in Zone B. The residential structures located on Lots Nos. 17, 20 and 21, Block 5, Lots Nos. 12 and 22, Block 6 and Lot No. 4, Block 7 are in Zone C.

Furthermore, the above-mentioned Map and Panel Number is hereby corrected to reflect that the residential structures located on Lot No. 3, Block 7 and Lot No. 22, Block 11, are in Zone C.

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

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

Issued: October 8, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30583 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-6018]

Letter of Map Amendment for the City of Lake Forest, Illinois, Under National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

Maryland 20034, Phone: (800) 638–6620 toll free.

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

Map No. 170374, Panels Nos. 0004C and 0006C, published on March 26, 1981, in 45 FR 18712, indicates that Lots Nos. 13, 17, 60, 97 and 98, Robert W. Kendler's Ponds Subdivision, City of Lake Forest, Lake County, Illinois, recorded as Document No. 1928655, in the Office of the Recorder of Lake County, Illinois, are located within the Special Flood Hazard Area.

Map No. 170374, Panels Nos. 0004C and 0006C, are hereby corrected to reflect that the above-mentioned lots are not located within the Special Flood Hazard Area identified on February 18, 1981. The lots are in Zone C.

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

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

Issued: October 8, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30584 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. 170712, Panel No. 0002B, published on October 6, 1980, in 45 FR 66075, indicates that Lot No. 7, River Oaks Estates Unit No. 1, Village of Shorewood, Will County, Illinois, recorded as Document No. R76–36479, in the Office of the Recorder of Will County, Illinois, is located within the Special Flood Hazard Area.

Map No. 170712, Panel No. 0002B, is hereby corrected to reflect that the existing structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on November 1, 1979. The structure is in Zone B.

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

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

Issued: October 8, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30585 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Director, Engineering Division, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0220.

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

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

Map No. 170169, Panel No. 0005B, published on October 6, 1980, in 45 FR 66075, indicates that the residential structures located on Lot No. 399, Lots Nos. 432 through 435, Lots Nos. 451, 453, Lots Nos. 471 through 474, Lots Nos. 476, 477, Lots Nos. 481 through 491, Lots Nos. 493, 495, 498, 502, 503, Lots Nos. 505 through 507, Lots Nos. 509 through 511, Lot No. 513, Lots Nos. 515 through 520, Lots Nos. 541 through 546, Lots Nos. 548, 549, Lots Nos. 552 through 554, Lots Nos. 558 through 560, Lots Nos. 562, 564, 565, Lots Nos. 567 through 599, Lots Nos. 604, 605 and Lots Nos. 611 through 614, Bremen Towne Estates Unit No. 4, Village of Tinley Park, Cook County, Illinois, recorded as Document No. 21267856, in the Office of the Recorder of Cook County, Illinois, are located within the Special Flood Hazard Area.

In addition, the above-mentioned Map and Panel Number indicates that the residential structure located on Lots Nos. 397, 455, 470, 521, 539 and 540, of the above-mentioned property are located in Zone B and that the residential structures located on Lots Nos. 395, 396, 456, 457, 459, 460 and 464, are in Zone C.

Map No. 170169, Panel No. 0005B, is hereby corrected to reflect that the residential structures located on Lot No. 399, Lots Nos. 432 through 435, Lots Nos. 451, 453, Lots Nos. 471 through 474, Lots Nos. 476, 477, Lots Nos. 481 through 491, Lots Nos. 493, 495, 498, 502, 503, Lots Nos. 505 through 507, Lots Nos. 509 through 511, Lot No. 513, Lots Nos. 515 through 520, Lots Nos. 541 through 546, Lots Nos. 548, 549, Lots Nos. 552 through 554, Lots Nos. 558 through 560, Lots Nos. 562, 564, 565, Lots Nos. 567 through 599, Lots Nos. 604, 605 and Lots Nos. 611 through 614, are not within the Special Flood Hazard Area identified on December 4, 1979. The residential structures located on Lots Nos. 432, 473, Lots Nos. 485 through 487, Lots Nos. 502, 503, 505, Lots Nos. 509 through 511 and Lots Nos. 546, 548, and 552 are in Zone B. The residential structures located on Lot No. 399, Lots Nos. 433 through 435, Lots Nos. 451, 453, 471, 472, 474, 476, 477, Lots Nos. 481 through 484, Lots Nos. 488 through 491, Lots Nos. 493, 495, 498, 506, 507, 513, Lots Nos. 515 through 520, Lots Nos. 541 through 545, Lots Nos. 549, 553, 554, Lots Nos. 558 through 560, Lots Nos. 562, 564, 565, Lots Nos. 567 through 599, Lots Nos. 604, 605 and Lots Nos. 611 through 614, are in Zone C.

Furthermore, the above-mentioned Map and Panel Number is hereby corrected to reflect that the residential structures located on Lots Nos. 395 through 397, Lots Nos. 455 through 457 and Lots Nos. 459, 460 and 464, are in Zone A and that the residential structures located on Lots Nos. 470, 521, 539 and 540, are in Zone C.

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

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

Issued: October 8, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30586 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5909]

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

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

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

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

EFFECTIVE DATE: October 22, 1981.

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

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

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

Map No. H & I 220058 Panel 0090A, published on October 6, 1980, in 45 F.R. 66092, indicates that Lot 98, Plantation Trace, Second Filing, Part II, East Baton Rouge Parish, Louisiana, as recorded in Conveyance Book 2228, Folios 178 and 179, in the Office of the Clerk and Recorder, East Baton Rouge Parish, Louisiana, is within the Special Flood Hazard Area.

Map No. H & I 220058 Panel 0090A is hereby corrected to reflect that the existing structure located on the above mentioned property is not within the

Special Flood Hazard Area identified on July 2, 1979. This structure is in Zone C.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30587 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 179

[Docket No. HM-166H; Amdt. Nos. 172-70, 173-15-, and 179-29]

Dispersant and Refrigerant Gases; Removal of Obsolete Compliance Reporting Requirements

Correction

In FR Doc. 81-29107, appearing at page 49883 in the issue of Thursday, October 8, 1981, the portions of text appearing in the first and second columns of page 49888, below the second table, should have read:

6. § 179.105-9 is deleted and reserved as follows:

§ 179.105 Special requirements for Specifications 112 and 114 tank cars.

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§ 179.105-9 [Reserved]

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(49 U.S.C. 1803, 1804, 1808; (49 CFR 1.53, App. A to Part 1))

BILLING CODE 1505-01-M

Proposed Rules

Federal Register
Vol. 46, No. 204
Thursday, October 22, 1981

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

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 19, 20, 21, 30, 40, 51, 61, 70, 73, and 170

Licensing Requirements for Land Disposal of Radioactive Waste

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of public comment period.

SUMMARY: The Commission is extending the public comment period on its proposed rule, 10 CFR Part 61, and associated amendments to Parts 2, 19, 20, 21, 30, 40, 51, 70, 73, and 170. The proposed rule was published July 24, 1981 (46 FR 38081) to provide specific requirements for licensing the land disposal of radioactive wastes. The comment period expires October 22, 1981. The comment period is being extended to coincide with the comment period for the draft environmental impact statement (NUREG–0782) prepared by NRC to provide guidance and support for the proposed rule. A notice of availability of the draft environmental impact statement is being published as a separate notice in this issue of the **Federal Register.**

DATES: The new comment period expires January 14, 1982. Comments received after January 14, 1982 will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESS: All interested persons who desire to submit written comments in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received on the proposed amendments may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATON CONTACT: R. Dale Smith, Chief Low-Level Waste Licensing Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 427–4433.

Dated at Bethesda, Maryland, this 14th day of October 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-30606 Filed 10-21-81; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 61

Availability of Draft Environmental Impact Statement; Request for Comments

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability; request for comment.

SUMMARY: The Commission announces the availability of and requests comment on a Draft Environmental Impact Statement (DEIS) being issued under the National Environmental Policy Act of 1969 (NEPA) and the Commission's regulation 10 CFR Part 51 to support the Commission's proposed 10 CFR Part 51, "Licensing Requirements for Land Disposal of Radioactive Waste." In a separate notice published in this issue of the **Federal Register** the comment period for the proposed rule is being extended to coincide with the comment period for this request for comments on the DEIS. After consideration of comments obtained on the DEIS, a Final Environmental Impact Statement (FEIS) will be prepared and published. A notice of availability of the FEIS will be published in the **Federal Register.**

DATES: The comment period expires January 14, 1982. Comments received after January 14, 1982, will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Interested persons may submit comments on the DEIS for the Commission's consideration. Comments should be addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Chief, Low-Level Waste Licensing Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room located at 1717 H St., NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: R. Dale Smith, Chief, Low-Level Waste Licensing Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 427–4433.

SUPPLEMENTARY INFORMATION:

Availability of Draft Environmental Impact Statement on 10 CFR Part 61; Licensing Requirements for Land Disposal of Radioactive Waste

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Impact Statement (DEIS) on 10 CFR Part 61, "Licensing Requirements for Land Disposal of Radioactive Waste," prepared by the Commission's Office of Nuclear Material Safety and Safeguards, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Notice of the Commission's intent to prepare such a statement was published in the **Federal Register** on October 25, 1978 (43 FR 49811) as an advance notice of proposed rulemaking for 10 CFR Part 61 which invited advice, recommendations, and comments on the scope of the DEIS. The 10 CFR part 61 proposed rulemaking for land disposal of low-level waste (LLW) was published in the **Federal Register** on July 24, 1981 (46 FR 38081). Federal and State agencies are being provided with copies of the DEIS (local agencies may obtain copies upon request). The DEIS is also being made available at the State Clearinghouses. Requests for single copies of the DEIS (identified as NUREG–0782) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document

Control. Single copies of this report will be available free to the extent of supply.

A wide variety of low-level radioactive wastes are generated by nuclear power plants, hospitals, universities, industrial concerns and others. Low-level waste is generated in many forms, contains all sorts of radioisotopes in concentrations that range from almost no hazard to those that are immediately life threatening. Although there is no technically based definition of LLW, the "Low-Level Radioactive Waste Policy Act" (Public Law 96-573, December 22, 1980) defines the term "low-level radioactive waste" as radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or byproduct material as defined in Section 11e.(2) of the Atomic Energy Act of 1954 (mill tailings).

Extensive public input into the scope and content of the DEIS is included. Comments on LLW classification efforts were received in response to a **Federal Register** notice (43 FR 36722) on August 28, 1978. Input from the advance notice of proposed rulemaking of October 25, 1978, was used as was public review and comment on a preliminary draft of 10 CFR Part 61 announced in the **Federal Register** on February 28, 1980 (45 FR 13104). Regional workshops were held in Atlanta, Chicago, Denver, and Boston during 1980. State officials, industry, waste generators, and public and private interest groups participated in the workshops.

The DEIS is being published in four separate volumes. Volume 1 contains a summary of the DEIS and a copy of the proposed rule as it appeared in the **Federal Register** on July 24, 1981. Volume 2 is the main text of the DEIS and consists of ten chapters. Chapter 1 is an introduction which presents background information about LLW disposal and the purpose, scope, and structure of the DEIS. Chapter 2 presents the approach NRC has followed in developing regulations for LLW disposal. Chapter 3 describes the affected environment and approach followed in analyzing LLW disposal in the DEIS. Chapter 4 presents and analyzes alternatives regarding protection of an individual who might inadvertently intrude into a disposal facility at a future time. Chapter 5 presents and analyzes alternatives relating to long-term environmental protection and potential releases to the environment from a disposal facility. Chapter 6 presents and analyzes alternatives relating to safety during operation of the facility. Chapter 7 presents the classification of waste for near-surface disposal defining those wastes which are acceptable for disposal by near-surface disposal methods and those wastes which are not acceptable and must be disposed of by other methods. Chapter 8 presents the regulatory program for licensing the land disposal of radioactive wastes. Chapter 9 presents and analyzes requirements for financial assurance. Chapter 10 presents the typical and unmitigated impacts of Part 61 through analysis of the disposal of waste on a regional basis following the preferred technical requirements identified in the DEIS.

A series of appendices contain the details of the assumptions, data bases developed, analysis methodology, and computer programs. Appendices A–F are being published as Volume 3 and G–Q as Volume 4. Following is a listing of the appendices:

Appendix A—"Reserved for Staff Analysis—Public Comments on Draft EIS and Proposed Part 61 Rule"
Appendix B—"Reserved for Public Comments on Draft EIS and Proposed Part 61 Rule"
Appendix C—"Public Participation in the Development of the LLW Disposal Regulation"
Appendix D—"Low-Level Waste Sources and Processing Options"
Appendix E—"Description of a Reference Disposal Facility"
Appendix F—"Alternative Disposal Technologies"
Appendix G—"Impacts Analysis Methodology"
Appendix H—"Alternatives Analyses Codes"
Appendix I—"Branch Technical Position-Low-Level Waste Burial Ground Site Closure and Stabilization"
Appendix J—"Regional Case Studies"
Appendix K—"Financial Assurance for Closure, Postclosure and Active Institutional Control for an LLW Disposal Facility"
Appendix L—"Reserved for Final EIS"
Appendix M—"Potential Long-Term Impacts Other Than Ground Water Migration and Inadvertent Intrusion"
Appendix N—"Analysis of Existing Recommendations, Regulations, and Guides"
Appendix O—"Reserved for Final EIS"
Appendix P—"Reserved for Final EIS"
Appendix Q—"Calculation of Preoperational, Operational, Closure and Institutional Control Costs"

The four volumes are available as a set or individually according to the information needs of the interested person.

Dated at Silver Spring, Maryland, this 9th day of October 1981.

For the Nuclear Regulatory Commission.

Edward F. Hawkins,

Acting Chief, Low-Level Waste Licensing Branch, Division of Waste Management.

[FR Doc. 81-30507 Filed 10-21-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 571

[OST Docket No. 59; Notice 80-2]

Department Regulations Agenda and Review List; Semi-Annual Summary

Correction

In FR Doc. 81-28227 appearing at page 48422 in the issue for Thursday, October 1, 1981, the following change should be made on page 48481. For the item in the left-hand column titled "Impact Protection for the Driver from the Steering Control System", the earliest expected decision date in the right-hand column, which presently reads "Action complete", should read "NPRM 1981".

BILLING CODE 1505-01-M

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81-SO-55]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Transition Area, Carrollton, Ga.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will alter the Carrollton, Georgia, Transition Area by lowering the base of controlled airspace from 1,200 feet to 700 feet AGL southeast of the West Georgia Regional Airport. New standard instrument approach procedures have been developed for the airport and additional controlled airspace is required for protection of aircraft executing the approach procedures.

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

ADDRESSES: Send comments on the proposal to: Attn: Chief, Airspace and Procedures Branch, ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official public docket will be available for examination in the Office of the Regional Counsel, Room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, telephone: (404) 763-7646.

FOR FURTHER INFORMATION CONTACT:
Harlan D. Phillips, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before November 30, 1981, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Chief, Airspace and Procedures Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320, or by calling (404) 763–7646. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate additional airspace to the Carrollton, Georgia, 700-foot Transition Area. This action will provide airspace protection for aircraft executing the proposed NDB RWY 34 and LOC RWY 34 standard instrument approach procedures at the West Georgia Regional Airport. The present on-airport Carrollton (nonfederal) nondirectional radio beacon (RBN) will be replaced by the proposed Carroll County RBN which will be located 4 miles southeast of Runway 34. A nonfederal localizer is proposed to serve Runway 34.

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart G of Part 71 of the Federal Aviation Regulations, as republished (46 FR 540), as follows:

By amendment § 71.181 in the description of the Carrollton, Georgia, Transition Area by deleting the words "* * * the 169° bearing from Carrollton RBN (latitude 33°38'02" N., longitude 85°09'13" W.), extending from the 6.5-mile radius area to 8.5 miles south of the RBN * * *" and substituting for them the words "* * * the 166° bearing from the Carroll County RBN (latitude 33°33'56" N., longitude 85°07'56" W.), extending from the 6.5-mile radius area to nine miles south of the RBN * * *"

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

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

Issued in East Point, Georgia, on October 8, 1981.

George R. LaCaille,

Acting Director, Southern Region.

[FR Doc. 81–30492 Filed 10–21–81; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

Supplemental Security Income for the Aged, Blind, and Disabled; Disposing of Resources for Less Than Fair Market Value

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Department of Health and Human Services is amending its regulations to implement the change made by sections 5 (a) and (c) of Pub. L. 96–611 which will limit eligibility for supplemental security income (SSI) benefits when an individual or eligible spouse sells or gives away any resource at less than fair market value. These provisions will apply to any nonexcluded resource transferred (disposed of) within the 24 months preceding an SSI application date of March 1, 1981, or later or within 24 months of any redetermination based on a claim filed March 1, 1981, or later, and do not apply to those resources excluded under the Social Security Act (the Act) and other Federal statutes.

Any nonexcluded resource (or interest in a resource) owned by an individual or eligible spouse which was transferred at less than fair market value within the preceding 24 months is presumed to have been transferred for the purpose of establishing SSI or Medicaid eligibility unless convincing evidence is furnished by the individual or eligible spouse to establish that the transfer was exclusively for some other reason. These regulations do not meet the criteria for a "major rule" as described in Executive Order 12291 because their effect decreases program costs.

DATE: Comments will be considered if we receive them no later than December 21, 1981.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Administration, 3–A–3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235 between 8:00 am and 4:30 pm on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT:
Henry D. Lerner, Legal Assistant, Office of Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone (301) 594–7414.

SUPPLEMENTARY INFORMATION: Section 5(a) of Pub. L. 96–611, amends section 1613 of the Act. It provides that an individual (or eligible spouse) who gives away or sells any nonexcludable resource for less than fair market value for the purpose of establishing SSI or

Medicaid eligibility will have any uncompensated value of those resources (the difference between fair market value at the time of the transfer and the amount received for the resource) counted toward the resources limit of $1,500 for an eligible individual and $2,250 for a couple for a period of 24 months from the date of transfer. Fair market value is equal to the current market value of a resource at the time of transfer. The transfer (disposal) of a resource at less than fair market value is presumed to be for the purpose of establishing SSI or Medicaid eligibility unless the individual (or eligible spouse) can present convincing evidence that the transfer was exclusively for some other reason. These rules will apply to all individuals who file SSI applications on March 1, 1981, or later and to all redeterminations of those claims.

Current regulations must be amended to reflect the effect on an individual's eligibility for SSI benefits when the individual transfers a resource for less than fair market value.

Executive Order 12291

These regulations have been reviewed under Executive Order 12291 and do not meet any of the criteria for a major regulation. Therefore, a regulatory impact analysis is not required.

Regulatory Flexibility Act

We certify that these regulations do not have an adverse impact on small entities because these rules affect only individuals. Therefore, a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act

These regulations impose no additional reporting or recordkeeping requirements requiring OMB clearance.

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

Dated: September 17, 1981.

John A. Svahn,

Commissioner of Social Security.

Approved: October 5, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart L of Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended to read as follows:

1. The authority citation for Subpart L of Part 416 reads as follows:

Authority: Secs. 1102, 1601, 1602, 1611, 1612, 1613, 1614(f) and 1631(d) of the Social Security Act, as amended; 49 Stat. 647, as amended; 86 Stat. 1465, 1466, 1468, 1470, 1471(f) and 1475(d), as amended (42 U.S.C. 1302, 1381, 1381a, 1382, 1382a, 1382b, 1382c and 1383); sec. 5 of Pub. L. 96-611, 94 Stat. 3567.

2. Section 416.1246 is added to read as follows:

§ 416.1246 Disposal of resources at less than fair market value.

(a) *General.* An individual (or eligible spouse) who gives away or sells a nonexcluded resource for less than fair market value for the purpose of establishing SSI or Medicaid eligibility will be charged with a countable resource, the value of which is the difference between the fair market value at the time of the transfer and the amount of compensation received for a resource for a period of 24 months from the date of transfer (disposal). The difference is referred to as uncompensated value and is counted toward the resource limit ($1,500 for an eligible individual, $2,250 for a couple).

(b) *Fair market value.* Fair market value is equal to the current market value of a resource at the time of transfer. See § 416.1101 for definition of current market value.

(c) *Compensation.* The compensation for a resource includes all money, real or personal property, food, shelter, or services received by the individual (or eligible spouse) at or after the time of transfer in exchange for the resource.

(d) *Uncompensated value.* The uncompensated value is the fair market value of a resource at the time of transfer minus the amount of compensation received by the individual (or eligible spouse) in exchange for the resource.

(e) *Presumption that resource was transferred to establish SSI or Medicaid eligibility.* This type of transfer is presumed to have been made for the purpose of establishing SSI or Medicaid eligibility unless the individual (or eligible spouse) furnishes convincing evidence that the resources were transferred exclusively for some other reason. Convincing evidence may be pertinent documentary evidence (for example, legal documents, realtor agreements, relevant correspondence, etc.). The burden of rebutting the presumption that resources were transferred to establish SSI or Medicaid eligibility rests with the individual (or eligible spouse).

(f) *Applicability.* These rules apply to all individuals who filed for SSI benefits on March 1, 1981, or later and to all redeterminations on claims which were filed on March 1, 1981, or later.

[FR Doc. 81-30629 Filed 10-21-81; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 161

[CGD 78-041]

Tank Vessel Operations, Puget Sound

ACTION: Notice of Intent, and Availability of Studies.

SUMMARY: The Coast Guard announces the availability of two studies concerning tank vessel operations in the Puget Sound. The Coast Guard is also announcing its intention to publish a Supplemental Notice of Proposed Rulemaking concerning this matter.

DATE: Comments must be received by November 23, 1981.

ADDRESS: Comments should be submitted to: Commandant (G-CMC/24) (CGD 78-041), U.S. Coast Guard, 2100 2nd St., S.W., Washington, D.C. 20593. Between the hours of 7:00 a.m. and 5:00 p.m., Monday through Thursday, the studies are available for examination in Room 4402 at this address.

Copies of the two studies may be obtained from: National Technical Information Service, Springfield, VA 22161.

FOR FURTHER INFORMATION CONTACT: Mr. Daniel Ziegfeld, Project Manager, (202) 755-6146.

SUPPLEMENTARY INFORMATION: On July 21, 1980 the Coast Guard published a Notice (45 FR 48828) of two proposed studies: (1) Concerning tanker/tug tests in Puget Sound; and, (2) a risk analysis to determine in what manner and to what extent tanker size relates to tanker spill risk in Puget Sound. The two studies are available for comment. Copies of the two studies may be obtained from: National Technical Information Service, Springfield, VA 22161. These studies are titled:

(1) Full-Scale Trials to Examine Tugboat Utilization in the Control of Large Tankers—U.S. Department of Commerce, Maritime Administration, U.S. Coast Guard, American Institute of Merchant Shipping. Prepared by Hydronautics, Inc.—March 1981. Assession No.: PB 81215816 (price $30.50)

(2) Puget Sound Tanker Size Optimization, Oceanographic Institute of Washington, June 1981, Assession No. ADA 102496 (price $17.00).

The Coast Guard intends to publish a Supplemental Notice of Proposed Rulemaking concerning this matter. The results of these studies will be addressed in that Notice. They may result in susbstantial changes to the proposal previously published. While comments on the studies will be accepted during the comment period provided for the supplemental notice, persons wishing to ensure that their comments are considered during the preparation of the revised proposal should submit them within the time specified above.

J. W. Kime,

Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

October 14, 1981.

[FR Doc. 81-30319 Filed 10-21-81; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6164]

National Flood Insurance Program Proposed Zone Designation and Base Flood Elevation Determinations for the Village of Buffalo Grove, Cook and Lake Counties, Illinois

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designation described below.

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

DATES: The period for comment will be ninety days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at 50 Raupp Boulevard, Buffalo Grove, Illinois. Send comments to: William R. Balling, Village Manager, Village of Buffalo Grove, 50 Raupp Boulevard, Buffalo Grove, Illinois 60090.

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

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed base flood elevations and zone designations for the Village of Buffalo Grove, Illinois, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed base flood elevations are as follows:

693 feet MSL through 680 feet MSL along the reach of White Pine Ditch entending south of Bernard Drive.

The proposed zone designations are as follows:

Zone A3 and Zone C along Farrington Ditch in portions of the area bounded on the west by Farrington Ditch, on the north and south by the corporate limits, and on the east by Crown Point Drive.

Zone A and Zone C along Aptakisic Creek.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30548 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6166]

National Flood Insurance Program Proposed Zone Designation Determinations for the City of Woodstock, McHenry County, Illinois

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at 121 West Calhoun Street, Woodstock, Illinois. Send comments to: Mr. Dennis Anderson, City Manager, City of Woodstock, P.O. Box 190, 121 West Calhoun Street, Woodstock, Illinois 60098.

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

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed zone designations for the City of Woodstock, McHenry County, Illinois, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which

added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations are as follows:

Zone A and Zone C in portions of the area bounded by McConnell Road on the south and by the corporate limits on the north, east, and west; in portions of the area bounded on the north by a line parallel to and approximately 125 feet south of Westwood Trail, and on the south, east, and west by the corporate limits; in a portion of the area bounded on the south by a line parallel to and approximately 1250 feet north of Country Club Road, on the east by the corporate limits, on the west by a line parallel to and approximately 1300 feet east of Irving Avenue, and on the north by McHenry Avenue; and in portions of the area bounded on the east by Borden Street and by the semicircle of approximate radius 350 feet with center at the point on Borden Street which is approximately 1400 feet south of the intersection of Dane Street and Borden Street.

Zone A in a portion of the area bounded on the north by Hoy Avenue, Division Street, and Schryver Avenue from Division Street to Dean Street, on the west by Dean Street, on the east by Bunker Street, and on the south by a line parallel to and approximately 200 feet south of Kimball Avenue.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30549 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6165]

National Flood Insurance Program Proposed Zone Designation and Base Flood Elevation Determinations for the Town of St. John, Lake County, Indiana

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

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

DATE: The period for comment will be ninety days following the second publication of this porposed rule in the newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at 11033 West 93rd Avenue, St. John, Indiana. Send comments to: Mr. Peter Evans, President of Town Board, Town of St. John, 11033 West 93rd Avenue, St. John, Indiana 46373.

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

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed base flood elevations and zone designations for the Town of St. John, Indiana, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations and base flood elevations are as follows:

Zone A1 along Shilling Creek with elevation 657 feet MSL; along the tributary of Bull Run in the area bounded on the east by White Oak Avenue, on the north by 101st Avenue, and on the south and west by the corporate limits with elevation 679 feet MSL; and along Bull Run in portions of the area west of White Oak Avenue bounded on the north by 93rd Avenue, and on the south and west by the corporate limits with elevation 681 feet MSL.

Zone A2 along the tributary of West Creek which flows into West Creek between West Creek Tributary WJ and St. John Ditch on the reach between U.S. Route 41 and the Conrail tracks with elevation 674 feet MSL.

Zone A3 along the tributary of Main Beaver Dam Ditch in portions of the area bounded on the south and east by the corporate limits, on the north by 93rd Avenue, and on the west by a line extending south from the junction of 93rd Avenue and Marquette Street with elevation 693 feet MSL.

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

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act

of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Associate Director, State and Local Programs and Support.)

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30580 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6094]

National Flood Insurance Program; Proposed Flood Elevation Determinations, Massachusetts; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 46 FR 35312 on July 8, 1981. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Groton, Middlesex County, Massachusetts.

EFFECTIVE DATE: October 22, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., Federal Emergency Management Agency, National Flood Insurance Program, (202) 287–0270, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Groton, Middlesex County, Massachusetts, previously published at 46 FR 35312 on July 8, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

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

Under the Source of Flooding of Unkety Brook, the location description "Approximately 80' upstream of the downstream corporate limits" should be amended to read "approximately 650' upstream of the downstream corporate limits." The corresponding elevation is correct as published.

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30547 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6167]

National Flood Insurance Program; Proposed Zone Designation Determinations for the City of Wayzata, Hennepin County, Minnesota

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed zone designations described below.

The proposed zone designations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed zone designations are available for review at 600 Rice Street, Wayzata, Minnesota.

Send comments to: Mr. Dave Bangasser, City Manager, City of Wayzata, 600 Rice Street, Wayzata, Minnesota 55391.

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

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support, gives notice of the proposed zone designations for the City of Wayzata, Minnesota, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations are as follows:

Zone A along Gleason Lake.

Zone C in portions of the area bounded by Broadway Avenue on the east, U.S. Route 12 on the south, the Chicago and Northwestern Railroad on the north, and by Farhill Road on the west.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas

on the basis of updated information and imposes no new requirements or regulations on participating communities.

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30551 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6168]

National Flood Insurance Program; Proposed Zone Designation and Base Flood Elevation Determinations for the Township of Lower Swatara, Dauphin County, Pennsylvania

AGENCY: Federally Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevation and zone designations described below.

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

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base blood elevations and zone designations are available for review at 1499 Spring Garden Drive, Middletown, Pennsylvania.

Send comments to: Frank R. Siffrinn, Township Manager, Township of Lower Swatara, 1499 Spring Garden Drive, Middletown, Pennsylvania 17057.

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

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed base flood elevations and zone designations for the Township of Lower Swatara, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67.

These zone designations and base (100-year) flood elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designation is as follows:

Zone A along Burd Run north of Greenwood Drive.

The proposed base flood elevation is as follows:

304 feet MSL for all previously identified Zone A13 areas within the area bounded on the east by White House Lane, on the north by Rosedale Avenue, and on the south and west by the corporate limits.

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30552 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA-6169]

National Flood Insurance Program; Proposed Zone Designation and Base Flood Elevation Determinations for the Township of West Lampeter, Lancaster County, Pennsylvania

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

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

DATES: The period for comment will be ninety-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at 1711 Lampeter Road, Lampeter, Pennsylvania.

Send comments to: Henry Roux, Chairman of Township Supervisors, Township of West Lampeter, 1711 Lampeter Road, Lampeter, Pennsylvania 17137.

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

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed base flood elevations and zone designations for the Township of West Lampeter, Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National

Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67.

These zone designations and base (100-year) flood elevations together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed base flood elevations (BFE) and zone designations are as follows:

Source of flooding	Location	Proposed zone	Proposed BFE
Pequea Creek	Upstream of Penn Grant Road	A7	311
Pequea Creek	Upstream of Village Road	A7	319
Pequea Creek	Downstream of the Strasburg Pike	A7	324
Pequea Creek	Between the upstream side of the Strasburg Pike and the East Lampeter Township corporate boundary.	A7	326

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

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

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30553 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 83 and 87

[Gen. Docket No. 81-696; FCC 81-432]

Proposed Changes in Aeronautical Radionavigational Service Provisions

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The FCC proposes to provide more spectrum space for the Aeronautical Radionavigation and Maritime Mobile Services by frequency sharing in existing bands. Footnotes are proposed which will permit assignment of frequencies in a certain kHz band to Government aeronautical radiobeacon stations and to permit the broadcast of urgent navigational and meteorological warnings by U.S. Coast Guard stations. The rapid increase in the number and greater distance offshore of the oil drilling rigs has placed a requirement for additional aeronautical radiobeacons for helicopter operations. The World Administrative Radio Conference, 1979, recommended that administrations select a frequency on a worldwide basis for transmission of navigational and meteorological warnings by coast stations. The U.S. proposes the frequency 518 kHz for this purpose. These changes will improve the safety of aircraft and ships by improving the communications and the available aids to navigation.

DATES: Comments must be received on or before November 16, 1981, and Reply Comments must be received on or before December 1, 1981.

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

FOR FURTHER INFORMATION CONTACT: Nicholas G. Bagnato, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Adopted: September 30, 1981.

Released: October 8, 1981.

In the matter of amendment of Parts 2, 83 and 87 to make frequencies in the band 415-435 kHz available for aeronautical radionavigation, to add a footnote permitting assignments to the aeronautical radionavigation service in the band 435-490 kHz, to designate 518 kHz for transmission of meteorological and navigational warnings, and to add Maritime Mobile (ships) as a primary service in the band 510-525 kHz.

Summary

1. In this Notice of Proposed Rule Making, we propose to amend Parts 2, 83 and 87 to make more spectrum space available for aeronautical radionavigation radiobeacons through sharing with maritime mobile in existing bands. We also propose to adopt new United States footnotes to the Table of Frequency Allocations which will define the use of 518 kHz for broadcast of urgent navigational and meteorological warnings and to define the procedures for making assignments to aeronautical radionavigation radiobeacon stations. We also propose to add Maritime Mobile as a primary service and delete Maritime Radionavigation (radiobeacons) as a secondary service in the band 510-525 kHz.

Background

2. Navigation aids in the U.S. and Possessions in the band 190-525 kHz are normally operated by the U.S. Government. Authorization may be made by the Commission for non-Government operation of navigation aids in this band subject to the conclusion of appropriate arrangements between the Commission and the Government agencies concerned and upon a special showing of immediate need for a radiobeacon service which the Government is not yet prepared to provide; for example, at an offshore platform used by a private company and not needed by the general public.

3. The World Administrative Radio Conference, 1979, recommended that administrations consider designating one frequency in the bands 435-495 kHz or 505-525.5 kHz on a worldwide basis for narrow-band direct-printing telegraphy transmissions by coast stations of navigational and meteorological warnings to ships. Some administrations have designated 518 kHz for this purpose. We support this concept and believe this system should be implemented on one frequency worldwide. In the U.S. the band 510-525 kHz is used primarily for aeronautical radionavigation (radiobeacons). A primary purpose of this proceeding is to allow the U.S. to participate in the worldwide marine system on 518 kHz.

Issue

4. The Interdepartment Radio Advisory Committee (IRAC) of the National Telecommunications and Information Agency (NTIA) has

proposed changes to the national Table of Allocations as follows:

a. In the band 415–435 kHz add Aeronautical Radionavigation as a primary service shared equally with Maritime Mobile as a primary service;

b. In the band 435–490 kHz add a proposed US footnote permitting assignments to the Government Aeronautical Radionavigation service. This allocation will permit greater flexibility in the assignment of radiobeacons for Government stations where the Government station can accept the conditions specified in the footnote (secondary and no voice); and

c. In the band 510–525 kHz add Maritime Mobile as a primary service shared equally with Aeronautical Radionavigation as a primary service. Maritime Radionavigation (radiobeacons) as a secondary service is to be deleted since the maritime radionavigation would be incompatible with the proposed use of 518 kHz. A new US footnote is added to define the use of 518 kHz for U.S. Coast Guard stations to broadcast urgent navigational and meteorological warnings to ships using narrow-band direct-printing telegraphy.

5. In the Third Notice of Inquiry in Gen. Docket 80–184, released April 20, 1981 (46 FR 23988; April 29, 1981), the Commission informed the public that the U.S. was proposing the frequency 518 kHz to broadcast urgent navigational and meteorological warnings to ships. This position was proposed as a result of an agreement between the involved Government agencies and the Commission that all non-Government aeronautical radiobeacon requirements in the medium frequency (MF) band would be satisfied.

Proposal

6. Accordingly, we propose to amend § 2.106 of the Commission's rules to show changes in the allocations and to propose the new US footnotes. We propose to amend § 83.316 to add the band 510–525 kHz for radiotelegraphy. In § 87.501, we propose to add the frequency band 415–435 kHz for assignment to aeronautical radiobeacon stations.

7. The proposed amendments to the Commission's rules as set forth in the attached Appendix are issued under authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

Comments

8. Under procedures set out in § 1.415 of the rules and regulations, 47 CFR 1.415, interested persons may file comments on or before November 16, 1981, and reply comments on or before December 1, 1981. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

9. In accordance with the provisions of § 1.419 of the rules and regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

10. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communications (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of that oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

11. The proposed rules primarily pertain to the use of the spectrum by Government stations for radionavigation and safety purposes. Therefore, the Commission has determined that sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) do not apply to this rulemaking proceeding, because the rules will not, if promulgated, have significant economic impact on a substantial number of small entities.

12. Regarding questions on matters covered in this document contact Nicholas G. Bagnato (202) 632–7175.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix

Parts 2, 83 and 87 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

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

Section 2.106, the Table of Frequency Allocations, is amended in columns 7 to 11, and new footnotes US 231 and US 232 are added, to read as follows:

§ 2.106 Table of frequency allocations.

* * * * * * *

FEDERAL COMMUNICATIONS COMMISSION

Band (kHz)	Service	Class of station	Frequency (kHz)	Nature of services and stations
7	8	9	10	11
*	* *	*	*	* *
415–435	Aeronautical radionavigation.	Radionavigation land		Aeronautical radionavigation.

FEDERAL COMMUNICATIONS COMMISSION—CONTINUED

Band (kHz)	Service	Class of station	Frequency (kHz)	Nature of services and stations
7	8	9	10	11
	Maritime mobile (186)	Coast. Ship		Maritime mobile (telegraphy).
435–490 (US 231)	Maritime mobile (186)	Coast. Ship		Maritime mobile (telegraphy).
* * *	* *	* *	*	* *
510–525 (US 14)	Aeronautical radionavigation.	Radionavigation land		Aeronautical radionavigation.
(US 18), (US 225), (US 232).	Maritime mobile (186)	Ship	510, 512, 518	Maritime mobile (telegraphy).
* * *	* *	* *	*	* *

US 231: When an assignment cannot be obtained in the bands between 200 and 525 kHz, which are allocated to Aeronautical Radionavigation, assignments may be made to aeronautical radiobeacons in the maritime mobile band 435–490 kHz, on a secondary basis, subject to the coordination and agreement of those agencies having assignments within the maritime mobile band which may be affected. Assignments to aeronautical radionavigation radiobeacons in the band 435–490 kHz shall not be a bar to any required changes to the Maritime Mobile Radio Service and shall be limited to Government stations not employing voice emissions.

US 232: The frequency 518 kHz may be used by coast stations operated by the US Coast Guard for the transmission of meteorological and navigational warinings to ships by means of narrow-band direct-printing telegraphy.

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

In § 83.316, paragraphs (b) and (c) are revised to read as follows:

§ 83.316 Frequencies in the bands 90–160 kHz and 405–535 kHz available to ship stations for radiotelegraphy.

* * * * *

(b) 405–535 kHz:

kHz: 410,[1] 425, 444,[1] 454, 468, 480, 500 Calling and distress, 512,[1] 518[1]

(c)(1) Except for distress communications, the frequency 444 kHz is for communication with U.S. Government stations only. Its use is subject to the condition that harmful interference is not caused to the service of any coast station.

(2) The frequency 410 kHz may be used for radiodetermination and for communication by radiotelegraph with radio direction-finding stations concerning radiodetermination.

(3) The frequency 512 kHz may be used as a supplementary calling frequency when 500 kHz is being used for distress purposes and as a working frequency, except in those areas where it is in use as a supplementary calling frequency when 500 kHz is being used for distress purposes.

[1] Subject to the special conditions and limitations set forth in paragraph (c) of this section.

(4) The frequency 518 kHz is a receive only frequency by ship stations. It may be used by coast stations operated by the US Coast Guard for the transmission of meteorological and navigational warnings to ships by means of narrow-band direct-printing telegraphy.

PART 87—AVIATION SERVICES

In § 87.501, paragraph (f) is revised to read as follows:

§ 87.501 Frequencies available.

* * * * *

(f) Radiobeacon stations: 190–285 kHz; 325–435 kHz; and 510–525 kHz.

* * * * *

[FR Doc. 81-30520 Filed 10-21-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 71

[OST Docket No. 6; Notice 81-9]

Standard Time Zone Boundary in the State of Indiana; Termination of Rulemaking

AGENCY: Department of Transportation (DOT), Office of the Secretary.

ACTION: Withdrawal of proposal and termination of rulemaking.

SUMMARY: DOT withdraws the proposal to relocate the boundary between eastern and central time in the State of Indiana and terminates the rulemaking, because making the change would not satisfy the primary statutory standard of "the convenience of commerce". The proposal (4–27–81; 46 FR 23500), if implemented, would have moved Starke County from the central to eastern time zone.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Office of the General Counsel, (202) 426–4723.

SUPPLEMENTARY INFORMATION:

Background

Under the Standard Time Act of 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–67), the Secretary of Transportation has authority to issue regulations modifying the boundaries between time zones in the United States in order to move an area from one time zone to another. The standard in the statute for such decisions is "regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce." A formal request from the governing body of Starke County, Indiana—the Board of County Commissioners—was submitted to DOT requesting that Starke County be moved from the central zone to the eastern zone. In support of this request, information was submitted indicating that changing the county's time as requested would serve the convenience of commerce. Consequently, DOT proposed to make the change requested and invited public comment. Over seventy written comments were submitted, plus numerous oral comments at a recorded public hearing held in Starke County on May 6, 1981.

History

The appropriate time zone for Indiana has been the subject of much debate ever since the statute took effect. From 1967 to 1969, DOT conducted an extensive rulemaking proceeding which resulted in a split time zone pattern in the State—80 counties in the eastern zone and 12 (six in the northwest and six in the southwest) in the central zone. In 1977, one of the southwestern counties—Pike—was moved to eastern time. Starke is the first of the six northwestern counties to seek the change to eastern time.

Although this proceeding does not directly involve the observance of daylight saving time (DST), it is a relevant factor which should be noted. Under section 3 of the statute (15 U.S.C. 260a), DST is observed in the United States from 2:00 a.m. on the last Sunday in April to 2:00 a.m. on the last Sunday in October of each year, except in those States which by law have exempted themselves from the observance. The statute as originally enacted permitted a State only to exempt the entire State from DST. Indiana enacted a qualifying exemption, adding a provision that, if Federal law were ever amended to permit exemption of less than an entire State, Indiana's exemption would apply only to the eastern zone portion of the State. In 1972, Congress amended the statute to accommodate Indiana's desire; since then, the eastern zone portion of the State has been exempt from DST while the central zone portion has observed DST for six months of each year. Because of this "split" exemption, if the Starke County request were granted, in addition to changing

time zones, Starke would also, by State law, be exempt from DST.

Discussion

Requests to move an area from one time zone to another reflect a number of concerns, among them the general inconvenience felt by persons living near the boundary between time zones. Clearly, it causes confusion and dislocation to live on one time and work, or go to school, or shop, or seek medical attention on another. The boundaries between time zones in the United States run predominantly through less populated areas and thereby minimize, but can never completely remove, these problems. Similarly with a time zone boundary decision—it can only minimize, never completely remove, these problems. The questions raised in this rulemaking is whether the boundary between eastern and central time should follow the western or the eastern boundary of the county. Either way, the county would still be on the boundary, with all the problems that entails.

As an initial consideration in this case, attention should be given to the arguments of those who claim that the resolution of the Board of County Commissioners, which asked that the county be changed to eastern time, was not properly made under State law and therefore that DOT has not received a valid request to change the time in the county. The county government submitted a copy of a resolution which indicated that the three members of the Board had unanimously voted to seek the time change. That copy of the resolution bore the official seal of the county, thereby signifying that it represented official county action. Since it is not our role to construe State law, we must rely upon those devices and symbols which law and government practice generally provide to denote official actions. Since the resolution does bear the seal of the county, we consider that we have received a valid request.

Numerous arguments were raised in support of and in opposition to the proposed change. The public schools urged the shift to eastern standard time because of their extensive dealings in athletics and other extracurricular activities with schools in the eastern zone. The Postmaster in Knox, the seat of Starke County, favored eastern time because mail for the county passes through South Bend in the eastern zone and eastern time would provide an additional hour of daylight in the afternoon. People working in the eastern zone—or who have family members working in the eastern zone—favored eastern to simplify their home and work schedules. The two new County Commissioners urged moving the county to eastern time. Rockwell International, a major employer in the county, commented that it has run its facility in the county on eastern since October 1980 and found it convenient both for the company itself and its workers. Finally, many people having business dealings in the eastern zone favored the change to facilitate and, hopefully, increase their business. Conflicting arguments were made on whether South Bend (eastern) or Chicago (central) is the regional transportation center for the county. Comments on the proposed change's impact on administration of justice and on farming in the county also supported both sides of the issue.

Two main arguments were raised against the proposed change. Many people expressed fear that making the change would increase the early morning hazard to school children awaiting buses. Clearly, observance of eastern time rather than central would "make" the sun rise later. This would tend to make more of the morning commute to school and work occur in darkness, which is much more dangerous than light. Under central time, the latest sunrise in Knox is 7:13 AM, on January 3, 4, and 5. Under eastern, that would be 8:13 AM. Because the earth's atmosphere "bends" the rays of the sun, for approximately 30 minutes before sunrise and 30 minutes after sunset each day there is enough natural illumination to perform many outdoor tasks safely without the need for artifical lighting ("civil twilight"). Consequently, from not later than approximately 7:43 AM EST on any day, there would be usable daylight in Starke County. School buses begin to pick up school children in the county, however, as early as 7 AM local time (central or eastern, whichever would be in effect). It would seem, therefore, that a shift to eastern time would increase the hazard to school children.

Two factors belie this conclusion and indicate that, in fact, school children safety is not a significant concern. The first is that in rural areas, which are at the heart of the concern, buses pick children up at their homes. The second is that neighboring Indiana counties in the eastern zone already have the "problem" that Starke would have were it to be moved to eastern time and, partially because of the practice of picking children up at their homes, these counties have not experienced school children safety problems in the morning.

The other major objection to the time change involves the perception of many people that, both economically and socially, the county is more closely tied to the central zone, and the dominant influence of Chicago, than to the eastern zone. For example, at the public hearing, a medical doctor practicing in the county commented that the medical specialists to whom he refers his patients are in the central zone. Network television comes from Chicago and therefore, were the time changed, programs would be received in the county at a time one hour later on the clock than advertised on the Chicago stations. A number of comments unfavorable to the change emphasized this aspect.

Also in support of the argument that the county is tied more to the central zone are economic and employment analyses regularly prepared by the State and Federal governments. According to these analyses, Starke County has both one of the highest rates of unemployment and highest percentages of residents considered econmically disadvantaged of all Indiana counties. In 1978, only 16 of 92 counties had higher proportions of economically disadvantaged residents. In 1981, only 24 have higher unemployment rates and, for this year, Starke has been designated as "labor surplus" by the United States Department of Labor and thus receives preference in bidding for Federal procurement contracts. Average weekly earnings over all and in manufacturing in the county are substantially below the State-wide averages.

Related to all of these is the fact that Starke has one of the highest proportions of residents who leave the county to find work. The most recent figures available put this number at approximately one third of all workers. Of these one third of the workers who commute for work outside the county, approximately three fourths find work in the central time zone, while only one fourth find it in the eastern time zone. The average weekly earnings in those central zone counties in which Starke residents work is 31 percent higher than in the eastern zone counties in which Starke residents work. Further, of those from other counties who work in Starke, approximately four fifths come from eastern zone counties of Indiana and only one fifth come from central zone counties, providing some additional indication that job opportunities in that area are more plentiful in the central zone. Even counting these workers as against the trend toward central time, however, the overall employment "exchange" for the county is still approximately two thirds with central zone and one third with eastern zone.

The picture that appears is of an area which looks overwhelmingly toward the central zone for jobs for those of its residents who do not work in the county. Since commuting distance and commuting time, and time difference itself, affect the related decisions of where to live and work, the argument was made that moving Starke County to eastern time might so burden the out-of-county commute that some of these Starke residents who commute to central time might either lose their jobs or leave the county. Admittedly, actions that burden the commute to central convenience the commute to eastern. A comparison of the proportions commuting to the two regions, however, strongly argues against the proposed change. A move to eastern time would inconvenience twice as many workers as it would convenience.

I find this argument compelling. Given the employment and economic conditions in the county, the general expectations of improved business opportunities by those favoring the time change must yield to the documented reality of the impact of such a change on those who leave the county for work. The proposed change, if implemented, would not serve the convenience of commerce—the principal standard under the statute—and therefore the proposal is withdrawn and the rulemaking terminated.

(Act of March 19, 1918, as amended by the Uniform Time Act of 1966, 15 U.S.C. 260–67; section 6(e)(5), Department of Transportation Act, 49 U.S.C. 1655(e)(5); section 1.59(a), Regulations of the Office of the Secretary of Transportation, 49 CFR 1.59(a))

Issued in Washington, D.C., on October 16, 1981.

John M. Fowler,

General Counsel.

[FR Doc. 81-30474 Filed 10-21-81; 8:45 am]

BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket Nos. 76-06 and 1-18, Notice Nos. 11 and 19]

Federal Motor Vehicle Safety Standards; Speedometers and Odometers, Controls and Displays

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to rescind Safety Standard No. 127, *Speedometers and Odometers*. This standard establishes requirements for the manufacture and installation of speedometers and odometers in motor vehicles. NHTSA is proposing such action because its review of the standard leads it to the tentative conclusion that the rule is unlikely to yield significant safety benefits. The agency believes that rescission of the rule would result in cost savings for manufacturers. Rescission of the speedometer requirements of Standard No. 127 would necessitate a minor conforming amendment to Safety Standard No. 101, *Controls and Displays*. This notice also proposes such an amendment.

DATES: If the agency decides to rescind Standard No. 127, the rescission would become effective on the date of its publication in the Federal Register. Comments are due on or before December 7, 1981.

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

FOR FURTHER INFORMATION CONTACT: Mr. John Carson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. Telephone: (202) 426–2720.

SUPPLEMENTARY INFORMATION:

Background

In February and March of this year, NHTSA undertook a comprehensive review of its existing and pending vehicle safety standards. The purpose of the review was to determine what modifications could be made to the standards to reduce the regulatory burden on the automobile industry without sacrificing safety. Among the factors considered in evaluating each standard was the magnitude of the standard's contribution to safety, the likelihood that manufacturers might continue to comply with the standard after its modification or rescission, and the costs of the standard. As a result of that review, the agency published a notice of intent on April 9 that set forth plans for modifying or revising various existing standards and for terminating a number of rulemaking actions (46 FR 21203).

Among the standards considered was Safety Standard No. 127, *Speedometers and Odometers* (49 CFR 571.127). This standard specifies requirements for the manufacture and installation of speedometers and odometers in motor vehicles. The purpose of the standard is to ensure that each motor vehicle is equipped with instruments needed for monitoring driving speeds, aiding in maintaining proper vehicle maintenance schedules, and providing an indication of the degree of wear and tear to which the vehicle's safety-related systems have been subjected. The rule applies to passenger cars, multipurpose passenger vehicles (MPV's), trucks, motorcycles, and buses, and to speedometers and odometers for use in vehicles to which the standard applies. The odometer provisions are applicable only to those motor vehicles having a gross vehicle weight rating (GVWR) of 16,000 pounds or less. The speedometer requirements became effective on September 1, 1979. The effective date of the odometer provisions was recently delayed, such that these requirements will not take effect until September 1, 1982 (46 FR 25463, May 7, 1981).

The speedometer provisions require that each speedometer be graduated in miles per hour and kilometers per hour, that the numeral "55" be highlighted on the miles per hour scale, and that the maximum speed indicated on the scales be 85 mph or 140 km/h. By limiting the maximum speed indication to 85 mph, the agency believed that it was reducing the temptation for immature drivers to test the upper speeds of their vehicles on public roads. The limit would also increase the readability of speedometers by encouraging the use of larger numbers or greater spacing between graduations. The requirement that the numeral "55" be highlighted was specifically designed to help drivers maintain the lower vehicle speeds mandated by the nationwide 55 mph speed limit. It was thought that a highlighted "55" would remind drivers of the speed limit on the nation's highways and would make it easier for the driver to monitor and maintain highway speed at the speed limit. Speedometers were required to be graduated in kilometers/hour as well as in miles/hour so that motorists would become familiar with the metric system. Such a requirement was consistent with the Metric Conversion Act of 1975 and the Federal Highway Administration's (FHWA's) plan at that time to add metric highway distances on road signs. It was believed that the changeover to metrics would be safer if drivers were exposed to both systems at the same time while metrics are phased in.

There are three principal odometer requirements. First, odometers must indicate when they have advanced or have been advanced beyond a reading of either 89,999 or 99,999 miles or kilometers. Second, they must either

prevent reversal or provide an indication that they have been reversed. This tamper resistance may be provided in any one of several ways. Odometers may be designed so that (a) if reversal is attempted, the odometer breaks so as to impair the recording of distance; (b) an encapsulation must be pierced or broken so that reversal can be achieved; (c) some definitive indication of reversal, such as the appearance of an otherwise hidden part, is provided when reversal is attempted; or (d) each number on the 10,000 miles/kilometers wheel is marked as or after it disappears from view so that the mark becomes visible if the wheel is reversed. Finally, the standard requires that replacement odometers be differentiated from original equipment odometers so that new replacement odometers with low distance readings cannot be substituted for original equipment odometers with high mileage readings.

When the odometer requirements were issued, NHTSA anticipated that they would promote vehicle safety by reducing odometer tampering and thereby reducing the number of used-vehicle buyers who would be misled about the condition of their vehicles. The agency believed that the mileage of a car is an important indicator of the vehicle's operating condition. NHTSA argued that knowledge of the actual mileage is necessary if vehicle owners are to follow the manufacturer's recommended preventive maintenance schedules and have the necessary safety-related repairs made. If an odometer is altered so that it understates a vehicle's total mileage, the agency thought that the purchaser of the vehicle might be lulled into a false sense of security about the condition of the vehicle. As a result, the purchaser might fail to check his or her vehicle adequately, forego preventive maintenance or be unwilling to invest in needed repairs. Failure to prevent, detect or correct safety problems in the vehicle could result in an accident that causes death, injury or property damage.

The agency's review of the rationale for Standard No. 127 leads it to the tentative conclusion that neither the speedometer requirements nor the odometer requirements are likely to yield measurable or significant safety benefits. Since the National Traffic and Motor Vehicle Safety Act's legislative history indicates that only those aspects of vehicle performance involving significant safety problems would be regulated, NHTSA is proposing to rescind the standard. The reasons for this action are set forth below.

Reasons for Rescission

There appears to be no need to require all vehicles to have speedometers. Vehicles subject to the standard have long had speedometers and therefore could be expected to continue to be equipped with them. Pressure from consumers should further ensure that vehicle manufacturers put speedometers in their vehicles.

The agency believes that the maximum speed indication requirement is similarly unnecessary. Several manufacturers had already lowered the maximum speed indication on their speedometer scales to 85 or 100 mph before the final rule was issued because of liability concerns. Further, manufacturers are placing less and less emphasis on high performance cars. The proportion of vehicles sold annually that are equipped with four-cylinder engines is increasing every year. Thus, NHTSA believes that most manufacturers will not raise the maximum speed indication if the requirement is revoked.

NHTSA has no data regarding the effectiveness or lack thereof of the maximum speed indication requirement. The agency does not know whether this provision of the rule has been effective in reducing the temptation of drivers to test the top speed of their vehicles or to cruise at high speeds.

There is no need in the foreseeable future for the requirement that the speedometer scales be calibrated in both miles per hour and kilometers per hour. The FHWA withdrew its proposal for dual road signs in 1977 and has no plans to reissue it. Thus, there is no longer an immediate concern about the ability of drivers to adjust to metric road signs.

NHTSA has no data regarding the effectiveness or lack thereof of the requirement that the numeral "55" be highlighted on the mph scale. The agency does not know if the requirement has been an effective reminder of the 55 mph speed limit on the nation's highways. However, NHTSA observes that many drivers frequently drive 5 to 10 mph above any posted highway speed limit, including the current 55 mph speed limit. A highlighted "55" on a speedometer scale adds little to the information provided to the driver by a roadside speed limit sign.

Upon further study, NHTSA has made similar tentative conclusions about the odometer provisions of Standard No. 127. The agency believes that these provisions may not significantly reduce the number of accidents that occur each year. There appears to be no need for a requirement that manufacturers equip their vehicles with odometers. Consumer pressure led most manufacturers to equip their vehicles with odometers long before the standard was issued. NHTSA expects that consumers will continue to assert the same influence in the event that the requirement is rescinded.

The requirement that odometers be tamper resistant may not have the safety benefits that the agency initially estimated. Further consideration of the study on which NHTSA based its initial determination of benefits reveals that the agency's reliance on this study may have been inappropriate, in that the study does not appear to support the assumptions made by the agency.

As stated above, NHTSA originally argued that the odometer requirements would reduce the number of accidents by reducing odometer tampering and thereby reducing the number of used-vehicle buyers who would be misled about the condition of their vehicles. According to that argument, if a vehicle owner were mistaken about the actual mileage of his or her vehicle, the owner might forego needed repairs or preventive maintenance, and an accident might result. In concluding that mileage was an important indicator of the existence of problems with vehicle systems that could cause accidents if left uncorrected, the agency relied on the findings of a report entitled "Tri-Level Study of the Causes of Traffic Accidents" (Contract No. DOT-HS-0343-535). This study was performed by the Indiana University Institute for Research in Public Safety (IRPS) over a period of years in several phases. Copies of the 1977 final report covering all phases of the research have been placed in the public docket.

The Tri-Level Study concluded that problems with vehicle systems were causal or contributing factors in 4.5 percent to 25.2 percent of the accidents that were studied in-depth (Level C) by IRPS's investigation teams. The range in percentages reflects the extent to which the problem was a direct cause of the accident or was merely a contributing factor, and the extent to which the investigation teams were certain of the problem's role in the accident. Of all vehicle-related causes of accidents, the study found four predominant categories of problems in those accidents that were studied in-depth. The four categories are (1) brake system problems, (2) problems in tires and wheels, (3) steering system problems, and (4) communication systems problems (problems with lights, signals, horns, glazed surfaces, etc.).

A review of the study's finding about these categories leads the agency to the tentative conclusion that its reliance on

the Tri-Level Study was misplaced. Most of the problems in the four categories involve systems or components that must be periodically replaced or serviced regardless of whether the vehicle is a low or high mileage vehicle. Therefore, overall mileage is not so significant as the last time that the vehicle was taken in for periodic maintenance. While odometer tampering may lead to confusion about when a vehicle is due for the next periodic maintenance specified in the owner's manual, most of the problems that fall in the four categories are ones that manifest themselves through appearance or vehicle performance. Indeed, appearance and performance are more direct and reliable indicators of the need for maintenance work on a particular vehicle than the mileage intervals specified in the owner's manual.

For example, of those accidents studied by the Tri-Level teams that were due to brake system problems, many were caused by brake side-to-side imbalance, which could have been corrected by proper maintenance. The problem of side-to-side brake imbalance should make itself known to the driver in normal driving, since the vehicle will "pull" to one side or another during braking. In fact, in nine of the 11 accidents studied in-depth by IRPS that were caused by brake imbalance, the drivers admitted that they were aware of the problem but had decided to continue driving the car. Many of the other accidents attributable to brake system problems were caused by brake system failures resulting from excessive wear. Although mileage is an important indicator of excessive brake wear, almost all of the accidents due to hydraulic system failures involved vehicles built before Safety Standard No. 105, *Hydraulic Brake Systems*, became effective. Those pre-standard vehicles did not have split or redundant brake systems to prevent a single hydraulic system failure from causing a total loss of brakes. One failure was due to a manufacturing defect.

The vehicle's mileage is typically not an important indicator of the other vehicle problems that are a major cause of failure-related accidents. Most of the accidents resulting from tire and wheel problems were caused by over or underinflation and inadequate tread depth. Both of these conditions are readily observable by a driver and are not related to particular odometer readings. The accidents caused by problems with communication systems were due primarily to inoperative rear and brake lights, inoperative turn signals, and frost or snow on the windows. All of these problems can be readily detected by the driver with minimal effort. Nearly all the accidents studied by IRPS that were caused by steering problems were due to excessive steering freeplay. ("Steering freeplay" refers to the side-to-side motion of the steering wheel that does not turn the vehicle's wheels.) This is a problem that is obvious to the driver.

The Tri-Level Study thus does not support NHTSA's original determination that tamper resistant odometers would significantly reduce the number of fatal, injury-producing and property-damaging accidents that are caused by problems with the vehicle. It appears that attention to the vehicle's appearance or performance is more important than vehicle mileage in detecting problems in the vehicle's operating systems and thereby preventing accidents. Knowledge of the vehicle's actual mileage may help prevent those accidents caused by malfunctions that are related to vehicle mileage and that do not manifest themselves in the vehicle's performance or appearance. However, the Tri-Level Study indicates that such accidents do not occur very frequently.

Effects of Rescission

The agency has examined the impacts of this proposal to rescind Standard No. 127 and has determined that the notice is not major within the meaning of E.O. 12291 or significant within the meaning of the Department of Transportation regulatory policies and procedures. A regulatory evaluation regarding these impacts has been prepared and placed in the public docket. Copies are available in the Docket Section at the address given at the beginning of this notice for submission of comments.

NHTSA's examination of these impacts shows that rescinding Standard No. 127 would have very little if any impact on safety. Vehicles subject to the standard have long had speedometers and odometers and therefore could be expected to continue to be equipped with them. Although the numeral "55" may no longer be highlighted on the mph scale, the agency believes that this requirement may not be effective, as discussed above. Speedometers scales may no longer be calibrated in mph and km/h. But such a requirement does not appear to be necessary at this time, since FHWA has dropped its proposal to add metric distances on roadside highway signs. It is possible that some manufacturers may raise the top speed indicated on their speedometer scales to a speed in excess of 85 mph, but the agency believes that this is unlikely. As stated above, manufacturers were already limiting their speedometer scales to 85 or 100 mph when the standard was issued. The agency requests comments on the extent to which manufacturers would continue to comply with the speedometer provisions of the rule if Standard No. 127 were rescinded, and on the effectiveness of the maximum speed indication requirement.

In an effort to cut costs, most manufacturers would probably respond to rescission of Standard No. 127 by not incorporating the improved tamper resistant features mandated by the standard in their odometers. However, NHTSA believes that this would not have a significant impact on safety. As noted above, reducing the incidence of tampering is not believed likely to have a significant effect on the detection of malfunctions in used vehicles. It is possible that some of the odometers in 1982 and later model year vehicles will comply with the odometer requirements. This is because some manufacturers had already expended considerable money and effort to comply with the odometer provisions when the agency delayed the effective date of these requirements until September 1, 1982. Tamper resistent odometers may help prevent some accidents involving these vehicles when they are sold as used vehicles, but the agency expects this number to be extremely small and thus the impact on safety to be minimal. NHTSA solicits comments on how vehicle manufacturers intent to comply with the odometer requirements of Standard No. 127, and whether such manufacturers will incorporate improved tamper resistance features in their odometers if the standard is rescinded.

In the 1976 economic impact analysis of the standard, NHTSA made several estimates regarding the safety benefits that would be derived from Standard No. 127. The agency estimated that the speedometer provisions would prevent 175 fatal accidents and 1,900 injury-producing accidents each year if the provisions were 5 percent effective. NHTSA calculated in the evaluation that the odometer requirements could prevent 660 accidents each year. This figure was based on compliance by all cars, multipurpose passenger vehicles, etc., on the road and on several assumptions, including one that the provisions were 25 percent effective in preventing tampering.

NHTSA now believes that standard's requirements may not reduce the number of accidents to the extent originally estimated in 1976. In making its 1976 estimate of the benefits of the

odometer requirements, NHTSA assumed that there would be approximately 130,000 accidents each year involving vehicles with tampered odometers in which malfunctions were not corrected by periodic vehicle inspections. For the sake of analysis, the agency assumed that one in 50 (or 2,650) of these accidents were the direct result of the tampering. In other words, 2 percent of these accidents would not have occurred if the odometer had not been tampered with and the vehicle owner was aware of the true mileage of his vehicle and thus had the malfunctions repaired. (If the odometer provisions are 25 percent effective in preventing tampering, then one-fourth of these 2,650 accidents (or 660) will not occur when the odometer provisions are fully implemented, because the vehicles' odometers will not have been rolled back.) Since it appears that the vehicle's true mileage will not help the vehicle owner avoid most of the accidents caused by vehicle problems, NHTSA believes that this assumption may be inaccurate. Thus, a more realistic estimate of the number of accidents that might be prevented by tamper resistant odometers is probably much lower.

The number of fatal and injury-producing accidents that could be prevented by the odometer provisions would be even less if the agency's estimate of the effectiveness of these requirements were too high. As stated above, the 1976 economic impact analysis assumed that the requirements will be 25 percent effective at preventing tampering. NHTSA does not have any data specifically supporting or denying the validity of the 25 percent figure. The assumption reflected the agency's judgment that by addressing the more common methods of tampering and increasing the likelihood that tampering will be detected when it does occur, the odometer provisions would reduce tampering but would not entirely prevent it.

There are similar uncertainties about the effectiveness level assumed for the speedometer provisions in the 1976 regulatory evaluation. The benefits projected for the speedometer provisions were based on the assumption the maximum speed indication requirement would be 5 percent effective in reducing accidents involving young drivers (age 25 and under) who test the top speed of their vehicles or cruise at high speed. The low level of the effectiveness estimate reflects the fact that the maximum speed indication is only a psychological deterrent to high speed driving. Although it may be reasonable to assume that the requirement would have some degree of effectiveness, NHTSA has no data that will support any particular effectiveness level.

NHTSA has also considered the economic impacts of rescinding Standard No. 127. The agency expects that rescission of the speedometer requirements would have no economic effect on consumers, vehicle manufacturers, or speedometer manufacturers. This is because manufacturers will probably continue to supply speedometers with their vehicles even if the standard is rescinded, and the highlighting, maximum speed indication, and dual graduations provisions are essentially no cost requirements.

Rescission of the odometer provisions would be likely to result in more tampering than there otherwise would have been with the odometers of used vehicles built after September 1, 1982. The increased tampering would cause an increase in the amount of economic injury to consumers as a result of their overpaying for used vehicles with lowered odometer readings. The agency now believes that the effectiveness estimate of 25 percent from the original estimate of benefits in 1976 may be greatly overstated. Due to the uncertainties regarding the effectiveness of the antitampering features, NHTSA is unable to estimate the extent to which the odometer provisions would prevent tampering and thus would decrease the amount of economic injury suffered by consumers if the requirements were to take effect. But even if the economic benefit to be gained by consumers from the odometer provisions were considerable, that fact could not justify retaining the regulation in the absence of a significant safety benefit. The National Traffic and Motor Vehicles Safety Act directs the Secretary of Transportation to establish *only* those regulations that meet the need for motor vehicle safety.

In the event that NHTSA determines that the rule would have a significant safety benefit, the consumer savings from decreased fraud would be a relevant consideration. The agency therefore requests public comment on the likely effectiveness of the odometer provisions of the standard in actually deterring odometer tampering and the probable magnitude of the consumer benefits.

Rescission of the odometer requirements would produce a small consumer cost savings resulting from the use of less expensive odometers. This savings would offset a portion of the economic injury suffered by consumers who pay too much for used vehicles with altered odometers. NHTSA has estimated that the odometer provisions cost the ultimate consumer approximately $1.30 per vehicle. This estimate is based on information supplied by Ford and GM about the variable and capital costs that would be incurred in manufacturing odometers that comply with Standard No. 127. Assuming a sale of 13,400,000 vehicles (10,400,000 cars and 3,000,000 trucks, buses, vans, etc.) each year, the potential consumer cost savings would be at least $12,000,000 annually. This assumes that manufacturers have made all the capital expenditures necessary to comply with the standard. Thus consumers would save only the variable costs associated with tamper-resistant odometers, since manufacturers would still have to recoup their capital investment. The potential cost savings for consumers would be greater to the extent that vehicle manufacturers realize capital cost savings. This figure also assumes that no manufacturer elects to use odometers that incorporate the improved tamper resistance requirements of the standard in its vehicles. This potential cost savings for consumers would be less to the extent that vehicle manufacturers voluntarily use odometers that comply with Standard No. 127 in their vehicles.

Rescission of the odometers requirements would also have economic benefits for vehicle manufacturers. There may be some savings of the capital expenditures necessary to comply with the provisions. Ford had indicated that the one-year delay in the effective date of the odometer provisions would enable them to save $500,000 in investment costs. If the requirements were rescinded altogether, presumably Ford would still realize these savings, and possibly might save even more. There may be other manufacturers in Ford's position. However, GM apparently cannot make any capital savings. GM wrote the agency in August 1980 indicating that its capital expenditures would be fully made by January 1, 1981. If GM adhered to that schedule, it has no remaining capital expenditures to be made.

Rescission of the odometer requirements would also result in variable cost savings. Ford stated that the one-year delay in the effective date saves them $.75 per vehicle in variable costs. The variable cost per vehicle for other manufacturers may be higher or lower. However, the Ford figure can be used to calculate very roughly the amount of variable cost savings that might be available to all manufacturers.

Assuming a sale of 13,400,000 vehicles (10,400,000 cars and 3,000,000 trucks, buses, vans, etc.) each year, the variable cost savings for all manufacturers would be about $10,000,000 annually. Some of these savings to vehicle manufacturers would be offset if the manufacturers respond to rescission of the standard by cancelling contracts for Standard No. 127 odometers. Cancellation of supply contracts typically necessitates the payment of cancellation costs to supplier.

Odometer manufacturers might be substantially affected if the agency decides to rescind Standard No. 127. If the profit from selling odometers that comply with the standard were greater than that from selling current odometers, then the odometer manufacturers sales revenues would be reduced. This loss would be partially offset by receipt of any cancellation payments from the vehicle manufacturers.

The agency has also considered the impacts of this proposal in relation to the Regulatory Flexibility Act. NHTSA concludes that rescinding Standard No. 127 would not have a significant effect on a substantial number of small entities. Accordingly, no initial regulatory flexibility analysis has been prepared. Based on available information, the agency believes that few, if any, of the speedometer or odometer manufacturers are small businesses as that term is defined for the purposes of the Flexibility Act. Small organizations and governmental jurisdictions which purchase fleets of motor vehicles would probably not be significantly affected if the standard is rescinded. It appears that the speedometer provisions have little safety value and add little to the price of a speedometer. Since these entities typically buy new vehicles, they would not be subject to the problems of odometer tampering. Further, the difference in the cost of vehicles equipped with current odometers and vehicles equipped with Standard No. 127 odometers would be insubstantial at most.

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

It is proposed that the rescission of Standard No. 127 take effect on the date of its publication in the **Federal Register.** NHTSA tentatively concludes, for good cause shown, that an immediate effective date is in the public interest since it will avoid unnecessary expenditure of funds by manufacturers. Rescission of this standard would necessitate a minor amendment to Safety Standard No. 101, *Controls and Displays.* Paragraph S 5.2.3 of Standard No. 101 requires that speedometers be identified by the words "MPH and Km/h." If speedometers are no longer required to be graduated in miles per hour, this requirement will have to be modified or dropped. Accordingly, today's notice proposes to amend Standard No. 101 to require that speedometers be identified by the abbreviation "MPH," unless the speedometer is graduated in both miles per hour and kilometers per hour, in which case the identifying words will be "MPH and Km/h."

Comments

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

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

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

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

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

The program officials primarily responsible for this notice are John Carson, Office of Vehicle Safety Standards, and Joan M. Griffin, Office of the Chief Counsel.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

In consideration of the foregoing, it is proposed that 49 CFR Part 571 be amended as set forth below.

§ 571.127 [Removed]

1. Section 571.127 would be removed.

§ 571.101 [Amended]

2. In Table 2 of § 571.101, the identifying words or abbreviation for the speedometer display (row 8, column 3) would be revised to read "MPH[6]," and footnote 6 would be added to read:

6. If the speedometer is graduated in miles per hour and in kilometers per hour, the identifying words or abbreviation shall be "MPH and Km/h."

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

Issued on October 16, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-30308 Filed 10-21-81; 8:45 am]

BILLING CODE 4910-59-M

49 CFR Part 571

[Docket No. 81-19; Notice 1]

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

AGENCY: National Highway Traffic Safety Administration (NHTSA) Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes that Safety Standard No. 108 be amended to reduce the minimum effective projected luminous lens area from 12 square inches to 8 square inches, on those multiple compartment stop lamps and turn signal lamps which are mounted on vehicles whose overall width is 80 inches or more. The purpose of the amendment would be to remove an inconsistency from the standard and reduce production costs by making the requirement for wide vehicles identical to those for narrower ones. The Notice implements the grant of a petition for rulemaking by Truck-Lite Company.

DATES: Comment closing date: December 7, 1981. Proposed effective date: November 23, 1981.

ADDRESS: Comments should refer to the docket number and notice number and be submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street, SW, Washington, DC 20590 (Docket Hours 8 a.m. to 4 p.m.).

FOR FURTHER INFORMATION CONTACT: Kevin Cavey, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Department of Transportation, Washington, DC 20590 (202-426-1253).

SUPPLEMENTARY INFORMATION: Safety Standard No. 108 *Lamps, Reflective Devices, and Associated Equipment* (49 CFR 571.108) presently distinguishes between vehicles whose overall width is 80 inches or more, and those whose width is less than 80 inches, in requirements for lens size on stop and turn signal lamps of two or more compartments. This distinction is made in paragraph S4.1.1.7 of the standard, and in SAE Standards J586c *Stop Lamps*, August 1970 and J588e *Turn Signal Lamps*, September 1970, both of which are incorporated by reference in Standard No. 108. These materials provide that if multiple compartment lamps are used to meet photometric requirements, the effective projected luminous lens area of each compartment or lamp shall be at least 3½ square inches provided the combined area is at least 8 square inches. However, if such a lamp is mounted on a vehicle 80 inches or more in overall width, it must have an effective projected luminous lens area not less than 12 square inches. Truck-Lite Company, Inc. of Falconer, New York petitioned the agency for rulemaking to allow the smaller size lamp to be used on larger vehicles, stating that this "will reduce the cost of the devices by approximately five percent." Truck-Lite assured the agency that "this will result in a much more flexible situation both for the vehicle manufacturer and his lamp suppliers, without any deleterious effect on vehicle safety" (letter of March 19, 1980).

Because the minimum and maximum photometric requirements are identical for both sizes, the NHTSA agreed that there would be no reduction in vehicle safety and granted the petition. Because the proposal would relieve a design restriction and impose no additional burdens, the amendment would become effective 30 days after publication in the **Federal Register.** The proposed amendment would also cure an inconsistency that cannot be supported on grounds of safety. There is no justification for requiring a combination stop-turn signal lamp of 12 square inches when only 8 square inches is required for a single compartment stop lamp and a single compartment turn signal lamp on all vehicles, as well as for a multiple compartment lamp on narrower vehicles.

Potential Benefits, Costs, and Other Impacts

With the ending of a design restriction manufacturers of wide and narrow vehicles will be able to adopt an identical multiple compartment stop or turn signal lamp for all vehicles produced, thus achieving a minor cost saving. Replacement costs for the consumer are also likely to be lower for the smaller lamps. Reductions in lens size will diminish the amount of materials used, resulting in a positive environmental impact. There are no known negative impacts to the proposal. NHTSA has considered the impacts of this proposal and determined that this rulemaking action is not a major regulation under Executive Order 12291, "Improving Government Regulations," or a significant regulation under the Department's regulatory policies and procedures. However, a regulatory evaluation discussing impacts has been prepared and placed in the docket. A copy of the evaluation may be obtained from the Docket section whose address is given near the beginning of this notice. A regulatory flexibility analysis has not been prepared since this proposal will have no effect on small entities within the meaning of the Regulatory Flexibility Act. The manufacturers primarily affected by the proposal are major motor vehicle and replacement equipment manufacturers. Other small entities will not be significantly affected due to the very minor cost savings involved.

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

§ 571.108 [Amended]

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

1. Paragraph S4.1.1.7 would be revised to delete the final paragraph.

2. A new paragraph S4.1.1.—would be added to read:

"S4.1.1.—The requirements of Paragraph 3 in SAE Standard J586c *Stop Lamps*, August 1970 and Paragraph 3 in SAE Standard J588e *Turn Signal Lamps*, September 1970, that multiple compartment stop lamps and turn signal lamps respectively have a minimum effective projected luminous lens area of 12 square inches if mounted on vehicles of 80 inches or more in overall width, do not apply."

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

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

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which

confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

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

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

The engineer and lawyer primarily responsible for this proposal are Kevin Cavey and Taylor Vinson.

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

Issued on October 19, 1981.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 81-30604 Filed 10-21-81; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 46, No. 204
Thursday, October 22, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

Notice is hereby given pursuant to Section 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on November 5, 1981, at 7:30 p.m., a public information meeting will be held at the Nantucket Town and County Building, Broad Street, Nantucket, Massachusetts.

The meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the future of the Great Point Light and its replacement, an undertaking of the United States Coast Guard that will adversely affect the Nantucket Historic District, a property included in the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that would avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agency of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the property by the U.S. Coast Guard.

III. A statement by the Massachusetts State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

V. A general question period.

Speakers should limit their statement to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Washington, D.C. (202-254-3495).

Dated: October 16, 1981.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 81-30614 Filed 10-21-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1981—Crop Honey Loan and Purchase Rates

AGENCY: Commodity Credit Corporation, U.S.D.A.

ACTION: Notice of Determination of 1981—Crop Honey Loan and Purchase Rates.

SUMMARY: This notice of determination sets forth the loan and purchase rates applicable to the 1981 crop of honey. The loan and purchase rates have been determined in order to make price support available with respect to eligible producers of 1981—crop honey in accordance with the Agricultural Act of 1949, as amended, (hereinafter referred to as the "Act").

EFFECTIVE DATE: October 22, 1981.

FOR FURTHER INFORMATION CONTACT: W. W. Beesley, (202) 447-7923.

SUPPLEMENTARY INFORMATION: This notice of determination has been reviewed in accordance with Secretary's Memorandum 1512-1 and Executive Order 12291 and has been classified as "not major." It has been determined that these program provisions will not result in an annual effect on the economy of $100 million or more.

The title and number of the federal assistance program to which this notice applies are: Title: Commodity Loan and Purchases; Number: 10.051. This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A-95 was not used to assure that units of local government are informed of this action.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of determination since Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

Price support for honey is made available each year by CCC through county Agricultural Stabilization and Conservation Service (ASCS) offices. Under section 201 of the Act loans or purchases are required to be made available to producers of 1981—crop honey at a level not in excess of 90 percentum nor less than 60 percentum of the parity price. Section 401(b) of the Act sets forth certain factors to be taken into consideration in determining the level of support in excess of the specified minimum. In addition, section 403 of the Act provides, in part, as follows:

> Appropriate adjustments may be made in the support price for any commodity for differences in grade, type, staple, quality, location, and other factors. Such adjustments shall, so far as practicable, be made in such manner that the average support price for such commodity will, on the basis of the anticipated incidence of such factors, be equal to the level of support determined as provided in this Act * * *.

On January 29, 1981, a notice of proposed rulemaking was published in the Federal Register (46 FR 9616) requesting comments with respect to certain determinations for the 1981 crop of honey. Such determinations included price support rates based on color, differentials, class, grade, and the program availability period.

There were 113 responses received through March 16, 1981 from 85 beekeepers, 4 beekeeper associations, 7 packers, 4 consumers, 2 State Farm Bureaus, 1 State Department of Agriculture, 1 consumer group, 1 extension office, 1 Congressman, as well as 7 unknown responses.

Ninety-five respondents favored a program. They cited that the value of the benefits, which are achieved under the program would more than offset the costs to the government. Increased production costs, low yields due to adverse weather, the impact of pesticide use, the need for interim financing, and

the harmful impact of increasing imports were other reasons cited by those commenting as the why a honey program is needed.

The 13 respondents opposing a program cited the need to return to free enterprise by all segments of the economy.

Eighty-two comments were received with respect to the level of support for honey. Twelve recommended that the support level be established at less than the statutory minimum 60 percent of the parity price for honey, 10 asked for the minimum 60 percent of parity, and 60 of those commenting asked for a higher level of support than the minimum statutory level, including levels of 65 through 90 percent. Also, 4 of those commenting requested that the level of support for the 1981 crop of honey be established at the maximum statutory of 90 percent.

Proponents of a lower level of price support for honey argued that imports of honey would increase with a higher support level thus resulting in substantial forfeitures of honey to the Commodity Credit Corporation (CCC) with regard to the domestic production which is placed under loan. Those who favored a higher level of support cited the price depressing effects of the increasing imports. In all, 40 respondents expressed concern about the increasing level of imports.

The determination set forth herein to establish the loan and purchase rate for the 1981 crop of honey at the minimum statutory level of 60 percent of parity was reached after taking into consideration the responses received, statutory considerations, and other factors. Establishing the loan and purchase rate for the 1981 crop of honey at the minimum statutory level should provide beekeepers reasonable price and income protection and also provide them with interim financing to permit the orderly marketing of their crop. The minimum price support level of 60 percent of parity would also be at or just below the projected market price for honey.

With regard to other comments which were received, 1 beekeeper and 1 packer indicated that the differential between color classes was not wide enough, while 1 beekeeper supports the present spread. One beekeeper requested extension of the loan maturity date for honey placed under the price support program. Two beekeepers requested lower interest rates on price support loans.

The determination to keep the color differential spread the same was reached since available data on color differentials did not support any change.

It was also determined not to extend the maturity date past June 30 since it would provide adequate time for beekeepers to market their 1981-crop honey.

Accordingly, the Secretary has determined that the 1981-crop honey loan and purchase rate will be 57.4 cents per pound, the statutory minimum of 60 percent of parity. The loan and purchase rates determined herein reflect the level of support determined for the 1981 crop of honey.

This notice of determination also sets forth the discounts applicable to the 1981 crop of honey.

The base loan and purchase rates and discounts for honey set forth herein are being published as a Notice of Determination and will no longer be codified in the Code of Federal Regulations. In the future, such determinations will be published annually in the notice section of the **Federal Register.**

The loan and purchase rates and discounts for the 1981 crop of honey are as follows:

Determinations

(a) *Loan and Purchase Rates.* (1) *Table and nontable honey.* The rate for the quantity of 1981-crop honey placed under loan or acquired under loan or purchase shall be the rate for the respective class and color set forth below:

	Cents/pound
(i) Table honey:	
(A) White and lighter	58.2
(B) Extra light amber	57.2
(C) Light amber	56.2
(D) Other table honey	54.2
(ii) Nontable honey	54.2

(2) *Objectionable flavor, fermentation, or caramelization.* The settlement value for a lot of honey delivered under loan or for purchase which grades substandard on account of objectional flavor, fermentation, or caramelization shall be the lower of its market value as determined by CCC or a value determined on the basis of the loan and purchase rate for nontable honey.

(3) *Grade not certified.* The settlement value for a lot of honey, delivered under loan or for purchase, on which the grade canot be certified shall be the lower of its market value as determined by CCC or a value as determined on the basis of the loan and purchase rate for nontable honey.

(4) *Substandard.* The rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects or moisture or a combination of the defects and moisture shall be adjusted by the discounts in (b) below.

(b) *Discounts.* (1) *Defects.* The loan and purchase rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects shall be adjusted by the following discount:

	Discount (cents per lb)
Substandard on account of defects	2

(2) *Moisture.* The loan and purchase rate for a lot of honey delivered under a loan or for purchase which contains moisture in excess of 18.5 percent shall be adjusted by the following discounts which shall be in addition to the discount for defects:

Moisture percent	Discount (cents per lb)
(i) 18.5	0.0
(ii) 19.0	.5
(iii) 19.5	1.0
(iv) 20.0	1.5
(v) 20.5	2.0
(vi)21.0	2.5
(vii) 21.5	3.0
(viii) 22.0	3.5
(ix) 22.5	4.0
(x) 23.0	4.5
(xi) 23.5	5.0
(xii) 24.0	5.5
(xiii) 24.5	6.0

(Secs. 4 and 5, 62 Stat. 1070, 1072, as amended (15 U.S.C. 714b and c); secs. 201, 401, 63 Stat. 1052, 1054 (7 U.S.C. 1446, 1421).

Signed at Washington, D.C. on October 15, 1981.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 81-30628 Filed 10-21-81; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Sierra, National Forest Grazing Advisory Board; Meeting

The Sierra National Forest Grazing Advisory Board will meet November 12, 1981 at 10:00 a.m. at the Old Town Cafe in Auberry, California for a field trip to the Sugarloaf allotment.

Agenda for the trip includes:

A. Field review of Sugarloaf Project:

1. History and original planning of Project.

2. Development and management of area to date.

a. Discuss related problems.

B. Consider alternative systems to graze the Sugarloaf allotment and develop related recommendations.

C. Discuss alternate ways for Board to develop and submit recommendation for the use of Range Betterment Funds.

D. Annual Reports necessary for the Advisory Board.

E. Identify date and purpose of subsequent meetings.

The trip and discussions are open to the public. Matters identified by the public will be considered by the Board during the above discussions.

Richard L. Stauber,

Forest Supervisor, Sierra National Forest.

October 14, 1981.

[FR Doc. 81-30649 Filed 10-21-81; 8:45 am]

BILLING CODE 3410-11-M

Los Padres National Forest Grazing Advisory Board; Meeting

The Los Padres National Forest Grazing Advisory Board will meet from 9:00 a.m. to 12:00 noon on November 10, 1981, County Conference Room, 312 East Cook Street, Santa Maria, California. The purpose of this meeting is to consider (1) priorities for use of range betterment funds and (2) allotment management plans. This is the Board's fifth semi-annual meeting since it was established in 1979.

The meeting will be open to the public. Persons who wish to attend should notify me at 42 Aero Camino, Goleta, Californa 93117 (805-968-1578). Written statements may be filed with the committee before or after the meeting.

Dated: October 16, 1981.

Erwin N. Ward,

Deputy Forest Supervisor.

[FR Doc. 81-30647 Filed 10-21-81; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Ash Canyon Road RC&D Measure, Nevada; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald C. Thola, State Conservationist, Soil Conservation Service, P.O. Box 4850, Reno, Nevada 89505, telephone 702-784-5304.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture gives notice that an environmental impact statement is not being prepared for the Ash Canyon Road RC&D Measure, Carson City County, Nevada.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Gerald C. Thola, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for installation of erosion control measures. This includes reshaping and grading of 3.6 miles of dirt road surface, installation of 11 runoff flumes, and construction of one vehicle turnout area.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Gerald C. Thola. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until November 23, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: October 6, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-30650 Filed 10-21-81; 8:45 am]

BILLING CODE 3410-16-M

Flagler Critical Area Treatment RC&D Measure, Colorado; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon G. Boone, State Conservationist, Soil Conservation Service, P.O. Box 17017, Denver, Colorado 80217, telephone 303-837-4275.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Flagler Critical Area Treatment RC&D Measure, Kit Carson County, Colorado.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Sheldon G. Boone, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for treating a critical eroding area (less than 1 acre) near the town of Flagler, Colorado. The planned works of improvement include shaping the gullied area, constructing a concrete lined drainageway, and fencing to exclude the area from other uses.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Sheldon G. Boone. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until November 23, 1981

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: October 6, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-30651 Filed 10-21-81; 8:45 am]

BILLING CODE 3410-16-M

Upper Vermilion Bayou Watershed, Louisiana; Intent to Prepare an Environmental Impact Statement

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

FOR FURTHER INFORMATION CONTACT: Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301, telephone 318-473-7751.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy

Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Upper Vermilion Bayou Watershed, Lafayette, St. Martin, and New Iberia Parishes, Lousiana.

The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The measure concerns a plan for watershed protection, flood prevention (urban and agricultural), improved drainage, and fish and wildlife development. Alternatives under consideration to reach these objectives include channel work and appurtenances, improvement of an impoundment, systems for conservation land treatment, and nonstructural measures.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Alton Mangum, State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: October 6, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-30052 Filed 10-21-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF DEFENSE

Department of the Navy

Board of Advisors to the Superintendent, Naval Postgraduate School; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C., App. I), notice is hereby given that the Board of Advisors to the Superintendent, Naval Postgraduate School, will meet on November 19 and 20, 1981, in the mezzanine conference room of the Naval Postgraduate School, Monterey, California. Sessions of the meeting will commence at 8:00 a.m. and terminate at 5:30 p.m. each day.

Topics to be addressed at the meeting will include progress in implementing new curricula, recommendations resulting from scholarly reviews of academic departments, and a review of academic support facilities and equipment.

For further information concerning this meeting, contact: Commander Carolyn M. Akter, U.S. Navy, Executive Assistant, Code 007, Naval Postgraduate School, Monterey, California 93940, Telephone: (408) 646-2514.

Dated: October 19, 1981.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-30550 Filed 10-21-81; 8:45 am]

BILLING CODE 3810-AE-M

Office of the Secretary

Defense Intelligence Agency Advisory Committee, Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee (originally published at 46 FR 48285, October 1, 1981) has been rescheduled from November 18-19, 1981 as follows:

Tuesday & Wednesday, December 8-9, 1981, Plaza West, Rosslyn, Virginia. The entire meeting, commencing at 0900 hours each day is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on Soviet naval trends.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

October 19, 1981.

[FR Doc. 81-30000 Filed 10-21-81; 8:45 am]

BILLING CODE 3810-01-M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, December 1, 1981; Tuesday, December 8, 1981; Tuesday, December 15, 1981; Tuesday, December 22, 1981; and Tuesday, December 29, 1981 at 10:00 a.m. in Room 3D-321, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 542B(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D-264, The Pentagon, Washington, D.C.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

October 19, 1981.

[FR Doc. 81-30001 Filed 10-21-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Industrial Energy Conservation Program; Notice of Exempt Corporations and Adequate Reporting Programs

AGENCY: Department of Energy.

ACTION: Notice of Exempt Corporations and Adequate Reporting Programs.

SUMMARY: The Department of Energy (DOE) is exempting certain corporations from the requirement of filing corporate reporting forms with DOE and is determining as adequate certain industrial reporting programs for sponsor reporting pursuant to Section 376(g)(1) of the Energy Policy and Conservation Act (EPCA) and DOE's regulations set forth at 10 CFR 445.37. The exempt corporations and the respective sponsors of adequate programs are listed alphabetically by industry in the appendix to this notice.

This list of exempt corporations is required to be published by EPCA. The program's procedures, which allow identified corporations to be exempted from direct reporting, assist in maintaining the confidentiality of consumption information and reduce the reporting burden for corporations.

FOR FURTHER INFORMATION CONTACT:
Tyler E. Williams, Jr., Office of Industrial Programs, CE–122.1, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–2371;
Pamela M. Pelcovits, Office of General Counsel, GC–33, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–1325.

SUPPLEMENTARY INFORMATION: DOE issued regulations in 10 CFR Part 445 (45 FR 10194, February 14, 1980) which set forth the requirements of DOE's Industrial Energy Conservation Program, as established by Part D of Title III of the Energy Policy and Conservation Act (EPCA) (Pub. L. 94–163), as amended by the National Energy Conservation Policy Act (NECPA) (Pub. L. 95–619). These regulations, in part, require certain industrial corporations to file reports on energy consumption and conservation either directly with DOE or, of exempted, with sponsors of DOE-approved adequate reporting programs.

On May 28, 1981, DOE issued a "Notice of Proposed Exempt Corporations and Adequate Reporting Programs" (46 FR 29896, June 3, 1981) as required by 10 CFR 445.37. Changes in the list issued today include removal of non-identified corporations and subsidiaries of identified corporations from sponsor lists. These changes are a result of comments received from affected corporations and sponsors, as well as DOE's determination that several corporations that are not required to participate had incorrectly requested exemptions.

Parentheses with the word "partial" follow any corporation which will be reporting other than its total energy data in any particular two-digit SIC code through the program sponsor under which it is listed. This signifies that the corporation will be reporting only part of its data for the SIC code through that sponsor and may be reporting the rest of its efficiency data through another sponsor or sponsors or directly to DOE.

Issued in Washington, D.C., October 15, 1981.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Final Exempt Corporations and Sponors of Adequate Reporting Programs

SIC 20—Food and Kindred Products

AMERICAN BAKERS ASSOCIATION

Campbell Soup Company (partial)
Campbell Taggart, Inc.
Consolidated Foods Corporation (partial)
Flowers Industries Inc.
G. Heileman Brewing Company, Inc. (partial)
ITT Continental Banking Company Inc. (partial)
Interstate Brands Corporation

AMERICAN FEED MANUFACTURERS ASSOCIATION

Archer Daniels Midland Company (partial)
Cargill Inc.
Central Soya Company Inc. (partial)
Farmers Union Grain Terminal Association (partial)
Gold Kist Inc.
Land O'Lakes, Inc. (partial)
Moorman Manufacturing Company
Ralston Purina Company (partial)

AMERICAN FROZEN FOOD INSTITUTE

Campbell Soup Company (partial)
Con Agra Inc. (partial)
J. R. Simplot Company
Pillsbury Company (partial)
Twin City Foods Corporation

AMERICAN MEAT INSTITUTE

Beatrice Foods Company (partial)
Consolidated Foods Corporation (partial)
Farmland Industries Inc.
Geo. A. Hormel & Company
General Host Corporation (partial)
Greyhound Corporation
ITT Continental Baking Company Inc. (partial)
Oscar Mayer & Company
Rath Packing Company
Swift & Company
United Brands Company
Wilson Foods Corporation

BISCUIT & CRACKER MANUFACTURERS ASSOCIATION

American Brands Inc. (partial)
Keebler Company
Nabisco Inc. (partial)

CHEMICAL MANUFACTURERS ASSOCIATION

National Distillers Products Company

CORN REFINERS ASSOCIATION

A. E. Staley Manufacturing Company (partial)
American Maize-Products Company
Anheuser-Busch Inc. (partial)
CPC International Inc.
Grain Processing Corporation
H. J. Heinz Company (partial)
National Starch & Chemical Corporation

GROCERY MANUFACTURERS OF AMERICA, INC.

A. E. Staley Manufacturing Company (partial)
American Home Products Corporation
Ampco Foods Inc.
Amstar Corporation
Anderson Clayton & Company
Archer Daniels Midland Company (partial)
Beatrice Foods Company (partial)
Borden Inc. (partial)
Carnation Company
Central Soya Company, Inc. (partial)
Coca-Cola Company
Consolidated Foods Corporation (partial)
General Foods Corporation
General Mills Inc.
Great A & P Tea Company Inc.
H. J. Heinz Company (partial)
Hershey Foods Corporation
Heublein Inc.
I.C. Industries Inc.
ITT Continental Baking Company Inc. (partial)
Kellogg Company
Kraft Inc.
Kroger Company
Mars Inc.
Nabisco Inc. (partial)
Pepsico Inc.
Pillsbury Company (partial)
Procter & Gamble Company
Quaker Oats Company
Ralston Purina Company (partial)
Savannah Foods & Industries Inc. (partial)
Standard Brands Incorporated
Thomas J. Lipton Inc.
Universal Foods Corporation

NATIONAL FOOD PROCESSORS ASSOCIATION

California Canners and Growers Company
Campbell Soup Company (partial)
Castle & Cooke Inc.
Curtice-Burns Inc.
Gerber Products Company
H. J. Heinz Company (partial)
Norton Simon Inc.
R. J. Reynolds Industries, Inc.
Stokely-Van Camp Inc.
Sunkist Growers Inc.
Tri/Valley Growers Inc.

NATIONAL FROZEN FOOD ASSOCIATION

ITT Continental Baking Company Inc. (partial)

NATIONAL MEAT ASSOCIATION

Dubuque Packing Company
Iowa Beef Processors Inc.
MBPXL Corporation

PHARMACEUTICAL MANUFACTURERS ASSOCIATION

Eli Lilly and Company

U.S. BEET SUGAR ASSOCIATION

Amalgamated Sugar Company
American Crystal Sugar Company
Consolidated Foods Corporation (partial)
Holly Sugar Corporation
Michigan Sugar Company
Minn-Dak Farmers Cooperative
Monitor Sugar Company
Southern Minnesota Sugar Cooperative

U.S. BREWERS ASSOCIATION

Adolph Coors Company
Anheuser-Busch Inc. (partial)
Archer Daniels Midland Company (partial)
Grain Terminal Association (partial)
G. Heileman Brewing Company, Inc. (partial)
Jos. Schlitz Brewing Company
Ladish Malting Company
Olympia Brewing Company
Pabst Brewing Company
Philip Morris, Inc. (partial)
The Stroh Companies Inc.

U.S. CANE SUGAR REFINERS ASSOCIATION

Archer Daniels Midland Company (partial)
Borden Inc. (partial)
California & Hawaiian Sugar Company
Imperial Sugar Company
National Sugar Refining Company
Refined Syrups & Sugars Inc.
Revere Sugar Corporation
Savannah Foods & Industries Inc. (partial)

SIC 22—Textile Mill Products

AMERICAN TEXTILE MANUFACTURERS INSTITUTE

American Thread Company
Avondale Mills Inc.
Bibb Company
Burlington Industries Inc.
Cannon Mills Company
Clinton Mills Inc.
Coats & Clark Inc.
Colgate-Palmolive Company
Collins & Aikman Corporation
Cone Mills Corporation
Cranston Print Works Company
Crompton Company Inc.
Dan River Inc.
Dixie Yarns Inc.
Fieldcrest Mills Inc.
General Tire & Rubber Company
Goodyear Tire & Rubber Company
Graniteville Company
Greenwood Mills Inc.
J. P. Stevens & Company Inc.
Johnson & Johnson
M. Lowenstein & Sons Inc.
Milliken & Company
Northwest Industries Inc.
Reeves Brothers Inc.
Riegel Textile Corporation
Spartan Mills Inc.
Sperry and Hutchinson Company (partial)
Springs Mills Inc.
Standard-Coosa-Thatcher Company
Texfi Industries Inc.
Thomaston Mills Inc.
Ti-Caro Inc.
United Merchants & Manufacturers Inc.
West Point-Pepperell Inc.

CARPET & RUG INSTITUTE

Mohasco Corporation
Shaw Industries Inc.
Sperry and Hutchinson Company (partial)
Standard Oil Company (Indiana)
WWG Industries Inc.

SIC 24—Lumber and Wood Products

NATIONAL FOREST PRODUCTS ASSOCIATION

Abitibi-Price Corporation
Boise Cascade Corporation
Champion International Corporation
Georgia-Pacific Corporation
Koppers Company Inc.
Louisiana-Pacific Corporation
Masonite Corporation
Potlatch Corporation
Weyerhaeuser Company
Willamette Industries Inc.

SIC 26—Paper and Allied Products

AMERICAN PAPER INSTITUTE

Abitibi-Price Southern Corporation
Alton Box Board Company
American Can Company
Appleton Papers Inc.
Arcata Corporation
Austell Box Board Corporation
Bell Fibre Products Corporation
Blandin Paper Company
Boise Cascade Corporation
Bowater Incorporated
Champion International Corporation
Chesapeake Corporation
Clevepak Corporation
Consolidated Packaging Corporation
Consolidated Papers Inc.
Continental Group Inc.
Crown Zellerbach Corporation
Deerfield Specialty Papers, Inc.
Dennison Manufacturing Company
Dexter Corporation
Diamond International Corporation
Eddy Paper Company Limited
Erving Paper Mills Inc.
Federal Paper Board Company Inc.
Finch Pruyn & Company Inc.
Fort Howard Paper Company
Fraser Paper, Limited
GAF Corporation
Garden State Paper Company Inc.
Georgia-Pacific Corporation
Gilman Paper Company
Great Northern Nekoosa Corporation
Green Bay Packaging Inc.
Gulf States Paper Corporation
Hammermill Paper Company
Hollingsworth & Vose Company
International Paper Company
International Telephone & Telegraph Corporation
James River Corporation of Virginia
Johnson & Johnson
Kimberly-Clark Corporation
Litton Industries Inc.
Longview Fibre Company
Macmillan Bloedel Inc.
Marcal Paper Mills Inc.
Masonite Corporation
Mead Corporation
Menasha Corporation
Mobil Oil Corporation (partial)
Mosinee Paper Corporation
National Gypsum Company
Newark Boxboard Company
Newton Falls Paper Mill Inc.
Olin Corporation
Owens-Illinois Inc.
PH Glatfelter Company
Pacific Paperboard Products Inc.
Penntech Papers Inc.
Pentair Industries Inc.
Pope and Talbot Inc.
Port Huron Paper Company
Potlatch Corporation
Procter & Gamble Company
Scott Paper Company
Simpson Paper Company
Sonoco Products Company
Southeast Paper Manufacturing Company
Southwest Forest Industries Inc.
St. Joe Paper Company
St. Regis Paper Company
Sorg Paper Company
Stone Container Corporation
Tenneco Inc.
Time Inc.
Times Mirror Company
Union Camp Corporation
Virginia Fibre Corporation
Wausau Paper Mills Company
Weston Paper & Manufacturing Company
Westvaco Corporation
Weyerhaeuser Company
Willamette Industries Inc.

CHEMICAL MANUFACTURERS ASSOCIATION

Minnesota Mining & Manufacturing Company
Mobil Oil Corporation (partial)

GLASS—PRESSED & BLOWN (BATTELLE INSTITUTE)

Owens-Corning Fiberglas Corporation

SIC 28—Chemicals and Allied Products

ALUMINUM ASSOCIATION

Aluminum Company of America
Reynolds Metals Company

AMERICAN FEED MANUFACTURERS ASSOCIATION

Cargill Inc.

CHEMICAL MANUFACTURERS ASSOCIATION

Air Products & Chemicals Inc.
Airco Inc.
Akzona Inc.
Allied Chemical Corporation
American Can Company
American Cyanamid Company
American Hoechst Corporation
American Petrofina Inc.
Arizona Chemical Company
Ashland Oil Inc.
Atlantic Richfield Company
Avtex Fibers Inc.
B. F. Goodrich Company
Badische Corporation
BASF Wyandotte Corporation
Big Three Industries Inc.
Borden Inc. (partial)
Borg-Warner Corporation
Buffalo Color Corporation
Cabot Corporation
CARUS Chemical Company Inc.
Celanese Corporation
CIBA-GEIGY Corporation
Cities Service Company

Commonwealth Oil Refining Company
CONOCO Inc.
CPC International Inc.
Diamond Crystal Salt Company
Diamond Shamrock Corporation
Dow Chemical Company
Dow Corning Corporation
E. I. Du Pont De Nemours & Company
Eastman Kodak Company
El Paso Products Company
Ethyl Corporation
Exxon Corporation
Farmland Industries Inc. (partial)
Firestone Tire & Rubber Company
FMC Corporation
Freeport Minerals Company
GAF Corporation
General Tire & Rubber Company
Georgia-Pacific Corporation
Getty Oil Company
Goodyear Tire & Rubber Company
Great Lakes Chemical Corporation
Greyhound Corporation
Gulf Oil Corporation
Henkel Corporation
Hercules Incorporated
ICI Americas Inc.
International Minerals & Chemicals Corporation (partial)
Inter North Inc.
Kaiser Aluminum & Chemical Corporation
Kerr-McGee Corporation
Koppers Company Inc.
Lever Brothers Company
Lubrizol Corporation
Mallinckrodt Inc.
Merichem Company
Minnesota Mining & Manufacturing Company
Mobay Chemical Corporation
Mobil Oil Corporation
Monsanto Company
Morton Norwich Products Inc.
Nalco Chemical Company
National Distillers & Chemical Corporation
NIPRO Inc.
NL Industries Inc.
Occidental Petroleum Corporation (partial)
Olin Corporation
Pennwalt Corporation
Pfizer Inc.
Phillips Petroleum Company
PPG Industries Inc.
PQ Corporation
Procter & Gamble Company
Reichhold Chemicals Inc. (partial)
Reilly Tar & Chemical Corporation
Rohm and Haas Company
Shell Oil Company
Sherex Chemical Company Inc.
Soltex Polymer Corporation
Standard Oil Company (Indiana)
Standard Oil Company (Ohio)
Standard Oil Company of California
Stauffer Chemical Company
SunOlin Chemical Company
Tenneco Inc.
Texaco Inc.
Texasgulf Inc.
Thiokol Corporation
Union Carbide Corporation
Uniroyal Inc.
United States Borax & Chemical Corporation
United States Steel Corporation (partial)
Upjohn Company (partial)
Velsicol Chemical Corporation
Vertac Inc. (partial)
Virginia Chemicals Inc.
Vulcan Materials Company
W. R. Grace & Company
Westvaco Corporation
Weyerhaeuser Company
Witco Chemical Corporation

FERTILIZER INSTITUTE

Beker Industries Corporation
Borden Inc. (partial)
C F Industries Inc.
Coastal Corporation (Wycon Chemical Company)
Cominco America Inc.
Estech General Chemicals Corporation
Farmland Industries Inc. (partial)
First Mississippi Corporation
Gardinier Big River Inc.
Getty Oil Company
Green Valley Chemical Company
International Minerals & Chemical Corporation (partial)
J. R. Simplot Company
Mississippi Chemical Corporation
Occidental Petroleum Corporation (partial)
Reichhold Chemicals Inc. (partial)
Terra Chemicals International Inc.
Tyler Corporation (Atlas Powder Company)
Union Oil Company of California
United States Steel Corporation (partial)
Vertac Inc. (partial)
The Williams Companies

PHARMACEUTICAL MANUFACTURERS ASSOCIATION

Abbott Laboratories
American Home Products Corporation (partial)
Baxter-Travenol Laboratories
Eli Lilly & Company
Hoffmann-La Roche Inc.
Johnson & Johnson
Merck & Company Inc.
Miles Laboratories Inc.
Richardson Vicks Inc.
Squibb Corporation
Upjohn Company (partial)
Warner-Lambert Company

SIC 29—Petroleum and Coal Products

AMERICAN PETRLEUM INSTITUTE

Away Inc.
American Petrofina Inc.
Asamera Oil (US) Inc.
Ashland Oil Inc.
Atlantic Richfield Company
Beacon Oil Company
Champlin Petroleum Company
Charter International Oil Company
Cities Services Company
Clark Oil & Refining Corporation
Coastal Corporation
Commonwealth Oil Refining Company
CONOCO Inc.
Crown Central Petroleum Corporation
Crystal Oil Company
Diamond Shamrock Corporation
Dorchester Gas Corporation
Earth Resources Company
Energy Cooperative Inc.
Exxon Corporation
Farmers Union Central Exchange Inc.
Farmland Industries Inc.
Fletcher Oil & Refining Company
Getty Oil Company
Gulf Oil Corporation
Hunt Oil Company
Husky Oil Company
Indiana Farm Bureau Cooperative Association
Keer-McGee Corporation
Koch Industries Inc.
Little America Refining Company
Marathon Oil Company
Mobil Oil Corporation
Murphy Oil Corporation
National Cooperative Refinery Association
OKC Corporation
Pacific Resources Inc.
Pennzoil Company
Phillips Petroleum Company
Placid Refining Company
Powerine Oil Company
Quaker State Oil Refining Corporation
Rock Island Refining Corporation
Shell Oil Company
Southern Union Company
Southland Oil Company
Standard Oil Company (Indiana)
Standard Oil Company (Ohio)
Standard Oil Company of California
Sun Company Inc.
Tenneco Inc.
Tesoro Petroleum Corporation
Texaco Inc.
Texas Eastern Transmission Corporation
Time Oil Company
Tosco Corporation
Total Petroleum Inc.
Union Oil Company of California
USA Petroleum Corporation
Winston Refining Company
Witco Chemical Corporation

CHEMICAL MANUFACTURERS ASSOCIATION

GAF Corporation
Great Lakes Carbon Corporation
Koppers Company Inc.

GLASS—PRESSED AND BLOWN (BATTELLE INSTITUTE)

Owen-Corning Fiberglas Corporation

SIC 30—Rubber and Miscellaneous Plastic Products

CHEMICAL MANUFACTURERS ASSOCIATION

American Cyanamid Company
Dart Industries Inc.
Ethyl Corporation
Exxon Corporation
Minnesota Mining & Manufacturing Company
Union Carbide Corporation
W. R. Grace & Company

PHARMACEUTICAL MANUFACTURERS ASSOCIATION

Baxter-Travenol Laboratories

RUBBER MANUFACTURERS ASSOCIATION

Armstrong Rubber Company
B. F. Goodrich Company
Carlisle Corporation
Cooper Tire & Rubber Company
Dayco Corporation
Dunlop Tire & Rubber Corporation
Firestone Tire & Rubber Company
Gates Rubber Company
General Tire & Rubber Company
Goodyear Tire & Rubber Company
Owens-Illinois Inc.
Uniroyal Inc.

SIC 32—Stone, Clay and Glass Products

BRICK INSTITUTE OF AMERICA

Belden Brick Company
Bickerstaff Clay Products Company Inc.
Boren Clay Products Company
Delta Brick & Tile Company
General Dynamics Corporation (partial)
General Shale Products Corporation
Glen-Gery Corporation
Justin Industries Inc.

CHEMICAL MANUFACTURERS ASSOCIATION

Engelhard Minerals & Chemicals Corporation
GAF Corporation
Minnesota Mining & Manufacturing Company
Reichhold Chemicals Inc.
Vulcan Materials Company

EXPANDED SHALE CLAY AND SLATE INSTITUTE

Lehigh Portland Cement Company (partial)
Solite Corporation

GLASS—FLAT (EUGENE L. STEWART)

AFG Industries Inc.
Combustion Engineering Inc.
Ford Motor Company
Guardian Industries Corporation
Libbey-Owens-Ford Company
PPG Industries Inc.

GLASS PACKAGING INSTITUTE

Anchor Hocking Corporation (partial)
Ball Corporation
Brockway Glass Company Inc. (partial)
Coors Container Company
Dart Industries Inc.
Dorsey Corporation
Gallo Glass Company
Glenshaw Glass Company Inc.
Indian Head Inc.
Kerr Glass Manufacturing Corporation
Latchford Glass Company
Liberty Glass Company
Midland Glass Company Inc.
National Bottle Manufacturing Company
National Can Corporation
Norton Simon Inc.
Owens-Illinois Inc. (partial)
Philip Morris Inc.
Wheaton Industries

GLASS—PRESSED & BLOWN (BATTELLE INSTITUTE)

Anchor Hocking Corporation (partial)
Brockway Glass Company Inc. (partial)
Certainteed Corporation
Corning Glass Works (partial)
Owens-Corning Fiberglas Corporation
Owens-Illinois Inc. (partial)

GYPSUM ASSOCIATION

Domtar Industries Inc. (partial)
Flintkote Company (partial)
Georgia-Pacific Corporation
Jim Walter Corporation (partial)
National Gypsum Company (partial)
Pacific Coast Building Products Company (partial)
United States Gypsum Company (partial)

NATIONAL LIME ASSOCIATION

Ash Grove Cement Company (partial)
Bethlehem Steel Corporation (partial)
Can-Am Corporation
Cutler-Magner Company
Domtar Industries Inc. (partial)
Dravo Corporation
Edw. C. Levy Company
Flintkote Company (partial)
General Dynamics Corporation (partial)
J. E. Baker Company (partial)
Martin Marietta Corporation (partial)
National Gypsum Company (partial)
Pfizer Inc. (partial)
Round Rock Lime Company
St. Clair Lime Company
United States Gypsum Company (partial)
Vulcan Materials Company (partial)
Warner Company

PORTLAND CEMENT ASSOCIATION

Alamo Cement Company
Alpha Portland Cement Company
Arkansas Louisiana Gas Company
Ash Grove Cement Company (partial)
California Portland Cement Company
Capitol Aggregates Inc.
Centex Corporation
Citadel Cement Company
Coplay Cement Manufacturing Company
Crane Company
Cyprus Hawaiian Cement Company
Dundee Cement Company
Filtrol Corporation
Flintkote Company (partial)
Florida Mining & Materials Corporation
General Portland Cement Company
Giant Portland & Masonry Cement Company
Gifford-Hill & Company Inc.
Gulf & Western Industries Inc. (partial)
Ideal Basic Industries Inc.
Independent Cement Corporation
Kaiser Cement & Gypsum Corporation
Keystone Portland Cement Company
Lehigh Portland Cement Company (partial)
Lone Star Industries Inc.
Louisville Cement Company
Martin Marietta Corporation (partial)
McDonough Company
Missouri Portland Cement Company
Monarch Cement Company
Monolith Portland Cement Company
National Cement Company
National Gypsum Company (partial)
Newmont Mining Corporation
Northwestern St. Portland Cement Company
Oregon Portland Cement Company
Penn-Dixie Industries Inc.
Rinker Portland Cement Corporation
River Cement Company
South Dakota Cement Company
Southdown Inc.
Texas Industries Inc. (partial)
Whitehall Cement Manufacturing Company

REFRACTORIES INSTITUTE

Allied Chemical Corporation
Combustion Engineering Inc. (partial)
Corning Glass Works (partial)
Dresser Industries Inc. (partial)
Ferro Corporation (partial)
General Refractories Company (partial)
Interpace Corporation (partial)
J. E. Baker Company (partial)
Kaiser Aluminum & Chemical Corporation (partial)
Kennecott Corporation
Martin Marietta Corporation (partial)
McDermott Inc.
Norton Company (partial)
Pfizer Inc. (partial)
United States Gypsum Company (partial)

TILE COUNCIL OF AMERICA

National Gypsum Company (partial)

SIC 33—Primary Metal Industries

ALUMINUM ASSOCIATION

Alcan Aluminum Corporation
Alumax Inc.
Aluminum Company of America
American Can Company
Atlantic Richfield Company (partial)
Cabot Corporation
Consolidated Aluminum Corporation
Ethyl Corporation
Kaiser Aluminum & Chemical Corporation
Martin Marietta Corporation
National Steel Corporation (partial)
Noranda Aluminum Inc.
Pechiney Ugine Kuhlmann Corporation (partial)
Revere Copper and Brass Inc. (partial)
Reyolds Metals Company
Southwire Company

AMERICAN DIE CASTING INSTITUTE

Hayes-Albion Corporation (partial)

AMERICAN FOUNDRYMEN'S SOCIETY

American Cast Iron Pipe Company
Clow Corporation
Dayton Malleable Inc.
Grede Foundries Inc.
Jim Walter Corporation (partial)
Mead Corporation
Teledyne Inc. (partial)

AMERICAN IRON & STEEL INSTITUTE

A. Finkl & Sons Company
Allegheny Ludlum Industries Inc.
Armco Inc.
Athlone Industries Inc.
Atlantic Steel Company
Bethlehem Steel Corporation
Cargill Inc.
Carpenter Technology Corporation
Ceco Corporation
Colt Industries Inc.
Crane Company
Cyclops Corporation
Eastmet Corporation
Florida Steel Corporation
Ford Motor Company
Guterl Special Steel Corporation
Inland Steel Company
Interlake Inc. (partial)
Kaiser Steel Corporation
Keystone Consolidated Industries Inc.
Korf Industries Inc.
Laclede Steel Company
LTV Corporation
Lukens Steel Corporation

McDermott Inc.
McLouth Steel Corporation
National Steel Corporation (partial)
Northwest Industries Inc. (partial)
Northwest Steel Rolling Mills Inc.
Northwestern Steel & Wire Company
Phoenix Steel Corporation
Republic Steel Corporation
Sharon Steel Corporation
Shenango Inc.
Teledyne Inc. (partial)
Timken Company
United States Steel Corporation (partial)
Washington Steel Corporation
Wheeling Pittsburgh Steel Corporation

AMERICAN MINING CONGRESS

Amax Inc.
Asarco Inc.
Atlantic Richfield Company (partial)
Inspiration Consol Copper Company
Kennecott Corporation (partial)
Louisana Land & Exploration Company (partial)
Newmont Mining Corporation (partial)
Phelps Dodge Corporation (partial)
St. Joe Minerals Corporation

CHEMICAL MANUFACTURERS ASSOCIATION

Allied Chemical Corporation
Great Lakes Carbon Corporation

CONSTRUCTION INDUSTRY MANUFACTURERS ASSOCIATION

Caterpillar Tractor Company
Tenneco Inc.

COPPER & BRASS FABRICATORS COUNCIL

Atlantic Richfield Company (partial)
Century Brass Products Inc.
Kennecott Corporation (partial)
Louisiana Land & Exploration Company (partial)
National Distillers & Chemical Corporation
Olin Corporation
Phelps Dodge Corporation (partial)
Revere Copper & Brass Inc. (partial)

FERROALLOYS ASSOCIATION

Chromium Mining & Smelting Corporation
Dow Chemical Company
Hanna Mining Company—Silicon Division*
Hanna Nickel Smelting Company
Interlake Inc. (partial)
International Minerals & Chemicals Corporation
MacAlloy Corporation
Newmont Mining Corporation (partial)
Ohio Ferroalloys
Roane Electric Furnace Company
Satralloy Inc.
SKW Alloys
Union Carbide Corporation

SIC 34—Fabricated Metal Products

ALUMINUM ASSOCIATION

Aluminum Company of America
Kaiser Aluminum & Chemical Corporation
Martin Marietta Corporation
Reynolds Metals Company

AMERICAN BOILER MANUFACTURERS ASSOCIATION

Combustion Engineering Inc.
McDermott Inc.

CAN MANUFACTURERS INSTITUTE

American Can Company
Continential Group Inc.
Crown Cork & Seal Company Inc.
Jos Schlitz Brewing Company
National Can Corporation

CHEMICAL MANUFACTURERS ASSOCIATION

Olin Corporation
Remington Arms Company Inc.

SIC 35—Machinery, Except Electrical

AIR CONDITIONING & REFRIGERATION INSTITUTE

Emerson Electric Company
IC Industries
Trane Company

COMPUTER & BUSINESS EQUIPMENT MANUFACTURES ASSOCIATION

Control Data Corporation
Digital Equipment Corporation
International Business Machines Corporation
Sperry Rand Corporation
TRW Inc.
Xerox Corporation

CONSTRUCTION INDUSTRY MANUFACTURERS ASSOCIATION

Bucyrus-Erie Company
Caterpillar Tractor Company
Clark Equipment Company
Cummins Engine Company Inc.
FMC Corporation
Ford Motor Company
Harnischfeger Corporation
Ingersoll-Rand Company
Tenneco Inc

SIC 36—Electric, Electronic Equipment

CHEMICAL MANUFACTURERS ASSOCIATION

Great Lakes Carbon Corporation
Minnesota Mining & Manufacturing Company

NATIONAL ELECTRIC MANUFACTURERS ASSOCIATION

Airco Inc.
Allied Chemical Corporation
Emerson Electric Company
Harvey Hubbell Inc.
Johnson Controls Inc.
McGraw-Edison Company
Reliance Electric Company
Square D Company
Union Carbide Corporation

SIC 37—Transporation Equipment

AEROSPACE INDUSTRIES ASSOCIATION OF AMERICA

Boeing Company
General Dynamics Corporation (partial)
Grumman Corporation
Hughes Aircraft Corporation
Lockheed Corporation
Martin Marietta Corporation
McDonnell Douglas Corporation
Northrop Corporation
Textron Inc. (partial)
Thiokol Corporation
TRW Inc.
Vought Corporation

CHEMICAL MANUFACTURERS ASSOCIATION

Hercules Incorporated
Tenneco Inc.

MOTOR VEHICLE MANUFACTURERS ASSOCIATION

American Motors Corporation
Chrysler Corporation
Ford Motor Company (SIC Code 33, Recovered Materials)
General Motors Corporation (SIC Code 30, 33, Recovered Materials)

SIC 38—Instruments and Related Products

CHEMICAL MANUFACTURERS ASSOCIATION

Eastman Kodak Company
GAF Corporation
Minnesota Mining & Manufacturing Company

PHARMACEUTICAL MANUFACTURERS ASSOCIATION

Johnson & Johnson
Warner-Lambert Company

[FR Doc. 81-30510 Filed 10-21-81; 8:45 am]
BILLING CODE 6450-01-M

Office of Energy Research

DOE/NSF Nuclear Science Advisory Committee, Subcommittee on Electromagnetic Interactions; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following subcommittee meeting:

Name: DOE/NSF Nuclear Science Advisory Committee, Subcommittee on Electromagnetic Interactions

Date, time and place: University of Illinois at Urbana—Champaign, Illinois
Sunday, November 15, 1981—1:00 p.m.–10:30 p.m., Loomis Physics Laboratory, Room 144, 1110 West Green Street, Urbana, Illinois
Monday, November 16, 1981—9:00 a.m.–6:00 p.m.; Tuesday, November 17, 1981—9:00 a.m.–4:00 p.m., Levis Faculty Center, 919 West Illinois Street, Urbana, Illinois

Contract: John R. Erskine, Department of Energy, Division of Nuclear Physics, ER-23 GTN, Washington, D.C. 20545, Telephone: 301-353-3613

Purpose of parent committee: To provide advice to the Department of Energy and the National Science Foundation on the management of and long range planning for basic nuclear research programs.

Tentative Agenda

- Reports from the Working Groups on the Various Subareas of Physics and on Accelerator Feasibility
- Discussion of Design Parameters for Possible Electron Accelerators as Required by Physics and Technical Considerations
- Discussion of Scientific Priorities and Possible Recommendations of the Subcommittee
- Public Comment (10 minute rule)

Public Participation

The meeting is open to the public. The Chairperson of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at 202–252–5187. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

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

K. Dean Helms,

Advisory Committee Management Officer.

[FR Doc. 81-30603 Filed 10-21-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Privacy Act of 1974; Annual Notice of Systems of Records; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Annual notice of Privacy Act system of records; correction.

SUMMARY: This document corrects the titles of two systems managers appearing in two FEMA Privacy Act system of records notices which were published in the **Federal Register** on October 7, 1981 (46 FR 49726). At the time of submission of the FEMA notices for publication, the title for heads of organization components was changed from "Director" to "Chief". Subsequently, this title change for the Office of Public Affairs and Office of Equal Employment Opportunity was rescinded. Therefore, the purpose of this document is to correct the titles of those two office heads from "Chief" to "Director."

EFFECTIVE DATE: October 22, 1981.

FOR FURTHER INFORMATION CONTACT: Linda Keener, Freedom of Information and Privacy Specialist, Office of Public Affairs, at (202) 287–0313.

SUPPLEMENTARY INFORMATION: The complete description of the system notices can be reviewed in the system of records notices entitled, "FEMA/EO–1, Equal Employment Opportunity Complaints of Discrimination Files," and "FEMA/PA–1, Biographies," on pages 49739 and 49744 respectively. Only the sections containing corrections are being published.

FEMA/EO–1

SYSTEM NAME:

Equal Employment Opportunity Complaints of Discrimination Files.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Equal Opportunity, Federal Emergency Management Agency, Washington, D.C. 20472.

FEMA/PA–1

SYSTEM NAME:

Biographies.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Public Affairs, Federal Emergency Management Agency, Washington, D.C. 20472; for National Emergency Training Center Files—Associate Director, National Emergency Training Center, Emmitsburg, Maryland 21727; and all FEMA Regional Directors, addresses are listed in Appendix AA.

Dated: October 16, 1981.

James L. Holton,

Director, Office of Public Affairs.

[FR Doc. 81-30602 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-01-M

National Flood Insurance Program; Termination of Flood Insurance Policies Issued by the National Flood Insurers Association

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: The Federal Emergency Management Agency gives notice to all parties whose interests were insured under flood insurance policies issued by the National Flood Insurers Association (NFIA) prior to January 1, 1978, that those policies have expired and insurance coverage provided by them has terminated.

DATE: This notice shall be effective upon publication.

FOR FURTHER INFORMATION CONTACT: H. Joseph Flynn, Office of General Counsel, Federal Emergency Management Agency, Washington, DC 20472; (202) 287–0386.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP) was established by the National Flood Insurance Act, Pub. L. 90–488, August 1, 1968; 42 U.S.C. 4001, *et seq.* The Act authorized the Secretary of Housing and Urban Development (HUD) to encourage and assist private insurers to form an industry pool to provide flood insurance (42 U.S.C. 4051) and to contract with that pool for the effective administration of the NFIP (42 U.S.C. 4082). See also 42 U.S.C. 4001(b) and 4011.

The National Flood Insurers Association (NFIA) is an unincorporated association of private insurers, which was formed to carry out the purposes of the National Flood Insurance Act. On June 9, 1969, HUD entered into a contract with NFIA for the latter to provide administrative services and NFIA began issuing flood insurance policies.

On November 2, 1977, Patricia Roberts Harris, Secretary of HUD, made a determination that the operation of the NFIP would be assisted materially by the Federal Government's assumption of the operational responsibility for the program. Acting under the authority of 42 U.S.C. 4071, Secretary Harris submitted to the Congress a report, supported by pertinent findings, which explaned the reasons for her determination. The determination and the report were published on November 10, 1977 at 42 FR 58569. On December 30, 1977, Secretary Harris executed an Assumption Agreement with NFIA whereby HUD undertook the responsibility for administering the NFIP and assumed the obligations of NFIA arising under flood insurance policies issued in the name of NFIA prior to January 1, 1978. As required by the Assumption Agreement, notice of HUD's assumption of these obligations was mailed to all policyholders. As flood insurance policies issued by NFIA were renewed, they were replaced by coverage in the name of HUD, represented by either a renewal certificate or, on request of the policyholder, by a new policy. In the case of policies which were not renewed, timely notice of expiration was mailed to the insureds, their agents and mortgagees, or other loss-payees.

An interim rule reflecting the changes in the NFIP, including the Standard Flood Insurance Policy issued by HUD, was published January 17, 1978 at 43 FR 2570. The responsibility and authority for the administration of the NFIP were transferred to the Director, Federal Emergency Management Agency (FEMA) pursuant to 5 U.S.C. 3901, *et*

seq., by Reorganization Plan No. 3 of 1978 (43 FR 41943), which was implemented by Executive Order 12127, dated April 1, 1979 (44 FR 19367). That responsibility and authority has been delegated to the Federal Insurance Administrator (45 FR 41421, 44 CFR 2.64(c)).

The experience of FEMA in the administration of the NFIP indicates that some of the parties formerly insured under NFIA policies are not aware that coverage has expired, even though individual notices have been mailed. This notice is intended to inform those parties that the flood insurance coverage provided by policies issued by NFIA prior to January 1, 1978 is no longer in effect unless current renewal premiums have been paid to the NFIP, which is now administered by FEMA.

Dated: October 9, 1981.

(42 U.S.C. 4001, *et seq.*; E.O. 12127, effective April 1, 1979)

James M. Rose, Jr.,

Acting Federal Insurance Administrator.

[FR Doc. 81-30519 Filed 10-21-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Performance Review Board; Membership

Notice is hereby given in accordance with 5 USC 4314 of the membership of the Federal Mediation and Conciliation Service Performance Review Board for the Deputy Director of the Agency. The members are as follows:

Mr. Henry Rose, General Counsel, Pension Benefit Guarantee Corporation, Washington, DC

Mr. John E. Higgins, Jr., Deputy General Counsel, National Labor Relations Board, Washington, DC

Mr. Ian Lanoff, Administrator, Office of Pension Welfare and Benefits, U.S. Department of Labor, Washington, DC.

Robert P. Gajdys,

Director of Administration, Federal Mediation and Conciliation Service.

[FR Doc. 81-30648 Filed 10-21-81; 8:45 am]

BILLING CODE 6732-01-M

FEDERAL RESERVE SYSTEM

Allied Bancshares, Inc.; Acquisition of Bank

Allied Bancshares, Inc., Houston, 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 of First Continental Bank, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 14, 1981. Any comment on an application that requests a hearing must include a statment of why a written presentation would not suffice in lieu of a hearing, identifying specificially any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30521 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

Allied Bancshares, Inc.; Acquisition of Bank

Allied Bancshares, Inc., Houston, 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 of The Peoples State Bank, Marshall, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30522 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

Allied Bancshares, Inc.; Acquisition of Bank

Allied Bancshares, Inc., Houston, 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 of Metro Bank of Dallas, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 16, 1981.

Theodore E. Dowing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30523 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

Allied Bancshares, Inc.; Acquisition of Bank

Allied Bancshares, Inc., Houston, 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 of First National Bank of Hallettsville, Hallettsville, Texas. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30524 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

Chemical Financial Corp.; Acquisition of Bank

Chemical Financial Corporation, Midland, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by consolidation of Montcalm Central Bank, Stanton, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 6, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30525 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

Commonwealth National Financial Corp.; Formation of Bank Holding Company

Commonwealth National Financial Corporation, Harrisburg, Pennsylvania, 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 the successor by merger to Market Square National Bank, Harrisburg, Pennsylvania. 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)). µ

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 15, 1981.

Theodore E. Downing, Jr.,

Assistance Secretary of the Board.

[FR Doc. 81-30526 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

Dale Hollow Holding Co; Formation of Bank Holding Company

Dale Hollow Holding Company, Celina, Tennessee, 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 Bank of Celina, Celina, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 15, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30527 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

First State Financial Corp.; Acquisition of Bank

First State Financial Corporation, East Detroit, Michigan, 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 80 per cent or more of the voting shares of Macomb County Bank, Richmond, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30528 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

First State Financial Corporation of Rockford; Formation of Bank Holding Company

First State Financial Corporation of Rockford, Rockford, Illinois, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of the successor by merger to First State Bank and Trust Company, Rockford, Illinois. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 14, 1981. Any comment on an application that requests a hearing must include a statment of why a written presentation would not suffice in lieu of a hearing, identifying specificially any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 15, 1981.

Theodore E. Downing, Jr.,

Assistance Secretary of the Board.

[FR Doc. 81-30529 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

First State Holding Co.; Formation of Bank Holding Company

First State Holding Company, Coon Rapids, Minnesota, 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 First Mid America State Bank of Coon Rapids, Coon Rapids, Minnesota.The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or

at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 15, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30530 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

First Valley National Corp.; Formation of Bank Holding Company

First Valley National Corp., Clarksdale, Mississippi, 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 95 per cent or more of the voting shares of First National Bank of Clarksdale, Clarksdale, Mississippi. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than November 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 15, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30531 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

First of Waverly Corp.; Formation of Bank Holding Company

First of Waverly Corporation, Waverly, 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 Waverly, Waverly, 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 November 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 15, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30532 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

Hancock Bancshares Corp.; Formation of Bank Holding Company

Hancock Bancshares Corporation, Greenfield, Indiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of the successor by merger to Hancock Bank & Trust, Greenfield, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 16, 1981.

Theodore E. Downing, Jr.,

Assistance Secretary of the Board.

[FR Doc. 81-30533 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

Hardeman County Investment Company, Inc.; Formation of Bank Holding Company

Hardeman County Investment Company, Inc.; Bolivar, Tennessee, 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 acquiring 89.85 per cent of the voting shares of Hardeman County Bank, Bolivar, Tennessee. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 15, 1981.

Theodore E. Downing, Jr.,

Assistance Secretary of the Board.

[FR Doc. 81-30534 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

Mid-State Bancorp, Inc.; Formation of Bank Holding Company

Mid-State Bancorp, Inc., Altoona, Pennsylvania, 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 Mid-State Bank and Trust Company, Altoona, Pennsylvania. 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 Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received no later than November 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 15, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30535 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

Milan Agency, Inc.; Formation of Bank Holding Company

Milan Agency, Inc., Milan, Minnesota, 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 an additional 71.16 per cent of the voting shares of Peoples State Bank of Milan, Milan, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Milan Agency, Inc., Milan, Minnesota, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2), for permission to continue to engage in general insurance agency activities in a community of less than 5,000 population.

Applicant states that it would act as general insurance agent. These activities would be performed from offices of Applicant's subsidiary in Milan, Minnesota, and the geographic areas to be served are Chippewa county and parts of Lac Qui Parle, Yellow Medicine and Renville counties, Minnesota. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b)

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Reserve Bank not later than November 14, 1981.

Board of Governors of the Federal Reserve System, October 15, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30536 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

Southern Bancorporation, Inc.; Proposed Acquisition of Charter Credit Corporation

Southern Bancorporation, Inc., Greenville, South Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire substantially all of the assets of Charter Credit Corporation, Fort Mill, South Carolina.

Applicant states that the proposed subsidiary would engage in the activities of making direct loans to individuals, acting as agent for credit life and accident insurance and credit property insurance. These activities would be performed from an office of Applicant's subsidiary in Fort Mill, South Carolina, and the geographic areas to be served are the Fort Mill and Rock Hill Markets. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than November 14, 1981.

Board of Governors of the Federal Reserve System, October 15, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30537 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

Spencer Bancorporation, Inc.; Formation of Bank Holding Company

Spencer Bancorporation, Inc.; Spencer, Wisconsin, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bankholding company by acquiring 80 percent or more of the voting shares of Spencer State Bank, Spencer, Wisconsin. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 14, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 15, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30538 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

St. Charles Bancshares, Inc.; Formation of Bank Holding Company

St. Charles Bancshares, Inc., St. Charles, Minnesota, 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 99.76 percent of the voting shares of The First National Bank in St. Charles, St. Charles, Minnesota, and 100 percent of the voting shares of Williard Bancshares, Inc., and thereby indirectly acquire 85.58 percent of the voting

shares of Heritage State Bank of North St. Paul, North St. Paul, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30539 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

Southland Bancorporation; Acquisition of Bank

Southland Bancorporation, Mobile, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of The Colonial Bank, N.A., of Mobile, Mobile, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30540 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

Tri-State Bancorporation, Inc.; Formation of Bank Holding Company

Tri-State Bancorporation, Inc., Montpelier, Idaho, 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 acquiring 100 per cent of the voting shares of Tri-State Bank & Trust, Montpelier, Idaho. 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 San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 15, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-30541 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than November 18, 1981.

A. *Federal Reserve Bank of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. **Chemical New York Corporation,** New York New York (financing and leasing activities; California): to engage through its subsidiary, Chemical Business Credit Corp., in leasing real and personal property and equipment on a non-operating, full payout basis, and acting as agent, broker and advisor with respect to such leases; financing real and personal property and equipment such as would be done by a commercial finance company; and serving such extensions of credit. These activities would be conducted from an office in Newport Beach, California, serving the following counties in California; Orange, San Diego, San Bernardino, Riverside and Imperial.

2. **Citicorp,** New York, New York (finance company activities; Colorado, Utah, Wyoming): To engage *de novo* through its subsidiary, Citicorp (U.S.A.), Inc., in personal and business lending activities, including but not limited to, the making or acquiring of loans and other extensions of credit to (1) individuals and (2) business enterprises. The proposed activities would be conducted from an existing office of the subsidiary in Denver, Colorado, serving Colorado, Utah, and Wyoming.

3. **Manufacturers Hanover Corporation,** New York, New York (mortgage banking and servicing activities; United States): To engage through its subsidiary, Manufacturers Hanover Mortgage Corporation, in making for its own account or for the account of others, loans and other extensions of credit in connection with the Federal National Mortgage Association Resale and Refinance Commitment Program, and servicing such loans and extensions of credit. These activities would be conducted from mortgage origination offices of the subsidiary located in Mesa, Phoenix, and Tucson, Arizona; Englewood, Colorado; St. Petersburg, Florida; Oak Lawn and Schaumburg, Illinois; Grand Rapids, Farmington Hills, Warren, and

Lansing, Michigan; St. Louis Park, Minnesota; Cincinnati, Independence, Columbus, and Dayton, Ohio; Humble, Texas; Falls Church, Woodbridge, and Newport News Virginia.

B. *Federal Reserve Bank of San Francisco* (Harry W. Green Vice President) 400 Sansome Street, San Francisco, California 94120:

1. **Bankamerica Corporation**, San Francisco, California (financing and servicing activities; *de novo* commercial loan office; all fifty (50) states and the District of Columbia): To engage, through its indirect subsidiary, BA Commercial Corporation, a Pennsylvania corporation, in the activities of making loans and other extensions of credit and acquiring loans, participations in loans and other extensions of credit such as would be made or acquired by a finance company. Such activities will include, but not be limited to, inventory and accounts receivable financing; lease financing; equipment financing; insurance premium financing; making loans to non-affiliated finance and leasing companies secured by pledges of accounts receivable of such companies; making loans secured by real or personal property; and purchasing retail installment sales contracts. In addition, BA Commercial Corporation also proposes to engage in the additional activities of servicing loans, participations of loans and other extensions of credit for itself and others in connection with extensions of credit made or acquired by BA Commercial Corporation. Credit-related insurance of any type will not be offered by BA Commercial Corporation in connection with its lending activities. These activities will be conducted from a *de novo* office in Allentown, Pennsylvania, serving all fifty (50) states and the District of Columbia.

2. **Bankamerica Corporation**, San Francisco, California (financing, servicing, and insurance activities: expansion of geographic scope; Rhode Island, Connecticut and Massachusetts): To continue to engage, through its indirect subsidiary, FinanceAmerica Corporation of Rhode Island, a Rhode Island corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company, servicing loans and other extensions of credit, and offering credit-related life insurance in the states of Rhode Island, Connecticut and Massachusetts. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit secured by real and personal property; and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation of Rhode Island. Credit-related accident and health insurance will be offered only in Rhode Island; this type of insurance will not be offered in either the state of Connecticut or the state of Massachusetts. Credit-related property insurance will not be offered by FinanceAmerica Corporation of Rhode Island in the states of Rhode Island, Connecticut and Massachusetts.

These activities will be conducted from an existing office located in Providence, Rhode Island, serving the entire states of Rhode Island, Connecticut, and Massachusetts. Comments on this application must be received not later than November 12, 1981.

3. **Seilon, Inc.**, Toledo, Ohio, and Nevada National Bancorporation, Reno, Nevada (financing and leasing activities: Nevada): To engage, through Nevada National Leasing Company, Inc., in financing personal property and equipment and leasing such property; acting as agent, broker or advisor in the leasing and/or financing of such property where at the inception of the initial lease, the effect of the transaction (and, with respect to governmental entities only, reasonable anticipated future transactions) will compensate the lessor for not less than the lessor's full investment in the property over the term of the lease, and the servicing of such financing and/or loans as is authorized under the Board's Regulation Y; and making or acquiring for its own account or the account of others, loans and other extensions of credit in the normal course of its leasing business including the making of business installment loans and the purchase of business installment sales finance contracts. These activities will be conducted from an office in Elko, Nevada, serving an area from Elko south to Tonopah; north to Jackpot; west to Wendover and east to Fallon, Nevada. Comments on this application must be received not later than November 13, 1981.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, October 16, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 30554 Filed 10-21-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 54]

Federal Procurement; Cost Accounting Standards Board (CASB) Cognizant Contracting Officers—Interagency Administration

September 25, 1981.

1. *Purpose.* This bulletin provides the means for identifying or verifying cognizant contracting officers for CASB matters.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Background.*

a. The regulations and standards of the Cost Accounting Standards Board are implemented by Subpart 1–3.12 of the Federal Procurement Regulations (FPR) for negotiated national defense and nondefense contracts. Many of the duties involving CASB matters are assigned by the FPR to a single contracting officer for each contractor/subcontractor.

b. The various components of the Department of Defense (DOD) already have assigned a CASB cognizant contracting officer for the large majority of contractors/subcontractors subject to CASB rules and regulations. This contracting officer is also the cognizant Government representative for nondefense contracts awarded by the various civilian agencies. In the event such an assignment does not exist, § 1–3.1208 of the FPR provides that the predominant interest agency will make the cognizant contracting officer assignment.

c. It is desirable and appropriate that the negotiator/contracting officer awarding a contract and the assigned CASB cognizant contracting officer establish a cooperative working relationship. While the individual contractor/subcontractor normally will know the identity of his CASB cognizant contracting officer, the contracting officer who signs the contract may need other means to identify that individual.

d. Actual assignments of cognizant contracting officers may change from time to time. Accordingly, agency contact points are provided by this bulletin that can identify the appropriate cognizant contracting officer within an agency.

4. *Agency contact points for the identification of cognizant contracting officers.*

a. Attachment A to this bulletin is a list of contact points in Federal agencies that are responsible for the

identification of cognizant contracting officers for CASB matters when an agency is the predominant interest agency as the term is defined in § 1–3.1208 of the FPR (Title 41, Code of Federal Regulations, Chapter 1). By means of these contact points, a Government negotiator in any agency can ascertain the identity of the Government contracting officer who has cognizance over CASB matters of a particular contractor/subcontractor with whom he or she may be considering the award of a negotiated contract(s) subject to CASB rules and regulations.

b. Cognizant contracting officers for CASB matters are assigned by various contract administration service components of the DOD. Each contractor/subcontractor is assigned to a DOD service component as listed in the "DOD Directory of Contract Administration Services Components (DOD 4105.59H)." Most of the needs for information can be satisfied by telephone contacts. However, Government agencies may make written requests for limited quantities (up to 5) of the DOD Directory. Contact points are listed in Attachment A.

c. Cognizant contracting officers for CASB matters are assigned by civilian agencies only when an assignment has not been made for a particular contract/subcontractor by a DOD contract administration services component. The assignment of a cognizant contracting officer for CASB matters in these cases is the responsibility of the predominant interest agency (see § 1–3.1208 of the FPR). Therefore, requests for the identity of the cognizant contracting officer should be made to the contact point of that agency listed in Attachment A that has the predominant interest in the particular contractor/subcontractor of concern.

5. *Cancellation.* This bulletin cancels GSA Bulletin FPR 34, dated December 1, 1978.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

September 25, 1981.

GSA Bulletin FPR 54—Attachment A

Agency contacts for the identification of cognizant contracting officers

Department of Defense

1. Telephone contacts

(a) Nearest defense contract administrative services office, or

(b) Defense Logistics Agency Attn: DLA-AO, (202) 274-7732, Mr. Richard Meyer.

2. DOD Directory (see paragraph 4b).

Agency requests for a limited number of copies or inclusion on the mailing list should be directed as follows: Defense Logistics Agency, Attn: DLA-XPD, Cameron Station, Alexandria, Virginia 22314.

Civilian agencies

1. *Agency for International Development (AID), Department of State* (also see State)

Office of Contract Management, Supply Division, Services Operations Division, Washington, DC 20523, (703) 235-9855, D. B. Dickie.

2. *Agriculture, Department of*

Office of Operations and Finance, Procurement, Division, Room 1575, South Building, Washington, DC 20250, (202) 447-7527, Robert A. Welch.

3. *Arms Control and Disarmament Agency, United States*

General Counsel, Room 5534—State Department Building, 21st and Virginia Avenue, NW., Washington, DC 20451, (202) 632-3582, Thomas Graham, Jr.

4. *Central Intelligence Agency*

Office of Logistics, Procurement Management Staff, Washington, DC 20505, (703) 281-8167, A. T. Chason.

5. *Commerce, Department of*

Contract Administration and Support Division, Office of Acquisition and Grants Management, U.S. Department of Commerce, 14th Constitution Avenue, NW., Room 6078, Washington, DC 20230, (202) 377-3561, Eloise Springmann.

6. *Energy, Department of*

Office of Policy, Cost, Price and Financial Branch, PR-222, Washington, DC 20585, (202) 252-8178, Robert Benson.

7. *Environmental Protection Agency*

Procurement & Contract Management Division, Cost Review & Policy Branch, (PM 214), 401 M Street, Washington, DC 20460, (202) 755-0822, Donald L. Hambric.

8. *Federal Communication Commission*

Procurement Division, Washington, DC 20554, (202) 632-6407, Kenneth Gordon.

9. *General Services Administration:*

Automated Data and Telecommunications Service

Procurement Division, Room G-35A, Washington, DC 20405, (202) 566-0851, Mary Moran.

Federal Supply Service

Office of Policy and Planning (FCP), Washington, DC 20406, (703) 557-0700, John Harms.

Public Building Service

Office of Contracts, Contract Clearance Division (PPD), Washington, DC 20405, (202) 566-1027, Thomas J. Moran.

10. *Health and Human Services, Department of*

Procurement Policy Branch, Office of Procurement Policy, Office of Grants and Procurement, Room 539H, 220 Independence Avenue, SW., Washington, DC 20201, (202) 245-0481, Frederick J. Brennan.

11. *Housing and Urban Development, Department of*

Office of Procurement and Contracts (OPC), 451 7th Street, SW., Washington, DC 20410, (202) 724-0038, Craig Durkin.

12. *International Communication Agency*

Contract and Procurement Division, Washington, DC 20547, (202) 653-5570, Philip Rogers.

13. *Interior, Department of the*

Office of Acquisition and Property Management, Division of Acquisition and Grants, Washington, DC 20240, (202) 343-6431, William S. Opdyke.

14. *Justice, Department of (includes LEAA)*

Property Management and Procurement Staff, Assistant Director for Procurement Management, 10th & Constitution Avenue, NW., Room 6320, Washington, DC 20530, (202) 633-2075, Elizabeth A. Rudd.

15. *Labor, Department of*

Office of Cost Determination, Office of Assistant Secretary for Administration and Management, Frances Perkins Building, Room N2427, Washington, DC 20210, (202) 523-8391, Joseph Handzo.

16. *Law Enforcement Assistance Administration (LEAA)* (see Justice).

17. *Library of Congress*

Procurement and Supply Division, 1701 Brightseat Road, Landover, Maryland 20785, (202) 287-8603, John G. Kormos.

18. *National Aeronautics and Space Administration*

Office of Procurement, Contract Pricing and Finance Office, (Code HC-1), Washington, DC 20546, (202) 755-2310, Arlene A. Brown.

19. *National Science Foundation*

Division of Grants and Contracts, National Science Foundation, Washington, DC 20550, (202) 357-9611, Leonard A. Redecke.

20. *Nuclear Regulatory Commission*

Office of Administration, Division of Contracts, Washington, DC 20555, (301) 492-4297, Kellogg V. Morton.

21. *Panama Canal Commission*

Office of the Administrator, APO Miami 34011, (202) 724-0104, Michael Rhode, Jr.

22. *Smithsonian Institution*

Office of Supply Services, Washington, DC 20024, (202) 287-3343, H. P. Barton.

23. *Small Business Administration*

Office of External Awards, 1441 L Street, NW., Room 219, Washington, DC 20416, (202) 653-7309, R. H. Smith.

24. *State, Department of (also see AID)*

Office of Supply, Transportation, and Procurement, Procurement Division, State Annex #6, Room 528, Washington, DC 20520, (703) 235-9531, Gerald L. John.

25. *Transportation, Department of*

Office of Installations and Logistics, 400 7th Street, SW., Washington, DC 20590, (202) 426-4238, E. William Irish

26. *Treasury, Department of the*

Office of Procurement, Office of the Secretary, 1331 G Street, NW., Washington, DC 20220, (202) 376-0418, Thomas P. O'Malley

27. *Veterans Administration*

Procurement Service (93), Washington, DC 20420, (202) 389-3054, Joseph M. Cumiskey

[FR Doc. 81-30518 Filed 10-21-81; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit; Receipt of Applications

The applicants listed below wish to conduct specific activities with various endangered species:

Applicant: New York Zoological Society, Bronx, New York—PRT 2–8537.

The applicant requests a permit to import two male and four female captive-bred southern pudu (*Pudu pudu*) from Centro de Aclimatacion Zoologica, Chile for enhancement of propagation.

Applicant: New York Zoological Society, Bronx, New York—PRT 2–8536.

The applicant requests a permit to import one male and one female captive-bred swamp deer (*Cervus duvauceli*) from Metro Toronto Zoo, Canada for enhancement of propagation.

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, 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 November 23, 1981 by submitting written data, views or arguments to the above address. Please refer to the file number when submitting comments.

Dated Ocober 15, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–30617 Filed 10–21–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permit; Receipt of Application

Applicant: Dr. Robert E. Gatten, Jr., Greensboro, North Carolina 27412.

The applicant requests a permit to transport from Florida to North Carolina 75 American alligators (*Alligator mississippiensis*) for scientific research. Some alligators will be sacrificed in the course of this research.

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 2–8548. Interested persons may comment on this application on or before November 23, 1981 by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: October 16, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–30618 Filed 10–21–81; 8:45 am]

BILLING CODE 4310–55–M

Endangered Species Permits Issued for the Month of September

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications duly received according to Section 10 of the Endangered Species Act of 1973 as amended, 16 U.S.C. 1539. Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973 as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, VA 22203, telephone (703/235–1903) or by appearing in person at the Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 605, Arlington, VA.

between the hours of 9:00 a.m. and 3:00 p.m. weekdays.

Woodland Park Zoo, 6785—I 09–09–81
Knoxville Zoo, 7737—I 09–02–81
Skinner III, J. Travis, 7895—I 09–30–81
H & L Sales Inc., 7893—I 09–14–81
Sea Island Vet Hosp., 8145—I 09–02–81
Dingle, Sheldon Lee, 8289—I 09–17–81
Jones, Roy R., 8303—I 09–03–81

Dated: October 16, 1981.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 81–30619 Filed 10–21–81; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Land Management

Cassia Resource Management Plan; Proposed Planning Criteria

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of availability of proposed planning criteria for the Cassia Resource Management Plan (RMP).

SUMMARY: The Burley District, BLM, initiated preparation of the Cassia Resource Management Plan (RMP) in January of this year. A "Notice of Intent to Prepare" was published February 6, 1981, in **Federal Register** Volume 46, Number 25, page 11370. This RMP encompasses a total of 478,027 acres of public land, 470,256 in Cassia, 5,355 in Oneida, 696 in Power, and 1,720 in Twin Falls County, Idaho

To enable the public to identify resource management issues and opportunities, three public meetings were held in Malta, Burely, and Oakley, Idaho, March 3, 4, 5, respectively. Approximately 700 individuals, groups, or organizations received invitations to these meetings. To enable individuals who could not attend one of the public meetings to voice their concerns, issue identification forms were sent to everyone on the mailing list. As a result of the public meetings and issue forms, 132 separate, although not necessarily different, resource management issues were identified.

In order to eliminate duplication and improve understanding, like issues or those with a similar theme were combined to form a central issue upon which planning for the Cassia RMP may be focused. In response to each of these issues, proposed criteria to guide the management and use of resources have been prepared. These criteria are the assumptions or guidelines that will influence or are likely to influence the management and use of the public land resources. Many of these criteria are mandatory procedure, having their foundation in law, executive order or Bureau policy and direction.

In addition to the management criteria, other proposed criteria have been prepared to direct various phases of the Cassia planning effort. These proposed criteria have been established to guide the preparation of the management situation analysis, to direct development of resource management alternatives, to guide the analysis of the evaluation of the environmental consequences of implementing each resource management alternative and to provide standards to guide selection of the final resource management plan.

A document summarizing all of the proposed Cassia planning criteria has been mailed to 760 individuals, groups, or organizations currently on our mailing list. Concerned parties have been asked to submit their comments on the proposed criteria by November 9,

1981. For those who are not on the mailing list the proposed planning criteria summary document is available upon request by contacting the Burley District Office.

FOR FURTHER INFORMATION CONTACT:

Nick James Cozakos, Burley District Manager, or Jimmie L. Pribble, Raft River Area Manager, Route 3, Box 1, Burley, Idaho 83318. Telephone (208) 678–5514.

Dated: October 14, 1981.

David B. Vail,

Acting District Manager.

[FR Doc. 81–30656 Filed 10–21–81; 8:45 am]

BILLING CODE 4310–84–M

Elko District Grazing Advisory Board; Meeting

In accordance with the Federal Advisory Committee Act and the Federal Land Policy and Management Act, notice is hereby given that the Elko District Grazing Advisory Board will meet on November 20, 1981. The meeting will begin at 8:00 a.m. at the Ranchinn, 852 Idaho Street, Elko, Nevada.

The agenda for the meeting will include: (1) Election of a chairman and vice-chairman; (2) report on FY 1981 range improvement projects; (3) discussion and action on expenditure of range betterment funds for FY 1982; (4) discussion of the new rangeland management policy, including selective management category criteria; (5) review of new rangeland improvement policy, including maintenance responsibility and use of range betterment funds; (6) discuss the district Coordinated Resource Management and Planning (CRMP) Group and the monitoring program.

The meeting is open to the public. Interested persons may make oral statements to the Board between 11:00 a.m. and 11:30 a.m. or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, BLM, 2002 Idaho Street, Elko, Nevada 89801, by November 16, 1981. Depending upon the number of persons wishing to make oral statements, a per person time limit may be established.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

October 15, 1981.

Merle N. Good,

Acting District Manager.

[FR Doc. 81–30656 Filed 10–21–81; 8:45 am]

BILLING CODE 4310–84–M

Montana Off-Road Vehicle Designations

October 15, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of off-road vehicle designation decision.

DECISION: Notice is hereby given that emergency off-road vehicle travel closures are being implemented pursuant to 43 CFR 8341.2 on the Barn Creek Trail and an unnamed vehicle way, both in Madison County, Montana.

The specific trail segment affected is located in the SE½ Section 27 and NW¼ Section 34, T. 3S., R. 2W., PMM. The Barn Creek trail emergency closure is being implemented under a joint emergency closure order with the Beaverhead National Forest, Dillon, Montana in order to prevent further erosion of steep slopes due to the use of trail bikes. The unnamed vehicle way is being closed to prevent wheeled vehicles from creating additional erosion on steep slopes.

This designation becomes effective immediately and will remain in effect until rescinded or modified by the authorized officer.

ADDRESSES: For further information about this designation, contact either of the following Bureau of Land Management Offices:

District Manager, Butte District Office, P.O. Box 3388, 106 N. Parkmont, Butte, Montana 59702 (406) 723–6561

Area Manager, Dillon Resource Area, P.O. Box 1048, Dillon, Montana 59725 (406) 683–2337

Kannon Richards

Acting State Director.

[FR Doc. 81–30657 Filed 10–21–81; 8:45 am]

BILLNIG CODE 4310–84–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–43 (Sub-No. 68F)]

Illinois Central Gulf Railroad Company—Abandonment Between Fordsville and Owensboro, KY; Findings

The Commission has found that the public convenience and necessity permit the Illinois Central Gulf Railroad Company (ICG) to abandon its 25.4 mile rail line between Fordsville, KY (Milepost 15.6) and Owensboro, KY (Milepost 41.02) in Ohio and Daviess Counties, Kentucky, subject to the prior consummation by the Louisville and Nashville Railroad Company of its acquisition of approximately 3,043 feet of ICG's rail line at Owensboro (from Valuation Station 34+82 to Valuation Station 65+25), as more specifically set forth in Finance Docket No. 29413, *Louisville and Nashville Railroad Company—Exemption of Acquisitions* decided October 19, 1981. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that (1) a financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be refiled within this 10 day period. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–30742 Filed 10–21–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–43 (Sub-No. 69F)]

Illinois Central Gulf Railroad Company—Abandonment at Elizabethtown, KY; Findings

The Commission has found that the public convenience and necessity permit the Illinois Central Gulf Railroad Company (ICG) to abandon its 2.88 mile rail line at Elizabethtown, KY (Milepost 5.3 west of Elizabethtown to Milepost 8.13 at Elizabethtown), in Hardin County, Kentucky, subject to the prior consummation by the Louisville and Nashville Railroad Company of its acquisition of approximately 2.6 miles of ICG's rail line at Elizabethtown (from Valuation Station 299+22 to Valuation Station 43+27), as more specifically described in Finance Docket No. 29413, *Louisville and Nashville Railroad Company—Exemption of Acquisitions*, decided October 19, 1981. A certificate

will be issued authorizing this abandonment unless within 15 days after this publication the Commission also funds that (1) a financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be refiled within this 10 day period. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-30743 Filed 10-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-2 (Sub-No. 29F)]

Louisville and Nashville Railroad Company-Abandonment Between Bruceton and Rose Hill, TN; Findings

The Commission has found that the public convenience and necessity permit the Louisville and Nashville Railroad Company to abandon its 54.47 mile rail line between Bruceton, TN (Milepost 87.92) and Rose Hill, TN (Milepost 142.30), in the State of Tennessee, in Carroll, Henderson and Madison Counties, Tennessee, subject to the prior consummation of the Louisville and Nashville Railroad Company's acquisition of trackage rights over the rail line of the Illinois Central Gulf Railroad Company from Milan, TN to Jackson, TN, as more specifically described in Finance Docket No. 29413, *Louisville and Nashville Railroad Company-Exemption of Acquisitions*, decided October 19, 1981. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be refiled within this 10-day period. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-30739 Filed 10-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-2 (Sub-No. 30)F]

Louisville and Nashville Railraod Company-Abandonment Between Dresden and Union City, TN; Findings

The Commission has found that the public convenience and necessity permit the Louisville and Nashville Railroad Company (L&N) to abandon its 23.32 mile rail line between Dresden, TN (Milepost 131.30) and Union City, TN (Milepost 154.62), in Obion and Weakley Counties, Tennessee, subject to the prior consummation by the Illinois Central Gulf Railroad Company of its acquisition of approximately 1 mile of L&N's rail line at Union City, TN (from Milepost N.D. 154 to Milepost N. D. 154.62) and of approximately 1 mile of L&N's rail line at Martin, TN (from Milepost 140 to Milepost 141) as more specifically set forth in Finance Docket No. 29362, *Illinois Central Gulf Railroad Company—Exemption of Acquisitions*, decided October 19, 1981. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that (1) a financially responsible person offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice. Any offer previously made must be refiled within this 10-day period. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-30740 Filed 10-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-2 (Sub-No. 31F)]

Louisville and Nashville Railroad Company—Abandonment Between Paducah and Murray, KY; Findings

The Commission has found that the public convenience and necessity permit the Louisville and Nashville Railroad Company (L&N) to abandon its 38.05 mile rail line between Paducah, KY (Milepost N. B. 0.29) and Murray, KY (Milepost N. B. 39.34), in McCracken, Graves, Marshall, and Calloway Counties, Kentucky, subject to the prior consummation by the Illinois Central Gulf Railroad Company of approximately 1.5 miles of L&N's rail line at Paducah, KY (from Milepost 0.29 to Milepost 1.8), as more specifically set forth in Finance Docket No. 29362, *Illinois Central Gulf Railroad Company—Exemption of Acquisitions*, decided October 19, 1981. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be refiled within this 10 day period. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-30741 Filed 10-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-No. 70F)]

Illinois Central Gulf Railroad Company—Abandonment Between Hopkinsville, KY and Nashville, TN; Findings

The Commission has found that the public convenience and necessity permit the Illinois Central Gulf Railroad Company (ICG) to abandon its 74.76 mile rail line between Hopkinsville, KY (Milepost 131) and Nashville, TN (Milepost 205.76) in Christian County, Kentucky and Montgomery, Cheatham, and Davidson Counties, Tennessee, subject to the prior consummation (1) by

the Louisville and Nashville Railroad Company of its acquisition of approximately 7,951 feet of ICG's rail line at Nashville (from Valuation Station 77+90 to Valuation Station 157+41) and of approximately 2.53 miles of ICG rail line at Clarksville, TN (from Valuation Station 00+00 to Valuation Station 92+59 and from Valuation Station 2991+20 to Valuation Station 3031+94) as more specifically set forth in Finance Docket No. 29413, *Louisville and Nashville Railroad Company—Exemption of Acquisitions*, decided October 19, 1981, and (2) by TenMet, Inc., and its wholly owned subsidiary, Nashville & Ashland City Railroad Company, of its acquisition of ICG's rail line from Nashville, TN (Milepost 205.76) to Ashland City, TN (Milepost 185), a distance of 20.75 miles, as more specifically described in Finance Docket No. 29382, TenMet, Inc. and Nashville and Ashland City Railroad Company—Acquisition and Operation, decided October 19, 1981. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that (1) a financially responsible person (or government entity) has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be refiled within this 10-day period. Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-30744 Filed 10-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29566]

Green Mountain Railroad Corp. Operation—Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the operation by Green Mountain Railroad Corporation (GMRC) of a 50-mile line of railroad owned by the State of Vermont from the requirements of 49 U.S.C. 10901(a) for the prior approval of the operation.

DATES: Exemption effective 30 days after the date of this publication in the **Federal Register.** Petitions for reconsideration of this action must be filed within 20 days after this publication.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5414, Interstate Commerce Commission, 12th St. and Constitution Ave., NW., Washington, D.C. 20423, and

(2) Petitioner's representative: Andrew P. Goldstein, 706 Ring Building, 1200 Eighteenth Street, NW., Washington, D.C. 20036.

Pleadings should refer to Finance Docket No. 29566.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275-7245.

SUPPLEMENTARY INFORMATION: GMRC has filed a petition to exempt its lease and operation of a 50-mile line of railroad between Bellows Falls and Rutland, VT from the requirement of prior approval under 49 U.S.C. 10901.

Background

GMRC is a Class III railroad providing local service only. It was organized in 1964 to lease and operate the Bellows Falls-Rutland line. The line was abandoned by the Rutland Railway Corporation and acquired by the State of Vermont in 1964. See *State of Vt. and Vermont Ry., Inc., Acquisition and Op.*, 320 I.C.C. 609, 608 (1964). We authorized GMRC's two original leases and its operation of the line in Finance Docket No. 23246, *Green Mountain Railroad Corporation Lease and Operation Between Bellows Falls and Ludlow, VT* (not printed), decided March 19, 1965.[1]

The two original leases were to expire on September 15, 1966 (for that segment between Ludlow and Rutland) and on May 1, 1969 (for that segment between Bellows Falls and Ludlow). Since then, GMRC has been operating the line under extensions (without substantive change) of the original lease agreements. In late 1980, GMRC and the State of Vermont negotiated a new lease. This lease, which is to be effective during calendar 1981, will cover both segments of the line. It is subject to renewal and a purchase option privilege.

The proposed new lease differs from the prior leases in several material respects. It (1) changes the amount of rental compensation, (2) gives Vermont the right to receive certain property rents to which the railroad was previously entitled, (3) makes the railroad responsible for all repairs to the line and requires it to spend at least 20 percent of its gross operating revenues annually for track maintenance, and (4) reserves to Vermont jurisdiction over certain rates, charges, and services to be provided by the railroad, including the right to participate in all rate-making proceedings.

Statutory Provisions

Because petitioner's certificate provides that no changes may be made in its terms and conditions without our prior approval, petitioner has requested an exemption of the lease as well as the operational aspects of the proposal. The lease and operation by a carrier of another carrier's property, or the acquisition by a carrier of trackage rights over a rail line owned or operated by another carrier requires our approval under 49 U.S.C 11343. However, the lease involved here does not fall within the ambit of section 11343 because the State of Vermont, which owns the line, is not a carrier. See *State of Vermont, supra*, 320 I.C.C. at 616. Thus, the proposed new lease does not require our approval.

The operation of a rail line, however, requires our authorization under 49 U.S.C. 10901(a). To obtain approval, an application must be filed in compliance with the regulations at 49 CFR Part 1120 (1980).

Under 49 U.S.C 10505, the Commission is authorized to exempt a transaction when it finds that (1) our regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from the abuse of market power.

Discussion and Conclusion

In enacting section 10505, Congress intended for us to eliminate unnecessary regulation. This directive is clearly evident from the legislative history of the Staggers Rail Act of 1980 (Pub. L. No. 96-448, 94 Stat. 1895, October 14, 1980), which recently amended the criteria used in determining whether to grant an exemption. See H.R. No. 96-1430, 96th Cong., 2d Sess., 104-105 (1980). Indeed, in the new statement of rail transportation policy, Congress evinced its intention to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required. 49 U.S.C. 10101a(2). We believe that a grant of the

[1] This proceeding embraced Finance Docket No. 23320, *Green Mountain Railroad Corporation Lease and Operation Between Ludlow and Rutland, VT* and Finance Docket No. 23417, *Green Mountain Railroad Corporation Stock.*

requested exemption would further this policy objective.

The proposed operation is local in nature and contemplates, for the most part, a continuation of operations which have been in effect for over 15 years. The Commission has already reviewed the substance of the operation and determined that the present and future public convenience and necessity require the lease and operation. The modifications which have been negotiated in the lease require increased maintenance expeditures and should result in improved service to the public. Exemption of the proposal will further several additional objectives of the rail transporation policy as well: To ensure the development of a sound rail transportation system (§ 10101a(4)); to foster sound economic conditions in transportation (§ 10101a(5)); and to operate transportation facilities and equipment without deteriment to the public health and safety (§ 10101a(6)). We conclude that our detailed scrutiny of the transaction is not necessary to carry out the rail transportation policy.

The record also demonstrates that the transaction is of limited scope. Our approval will permit the continuation of local operations by a small carrier over a short segment of track. Our authorization will not result in new or significantly changed rail operations. Rather, a grant of the exemption will extend operations which have been in effect for the past 15 years.

Having concluded that the operation is of limited scope, we need not determine whether regulation is needed to protect shippers from the abuse of market power. We note, however, that since our exempting the operation will allow rail service to continue without interruption, it should benefit shippers in the area.

Labor Protection In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interest of its employees as required by 49 U.S.C. Subtitle IV. (See 49 U.S.C. 10505(g)(2)). By letter dated February 3, 1981, the Railway Labor Executives Association (RLEA) requests that any exemption be subject to employee protection as provided by 49 U.S.C. 11347. The employee protection afforded by Section 11347 applies only to transactions for which approval is sought under 49 U.S.C. 11344, 11345, or 11346. Because the transaction involved here does not fall under those sections but rather is governed by Section 10901, the employee protective provisions of Section 11347 do not apply. The imposition of labor protective conditions by the Commission in proceedings governed by Section 10901 is discretionary. (See 49 U.S.C. 10901(e) as amended by the Staggers Act.) In the past, we have not found it necessary to impose employee protective conditions in most Section 10901 transactions, and there is nothing in the petition or RELA's letter to indicate a need for imposing such conditions here. Thus, no labor protective conditions will be imposed.

This decision will not significantly affect energy consumption or the quality of the human environment.

It Is Ordered

(1) Pursuant to 49 U.S.C. 10505, we exempt GMRC's proposed operation of the Bellows Falls-Rutland line from the requirement of prior approval under 49 U.S.C. 10901.

(2) GMRC shall have 60 days after consummation of the transaction to submit three copies of a sworn statement showing all journal entries required to record the transaction.

(3) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, **Federal Register**, for publication.

(4) This exemption will continue in effect for one year from the effective date of this decision. The parties must consummate the transaction during that time in order to take advantage of the exemption.

(5) This decision shall be effective 30 days following the date of its publication in the **Federal Register**.

(6) Petitions to stay the effective date of this decision must be filed no later than 10 days after the date of publication in the **Federal Register**.

(7) Petitions to reopen this proceeding for reconsideration of this decision must be filed no later than 20 days after the date of publication in the **Federal Register**.

Decided: October 13, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-30557 Filed 10-21-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 43)]

Union Pacific Railroad Company Exemption For Contract Tariff ICC-UP-C-0004

Service Date: August 14, 1981.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). Its previously filed contract tariff will become effective on one day's notice with August 17, 1981, as the earliest date, upon the filing of a proper tariff amendment. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Union Pacific Railroad Company (UP) filed a petition on August 6, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we advance the effective date of its contract tariff ICC-UP-C-0004 from September 6 to August 17, 1981.

The contract involves an agreement between Union Pacific and Burlington Northern Inc. and Kellogg Company, a manufacturer of prepared foodstuffs, to provide line-haul transportation of Kellogg products between Kellogg facilities in Omaha, Nebraska and Memphis, Tennessee. Under the terms of the contract, the carriers agree to provide transportation (Union Pacific service between Omaha and Kansas City, Burlington Northern service between Kansas City and Memphis) within specified service schedules and at specified contract rates. Kellogg agrees to tender to the carriers minimum annual volumes of traffic for transportation under the contract. The contract also contains provisions regarding car supply, demurrage, holding and switching charges, escalation and payment procedures. The contract's duration is two years.

Although this contract is complete and separate from any other agreement, it forms one leg of a transportation triangle which Kellogg has arranged with six separate railroads. Kellogg has negotiated separate transportation service contracts with other carriers for routes between its plants at Battle Creek, Michigan and Memphis, Tennessee and also between Battle Creek and Omaha, Nebraska. When in place, this transportation triangle will allow balanced movements of products among the three Kellogg plants, plus optimum car utilization. Contracts for the Battle Creek-Memphis and Battle Creek-Omaha legs of the triangle were filed with the Commission in June, 1981 and became effective August 1, 1981. Only the contract for the Omaha-Memphis leg of the triangle has yet to become effective.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

We believe this is the type of exceptional circumstance that warrants an exemption. Due to unforeseeable difficulties and delays in negotiations, Union Pacific, Burlington Northern and Kellogg were unable to finalize an agreement on the Omaha-Memphis route until July 31, 1981. Until agreement on every term of the contract was reached and a full meeting of the minds was assured, Union Pacific would not begin modification of its boxcars to meet the specifications under the contract. Now that the contract has been executed, Union Pacific has begun its modification of the fifteen boxcars required under the contract and will complete this process by August 17, 1981. Allowing this final contract of the set comprising the trinagular movement to become effective on August 17 will enable the parties to enjoy the benefits of the contract as soon as the cars are ready. It will also allow this contract to coincide as closely as possible with the contracts already executed for the other two legs of the triangular movement. Finally, if this exemption is granted, Kellogg's holding of cars at Omaha, Nebraska will not be restricted. According to the terms of the contract, Kellogg is allowed extra free time to hold cars beyond the normal 24 hours allowed under applicable demurrage and storage tariffs. This extra time is necessary to allow Kellogg adequate time to reload equipment in order to reduce empty car movements without incurring storage charges.

UP has already indicated in its petition a willingness to be bound by the following conditions which have been imposed in similar exemption proceedings:

* * * If the Commission permits the contract to become effective on August 17, 1981, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713Z(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or or complaint, to review this contract and to disapprove it during the periods specified in 49 U.S.C. 10713. * * *

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The contract tariff will become effective on August 17, 1981 with the filing of a proper tariff amendment. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: August 13, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-30558 Filed 10-21-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications Decision Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's rules of practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349,* 363 ICC. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register.** Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: October 14, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

MC-F-14705, filed September 25, 1981. BALSER TRUCK CO. (Balser) (8332 Wilcox Ave., South Gate, CA 90280)—Control and merger—bulk Freightways (Bulk) (8332 Wilcox Ave., South Gate, CA 90280). Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Balser seeks authority to acquire control of the operating rights and property of Bulk, and the merger of Bulk into Balser for ownership, management, and operation. Balser holds Certificate No. MC-96630

and Subs thereunder, authorizing the transportation of *raw and manufactured chemicals*, in containers, between Los Angeles, Los Angeles Harbor, South Gate and Long Beach, CA, and liquid concrete admixtures, in bulk, in tank vehicles, from Cucamonga, CA to points in AZ, ID, MT, NV, NM, OR, UT, WA, WY and CA, and El Paso, TX. Bulk holds Certificate No. MC–125417 and Subs 3, 6, 9, 11 and 16 thereunder, which authorize the transportation of (1) *lime*, in bulk, in hopper-type vehicles, from Sloan, NV, Henderson and Apex, NV, to points in that part of CA south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties; (2) *sodium phosphate*, in bulk, in hopper-type vehicles, from Long Beach, CA to St. Louis, MO; (3) *silica gel catalyst and processed clay*, in bulk, in hopper-type vehicles, from Vernon and South Gate, CA to El Paso, TX; (4) dry chemicals, in bulk, between points in CA; and (5) *dry plastic materials*, in bulk, from points in Los Angeles and Orange Counties, CA to points in AZ. Balser and Bulk are wholly-owned subsidiaries of Max Binswanger Trucking, 13846 E. Firestone Blvd., Santa Fe Springs, CA 90670, which holds Certificate No. MC–116314 and Subs thereunder, which authorize the transportation of dry bulk commodities, primarily cement, in AZ, CA, CO, NV, and UT. In turn Binswanger is a wholly-owned subsidiary of Leaseway Transportation Corp., 3700 Park East Dr., Cleveland, OH 44122, a publicly held corporation that controls, with Commission approval, the applicants and the following motor carriers: Anchor Motor Freight, Inc. (MC 808), Gypsum Haulage, Inc. (MC 112113), Signal Delivery Service, Inc. (MC 108393), Sugar Transport, Inc. (MC 115924), Dedicated Freight Systems, Inc. (MC 139583), Custom Deliveries, Inc. (MC 142693), LDF, Inc. (MC 147101), Stam-Win, Inc. (MC 147294 and MC 150185), Pep Lines Trucking Co. (MC 120184 and MC 135280), Mitchell Transport, Inc. (MC 124212 and MC 152085), General Trucking Service, Inc. (MC 143308), Charlton Transport (Quebec) Limited (MC 141250), Vernon Equipment, Inc. (MC 150412), Amac Trucking, Inc. (MC 140619), Better Home Deliveries, Inc. (MC 150511), Geo. McNeil Teaming Company (MC 153315), Leaseway Trucking, Inc. (MC 153610), United Home Delivery, Inc. (MC 153685), and Refiners Transport & Terminal Corporation (MC 50069), which controls A. R. Gundry, Inc. (MC 25562). Application has been filed for Temporary Control under 49 U.S.C. 11349.

MC–F–14710 filed October 5, 1981 John M. Smith and James K. Adams, both of Monroe, LA, seek to continue in control of Monroe Warehouse Company, Inc., and Merchants Dutch Express, Inc. through stock ownership. Monroe Warehouse Company, Inc., holds the following authority under docket No. MC–154621 (Sub-No. 1): *contract carrier*, over irregular routes, transporting *general commodities* (except classes A and B explosives), between points in the United States, under continuing contract(s) with International Minerals & Chemical Corporation of Mundelein, IL., Merchants Dutch Expres, Inc. holds the following authority under Docket No. MC–143389, and Subs thereto: (Sub-No. 14) *contract carrier*, over irregular routes, transporting *such commodities* as are dealt in or used by a manufacturer of paper products, between points in the United States, under continuing contract(s) with Bancroft Bag, Inc. of West Monroe, LA. (Sub-No. 15X) *contract carrier*, over irrregular routes , transporting *Such commodities as are dealt in by retail discount stores*, between points in the United States, under continuing contract(s) with Howard Brothers Discount Stores, Inc., of Monroe, LA. *Paper and paper products, and materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products, between points in the United States, under continuing contract(s) with Con Pac, Inc., of Monroe, LA, Manville Forest Products Corporation, of Monroe, LA. *Animal feed*, between points in the United States, and *materials, equipment and supplies*, used in the manufacture and distribution of animal feed, between points in the United States, under continuing contract(s) with Sunshine Feed Mills, Inc., of Red Bay, AL. *Paper and plastic articles*, between points in the United States, under continuing contract(s) with American Can Company. No temporary authority application has been filed. Applicant's representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205.

[FR Doc. 81-30559 Filed 10-21-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

Correction

In FR Doc. 81–28038, appearing at page 47500 in the issue for Monday, September 28, 1981, please make the following correction:

On page 47503, in the middle column, in paragraph MC 158299 (Sub–3–1TA), in line 9, "ND" should have read "NC".

BILLING CODE 1505-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full

effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-2-197.

Decided: October 14, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 120593 (Sub-2), filed October 6, 1981. Applicant: "B" TRANSFER, INC., 890 W. Airbase Rd., Mtn. Home, ID 83647. Representative: Alan T. Bermensolo (same address as applicant), (208) 587-8464. Transporting (1) for on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 158442, filed September 24, 1981. Applicant: TRANSPORT BROKERS, INC., 1340 E. Saxony Circle, Salt Lake City, UT 84117. Representative: Rick J. Hall, P.O. Box 2465, Salt Lake City, UT 84110, 801-531-1777. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 158552, filed September 28, 1981. Applicant: NATIONAL FREIGHT SERVICE, INC., 7708 N.E. 99th Street, Vancouver, WA 98662. Representative: Joyce M. Campbell (same as applicant), (206) 892-9176. As a broker of *general commodities*, (except household goods), between points in the U.S.

MC 158662, filed October 6, 1981. Applicant: TEXAS AIR FREIGHT, INC., 2700 Greens Rd. Bldg. E, Ste. 200, Houston, TX 77032. Representative: Charles R. Stalnaker, P.O. Box 60072 AMF, Houston, TX 77205, 713-449-7160. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY-4-407.

Decided: October 16, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 158666, filed October 7, 1981. Applicant: TURNER & WARD, INC., P.O. Box 336, Sanger, TX 76266. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457-0804. Transporting *food and other edible products and byproducts intended for human consumption* (except alcohol beverages and drugs), *agricultural limestone and fertilizers, and other solid conditioners* by the owner fertilizers, and other soil conditioners by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-30560 Filed 10-21-81; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title, 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-2-198

Decided: October 14, 1981

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

FF-572, filed October 7, 1981. Applicant: AMERICAN SHIPPING, INC., 1555 Bevet Rd., Suite 700, San Mateo, CA 94402. Representative: Paul F. Sullivan, Suite 711, Washington Bldg., 15th and New York Avenue NW., Washington, DC 20005, 202-347-3987. As a *freight forwarder*, in connection with the transportation of *used household goods, unaccompanied baggage, and used automobiles*, between points in the U.S.

MC 14252 (Sub-84) filed, October 5, 1981. Applicant: COMMERCIAL

LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Rd., Columbus, OH 43227. Representative: William C. Buckham (same address as applicant), (614) 239–6161. Transporting *General commodities* (except classes A and B explosives), between points in NJ, on the one hand, and, on the other, Kansas City, KS, and points in AL, AR, CT, DE, GA, IL, IN, IA, KY, LA, MD, MA, MI, MN, MS, MO, NH, NY, NC, OH, PA, RI, SC, TN, VA, WV, WI, and DC.

MC 69062 (Sub-3), filed September 25, 1981. Applicant: TRAMMELL CROW DISTRIBUTION CORPORATION OF UTAH NO. 3, Bldg F–10, Freeport Center, Clearfield, UT 84016. Representative: Rick J. Hall, 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 CPC International, Inc., of Englewood Cliffs, NJ.

MC 70762 (Sub-2), filed October 2, 1981. Applicant: TAYLOR-EDWARDS WAREHOUSE & TRANSFER COMPANY, INC., 1926 6th Ave. South, Terminal Box 24767 Seattle, WA 98134. Representative: Frederick C. Taylor (same address as applicant), 206–622–2960. Transporting *general commodities* (1) between points in Snohomish, Kitsap, King, Pierce, Thurston, Lewis, Cowlitz, and Clark Counties, WA, and (2) between points in Snohomish, Kitsap, King, Pierce, Thurston, Lewis, Cowlitz, and Clark Counties WA, on the one hand, and, on the other, points in Multnomah, Clackamas, and Washington Counties, OR. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 73533 (Sub-25), filed October 2, 1981. Applicant: KEY WAY TRANSPORT, INC. 820 South Oldham St., Baltimore, MD 21224. Representative: William F. Lamperelli (same address as applicant), (303) 327–5800. Transporting (1) *furniture and fixtures*, and (2) *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Southern International Industries, Inc., of Portsmouth, VA.

MC 76022 (Sub-2), filed October 2, 1981. Applicant: COMMUNITY COACH, INC., 315 Howe Ave., Passaic, NJ 07055. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *passengers and interoffice documents*, between points in the U.S., under continuing contract(s) with Exxon Corporation, of New York, NY.

MC 107012 (Sub-746), filed September 29, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant), 219–429–2110. Transporting *Machinery*, between points in Henderson County, TN, on the one hand, and, on the other, points in the U.S.

MC 120283 (Sub-5), filed October 5, 1981. Applicant: MAHR FREIGHT LINES, INC., P.O. Box 22, South Windsor, CT 06074. Representative: Gerald A. Joseloff, 410 Asylum St. Hartfort, CT 06103, 203–728–0700. Transporting *general commodities* (except classes A and B explosives), between points in CT and MA, on the one hand, and, on the other, points in ME, NH, VT, CT, MA, RI, NY, NJ, and PA.

MC 123872 (Sub-129), filed September 30, 1981. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28603. Representative: Timothy C. Miller, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *such commodities* as are dealt in by grocery stores and food business houses and retail, discount and department stores, between points in FL, on the one hand, and, on the other, points in NC, SC, TN, and VA.

MC 125543 (Sub-13), filed October 5, 1981. Applicant: PERISHABLE SERVICES, INC., 770 North Springdale Rd., Waukesha, WI 53186. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. Transporting (1) *food and related products*, under continuing contract(s) with California Canners & Growers, of Lomira, WI, and (2) *such commodities* as are dealt in by wholesale food distributors, under continuing contract(s) with Fox River Food Co., Inc., of Aurora, IL, between points in the U.S.

MC 129262 (Sub-9), filed September 18, 1981. Applicant: AYERS AND MADDUX, INC., 144 Escalada Dr. P.O. Box 1848, Nogales, AZ 85621. Representative: Fred H. Mackensen, 2029 Century Paek East, Suite 4150, Los Angeles, CA 90067, (213) 879–5955. Transporting *petroleum, natural gas, and their products*, between points in OK, on the one hand, and, on the other, points in AZ and CA.

MC 136123 (Sub-32), filed October 2, 1981. Applicant: MD TRANSPORT SYSTEMS, INC., P.O. Box 1058, Palmetto, FL 33561. Representative: David M. Kuehl, (same address as applicant), 813–722–0506. Transporting *food and related products*, between points in South Hampton County, VA, and Essex County, NJ, on the one hand, and, on the other, points in the U.S.

MC 136123 (Sub-2), filed October 5, 1981. Applicant: NORTH HAVEN TRANSPORTATION, INC., 19 Montowese Ave., North Haven, CT 06473. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *general commodities* (except classes A and B explosives), household goods, and commodities in bulk, between points in CT, MA, NJ, NY, PA and RI.

MC 138732 (Sub-34), filed October 2, 1981. Applicant: OSTERKAMP TRUCKING, INC., P.O. Box 5546, Orange, CA 92667. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th St., Denver, CO 80202, 303–892–6700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United States Gypsum Company, of Chicago, IL, and its subsidiaries and affiliates.

MC 139882 (Sub-8), filed September 25, 1981. Applicant: BARNEY TRUCKING, INC., 195 South 800 West, Salina, UT 84654. Representative: D. Michael Jorgensen, 143 South State St., Salina, UT 84654, 801–529–7413. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S.

MC 142603 (Sub-57), filed October 5, 1981. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 179, Springfield, MA 01101. Representative: Tami L. Quinlan (same address as applicant), (413) 732–6283. Transporting *graphite*, between points in the U.S., under continuing contract(s) with the Southwestern Graphite Company, of Burnet, TX.

MC 142693 (Sub-4), filed September 29, 1981. Applicant: CUSTOM DELIVERIES, INC., 30800 Telegraph Rd., Suite 4900, Birmingham, MI 480. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114, 216–566–5639. Transporting *ordnance and accessories*, between points in the U.S., under continuing contract(s) with Chrysler Defense, Inc., of Warren, MI.

MC 146102 (Sub-4), filed October 2, 1981. Applicant: TAMWAY CORPORATION, P.O. Box 771, Simpsonville, SC 29681. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687, (803) 244–9314. Transporting *Chemicals and related products*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 147433 (Sub-6), filed October 5, 1981. Applicant: LONG LEASING CORP., P.O. Box 587, East Jordan, MI 49727. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, (616) 941–5313. Transporting *general commodities* (except classes A and B explosives), between the facilities used by St. Regis Paper Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 147783 (Sub-2), filed October 2, 1981. Applicant: B. L. CARTAGE COMPANY, 10735 South Cicero Avenue, Oak Lawn, IL 60453. Representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, IL 60603, (312) 236–9375. Transporting *commodities in bulk*, between points in OH, IA, MI, IN, IL, AL, WI, MN, KY, and MO.

MC 148152 (Sub-4), filed October 2, 1981. Applicant: K & H TRUCKING, INC., 3301 So. Lamar St., Dallas, TX 75215. Representative: Edmond E. Payne (same address as applicant), 214–421–7161. Transporting *furniture and furniture parts*, between points in the U.S.

MC 148603 (Sub-1), filed September 14, 1981. Applicant: DARICA TRUCKING CO., INC., 338 S. Oliver St., Elberton, GA 30635. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., Atlanta, GA 30326, (404) 262–7855. Transporting (1) *granite*, (a) between points in Greene, Wilkes, Oglethorpe, and Elbert Counties, GA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, ND, NM, NV, OR, SD, UT, WA, and WY, and (b) between points in Madison County, GA, on the one hand, and, on the other, points in the U.S.; and (2) *lumber*, between points in Greene, Wilkes, Oglethorpe, Elbert, and Madison Counties, GA, on the one hand, and, on the other, points in the U.S.

MC 150772 (Sub-1), filed October 2, 1981. Applicant: N.C.V. TRANSPORT, INC., 807 Ramblingwood Court, Nashville, TN 37217. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting *food and related products*, between New York, NY, on the one hand, and, on the other, points in AL, CA, GA, KY, NC, PA, SC, TN, VA, and WV.

MC 151572 (Sub-2), filed October 2, 1981. Applicant: MICHAEL W. KAISER, d.b.a. MIKE KAISER, Box 65, Alexander, IL 62601. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *cement*, between points in the U.S., under continuing contract(s) with Al's Ready Mix, Inc., of Jacksonville, IL.

MC 151173 (Sub-9), filed October 2, 1981. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers South, 3390 Peachtree Rd., NE, Atlanta, GA 30236, (404) 262–7855. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Cargill, Inc., of Minneapolis, MN, and its subsidiaries.

MC 152063 (Sub-2F), filed September 25, 1981. Applicant: P.E.G. TRUCKING, INC., 600 Washington Street, Wrentham, MA 02093. Representative: Samuel L. Watts, 54 Middlesex Turnpike, Burlington, MA 01803, (617) 273–3530. Transporting (1) *food and related products*, between points in MA on the one hand, and, on the other, points in CT, DE, MD, ME, NH, NJ, NY, PA, RI, VT and DC, (2) *food and related products*, between points in RI, on the one hand, and, on the other, points in the U.S., (3) *rubber and plastic products*, between points in RI, on the hand, and, on the other, points in the U.S., and (4) *metal products, machinery, and building materials*, between points in CA, CT, MA, ME, NH, RI and VT, on the one hand, and, on the other, points in the U.S.

MC 156503, filed October 2, 1981. Applicant: WILLIAM J. TEMAAT, 615 Parkview, Oakley, KS 67748. Representative: Clyde N. Christey, Ks Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233–9629. Transporting *food and related products*, between Kansas City, KS, on the one hand, and, on the other, Denver, CO.

MC 157432, filed September 29, 1981. Applicant: EDWARD A. BLANKENSHIP and GEORGE T. MARQUEZ, d.b.a. STAR TRANSPORTATION, P.O. Box 2722, Fresno, CA 93725. Representative: Charles A. Webb, Suite 1111, 1828 L St., NW, Washington, D.C. 20036, (202) 822–8200. Transporting *general commodities* (except classes A and B explosives), between points in CA.

MC 157482, filed September 30, 1981. Applicant: CHARLES J. POTEAT, Route 9, Box 438, Morgnton, NC 28655. Representative: Dwight L. Koerver, Jr., 110 North Second St., P.O. Box 1320, Clearfield, PA 16830, 814–765–9611. Transporting *beverages*, between points in the U.S., under continuing contract(s) with Nawa, Inc., of Morganton, NC.

MC 158472, filed September 25, 1981. Applicant: CSA TOURS INC., 1016 Fairfax St, Radford, VA 24141. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA, 703–629–2818. As a *broker* at Radford and Virginia Beach, VA, in arranging for the transportation by motor vehicle of *passengers and their baggage*, in the same vehicle with passengers, between points in VA, on the one hand, and, on the other, points in the U.S.

MC 158483, filed September 25, 1981. Applicant: HUBBARD ENTERPRISES, INC. d.b.a. OUTREACH TRAVEL, Maiden-Lincolnton Hwy, P.O. Box 483, Maiden, NC 28650. Representative: Lynwood Lee Hubbard (same address as applicant), (704) 428–9116. As a *broker* at Maiden, NC, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, between points in NC, on the one hand, and, on the other, points in the U.S.

MC 158533, filed September 30, 1981. Applicant: HERSCHEL E. HUBBARD d.b.a. HUBBARD & SON DISTRIBUTING, 108 Terry Blvd., Gering, NE 69341. Representative: Herschel E. Hubbard (same address as applicant), 308–436–4500. Transporting (1) *machinery and such commodities* as are dealt in and used by farm equipment stores, between points in the U.S., on the one hand, and, on the other points in Kimball and Scotts Bluff Counties, NE, and Goshen County, WY, (2) *lumber and wood products, building materials, and such commodities* as are dealt in and used by lumber and hardware stores, between points in the U.S., on the one hand, and, on the other, points in Scotts Bluff and Box Butte Counties, NE, Morgan and Laramie Counties, CO, Yellowstone County, MT, and WY, and (3) *clay, concrete, glass or stone products, bentonite and lignite*, between points in Natrona, Washakie, Weston and Big Horn Counties, WY, Butte County, SD, and Bowman County, ND, on the one hand, and, on the other, points in the U.S.

MC 158623, filed October 3, 1981. Applicant: EJIDO COLORADO AGRICULTURAL ASSOCIATION, P.O. Box 11377, Phoenix, AZ 85061. Representative: David Robinson, P.O. Box 33152, Phoenix, AZ 85067–3152, 602–256–7666. Transporting *hides and such commodities* used in tanning processes, *furniture and fixtures and chemicals and related products*, between points in the U.S., under continuing contract(s) with (a) Arizona Tanning Company, of Scaton, AZ, and (b) Paddock Pool Construction Co., of Scottsdale, AZ.

MC 158632 filed October 5, 1981. Applicant: ANC EXPRESS, INC., Hwy 20 West, Ackley, IA 50601. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309, (515) 282–3525. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with (a)

Ackley Food Processors, Inc., of Ackley, IA, (b) Beaver Valley Canning Co., of Grimes, IA, (c) Meeter Bros. & Co., of Union Grove, WI, and (d) Speas Company, of Fremont, WI, Division of Sawyer Fruit & Vegetable Coop, Inc.

Volume No. OPY–4–408

Decided: October 16, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 58166 (Sub-17), filed June 11, 1981. Applicant: GIBSON TRUCK LINES, INC., South Hwy 285, La Jara, CO 81140. Representative: Nancy P. Bigbee, 450 Capitol Life Center, 1600 Sherman St., Denver, CO 80203, (303) 861–8046. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AR, AZ, CA, CO, IA, ID, KS, LA, MN, MO, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, and WY.

MC 125386 (Sub-1), filed October 7, 1981. Applicant: BULLOCK'S INC., East Monroe St., Maquoketa, IA 52060. Representative: Carl E. Munson, 469 Fisher Bldg., Dubuque, IA 52001, (319) 557–1320. Transporting *iron and steel articles*, between points in Clinton County, IA, on the one hand, and, on the other, points in the U.S.

MC 143776 (Sub-33), filed October 6, 1981. Applicant: C.D.B. INCORPORATED, 155 Spaulding Ave., S.E., Grand Rapids, MI 49506. Representative: C. Michael Tubbs (same address as applicant), (800) 253–9527. Transporting *machinery and related products*, between points in the U.S., under continuing contract(s) with Bob Schwermer and Associates, Incorporated, of Elk Grove Village, IL.

MC 149536 (Sub-3), filed October 6, 1981. Applicant: RODCO LEASING, INC., 380 Union St., W. Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *plastic and plastic articles*, between points in Hampden County, MA, on the one hand, and, on the other, points in the U.S.

MC 158646, filed October 6, 1981. Applicant: ROBERT J. BEAUREGARD, d.b.a. BEAUREGARD TRANS., Foster Hill Rd., West Brookfield, MA 01585. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103. Transporting *metal products*, between points in MA, CT, NY, NJ, RI, and PA.

Volume No. OPY–4405

Decided: October 13, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 59617 (Sub-8), filed October 6, 1981. Applicant: WARES' VAN & STORAGE CO., INC., 1344 Northwest Blvd., Vineland, NJ 08360. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727–0777. Transporting *household goods*, between points in the U.S. except OK, NE, SD, ND, NM, CO, WY, MT, AZ, UT, ID, CA, NV, OR, and WA.

MC 127047 (Sub-49), filed October 6, 1981. Applicant: ED RACETTE & SON, INC., 6021 N. Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202, (316) 265–2634. Transporting *metal products*, between Reno and Sedgwick Counties, KS, on the one hand, and, on the other, points in the U.S.

MC 128837 (Sub-41), filed October 7, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Micheal W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544–5468. Transporting *glass containers*, between points in the U.S.

MC 135457 (Sub-13), filed October 5, 1981. Applicant: BILBO TRANSPORTS, INC., 2722 Singleton Blvd., Dallas, TX 75212. Representative: Austin L. Hatchell, P.O. Box 2165, Austin, TX 78768, (512) 476–6083. Transporting (1)(a) *gypsum and gypsum products*, (b) *building materials*, (c) *paper and paper products*, (d) *chemicals*, and (e) *plastic products*, between points in the U.S., under continuing contract(s) with Georgia-Pacific Corporation, of Portland, OR, and (2) *building materials*, between points in the U.S., under continuing contract(s) with Leader International, Inc., of Dallas, TX.

MC 138967 (Sub-1), filed October 2, 1981. Applicant: PAUL-ROBERT TRANSPORT, LTD., 61 Rayette Rd., Concord, Ontario, CD L4K 1B6. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202. Transporting *transportation equipment*, between points in the U.S., under continuing contract(s) with Cloyes Canada Limited, D & B Manufacturing Company, Flexo Manufacturing Company Limited, R.K. Elliott & Company Limited, Wohlert Corporation (Canada) Limited, Concord Exhaust Components Manufacturing Co., Inc., Elliott Automotive Products Limited, all of Concord, Ontario, CD.

MC 142457 (Sub-4), filed October 6, 1981. Applicant: GENE'S TRUCKING, 903 York Avenue, St. Paul, MN 55106. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. Transporting *iron and steel articles*, between points in the U.S., under continuing contract(s) with Lewis Bolt & Nut Co., of Minneapolis, MN.

MC 148647 (Sub-31), filed October 5, 1981. Applicant: HI-CUBE CONTRACT CARRIER CORP., 5501 W. 79th St., Burbank, IL 60459. Representative: Arnold L. Burke, 180 N. LaSalle St., Chicago, IL 60601, (312) 332–5106. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with The Kingsford Company, of Louisville, KY.

MC 149497 (Sub-17), filed October 5, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant), (715) 359–2907. Transporting (1) *transport machinery* and (2) *transportation equipment*, between points in the U.S.

MC 151707 (Sub-14), filed September 29, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Representative: Dennis Kupchik (same address as applicant), (215) 985–6853. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Chesapeake Corp., of Westpoint, VA, Universal Electric Corp., of Owosso, MI, Apex International Alloys, Inc., of Cleveland, OH, Heinz USA, Division of H J Heinz Co., of Pittsburgh, PA.

MC 154677 (Sub-1), filed October 5, 1981. Applicant: THREE R TRANSPORTATION, INC., Padelford St., Berkley, MA 02780. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742–3530. Transporting (1) *chemicals and related products*, (2) *clay, concrete, glass or stone products*, and (3) *commodities in bulk*, between points in Dutchess County, NY, and Litchfield County, CT, on the one hand, and, on the other, points in Bristol County, MA.

MC 156047 (Sub-1), filed October 2, 1981. Applicant: ALLWAY TRANSPORT, INC., 1609 N. 56th, Washington Park, IL 62204. Representative: H. F. White (same address as applicant), (618) 271–9541. Transporting *such commodities* as are dealt in, or used by grocery houses, between points in the U.S., under continuing contract(s) with Lever Brothers Company, of St. Louis, MO.

MC 156337, filed October 7, 1981. Applicant: VERYL L. KELLMER & SONS, 19206 East 32nd, Greenacres, WA 99016. Representative: Donald A.

Ericson, 708 Old National Bank Bldg., Spokane, WA 99201, (509) 455–9200. Transporting *food and such commodities as are dealt in or used by wholesale and retail grocery, drug and hardware stores* between points in the U.S., under continuing contract(s) with U.R.M. Stores, Inc., of Spokane, WA.

MC 156897 (Sub-1), filed October 7, 1981. Applicant: DARRLY L. BARKER and ROBERT M. BARKER, d.b.a. MILE-HI LEASING, P.O.B. 2000, Sheridan, WY 82801. Representative: Charles M. Williams, 1600 Sherman, #665, Denver, CO 80203. Transporting (1) *food and related products and* (2) *materials, equipment and supplies used in the manufacture and distribution of the commodities named in Item (1) above,* (A) between Jefferson County, CO, on the one hand, and, on the other, points in TX, TN, MT, LA, and MS; and (B) between Denver, CO, on the one hand, and, on the other, points in the U.S.

MC 157137 (Sub-1), filed October 5, 1981. Applicant: W. L. TURNER TRUCKING, INC., P.O. Box 16589, Memphis, TN 38116. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *agricultural chemicals,* between points in AR, TN, and MS.

MC 157357, filed October 5, 1981. Applicant: DAVE SPANGLE, d.b.a. S & S TRUCKING, Rt. 1, Box 333, Bicknell, IN 47512. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956. Transporting *metal products,* between points in the U.S., under continuing contract(s) with Apex International Alloys, Inc., of Bicknell, IN.

MC 158587, filed October 2, 1981. Applicant: BARNEY MESSERSMITH, d.b.a., M & M, P.O. Box 833, Emporia, KS 66801. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137, (901) 767–5600. Transporting *food and related products,* between points in KS, on the one hand, and, on the other, points in AL, AR, GA, IL, KY, MS, MO, TN, and WI.

MC 158647, filed October 5, 1981. Applicant: HAVE GROUP WILL TRAVEL, INC., 680 E. Edgewood Dr., Appleton, WI 54911. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722–2848. Transportating *passengers and their baggage,* in special and charter operations, beginning and ending at points in Manitowoc, Outagamie, Waupaca, and Winnebago Counties, WI, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-30561 Filed 10-21-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

United States of America et al v. 2001, Inc., et al.; Proposed Final Order and Judgment

Notice of Proposed Final Order, constituting a final disposition, pursuant to agreement among the parties, in an action under the Resource Conservation and Recovery Act, the Clean Air Act, and the Clean Water Act, to accept as complete the cleanup program at the Former 2001 Inc., or Southeastern Chemical Co., site in St. John the Baptist Parish, near Reserve, Louisiana.

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on September 30, 1981, a proposed stipulation and judgment approving a Final Order in *United States of America, et al.* v. *2001, Inc., et al.,* Civil Action No. 80–0771, was lodged with the United States District Court for the Eastern District of Louisiana.

The proposed Final Order accepts the clean up measures now completed by the defendants at the site as satisfactory to correct the situation which existed on site when the complaint was filed.

The proposed Final Order may be examined at the Office of the United States Attorney, 500 Camp Street, New Orleans, La., 70130; at the Region VI office of the Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Texas 75202; at the Environmental Protection Agency, Room W1119, 401 M Street, SW., Washington, D.C. 20460, and at the Environmental Enforcement Section of the Land and Natural Resources Division of the Department of Justice, Room 1254, Tenth and Constitution Avenue, NW., Washington, D.C. 20530. A copy of the proposed Final Order may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed Final Order for a period of thirty days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Tenth and Constitution Avenue NW., Washington, D.C. 20530, and should refer to *United States of America, et al.* v. *2001, Inc. et al.,* E.D. La. Civ. No. 80–0771; D.J. Ref. 90–7–1–86.

Anthony C. Liotta,

Acting Assistant Attorney General, Land and Natural Resources Division.

United States District Court—Eastern District of Louisiana

United States of America and the State of Louisiana, Plaintiffs, v. 2001, Inc., Southeastern Chemical Company, Inc., Remy Gross II, and Robert Weiner, Defendants. Civil Action No. 80–0771.

Final Order

Upon the consent of the parties, Plaintiffs and Defendants, by their respective attorneys, without trial or adjudication of fact or law, and without any determination of liability, it is ordered, adjudged and decreed as follows:

I

This Court has jurisdiction over the subject matter of this case and over the parties consenting hereto pursuant to 28 U.S.C. 1345, 33 U.S.C. 1362, 42 U.S.C. 6973, and 42 U.S.C. 7603.

II

The complaint states a claim upon which relief may be granted against the Defendants pursuant to 42 U.S.C. 6973.

III

The complaint of the State of Louisiana states a claim upon which relief may be granted against the Defendants pursuant to Articles 2315, *et seq.,* and Articles 667, *et seq.,* of the Lousiana Civil Code, under the ancillary jurisdiction of this Court, in addition to remedies under previously cited Federal Statutes.

IV

Defendants will reimburse the United States of America in the amount of one thousand eight hundred dollars ($1,800.00) for all costs incurred by the United States in investigating, testing and sampling at the site. Payment shall be made to the United States Treasury and mailed to the Office of the United States Attorney for the Eastern District of Louisiana, 500 Camp Street, Room 213, New Orleans, Louisiana 70130.

V

On March 5, 1980, the Plaintiff, United States of America ("Plaintiff") commenced this action to require Defendants 2001, Inc., Southeastern Chemical Company, Inc., Remy Gross II, and Robert Weiner to remove chemical waste and contaminated soil disposed of at a chemical production site in St. John the Baptist Parish, Louisiana. The State of Louisiana intervened as party plaintiff on March 6, 1980, seeking similar relief.

The Plaintiffs are satisfied with the work on site which has since been done by the Defendants, and seek no further relief concerning the present condition of the site. The Defendants make no claim as against the Plaintiffs. This order resolves this case as described in the Complaint and does not

concern any subsequent activities or conditions at the site or elsewhere.

VI

In satisfaction of the settlement policies of the United States Department of Justice, as set forth in 28 CFR 50.7, this final order was lodged with the Court for comment and objection by interested parties at least 30 days before entry of this order.

Wherefore, it is ordered that this case is dismissed without prejudice. Each party is to bear its own court costs.

Dated: ———

United States District Judge

Judgment consented to:

Dated: September 21, 1981.

Anthony C. Liotta,

Acting Assistant Attorney General, Land and Natural Resources Division, United States Department of Justice, Washington, D.C. 20530.

For the United States of America.

Dated: September 21, 1981.

Pamela Phillips,

Attorney, Enforcement Division, United States Environmental Protection Agency, Region VI, 1st International Building, 1201 Elm Street, Dallas, Texas 75202.

Dated: September 4, 1981.

William J. Guste, Jr.,

Attorney General, State of Louisiana.

J. David McNeill III,

Assistant Attorney General, 7434 Perkins Road, Baton Rouge, LA 70808.

For the State of Louisiana.

Dated: August 20, 1981.

Michael F. Little,

Suite 2411, 225 Baronne Street, New Orleans, LA 70112.

For 2001, Inc. and Remy Gross II.

[FR Doc. 81-30655 Filed 10-21-81; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Amendment

The Assistant Attorney General of the Antitrust Division, after consulting with the Federal Trade Commission, the Secretary of State, and the Secretary of Energy, has amended the Voluntary Agreement and Plan of Action to Implement the International Energy Program. This Agreement was amended pursuant to powers granted to the Attorney General by Section 252 of the Energy Policy and Conservation Act, 42 U.S.C. 6272, and delegated to the Assistant Attorney General by regulation, 28 CFR 0.41(i). The text of the amendment is set forth below (Appendix A) with the letter of the Assistant Attorney General, approving the amendment (Appendix B). The amendment became effective September 30, 1981, upon the approval of the Assistant Attorney General.

Robert Fabrikant,

Acting Chief, Energy Section, Antitrust Division.

Appendix A

1. Subsection 11(a) is revised to read:

(a) This Agreement or any amendment or modification shall become effective upon the date of its approval by the Attorney General as provided in subsection 252(d) of the EPCA. Unless revoked or disapproved by the Attorney General pursuant to section 252(d), it shall be effective whenever authorized by section 252 of the EPCA, or any other legislation.

Appendix B—Letter of The Assistant Attorney General to the Acting General Counsel of The Department of Energy

Dated: September 30, 1981.

By letter of September 23, 1981, you submitted for my consideration a proposed amendment to the Voluntary Agreement and Plan of Action to Implement the International Energy Program, which was established pursuant to section 252 of the Energy Policy and Conservation Act of 1975 (EPCA). The proposed amendment has been the subject of interagency staff consultations among the Departments of Energy, Justice and State, and the Federal Trade Commission.

The proposed amendment of Section 11(a) of the Voluntary Agreement would read as follows (deleting the material in brackets and adding that which is underlined):

11. Effective Date and Duration.

(a) This Agreement or any amendment or modification shall become effective upon the date of its approval by the Attorney General as provided in subsection 252(d) of the EPCA. [It shall cease to be effective on June 30, 1979, unless an extension of the authority under section 252, or any other legislation, permits continuation of the Agreement.] *Unless revoked or disapproved by the Attorney General pursuant to section 252(d), it shall be effective whenever authorized by section 252 of the EPCA, or any other legislation.*

As presently written, the Voluntary Agreement appears to become ineffective when the authorization of the limited antitrust defense granted by section 252 of EPCA expires. This statutory provision expires periodically unless extended by Congress. In the event of a temporary lapse in the efficacy of section 252 of EPCA, there is a danger that the Voluntary Agreement could expire and require formal reapproval by all the participants. Such lapse would create a period of at least twenty days during which U.S. Reporting Companies would not have available a statutory antitrust defense for their participation in IEP-related activities. During the period that the antitrust defense is not available, U.S. Reporting Companies are likely not to feel able to assist the International Energy Agency in achieving the goals of the IEP.

The amendment would avoid this problem by providing that the Voluntary Agreement would be effective whenever the section 252(f) limited antitrust defense is authorized. The Voluntary Agreement as amended would, by its own terms, come into effect immediately upon extension of EPCA.

Section 252(d)(1) of the EPCA empowers the Attorney General to review, amend, modify, disapprove or revoke at anytime a voluntary agreement or plan of action created under the Act. This power has been delegated to the Assistant Attorney General of the Antitrust Division. This power may be exercised by the Assistant Attorney General on his own motion, or upon the request of the Federal Trade Commission or any interested person. The subsection also requires prior consultations with the Federal Trade Commission, the Secretary of State and the Secretary of Energy, which have already taken place at the staff level. Letters evidencing the consultations with the Department of State and the Federal Trade Commission, signed by appropriate persons, are attached hereto. Your request letter evidences the consultation with the Secretary of Energy.

Pursuant to section 11(b) of the Voluntary Agreement, at least twenty days notice of such amendment is to be given to the aforementioned government entities as well as all participating companies, except as the Assistant Attorney General shall otherwise determine. Because of the imminent possibility that a lapse in section 252 authority may occur on September 30, 1981, I hereby waive the requirement that such twenty days notice be given.

Accordingly, for the reasons stated, I hereby amend the Voluntary Agreement and Plan of Action to Implement the International Energy Program so that the second sentence of subsection 11(b) reads as set forth above. This amendment is effective immediately.

[FR Doc. 81-30654 Filed 10-21-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Partially Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting on Monday, Tuesday, and Wednesday, November 2–4, 1981. The first day of the meeting will be held in Room 6802 of Main Commerce, 14th and Constitution Avenue, NW., Washington, D.C. and the second and third days of the meeting will be held in Room 418, Page Building 1, 2001 Wisconsin Avenue, NW., Washington, D.C.

The Committee, consisting of 18 non-Federal members appointed by the President from academia, business and industry, public interest organizations and State and local government, was established by Congress by Pub. L. 95–63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a

selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to carrying out of the programs administered by the National Oceanic and Atmostpheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit other reports as may from time to time be requested by the President or Congress.

Because the Charter of the Committee and the Notice of Determination to partially close the meeting were not signed until October 14, 1981, this meeting is being called on short notice. The tentative agenda is as follows:

Monday, November 2, 1981

Department of Commerce,
14th and Constitution Avenue, NW., Room 6802, Washington, D.C.

Plenary

9:00–9:15 a.m.
- Announcements.

9:15–10:00 a.m.
- Swear-In Ceremony for New Members (Tentative).

Joseph F. Wright, Deputy Secretary of Commerce.

10:00–11:00 a.m.
- To be Announced.

11:00 a.m.–Noon
- Discussion of Preliminary Findings—Fisheries Panel

Jay G. Lanzillo, Chairman

Noon–1:00 p.m.
Lunch

1:00–5:00 p.m.
Panel Meetings

1:00–5:00 p.m.
- Weather Services Topic: Provision of Weather Services to the Nation, Chairman: Warren M. Washington, Room 6802

Speakers:
George Benton, John Hopkins University
Werner A. Baum, Dean, College of Arts and Science, Florida State University
Robert G. Fleagle, University of Washington
Amos Eddy, State Climatologist for Oklahoma
(Other Speaker—TBA)

1:00–5:00 p.m.
- Environment and Regulations, Chairman: Sylvia A. Earle, Room 5230, Topic: Offshore Diving Regulations

Speakers:
Thomas Seymour, Acting Director Safety Standard Programs, OSHA
Hugh Dan Wilson, Association of Diving Contractors
Carpenters and Joiners (AFL/CIO)
Lloyd Austin, California Academy of Underwater Sciences
LT. Timothy Healey, USCG
Topic: Clean Water Act—Section 404 (Permits)
Speaker: Mark Lawless, 404 Review Chairman, Coastal States Organization

5:00 p.m.
Recess

Tuesday, November 3, 1981

Page Building No. 1,
2001 Wisconsin Avenue, NW., Washington, D.C.

Note.—The Committee will meet in Rooms 418 and/or B–100 in Page Building No. 1 on the second day of the meeting as noted in the following agenda.

8:30–10:00 a.m.
Closed Session: Presentation by Department of Defense on the NAVSTAR Global Positioning System (GPS), Room B–100

10:00 a.m.–Noon
Panel Meetings
- Hydrology, Work Session: Preparation of Draft Report, Chairman: Paul Bock, Room B–100
- Coastal Zone, Work Session: OCS Receipts Sharing, Co-Chairman: Jack Van Lopik, Sharron Stewart, Room 418

Noon–1:00 p.m.
Lunch

1:00–3:00 p.m.
Plenary
- Panel Reports
- Discussion of Preliminary Findings

Marine Transportation: Don Walsh
Marine Minerals: Burt Keenan
Hydrology: Paul Bock

3:00 p.m.
Adjourn Regular NACOA Meeting

Panel Meeting

3:00–6:00 p.m.
- Weather Services, Topic: The Role of the Private Sector, Chairman: Warren M. Washington, Room 418

Speakers:
Peter Leavitt
(Other Speakers—TBA)

6:00 p.m.
Recess

Wednesday, November 4, 1981

8:30 a.m.–4:00 p.m.
Panel Meetings

8:30 a.m.–Noon
- Weather Services, Topic: Panel Discussion of Issues, Chairman: Warren M. Washington, Room 418

8:30 a.m.–4:00 p.m.
- marine Transportation, Work Session: Review of Staff Draft Report, Chairman: Don Walsh, Room B–100

4:00 p.m.
Adjourn

The public is welcome at the open sessions and will be admitted to the extent that seating is available. Only NACOA members and staff having security clearances will be admitted to the closed session. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

With respect to the closed session on Tuesday, November 3, the Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on October 14, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, by Section 5(c) of the Government in the Sunshine Act, Pub. L. 94–409, that the matters to be dislcosed during this closed session should be exempt from the provisions of the Act relating to open meetings and public participation therein, because it will be considered within the purview of 5 U.S.C. 552b(c)(1), i.e., to disclose matters that are authorized to be kept secret in the interest of national defense.

A copy of the determination to close a portion of this meeting is available for public inspection and copying in the Central Reference & Records Inspection Facility, Room 5317, U.S. Department of Commerce, Washington, DC 20230, area code 202/377–4217.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., Washington, DC 20235. The telephone number is 202/653–7818.

Dated: October 16, 1981.

Steven Anastasion,

Executive Director.

[FR Doc. 81–30513 Filed 10–21–81; 8:45 am]

BILLING CODE 3510–12–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81–73)]

NASA Advisory Council (NAC), Space Science Advisory Committee (SSAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committe.

DATE AND TIME: November 18, 1981, 9:30 a.m. to 5:30 p.m. and November 19, 1981, 9 a.m. to 4:30 p.m.

ADDRESS: National Aeronautics and Space Administration, Room F5026, 400 Maryland Ave. SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Jeffrey D. Rosendhal, Code SS, National Aeronautics and Space Administration, Washington, DC 20546 (202/755-3653).

SUPPLEMENTARY INFORMATION: The NAC Space Science Advisory Committee consults with and advises the Council as a whole and NASA on plans for, work in progress on, and accomplishments of NASA's Space Science programs.

The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including committee members and other participants). Topics under discussion at this meeting will include NASA Organization and Space Science Program Status and a discussion of Critical Issues and the Future of Space Science in NASA.

Type of meeting: Open

Agenda

November 18, 1981

9:30 a.m.—NASA Organization and Space Science Program Status
11:15 a.m.—Public Affairs Activities.
1:15 p.m.—Solar System Exploration Committee.
3:30 p.m.—Discussion on Critical Issues.
4 p.m.—Future of Space Science in NASA.
5:30 p.m.—Adjourn.

November 19, 1981

9 a.m.—Research and Analysis Program.
1 p.m.—NASA Education Programs.
2 p.m.—Space Science as Seen by the Office of Science and Technology Policy.
3 p.m.—Discussion of future meetings, future agenda items and committee assignments.
4:30 p.m.—Adjourn.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

October 15, 1981.

[FR Doc. 81-30515 Filed 10-21-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 81-43]

Reports, Recommendations, Responses; Availability

• **Aircraft Accident Report:** *Air California Flight 336 Boeing 737-293, N468AC, John Wayne Orange County Airport, Santa Ana, California, February 17, 1981 (NTSB-AAR-81-12).*

• **Aircraft Accident Reports:** *Brief Format, U.S. Civil Aviation, Issue No. 9, 1980 Accidents (NTSB-BA-81-10).*

• **Pipeline Special Study:** *Pipeline Excess Flow Valves (NTSB-PSS-81-1).*— As a result of its study, the Board on Sept. 24 issued recommendations to—

Gas Research Institute: Plan and conduct a test and evaluation of existing excess flow valves to determine and document, on a comparable basis, their operating and design characteristics such as reliability, service pipe size and length, operating pressure range, maximum service load, and susceptibility to contamination **(p-81-35).** Determine the conditions and locations (other than those for which the Safety Board is recommending immediate regulatory action—i.e., high-pressure, single-family residential services) for which excess flow valves can be effective in preventing or minimizing the potential for various types of accidents resulting from leaks on high and low pressure services lines. Among the conditions which should be evaluated are gas demand variations, minimum operating pressure, service line size, length, and configuration, major leaks on house piping, cleanliness of gas, and effect of peak shaving operations **(P-81-36).**

American Society of Mechanical Engineers Gas Piping Standards Committee: Develop guidelines, using Gas Research Institute test and evaluation results when they become available, to assist the gas distribution industry in determining the conditions under which excess flow valves should be installed in gas services **(P-81-37).**

Materials Transportation Bureau of the Research and Special Programs Administration, U.S. Department of Transportation: Initiate rulemaking to require the installation of excess flow valves on all new and renewed single-family, residential high-pressure services which have operating conditions compatible with the rated performance parameters of at least one model of commercially available excess flow valve **(P-81-38).** Using the findings of the Gas Research Institute concerning additional locations where effective use can be made of excess flow valves to prevent various types of accidents, extend the requirements for the use of excess flow valves **(P-81-39).**

• **Aviation Safety Recommendations:** In connection with its special investigation of the air traffic control system of the United States, the Board on October 14 forwarded these recommendations to the Federal Aviation Administration:

Establish and implement a program to detect the onset of, and to alleviate, controller fatigue and stress **(A-81-145).** In addition to recent efforts to reduce scheduled IFR traffic now operating under national flow controls, implement additional controls both at the national and facility levels which will reduce controller and facility workloads nonscheduled IFR operations and air traffic control and discretionary services being provided to VFR operations **(A-81-146).** Require that, at any time that a first-line supervisor is to work a control position in addition to performing supervisory duties, a procedure is in place at the facility through which qualified personnel are immediately available for assistance or coordination **(A-81-147).**

• **Marine Safety Recommendations:** In the interest of improving maritime safety and reducing the number of collision accidents, the Board on Sept. 24 issued recommendations to—

U.S. Coast Guard: Expedite the study to require the installation of automatic recording devices to preserve vital navigational information aboard applicable ships **(M-81-84).** In cooperation with the U.S. Maritime Administration, identify and emphasize in licensing and certification programs the general emergency shiphandling procedures expected to be followed by vessel operators when ships experience vital control system failures **(M-81-85).**

U.S. Maritime Administration: In cooperation with the U.S. Coast Guard, develop a model simulator training program to reduce ship collisions caused by vital control system failure, which could be incorporated into licensing and certification programs **(M-81-86).**

• **Responses to NTSB Recommendations**

From the Federal Aviation Administration: **A-81-1 through -5** (Oct. 6).—An airworthiness directive, issued against the Lockheed L-1011, requires repetitive inspections of main landing gear wheels and removal from service of all wheels found to have cracks. FAA has prepared a report following the Quality Assurance System Analysis Review audit of the B. F. Goodrich wheel manufacturing facility at Troy, Ohio. FAA will continue studying the wheel fatigue phenomenon on all U.S.-manufactured transport category airplane types in service and has prepared an interim draft report. FAA will permit manufacturers adequate time to develop and implement independent wheel inspection programs while FAA works to develop a suitable advisory circular. FAA will share specific program results with domestic and foreign manufacturers, operators, and airworthiness authorities. (46 FR 16367, 3-12-81)

A-81-59 and -60 (Oct. 7).—Detroit Diesel Allison has verified that all 47 Part No. 6899243, Revision A, Splined Adapters have been accounted for, removed from service, and returned to the manufacturer; manufacturing processes and quality assurance procedures for the splined adapters have been reviewed and evaluated. The Board classified A-81-59 "closed" on Aug. 13. (46 FR 40110, 8-6-81)

A-81-73 (Oct. 6).—A Jan. 29, 1981, revision to the helicopter maintenance manual prescribes daily inspections of the tailrotor driveshafts, supports, and hangar bearing assemblies. Augusta Service Bulletin 109-30 issued Mar. 25, prescribes procedures for inspection and lubrication of the tailrotor driveshaft bearings with MIL-G-21164 C (Aeroshell Grease 17) at 600-hour intervals. FAA is preparing an airworthiness directive. (46 FR 30693, 7-30-81)

A-81-82 (Sept. 30).—FAA has coordinated with Detroit Diesel Allison to revise CEB-1144 as an ALERT (mandatory compliance) Engine Bulletin within the next 30 days. FAA

will publish within 90 days an airworthiness directive to make compliance with CEB-1144 mandatory. (46 FR 40954, 8-13-81)

From the U.S. Coast Guard: **M-81-11 through -17 and M-80-78** (Sept. 22).—Pending completion this year of a study of navigation safety in Tampa Bay, USCG has made temporary changes in navigational aids for vessels passing under the Sunshine Skyway Bridge. Prohibition of vessels from meeting near this Bridge is being assessed. USCG is unable to determine the feasibility of installing nonstructural bridge protection devices and lacks authority to require such systems or to set standards. USCG seeks legislation to act against a pilot's Federal license for acts committed while serving under authority of his State license; an amendment under R.S. 4450, allowing USCG to act against a pilot's Federal license for acts committed while serving under authority of his State license, is under consideration in USCG's Proposed Legislative Program for the Second Session, 97th Congress. USCG has no authority to develop standards for the design, performance, and location of structural bridge pier protection systems; a study, "The State of the Art Bridge Protective Systems and Devices," is available (NTIS Accession No. AD A 089760). USCG expects to finish a study of Tampa Bay's traffic management needs by the end of 1981. (46 FR 28772, 5-28-81)

From Illinois Central Gulf: **R-81-84 and -85** (Sept. 29).—Revised hotbox detector instructions, requiring more specific action by railroad personnel, have been distributed to mechanical/operating crafts and personnel at the central readout location; if a car or diesel unit is stopped a second time for suspected hot journal, the car must be set out regardless of lack of evidence. A training audio visual film has been developed in connection with hotbox detection and followup procedures. (46 FR 46238, 9-17-81)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. (Multiple copies may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161) Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

October 16, 1981.

[FR Doc. 81-30434 Filed 10-21-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee On Reactor Safeguards; Subcommittee On Comanche Peak Units 1 and 2; Meeting

The ACRS Subcommittee on Comanche Peak Units 1 and 2 will hold a meeting on November 11, 1981, Room 1048, 1717 H Street, NW, Washington, DC to continue the review of the application of the Texas Utilities Generating Company for a license to operate the Comanche Peak Units 1 and 2. Notice of this meeting was published September 23.

In accordance with the procedures outlined in the **Federal Register** on September 30, 1981, (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary and Industrial Security 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.

The agenda for subject meeting shall be as follows:

Wednesday, November 11, 1981, 1:00 p.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the Texas Utilities Generating 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 Designated Federal Employee, Mr. John C. McKinley (telephone 202/634-1414) or the Staff Engineer, Mr. Herman Alderman (telephone 202/634-1413) 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 portions of this meeting to public attendance to protect proprietary and Industrial Security information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: October 19, 1981

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-30633 Filed 10-21-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee On Reactor Safeguards Subcommittee On St. Lucie Plant Unit No. 2; Time Change

The ACRS Subcommittee on St. Lucie Plant Unit No. 2 meeting scheduled to be held on October 30th has been changed to 1:00 p.m. instead of 1:30 p.m. and October 31st at 8:00 a.m. instead of 8:30 a.m. at the Holiday Inn, Century Village, 6255 Okeechobee Road, West Palm Beach, FL.

Notice of this meeting was published in the **Federal Register** on October 9, 1981 (46 FR 50178) and all other items remain the same except for the change of time on October 30th as indicated above.

Dated: October 19, 1981.

John C. Hoyle,

Management Officer.

[FR Doc. 81-30634 Filed 10-21-81; 8:45 am]

BILLING CODE 7590-01-M

(Docket No. 50-360)

Battelle Memorial Institute; Order Terminating Facility License

By application dated April 20, 1981, Battelle memorial Institute requested termination of Facility License CX-26 for the Plutonium Recycle Facility (PRCF) now Richland, Washington. The terms and conditions of Facility License CX-26 specify that the facility license will expire automatically upon termination of the licensee's authority under Contract AT(45-1)-1831 (use permit) between the Commission (now DOE) and the licensee. In accordance with the terms and conditions of Facility License CX-26, this license has expired.

Since the PRCF is a government-owned facility in the custody of Battelle under its operating contract with the Department of Energy, all responsibility for health, safety and radiation protection is now under the control of the Department of Energy.

Therefore, pursuant to the application by Battelle Memorial Institute, Facility License No. CX-26, is hereby terminated as of the date of this Order.

For further details with respect to this action, see (1) application for

termination dated April 20, 1981. This application is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. A copy of the application 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 7th day of October, 1981.

For the Nuclear Regulatory Commission.

James R. Miller,

Chief, Standardization & Special Projects Branch, Division of Licensing.

[FR Doc. 81-30612 Filed 10-21-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-311]

Public Service Electric and Gas Co. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-75, issued to Public Service Electric and Gas Company, Philadelphia Electric Company, Delmarva Power and Light Company and Atlantic City Electric Company (the licensees), which revised Technical Specifications for operation of the Salem Nuclear Generating Station, Unit No. 2 (the facility) located in Salem County, New Jersey. The amendment is effective as of the date of issuance.

The amendment removes the limit of 90 hours per year for the use of the Pressure-Vacuum Relief portion of the Containment Ventilation System.

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 September 23, 1981, (2) Amendment No. 2 to License No. DPR-75, 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 Salem Free Public Library, 112 West Broadway, Salem, New Jersey. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of October, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-30613 Filed 10-21-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

October 19, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (burden change), extensions (no change), or reinstatements. The agency clearance officers can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
The standard industrial classification (SIC) codes, referring to specific respondent groups that are affected;
Whether small businesses or organizations are affected;
A description of the Federal budget functional category that covers the information collection;
An estimate of the number of responses;
An estimate of the total number of hours needed to fill out the form;
An estimate of the cost to the Federal Government;
An estimate of the cost to the public;
The number of forms in the request for approval;
An indication of whether section 3504(h) of Pub. L. 96-511 applies;
The name and telephone number of the person or office responsible for OMB review; and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send

them to Jim J. Tozzi, Deputy Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201

New

• Agricultural Marketing Service
Onions Grown in Idaho and Eastern Oregon—Marketing Order No. 958
On occasion/annually
Farms/businesses or other institutions
Onion handlers and producers in the production area
SIC: 515 016
Small businesses or organizations
Agricultural research and services: 1,432 responses; 24 hours; $500 Federal cost; 2 forms; $82 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The Idaho-Eastern Oregon Onion Committee forms are used by the committee to ensure compliance by handlers who wish to be exempted from grade, size, pack or container requirements of the order.

• Agricultural Marketing Service
Florida Indian River Grapefruit Marketing Order No. 912
On occasion/annually
Businesses or other institutions
Fla. Indian River Dist. grapefruit handlers under M.O. 912
SIC: 515 017
Small businesses or organizations
Agricultural research and services; 240 responses; 4 hours; $500 Federal cost; 2 forms; $67 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The Indian River Grapefruit Committee forms are used to obtain information from handlers relating to their Indian River grapefruit shipments for specified time periods, which the committee uses to compute handlers' prorate bases when weekly volume regulations are issued.

• Economics and Statistics Service
Hired Farm Work Force Research Test
Nonrecurring
Individuals or households
Households
Agricultural research and services; 368 responses; 92 hours; $75,000 Federal cost; 1 form; $1,472 public cost; not applicable under 3504(h)
Statistical policy branch, 202-395-7313

Investigate some screening questions raised by a 4 State pilot hired farm work force survey conducted in 1979. Purpose of pilot survey was to develop an alternative collection plan that will improve scope and detail of information on farm work force currently being collected by the Bureau of Census, current population survey.

Extensions (Burden Change)

• Animal and Plant Health Inspection Service
Record of Acquisition, Disposition or Transportation of Animals
VS-18-20 VS-18-20A
Other—see SF83
Businesses or other institutions
Zoos, animal parks, circuses, carnivals, animal acts, etc.
SIC: 599 799 027 892
Small businesses or organizations
Agricultural research and services; 4,800 responses; 8,160 hours; $68,357 Federal cost; 2 forms; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

Records of animal acquisition, disposition, and transportation by dealers and exhibitors are required to be maintained by paragraphs 2.75, 2.76, 2.77 and 2.81 of 9 CFR, subchapter A, parts 1, 2 and 3. Records are examined by USDA inspectors when inspecting licensees and registrants to help assure the humane care and transportation of those animals.

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—202-377-3627.

New

• Bureau of the Census
1982 Economic Censuses Listing of Additional Establishments
NC-9920
Nonrecurring
Farms/businesses or other institutions
Multiestablishment companies in all economic areas
SIC: multiple
Other advancement and regulation of commerce; 65,000 responses; 32,500 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Statistical policy branch, 202-395-7313

Form NC-9920 is mailed to multiestablishment companies as part of their economic censuses mailing package in order to obtain information about establishments not included in the mailing package. This information will be used to update the Census Bureau's file of company and establishment records and to mail appropriate census forms.

• National Oceanic and Atmospheric Administration
Computer Assisted System for Export of Seafood
NOAA 88-160
Annually
Businesses or other institutions
U.S. firms fishing industry w/potential to export product
SIC: 514 091
Small businesses or organizations
Other advancement and regulation of commerce; 10,000 responses; 167 hours; $30,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

The attached questionnaire will supply information to NMFS that will be computerized and used to respond to foreign trade opportunities coming from other countries. This should significantly aid the adverse balance of trade in fisheries products allowing the U.S. industry to compete more favorably in the international marketplace.

• International Trade Administration
Evaluation of the Multilateral Trade Negotiations Foreign Government Procurement Code
Nonerecurring
Businesses or other institutions
U.S. firms
SIC: Multiple
Small businesses or organizations
Other advancement and regulation of commerce; 750 responses; 125 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

Required to provide the necessary data for evaluation of the implementation of the multilateral trade negotiations foreign government procurement code. Data collected is used to provide information for program managers concerning firms participation in export opportunities created by the code and the effectiveness of commerce export assistance programs through which the code is implemented.

Extensions (Burden Change)

• National Oceanic and Atmospheric Administration
Hawaii Fish Dealer Survey
Other—see SF83
Individuals or households/State or local governments/businesses or other institutions
Fish wholesalers
SIC: 514
Small businesses or organizations
Other advancement and regulation of commerce; 780 responses; 390 hours; $42,000,000 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202-395-4814

Survey will contribute to the analysis of the wholesale fisheries sector by evaluating the impact of various management alternatives, domestic processing capacity will be estimated

and used to determine optimal yield for FMP's, such data will not be available from other sources in the foreseeable future.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

- Office of Educational Research and Improvement

Application For Grants Under the National Diffusion Network
Annually
State of local governments/busineses or other institutions
Institutions of higher education, nonprofit organizations
SIC: 941 822 892
Elementary, decondary, and vocational education; 225 responses; 756 hours; $25,000, Federal cost; 1 form; $2,250 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This information requested in the national diffusion network grant application will be used solely for program management in the determination of grant eligibility and in the determination of the amount of the grant award.

- Office of Postsecondary Education

Evaluation of Student Financial Assistance Training Program (SFATP)
786–1 thru 786–8
Nonrecurring
Individuals or households
Part. in stu. finan. asst. training prog. worksh., etc.
Higher education; 28,200 responses; 9,838 hours; $82,392 Federal cost; 8 forms; $95,920 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This study will determine whether training program participants are learning the curriculum, what participants think of the program, and whether the program is recruiting the people who need training the most.

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—202–633–9770

New

- Energy Information Administration

Natural Gas Producer/Pipeline Contract Report
EIA–758
Nonrecurring
Businesses or other institutions
Natural gas producer & pipelines w/on-shore contracts
SIC: 131 492
Small businesses or organizations
Energy information, policy, and regulation; 1,500 responses; 750 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Jefferson B. Hill, 202–395–7340

The form will be used to collect information regarding the potential effect on natural gas contract prices in the event of deregulation of gas prices. The survey will be targeted toward on-shore contracts signed after the Natural Gas Policy Act of 1978. The survey will begin in November 1981 and end in January 1982.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488.

New

- Department Management

Cost Allocation Plans Submitted by State Public Assistance Agencies
OS–19–81
On occasion
State of local governments
State public assistance agencies
SIC: 944
Public assistance and other income supplements; 110 responses; 17,640 hours; $454,175 Federal cost; 1 form; $458,640 public cost; not applicable under 3504(h)
Gwendolyn Pla 202–395–6880

The cost allocation plans required by this regulation are used by State public assistance agencies to determine and claim administrative cost under public assistance programs authorized under the Social Security Act. The plans are reviewed by the Federal Government to ensure that they result in a proper allocation of the costs to the programs.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—202–755–5184

New

- Management and Administration

Independent Public Accountant Report for the Audit Guide of Gov't National Mortgage Assoc. Approved Issuers
Mortgage backed securities
Annually
Businesses or other institutions
Mortgage-backed securities issuers
SIC: 611
Small businesses or organizations
Multiple functions; 800 responses; 4,800 hours; $25,500 Federal cost; 1 form; not applicable under 3504 (h)
Richard Sheppard, 202–395–6880

The audit guide is necessary to ensure uniform and adequate audit coverage of the Government National Mortgage Association (GNMA) mortgage-backed securities program. An annual audit is called for as part of the contgractural arrangement between GNMA and the issuer in their guaranty agreement.

- Government National Mortgage Association

Summary of guaranty Agreement (To Include recordkeeping requirement contained in the Guaranty Agreements)
HUD 1716, 1723, 1727, 1730
On occasion
Businesses or other institutions
Mortgage bankers
SIC: 616
Small businesses or organizations
Mortgage credit and thrift insurance; 8,220 responses; 2,055 hours; $34,030 Federal cost; 4 forms; not applicable under 3504(h)
Richard Sheppard; 202–395–6880

Summary contains all of the required terms of a particular security issue and for execution of the guaranty agreement. Execution of this document is necessary to specify the terms under which the guaranty is offered by GNMA. Issuer must agree to these terms by executing the document.

- Fair Housing and Equal Opportunity

Community Housing Resource Board Program
Nonrecurring
Individuals or households/businesses or other institutions
Individuals in large and small SMSAS real estate business
SIC: 839
Small businesses or organizations
Federal law enforcement activities; 300 responses; 54,000 hours; $19,485 Federal cost; 1 form; not applicable under 3504 (h)
Richard Sheppard; 202–395–6880

The purpose of the narrative is to provide HUD with current information on CHRB activity, so HUD can evaluate the information and make a determination on the equitable distribution of program funds.

DEPARTMENT OF THE INTERIOR

Agency Clearance Officer—Vivian A. Keado—202–343–619

Revisions

- National Park Service

National Register of Historic Places Inventory—Nomination Form, 36 CFR 60 National Register of Historic Places
NPS 10–900 NPS 10–900A
Other—see SF83
Individuals or households/State or local governments/farms/businesses or other institutions

Owners of eligible historic properties and others
SIC: multiple
Recreational resources; 15 responses; 92,964 hours; $202,361 Federal cost; 1 form; not applicable under 3504(h)
Robert Shelton; 202–395–7340

This information is collected in the process of nomination properties to the national register in accordance with the National Historic Preservation Act and is the minimum information necessary to conform to the requirements of the act. These emergency regulations are necessary to respond to the 1980 amendments to the act which require major changes in the nomination process.

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Larry E. Miesse—202–633–4312.

Revisions

• Office of Justice Assistance, Research and Statistics
Capital Punishment, Report of Inmates Under Sentence of Death
NPS–8, NPS–8A, NPS–8B, NPS–8C, NPS–8L
Annually State or local governments
State Dept. of Correct. State attorneys general
SIC: 922
Criminal justice assistance; 982 responses; 259 hours; $500,000 Federal cost; 4 forms; $2,585 public cost; not applicable under 3504(h)
Andy Uscher; 202–395–4814

This program is concered with a study of persons under sentence of death in State and Federal correctional insitutions. Data from this program will form the basis for historical trend analysis under by BJS, the Congress, journalitsts, researchers, special interest groups, and the various State respondents as a source of comparative data.

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—John Windor—200–426–1887

New

• Coast Guard
Reporting Requirements for ships Carrying Bulk Hazadous Liquids
Biennially
Businesses or other institutions
Foreign vessel owners, operators and agents
SIC: 441
Water transportation: 260 responses; 420 hours; $18,812 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

49 U.S.C. 391A, 46 CFR 153—Foreign Vessel Operators must prepare an application for a letter of compliance to carry hazardous liquids in U.S. ports, the letter must be reviewed every two years. Coast Guard uses to maintain safety standards for foreign flag tankers.

Revisions

• Office of the Secretary
Uniform Federal Transportation and Utility System
Application
On occasion
Individuals or households/State or local governments/farms/businesses or other institutions
Individual, business entity and governmental entity
SIC: all
Small businesses or organizations
Other transportation: 150 responses; 450 hours; $348,000 Federal cost; 1 form; not applicable under 3504 (h)
Wayne Leiss, 202–395–7340

Use of the attached form is mandated by Title XI of the Alaska National Interest Lands Conservation Act. (P.L. 96–487). Section 1104(a) of the act states that unless the approval or disapproval of a transportation system is based on the consolidated form, the approval or disapproval will have no force or effect, thus the need.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394.

New

• Bureau of Government Financial Operations
Depositors Application for Payment of Postal Savings
Certificates
TFS 5118
On occasion
Individuals or households
Depositors of postal savings accounts
Central fiscal operations: 500 responses; 125 hours; $1,750 Federal cost; 1 form; $625 Public cost; not applicable under 3504 (h)
Irene Montie, 202–395–6880

This form is prepared whenever a depositor has lost, destroyed or misplaced his postal savings certificates. Form, properly completed and signed, replaces unavailable certificates to support application for payment. If original certificates show up, document prevents duplicate payments from being made.

• Bureau of Government Financial Operations
Certification of Bill From Undertaker
POD 1690
On occasion
Individuals or households/businesses or other institutions
Funeral homes and relatives of deceased depositors
SIC: 881 726
Central fiscal operations: 25 responses; 6 hours; $116 Federal cost; 1 form; $30 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

This form is used when application is made by funeral homes for the funeral expenses of a deceased depositor. This form is completed by a relative of the deceased depositor certifying that the bill submitted by the funeral home is correct. Entitlement to the funds are based on this data to insure proper payment.

• Internal Revenue Service
Vita Retest (English)
Form 6745
On occasion
Individuals or households
Volunteers including college students
Central fiscal operations: 1,200 responses; 2,400 hours; $9,500 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202–395–6880

The Vita Re-test is used by the I.R.S. to evaluate the potential performance of volunteers under the volunteer income tax assistance and tax counseling for the elderly programs who fail to attain the minimum score on the initial test given at the end of the training course.

•–Internal Revenue Service
Request for Technical Advice
LTR. 1399 (DO)
On occasion
State or local governments/businesses or other institutions
Employers needing technical advice on tax issues
SIC: all
Small businesses or Organizations
Central fiscal operations: 450 responses; 1,800 hours; $631 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Letter 1399 (DO) is used by I.R.S. Field Office personnel to advise an employer that technical advice, concerning its employee benefit plan, is being requested from the I.R.S. National Office. The letter also requests the extent to which the employer disagrees with the facts and questions included in the letter. The information is used to ensure that the plan conforms with the Employee Income Security Act of 1974 (ERISA).

• Internal Revenue Service
Information Request (Lifo 3 and Lifo 6)
AF 21–B
Nonrecurring

Businesses or other institutions
Primarily corporations
SIC: all
Small businesses or organizations
Central fiscal operations: 150 responses; 900 hours; $273 Federal cost; 1 form; not applicable under 3504 (h)
Irene Montie, 202-395-6880

The information is needed to ascertain whether the taxpayer should be permitted (1) To change to the dollar-value method of pricing lifo inventories or (2) To change the method of pooling lifo inventories. The data is evaluated to determine whether the new method clearly reflects income and is in accordance with the rules of Section 1.472-8 of the Income Tax Regulations.

• Bureau of Government Financial Operations
Disagreement Letter
TFS-6177
On occasion
Individuals or households
Applicants requesting payment of postal savings accounts
central fiscal operations: 100 responses; 50 hours; $400 Federal cost; 1 form; $250 public cost; not applicable under 3504 (h)
Irene Montie, 202-395-6880

This form is prepared as needed in connection with an application for payment of a postal savings account. If the information provided does not agree with the original account card, the claimant is advised of the disagreement and requested to furnish additional or correct information for further consideration to be given.

• Internal Revenue Service
Plan Deficiency Checksheet 6040, 6041, 6042, 6043, 6044, 6045
On occasion
State or local governments/businesses or other institutions
Employers requesting initial or continued IRS approval
SIC: all
Small businesses or organizations
Central fiscal operations: 213,000 responses; 213,000 hours; $14,855 Federal cost; 6 forms; not applicable under 3504 (h)
Irene Montie, 202-395-6880

Forms 6040-6045, checksheets, are used to identify major problems in employee plans submitted for review. The information is requested to ensure that the plans conform to the Employee Income Security Act of 1974 (ERISA).

• Internal Revenue Service
Worksheets for Determination of Qualification
5622, 5623, 5624, 5625, 5626, 5627
On occasion
State or local governments/businesses or other institutions
Employers requesting initial continued IRS approval
SIC: all
Small businesses or organizations
Central fiscal operations: 134,400 responses; 134,400 hours; $6,450 Federal cost; 6 forms; not applicable under 3504 (h)
Irene Montie, 202-395-6880

Forms 5622-5627, worksheets, are prepared by employers of I.R.S. personnel and contain various questions designed to determine whether an employee benefit plan meets the qualification standards of the Employee Income Security Act of 1974 (ERISA).

• Comptroller of the Currency
12 CFR 9.18 (B) (1)—Collective Investment Fund Plan
Other—see SF83
Businesses or other institutions
Banking institutions
SIC: 602
Other advancement and regulation of commerce: 240 responses; 6,000 hours; $18,408 Federal cost; 1 form; $90,000 public cost; not applicable under 3504 (h)
Irene Montie, 202-395-6880
The written plan for a collective investment fund provides the operating framework for the fund and serves as a basic disclosure document for fund participants.

• Comptroller of the Currency
12 CFR 12—Recordkeeping and Confirmation Requirements for Security Transactions
Other—see SF83
Businesses or other institutions
National Banks
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 4,097,731 responses; 153,671 hours; $0 Federal cost; 1 form; $1,628,781 public cost; not applicable under 3504 (h)
Irene Montie, 202-395-6880
Records describe all attributes of a purchase or sale of a security as conducted by a bank or bank trust department for a customer.

• Internal Revenue Service
Vista Volunteer Program Evaluation
Dir:ind 6-875
On occasion
Individuals or households
Individuals serving as VISTA volunteers
Central fiscal operations: 150 responses; 38 hours; $397 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form is needed to obtain the volunteer's ideas and suggestions for more effective administration of the program. If form is not approved, valuable feedback from the volunteers would not be available and needed changes would not be made.

Revisions

• Internal Revenue Service
Alternative Minimum Tax Computation
6251
Annually
Individuals or households/businesses or other institutions
Individuals, estates, and trusts
SIC: 673
Central fiscal operations: 138,000 responses; 113,408 hours; $93,578 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form 6251 is used by individuals, estates, and trusts having certain tax preference items or certain nonbusiness credits, who may be liable for the alternative minimum tax which is to be added to tax liability. The information is needed to see whether taxpayers are complying with the law.

• Internal Revenue Service
Credit for Work Incentive (WIN) Program Expenses
4874
Annually
Individuals or households/farms/businesses or other institutions
Employers who take the work incentive credit
SIC: all
Small businesses or organizations
Central fiscal operations: 8,000 reponses; 5,702 hours; $56,544 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

IRC sections 40, 50A, and 50B allow employers to claim credit for a portion of the wages paid to certain eligible employees (generally individuals who are WIN employes or are eligible for AFCD payments). Form 4874 is used to compute and claim this WIN credit. The information obtained is used to determine the validity of the credit.

• Internal Revenue Service
Windfall Profit Tax
6047
Quarterly
Individuals or households/businesses or other institutions
Purchasers of domestic crude oil
SIC: 131, 621, 651, 679, 492, 461
Small businesses or organizations
Central fiscal operations: 40,000 responses; 155,440 hours; $340,909 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Section 4986 of the Internal Revenue Code imposes an excise tax on the windfall profit derived on domestic oil production. Form 6047 is the form purchasers of domestic oil use to report the windfall profit on the oil and windfall profit tax. IRS uses form 6047 to ascertain whether the windfall profit and the windfall profit tax have been correctly computed.

Extensions (Burden Change)

• Internal Revenue Service
Certification and Election Form
6458
On occasion
Individuals or households/businesses or other institutions
Individuals making certain certifications
SIC: 131, 121, 651, 679, 492, 461
Small businesses or organizations
Central fiscal operations: 101,000 responses; 43,200 hours; $158,956 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 6458 is used to make or revoke various elections and certifications under the Crude Oil Windfall Profit Tax Act of 1980. The IRS uses form 6458 to record persons who are claiming exemptions from or reduced rates of the windfall profit tax, as well as other elections or revocations.

• Internal Revenue Service
Corporate Dissolution of Liquidation
966
On occasion
Farms/businesses or other institutions
Corporations
SIC: all
Small businesses or organizations
Central fiscal operations: 26,000 responses; 20,000 hours; $7,054 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form 966 is filed by a corporation if it is to be dissolved or if any of its capital stock is to be liquidated. This information is used by IRS to determine that the corporation has complied with the filing requirements.

Extensions (No Change)

• Internal Revenue Service
Contract Coverage Under Title II of the Social Security Act
2032, 2032 Supp
On occasion
Businesses or other institutions
Domestic corporations
SIC: multiple
Central fiscal operations: 500 responses; 500 hours; $11,558 Federal cost; 2 forms; not applicable under 3504(h)
Irene Montie, 202–395–6880

Domestic corporations may elect FICA coverage for U.S. citizens employed by their foreign subsidiaries by filing form 2032. The corporations can later file form 2032 supplement to cover additional subsidiaries. The information is used to obtain social security coverage for the employees.

FEDERAL COMMUNICATIONS COMMISSION

Agency Clearance Officer—Richard D. Goodfriend—202–632–7513

Revisions

• Annual Report of Licenses of Private Operational Fixed Microwave Radio Service Stations
402–A
Annually
Businesses or other institutions
For those cooperatively sharing microwave facilities
SIC: 481, 482, 489
Small businesses or organizations
Other advancement and regulation of commerce: 200 responses; 300 hours; $1,500 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Filing is required by all entities cooperatively sharing a microwave land mobile transmitting facility. Indicates each sharers capital expense, amount contributed related to use, and contribution to initial capital investment for each fiscal year.

• Application for Consent To Transfer of Control of Corporation Holding Construction Permit or Station License
703
On occasion
Businesses or other institutions
Licensee corporations changing control of radio station
SIC: 481, 482, 489
Small businesses or organizations
Other advancement and regulation of commerce: 50 responses; 25 hours; $100 Federal cost; 1 form; not applicable under 3504(h)
William T. Adams, 202–395–4814

Filing is required by corporations whenever it is proposed to change, as by transfer to stock ownership, the control of a licensee's radio station. The data will be used to ensure that after the transfer of control the licensee will still be eligible.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202–452–2983

Extensions (Burden Change)

• Report of Assets and Liabilities for Large Banks and Related Reports
FR 2416, 2416A, 2416B, 2644, 2644S
Weekly, monthly
Businesses or other institutions
Commercial banks
SIC: 602
Small businesses or organizations
General government: 286,896 responses; 8,401 hours; $394,316 Federal cost; 1 form; $1,680,200 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

This group of reports provide basic data for analyzing bank credit and monetary conditions. The data are used for estimating the monetary aggregates, flow-of-funds, current analysis of banking and financial developments, regulatory surveillance or monitoring, and the administration of the discount function for member bank borrowing.

• Finance Rates on Consumer Installment Credit
FR 2419, FR 2421, FR 2636
Quarterly
Businesses or other institutions
Major consumer finance companies
SIC: 614, 615
General government: 147 responses; 126 hours; $664 Federal cost; 3 forms; $1,890 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

Information provided by these reports are needed for monitoring developments in consumer and business interest rates, which is used in general financial analysis by the Federal Reserve for monetary policy purposes and by other analysts.

• Commercial Bank Report of Consumer Installment Credit
FR 2571
Monthly
Businesses or other institutions
Commercial banks
SIC: 602
Small businesses or organizations
General government: 3,600 responses; 5,169 hours; $9,485 Federal cost; 1 form; $77,535 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

This report collects information from a sample of member banks on the amount of consumer installment credit extended and outstanding, by type of loan. This information forms a component of the estimate of total consumer installment credit, which is used in general financial analysis for monetary policy purposes.

Extensions (No Change)

• Installment Loans for new Automobiles
FR 584A
Quarterly
Businesses or other institutions

Commercial banks
SIC: 602
General government: 412 responses; 342 hours; $2,200 Federal cost; 1 form; $5,130 public cost; not applicable under 3504(h)
Irene Montie, 202-395-6880

This report collects maturity information on new automobile loans from a sampler of commerical banks with total assets of $70 million or more as of 12/31/78. Information provided by this report is needed to monitor developments in the consumer credit market and is used in general financial analysis for monetary policy purposes.

- Oil and Energy Company Consumer Credit Reports

FR 2580, 2581
Annually
Businesses or other institutions
Major gasoline and home heating oil retailers
SIC: 554
General government: 19 responses; 5 hours; $50 Federal cost; 2 forms; $75 public cost; not applicable under 3504(h)
Irene Montie, 202-395-6880

Information provided by these reports is needed as part of the estimation of the noninstallment credit component of total consumer credit, which is used in general fianncial anlysis by the Federal Reserve for monetary policy purposes and by other analysts.

SECURITIES AND EXCHANGE COMMISSION

Agency Clearance Officer—George G. Kundahl—202-272-2142

New

- Filing of Reports to Stockholders and State Commissions

17 CFR 250.29 rule 72
On occasion
Businesses or other institutions
Registered holding companies and their subsidiaries
SIC: 491 492 493
Other advancement and regulation of commerce: 65 responses; 65 hours; $487 Federal cost; 1 form; $1,950 public cost; not applicable under 3504(h)
Robert Veeder, 202-395-4814

The commission requires the submission of reports sent to stockholders and State agencies to inform of corporate developments and information provided by companies to stockholders and State agencies. The rule requires copies of each report submitted to stockholders and annual reports submitted to a State commission, covering operation not reported to FTC be filed with the commission.

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt (004A2)—202-389-2146

New

- Alternate Full-Time Measurement Requirements for Undergraduate College Courses

Nonrecurring
Businesses or other institutions
Colleges and universities
SIC: 822 824
Small businesses or organizations
Veterans education, training, and rehabilitation: 225 responses; 225 hours; $7,657 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

Some colleges offer nontraditional courses which do not provide regular weekly class instruction. Under certain limited circumstances these courses may be measured as full time for GI bill benefit purposes. The VA needs certain information from schools to determine if the requirements for full-time measurement are met.

Revisions

- Application for Veterans Group Life Insurance (Veterans Separated 120 Days or Less)

29-8714 & 29-8714-1
On occasion
Individuals or households
Veterans separated 120 Days or Less
Income Security for veterans: 75,000 responses; 15,000 hours; $108 Federal cost; 2 forms; not applicable under 3504 (h).
Robert Neal, 202-395-6880

These forms are used by veterans to apply for veterans group life insurance. The information requested is required by law, 38 U.S.C. 777, and is used to determine eligibility for insurance coverage.

- Application for Veteran's Group Life Insurance (Veteran Separated more than 120 Days)

29-8714-2; 29-8714-3
On occasion
Individuals or households
Veterans separated more than 120 days
Income Security for veterans: 44,000 responses; 11,000 hours; $108 Federal cost; 1 form; not applicable under 3504(h)
Robert Neal, 202-395-6880

The completed application is required by law, 38 U.S.C. 777. The information collected is used to determine the eligibility of the applicant for the insurance.

Extensions (Burden Change)

- Request of Eligible Beneficiaries for Reimbursement For Automotive Adaptive Equipment

10-1394
Nonrecurring
Individuals or households
Beneficiaries eligible for reimbursement
Hospital and medical care for veterans: 11,000 responses; 2,750 hours; $21,635 Federal cost; 1 form; not applicable under 3504 (h)
Robert Neal, 202-395-6880

U.S.C. 38, mandate that eligible beneficiaries be provided adaptive equipment deemed necessary to insure that the eligible person will be able to operate the automobile in a manner consistent with his own safety and the safety of others. Together with the repair, replacement or reinstallation of said equipment.

- Request for and Consent to Release of Drug Abuse,

Alcoholism, or Alcohol Abuse or Sickle Cell Anemia
Information Form Medical Records
10-5345
On occasion
Individuals or households
Veterans provided medical treatment for Drug Abuse
Hospital and medical care for veterans: 471,114 responses; 78,519 hours $1,459,987 Federal cost; 1 form; not applicable under 3504 (h)
Robert Neal, 202-395-6880

Title 38, U.S.C. 4132 provides for the confidentiality of certain medical records containing drug abuse, alcoholism or alcohol abuse or sickle cell anemia information. This form insures uniform compliance with the requirements of pertinent laws governing release of drug, alcohol or sickle cell anemia information.

Reinstatements

- Monthly Record of Training and Wages

20-1905C
Monthly
Individuals or households
Veterans
Veterans education, training, and rehabilitation: 12,000 responses; 6,000 hours; $65,609 Federal cost; 1 form; not

applicable under 3504 (h)
Robert Neal, 202–395–6880

Required by 38 U.S.C. 1504. The information requested on this form is used to determine continuing entitlement to training benefits. The form reports number of hours spent each day on each unit of instruction.

Barbara F. Young,

Acting Chief, Reports Management.

[FR Doc. 81-30621 Filed 10-21-81; 8:45 am]

BILLING CODE 3110-01-M

POSTAL RATE COMMISSION

[Docket No. A81-4; Order No. 402]

Seapines Station, Virginia Beach, Va.; Commission Order Accepting Late-Filed Brief and Adjusting Procedural Schedule

Issued: October 16, 1981.

In the matter of: Seapines station, Virginia Beach, Va. 23451 (Mrs. Forrest P. Anderson, Petitioner), Docket No. A81–4.

On October 16, 1981, the Petitioner in this case filed an Initial Brief. We are accepting this late-filed brief pursuant to Rule 3001.1 (39 CFR 3001.1) as we do not believe the Postal Service has been prejudiced by this untimely filing. We are adjusting the procedural schedule so that the Postal Service will have 15 days to respond. (*See* 39 CFR 3001.115.) The revised schedule is attached to this order.

By order of the Commission.

David F. Harris,

Secretary.

APPENDIX

Aug. 17, 1981	Filing of Petition.
Aug. 31, 1981	Notice and Order of Filing of Appeal.
Sept. 14, 1981	Filing of record by Postal Service (*see* 39 CFR 3001.113(a)).
Sept. 21, 1981	Last day for filing of petitions to intervene (*see* 39 CFR 3001.111(6)).
Sept. 21, 1981	Filing of Postal Service's legal memorandum.
Oct. 13, 1981	Petitioner's initial brief (*see* 39 CFR 3001.115(a)).
Nov. 2, 1981	Postal Service answering brief. (In this filing, the Postal Service may respond to any arguments the Petitioner makes concerning the applicability of Section 404(b).) (*See* 39 CFR 3001.115(a)).
Nov. 17, 1981	(1) Petitioner's reply brief, should petitioner choose to file such brief (*see* 39 CFR 3001.115(c)).(2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.
Dec. 5, 1981	Expiration of 120-day decisional schedule (*see* 39 U.S.C. 404(b))

[FR Doc. 81-30633 Filed 10-21-81; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18182; File No. SR-BSECC-81-4]

Boston Stock Exchange Clearing Corp.; Proposed Rule Change Relating to an Extension of the Temporary 15 Percent Increase in Clearing Corporation Billings to Participants and Imposition of an Interest Charge of 1½ Percent Per Month on Unpaid Balances Due From Participants

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 16, 1981 the Boston Stock Exchange Clearing Corporation filed with the Securities and Exchange Commission the proposed change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Comments requested on or before November 12, 1981.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

On May 5, 1981, approval was granted by the Securities and Exchange Commission to allow the Clearing Corporation to impose a temporary 15% increase on all Boston Stock Exchange Clearing Corporation billings to participants effective for the period May 1, 1981 through September 30, 1981. It is proposed to extend this temporary 15% increase for the period October 1 through December 31, 1981.

The Board of Directors of the Clearing Corporation also concluded to impose an interest charge of 1½% per month on unpaid balances due from participants 30 days after billing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places set forth in item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Basis for, the Proposed Rule Change

(a) The 15% increase on all Clearing Corporation billings to participants was previously approved for the period May 1 through September 30, 1981. This increase was necessitated by increased costs in communications, data processing, leasehold and personnel expenses. It was expected, at that time, that a detailed study of all income and expenses of the Clearing Corporation would be completed by September 30, 1981. The Committee appointed to conduct the study has not been able to complete its recommendations so the Board of Directors of the Clearing Corporation voted to extend the 15% increase for the period October 1 through December 31, 1981.

The purpose of the imposition of an interest charge of 1½% per month on unpaid balances due from participants 30 days after billing is to stimulate prompt payment of dues and/or assessments which in turn will effect a reduction in the receivables due from Clearing Corporation participants.

(b) The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applying to the Boston Stock Exchange Clearing Corporation because it continues the equitable allocation of fees charged to all participants. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in its custody or control or for which it is responsible because it would insure an efficient system for the settlement of trades and the safekeeping of assets.

(B) Self-Regulatory Organization's Statement on Burden on Competition

No burden on competition is perceived by adoption of the proposed Rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in futherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and

copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before November 12, 1981.

For the Commission by the Division of Market Regulations, pursuant to delegated authority.

Dated: October 16, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-30638 Filed 10-21-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11992; 812-4949]

Capital Realty Investors, Ltd. et al.; Filing of application

October 16, 1981.

In the matter of Capital Realty Investors, Ltd., C.R.I., Inc., Rockville Pike Associates, Ltd., William B. Dockser, Martin C. Schwartzberg, H. William Willoughby, One Central Plaza, 11300 Rockville Pike, Rockville, Maryland.

Notice is hereby given that Capital Realty Investors, Ltd. ("Partnership"), a District of Columbia limited partnership, and its general partners, C.R.I., Inc. ("CRI") Rockville Pike Associates, Ltd. ("RPA"), William B. Dockser ("Dockser"), Martin C. Schwartzberg ("Schwartzberg") and H. William Willoughby ("Willoughby") ("General Partners" and together with the Partnership, collectively referred to hereinafter as "Applicants"), filed an application on August 14, 1981, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for an order exempting the Partnership from all provisions of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that the Partnership was formed under the District of Columbia Uniform Limited Partnership Act on June 1, 1981 as a vehicle for private investment in government-assisted apartment complexes in acordance with the express determination made by Congress in Title IX of the Housing and Urban Development Act of 1968 ("Title IX"). It is asserted that the Partnership will operate as a "two-tier" partnership, i.e., the Partnership, as limited partner, will invest in other limited partnerships ("Local Partnerships") which, in turn, will develop, own and operate new, existing or substantially rehabilitated residential buildings which receive any forn of local, state or federal assistance, insurance or guarantee. The application states that the general partners of the Partnership are CRI, which is the Managing General Partner, RPA, Dockser, Schwartzberg and Willoughby, and that an affiliate of CRI will be a partner in each Local Partnership. Applicant states that the Partnership is organized as a limited partnership because that form of organization is the only one which provides investors with both (1) the ability to claim on their individual tax returns the deductions, losses, credits and other tax items arising from the Partnership's interest in Local Partnerships which own and operate the government assisted apartment complexes and (2) liability limited to their capital investment. Applicants represent that counsel is rendering its opinion that the Partnership will be treated as a partnership for Federal income tax purposes.

The application states that the Partnership's objectives are to (i) preserve and protect the Partnership's capital; (ii) provide current tax benefits to investors in the form of tax losses during the early years of the Partnership operations; (iii) provide capital appreciation through appreciation in value of the Partnership's investments; and (iv) provide cash distributions from sale or refinancing of the Partnership's investments and, on a more limited basis, from rental operations.

Applicants state that on July 27, 1981, the Partnership filed a registration statement under the Securities Act of 1933, as amended ("Securities Act"), pursuant to which the Partnership intends to offer publicly 30,000 Units of limited partnership interest ("Units") at $1,000 per unit. It is asserted that Merrill Lynch, Pierce, Fenner & Smith, Incorporated ("Merrill Lynch") and other selected broker-dealers will act as selling agents for the offering of Units. Applicants represent that the Partnership will have between a minimum of $2,175,000 and a maximum of $26,700,000 available for investment from the proceeds of this offering. It is asserted that, from the amount available for investment, the Partnership will pay certain acquisition expenses and fees to the Managing General Partner and its affiliates and establish a reserve for working capital, and that the remainder of the amount available for investment will be invested in Local Partnerships.

Applicants state that the Partnership will be controlled by its General Partners and that the limited partners, consistent with their status, will not be entitled to participate in the control of the Partnership's business. It is asserted that a majority in interest of the limited partners, however, will have the right to amend the Partnership Agreement, dissolve the Partnership and remove any General Partners and elect a replacement therefor, provided that such rights will not adversely affect the tax or limited partner status of the limited partners. The application further states that, under the Partnership Agreement, each limited partner is entitled to review all books and records of the Partnership at any and all reasonable times.

Applicants represent that it is anticipated that an affiliate of CRI will participate in each Local Partnership as a limited partner and will have the right to become a managing general partner of the Local Partnership under certain circumstances. It is also stated that, in certain cases, a CRI affiliate will serve as general partner from the outset of the Partnership's investment in the Local Partnership.

The application states that none of the fees or other kinds of compensation to be paid to the General Partners and their affiliates during the various phases of the organization and operation of the Partnership were negotiated at arm's length. It is asserted, however, that all such compensation is fair and on terms no less favorable to the Partnership than would be the case if such arrangements had been made with independent third parties.

Applicants state that the Partnership will invest any net proceeds not immediately utilized to acquire Local Partnership interests or for other Partnership purposes (such as the establishment of a reserve equal to 2 percent of the Gross Proceeds), in United States government securities, including treasury bills, other United States government quaranteed obligations, certificates of deposit or bank time deposits, or tax-exempt notes or bonds with maturities not exceeding one year. The application states that it is likely that the Partnership will hold temporary investments for more than one year. It is also asserted, however, that the Partnership will own and hold these securities on a temporary basis pending full investment in Local Partnership interests, and it is the Partnership's intention to be engaged, as soon as is reasonably possible, in a business other than that of investing, reinvesting, owning or holding any of these themporary investments.

Applicants state that since it is anticipated that the Partnership will register the Units pursuant to Section 12 of the Securities Exchange Act of 1934 ("Exhange Act"), the Partnership expects to file with the Commission, pursuant to Section 15(d) of the

Exchange Act, all required current reports on Forms 10-K, 10-Q and 8-K as well as any other reports required by such Act. Applicants further state that the Partnership will distribute to the Limited Partners certain reports concerning its business and operation.

Applicants state that the Partnership Agreement provides that the Partnership will indemnify the General Partners for losses sustained by them or their affiliates by reason of acts or omissions performed in connection with the business of the Partners. Nevertheless, the Partnership Agreement further provides that there shall be no indemnification in connection with (1) any claim or settlement involving the Securities Act unless (a) the persons seeking indemnification are successful in defending such action and (b) such indemnification is specifically approved by a court which has been advised as to the current position of the Commission concerning such indemnification (unless the Partnership's counsel advises that the matter has been settled by controlling precedent), or (2) any liability imposed by law, including liability for fraud, bad faith or negligence.

Section 6(c) of the Act provides, as herein pertinent, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from the provisions of the Act and the rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Without conceding that the Partnership is an investment company as defined in the Act, Applicants request that the Partnership be exempted from the provisions of the Act pursuant to Section 6(c). In support of this request, Applicants assert that such exemption from the rules and regulations promulgated pursuant to the Act is both necessary and appropriate in the public interest and would be consistent with the protection of investors and the purposes and policies underlying the Act.

Applicants represent that investment in low and moderate income housing in accordance with the national policy enunciated by Congress in Title IX is not economically suitable for private investors without the tax and organizational advantages of the limited partnership form. Applicants further state that the limited partnership form of organization is incompatible with the operational framework of the Act. The application states that a limited partnership would be unable to function in the manner contempleted by the Partnership if it is deemed to be an investment company under the Act. In addition, Applicants maintain that application of the Act would discourage two-tiered limited partnership arrangements and thus eliminate the best available means of attracting private equity capital into government-assisted housing and frustrate national policy.

The application states that the contemplated arrangement of the Partnership is not susceptible to abuses of the sort that the Act was designed to remedy. Applicants assert that the Units will be sold only to relatively sophisticated investors who have special qualifications. Applicants assert that any subscriptions for Units of limited partnership interests must be approved by Merrill Lynch, which approval shall be conditioned upon representations as to the suitability of the investment for each subscriber. In addition, Applicants represent that the Partnership Agreement and Prospectus contain numerous provisions designed to insure fair dealing by the General Partners with the limited partners. Applicants state that the suitability standards, requirements for fair dealing and pertinent governmental regulations imposed on each Local Partnership by various federal, state and local agencies provide protection to investors comparable to and in some respects greater that that provided by the Act.

Notice is further given that any interested person may, not later than November 9, 1981, at 5:30 p.m., submit to the Commission in writing a request for hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-30646 Filed 10-21-81; 8:45 am]

BILLING CODE 8010-07-M

[70-6534; Release No. 22234]

Central and Southwest Fuels, Inc. et al.

Proposal To Exercise Option To Purchase Lignite Properties

October 16, 1981.

In the Matter of Central and South West Fuels, Inc., 1800 Davis Building, 1309 Main Street, Dallas, Texas 75202. Central Power & Light Company, P.O. Box 2121, Corpus Christi, Texas 78403. Public Service Company of Oklahoma, P.O. Box 201, Tulsa, Oklahoma 74102. Southwestern Electric Power Company, P.O. Box 21106, Shreveport, Louisiana 71156. West Texas Utilities, P.O. Box 841, Abilene, Texas 79604.

Central Power & Light Company ("CPL"), Public Service Company of Oklahoma ("PSO"), Southwestern Electric Power Company ("SWEPCO") and West Texas Utilities ("WTU"), electric utility subsidiaries of Central and South West Corporation ("CSW"), a registered holding company, together with Central and South West Fuels, Inc. ("CSWF"), a fuel subsidiary of CPL, PSO, SWEPCO, and WTU have filed a post-effective amendment to their application-declaration with this Commission pursuant to Sections 9(a), 10, 12 and 13 of the Public Utility Holding Company Act of 1935 ("Act") and Rules 80-95 thereunder.

By order dated March 30, 1981 (HCAR No. 21985) applicants-declarants were authorized fuel exploration and development budgets through December 31, 1981. In that proceeding the applicants-declarants indicated that certain amounts would be expended (i) to determine the advisability of CPL's exercising its rights under a certain Lignite Option Agreement dated as of December 29, 1979 ("Option Agreement"), and (ii) in the exercise of those option rights. Applicants-declarants now seek authorization from the Commission to permit CPL to exercise its rights under the Option Agreement.

The Option Agreement was entered into by and among Valero Energy Corporation ("Valero Energy"), Valero

Lignite Company ("Valero Lignite"), City of Austin, Texas ("Austin"), Lower Colorado River Authority ("LCRA"), City of San Antonio, Texas acting by City Public Service Board as San Antonio ("San Antonio"), and CPL.

The Option Agreement was entered into pursuant to and as part of the Settlement Plan entered into among Coastal States Gas Corporation ("Coastal"), Coastal States Gas Producing Company ("Producing"), Lo-Valca Gathering Company ("Lo-Vaca") and some 400 customers of Lo-Vaca, a gas supplier. The Settlement Plan was entered into in satisfaction of a refund order in the amount of $1,600,000,000 against Lo-Vaca and Producing entered by the Railroad Commission of Texas. The Commission approved CPL's participation in the Settlement Plan by its order dated November 6, 1978 (HCAR No. 20762). By that order separate Commission authorization was required for CPL to excercise its option under the Option Agreement.

The Option Agreement gives Austin, LCRA, San Antonio and CPL ("Lignite Customers") the right to purchase certain lignite properties owned by Valero Lignite at the book value of such properties. These lignite properties, located in Bastrop, Fayette and Washington Counties, Texas, were transferred at book value to Valero Lignite by Coastal as part of the Settlement Plan. The book value of the lignite property changes monthly by reason of expenditures required to be made by Valero Lignite with respect to the property. The book value of the property as of June 30, 1981 was $5,440,000. It is estimated that the book value as of the end of 1981 would be approximately $6,000,000.

Pursuant to the Option Agreement, the Lignite Customers may exercise the option singly or in any combination. Each of the Lignite Customers has a share of the option ("Option Share"), specified in the Option Agreement, which is equal to the percentage share of such Lignite Customer of the total aggregate volume of gas sold and delivered to all Lignite Customers during 1975 for use as fuel to generate electric energy. CPL's Option Share is 29.64934%.

LCRA and San Antonio have already elected to exercise the option, while CPL and Austin have not yet so elected. Under the terms of the Option Agreement, because LCRA and San Antonio have already elected to exercise the option, CPL may now elect to exercise or not to exercise the option at any time prior to November 15, 1981.

San Antonio's Option Share is 35.535905%. LCRA's Option Share is 16.807174%. If Austin chooses not to exercise the option, CPL's share of the purchase price were it to exercise the option would be approximately 36.16%. If Austin exercises the option, CPL's share of the purchase price were it to exercise the option would simply be its Option Share, 29.649340%. Based on the estimated purchase price of $6,000,000, the cost to CPL of exercising the option could range from $1,778,960.40 to $2,169,600.

No final determination has been made as to the disposition of the lignite that would be extracted from the lignite properties. The Option Agreement requires the Lignite Customers who exercise the option to negotiate in good faith to establish a plan for the development and use of the lignite properties acquired. It also requires that the exercising Lignite Customers conduct or commission a study or studies to determine the best and most economical joint use of the properties. The Option Agreement further provides that the parties shall attempt to agree on a use of the properties after considering the study or studies, and absent agreement, will partition the lignite properties in kind. None of the exercising Lignite Customers may mine the properties prior to the agreement as to the properties' use or its partition in kind, absent the consent of the other exercising Lignite Customers. Thus, the Option Agreement contemplates that no decision as to use of the lignite properties can be made until after the completion of a study which can only commence after the exercise of the option.

However, the Lignite Customers have formed a planning group to study possible uses of the lignite. Two of the uses being considered concern three lignite-burning power plants which are being planned for areas close enough to the lignite properties that the lignite could be used as a fuel source. LCRA is planning the construction of two electric generating stations, each with a generating capacity of 400MW. The plants are to be located at or near LCRA's existing plant site in Fayette, Texas. San Antonio is planning the construction of a 500MW generating station. The plant is to be located either in San Antonio, Texas or in Bastrop County, Texas.

One of the possibilities being considered for CPL and Austin is the exchange of their share of the lignite acquired upon exercise of the option for a discount on the purchase of electricity to be generated by the planned generating stations operated by San Antonio and LCRA. A second possibility being considered for CPL and Austin is the acquisition of a portion of the planned generating stations, the acquisition price to be the lignite acquired by CPL and Austin upon the exercise of the option. Either one of these possibilities might be valuable to CPL, as CPL currently anticipates the need to purchase power in the years 1988–1990. The acquisition of power as part of a plan to dispose of lignite acquired by the exericse of the option would lessen the amount of power needed to be acquired elsewhere. The third possibility being considered by the Lignite Customers for the disposition of the lignite properties after the exercise of the option would be the sale of the lignite to third parties. Were the Lignite Customers to make such sales, the proceeds of the sales allocable to CPL would be credited against its fuel expense. To the extent each of these alternatives is subject to the Act, it will be the subject of another filing with this Commission.

The application-declaration as amended is available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 9, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the amended application-declaration, as filed or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-30644 Filed 10-21-81; 8:45 am]

BILLING CODE 8010-01-M

[(70-6651). Release No. 22233]

Proposed Issuance and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding

October 16, 1981.

Indiana & Michigan Electric Company ("I&M"), Indiana & Michigan Electric Co., One Summit Square, Fort Wayne,

Indiana 46801, an electric utility subsidiary of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6(b) and 12(c) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 42 promulgated thereunder.

I&M proposes to issue and sell no later than May 15, 1982, up to $40,000,000 aggregate principal amount of its first mortgage bonds, in one or more new series, having a maturity of not less than 5 years and no more than 30 years. The terms will be determined by competitive bidding. The bonds will be issued under I&M's Mortgage and Deed of Trust dated as of June 1, 1939, as supplemented and as proposed to be further supplemented. If market conditions should not be propitious for the sale of the bonds on a competitive basis, I&M intends, subject to further authorization by this Commission, either to place the bonds privately with institutional investors or to negotiate with underwriters for the sale of the bonds.

I&M also proposes to issue and sell up to 1,600,000 shares of a new series of its Cumulative Preferred Stock, par value $25 per share. The terms will be determined by competitive bidding. It is stated that if market conditions should not be propitious for the sale of the preferred stock on a competitive bidding basis, I&M intends, subject to further authorization, to provide for their sale on another basis.

The proceeds realized from the sale of the bonds and the preferred stock, together with other funds which become available to I&M, will be used for the payment of short-term debt, the refunding of long-term obligations, and for other corporate purposes.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 12, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-30643 Filed 10-21-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11991; 812-4886]

IDS Life Insurance Co. et al.; Application For An Order

October 16, 1981.

In the Matter of IDS Life Insurance Company, IDS Life Account C, IDS Life Account D, IDS Life Account E, IDS Tower, Minneapolis, MN 55402.

Notice is hereby given that IDS Life Insurance Company ("IDS Life"), a stock life insurance company organized under the laws of the State of Minnesota and IDS Life Account C ("Account C"), IDS Life Account D ("Account D") and IDS Life Account E ("Account E") (collectively the "Accounts"), separate accounts of IDS Life registered collectively under the Investment Company Act of 1940 (the "Act") as a single unit investment trust (collectively "Applicants"), filed an application on June 5, 1981, and an amendment thereto on August 31, 1981, pursuant to Section 11 of the Act for an order approving certain offers of exchange, and pursuant to Section 6(c) of the Act, for an order of exemption from Sections 2(a)(32), 2(a)(35), 22(c), 26(a), 26(a)(2)(C), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c-1 thereunder, to the extent necessary to permit Applicants to offer a variable annuity contract providing for contingent deferred sales charges and other charges and to permit IDS Life to act as custodian for the assets of the unit investment trust issuing the contract and, pursuant to Section 11 of the Act, approving certain offers of exchange to be provided with the variable annuity contract. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Account C, Account D and Account E were established for the purpose of funding single purchase payment, deferred, variable annuity Contracts distributed by IDS Life.

An owner's purchase payment under the Contract will be allocated to one or more of the Accounts. Account C was formed to accept allocations received by IDS Life in connection with the Contract for investment in shares of IDS Life Capital Resource Fund I, Inc. ("Capital Resource"). Similarly, Account D was formed to accept allocations received in connection with the Contract for investment in IDS Life Special Income Fund I, Inc. ("Special Income") and Account E was formed to accept allocations received in connection with the Contract for investment in IDS Life Moneyshare Fund, Inc. ("Moneyshare"). Capital Resource, Special Income and Moneyshare (together, "Funds") are each registered, diversified, open-end management investment companies. The accounts have been registered collectively as a single unit investment trust under the Act. This unit investment trust proposes to offer and sell the Contract under the name INNOVEST I. IDS Life is principal underwriter and distributor of the Contract.

The minimum purchase payment under the Contract will be $25,000. During the Accumulation Period, the owner may transfer all or a part of the contract value held in one or more of the Accounts to another one or more of the Accounts, provided that the amount to be transferred is at least $2,000 (or the entire balance in the Accounts, if less). Each such transfer will be made, without the imposition of any fee or charge, as of the end of the valuation period during which IDS Life receives a valid, complete transfer request. This transfer privilege may be suspended or modified by IDS Life at any time. IDS Life will not, however, modify the transfer privilege without seeking and obtaining any necessary order or consent from the Commission. In addition, once each contract year during the annuity period, the owner may elect to have the annuity units of one or more of the Accounts from which annuity payments derive exchanged for, or converted into, annuity units of another Account or Accounts.

The Contract will be offered without the imposition of an initial sales charge on the purchase payment. Instead, a contingent deferred sales charge ("Surrender Charge") intended to reimburse IDS Life for expenses incurred which are related to Contract sales will be applied upon redemption or partial withdrawals during the first seven years of a Contract. However, the owner may surrender up to 10% of the amount of the purchase payment in any contract year after the first, without the imposition of any Surrender Charge. Any surrender during the first contract year, and any surrender of an amount in excess of 10% of the purchase payment during any of contract years 2 through 7 will result in the imposition of a Surrender Charge. The Surrender

Charge will be an amount equal to the lesser of (i) 9% of the purchase payment or (ii) if the surrender is during the first contract year, 7% of the amount surrendered, or, if the surrender is during the second through the seventh contract year, a percentage of the amount by which the amount surrendered during such contract year exceeds 10% of the purchase payment, such percentage being 6% in the second contract year and decreasing by 1% per year to 1% in the seventh contract year. After the seventh contract year there is no Surrender Charge, nor is there a Surrender Charge if the annuitant dies during the accumulation period.

The Contract also provides for an annual administrative charge ("Administrative Charge") of $20 during the accumulation period. This charge is to reimburse IDS Life for expenses incurred in establishing and maintaining the records relating to the contract owner and participation in the Accounts for the duration of the Contract. The amount of this charge may not be increased by IDS Life. The Administrative Charge is deducted from the contract value on the last day of each contract year during the Accumation Period and if a contract is surrendered on other than the last day of a contract year, the charge will be deducted from the contract value before determining the surrender value.

IDS Life makes a daily deduction from the Accounts of a fee which is equivalent to 1% of the average net assets on an annual basis. This fee is intended to compensate IDS Life for the risks it assumes under the Contracts, an annuity morality risk and an expense risk ("Mortality and Expense Risk Charge"). IDS Life estimates that approximately two-thirds of the Mortality and Expense Risk Charge is attributable to the mortality risk and one-third is attributable to the expense risk. The application states that IDS Life does not plan to profit from the Administrative Charge, however it does hope to profit from the Mortality and Expense Risk Charge. Applicants state that any profits realized by IDS Life from the Contracts would be available to it for any proper corporate purpose, including among other things, payment of distribution (selling) expenses.

Offer of Exchange

Section 11(a) of the Act makes it unlawful for any registered open-end investment company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respect securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any offer of exchange of any security of a registered open-end company for a security of a registered unit investment trust and to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Under the Contract, an owner may spit the allocation of the purchase payment among one or more of the Accounts. Each of the Accounts is invested exclusively in the shares of one of the Funds. Applicants propose to permit transfer of contract value among the Accounts as described above. The application states that such transfers will be effected at net asset value, with no assessment of any kind of transaction or sales charge. Applicants submit that the transfer rights will afford the owner flexibility of a choice among the shares of mutual funds having different investment objectives. Applicants contend that the transfer rights are not in any way violative of any of the provisions of Section 11 of the Act, and request an order pursuant to Section 11 to the extent necessary to permit Applicants to offer contract owners the transfer privileges described.

Performance of Custodian Function

Section 27(c)(2) provides that the proceeds of all payments on periodic payment plan certificates issued by a registered investment company (except amounts deducted for sales load) must be deposited with a trustee or custodian with the qualifications prescribed by Section 26(a) under an agreement described therein. Section 26(a) provides that no principal underwriter for or depositor of a registered unit investment trust shall sell securities of which the trust is the issuer unless the indenture, custodial agreement or other instrument under which the securities are issued designates one or more qualified banks to serve as trustee or custodian.

Applicants request an exemption from sections 26(a) and 27(c)(2) so that IDS Life may administer the Accounts without appointing a custodian or trustee. They state that IDS Life will be responsible for administering the Accounts, receiving and processing all payments, and making deductions therefrom in accordance with the terms of the Contract. Applicants indicate that the Accounts will invest their assets in shares of registered investment companies which use open account systems for their shares. Therefore, Applicants state, there will be no certificates to keep in custody. Applicants further state that obligations of the Accounts are policy obligations of IDS Life under Minnesota law and consequently backed by IDS Life's total resources (except other separate accounts) and that the activities of the Account will be closely supervised by Minnesota insurance authorities. Applicants assert that IDS Life is subject to supervision and control by the Insurance Division of the State of Minnesota and other state insurance administrators and that Minnesota law provides that the assets of the Accounts shall not be chargeable with liabilities arising out of any other business IDS Life may conduct.

Surrender Charge

Sections 26(a)(2)(C) and 27(c)(2).

Section 27(c)(2) of the Act provides that the proceeds of all payments on periodic payment plan certificates issued by a registered investment company (except amounts deducted for sales load) must be deposited with a trustee or custodian with the qualifications prescribed by Section 26(a) and held by such trustee or custodian under an agreement described therein. Section 26(a)(2)(C) provides that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian as an expense, except a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping and other administrative serices of a character normally performed by the custodian.

Applicants submit that the proposed Surrender Charge is not inconsistent with the limitations on payments by the custodian. They assert that the charge is not the typical kind of "expense" contemplated by Section 26(a)(2)(C) and that the Surrender Charge will be assessed solely to recover expenses related to the sale of the Contract, including commissions paid to sales personnel, and the costs of promotion and sales administration. They aver that deferring the sales charge and making it contingent upon an event which may never occur does not change the basic nature of the charge as a sales charge for which Section 27(c)(2) contains an exception. Thus, Applicants request an exemption from the operation of the provisions of Section 26(a)(2)(C) and 27(c)(2) of the Act to the extent

necessary to permit assessment of the Surrender Charge in the manner described.

Section 2(a)(35).

Section 2(a)(35) defines "sales load" as the differnce between the price of a security to the public and that portion of the proceeds from its sale which is received and invested less any portion of such diffeence deducted for trustee's or custodian's fees, insurance premiums, issue taxes or adminisrative expenses or fees which are not properly chargeable to sales or promotional activities.

Applicants submit that the proposed pricing structure is consistent with the intent of the definition of sales load. They contend that the expense for which the Surrender Charge is designed to reimburse IDs Life are wholly attributable to sales and promotional activity and thus fit squarely within the Section 2(a)(35) definition but for the timing of the imposition of the charge. In order to avoid any questions as to the potential applicability of Section 2(a)(35), Applicants request an exemption from that section to the extent necessary to permit the imposition of the Surrender Charge.

Section 22(c) and Rule 22c–1.

Rule 22c–1, promulgated under Section 22(c) of the Act, in pertinent part, prohibits any registered investment company issuing a redeemable security from selling, redeeming or repurchasing any such security except at a price based on the current net asset value of such security.

Applicants assert that when a surrender is requested to effect a cash withdrawal under the Contract, the price on redemption will be based on the current net asset value. The Surrender Charge will merely be deducted at the time of redemption from the owner's proportionate share of account value. Applicants submit that imposition of the Surrender Charge is in no way violative of Section 22(c) or Rule 22c–1. However, in order to avoid any questions of applicability of those provisions, Applicants request an exemption from them to the extent necessary to permit imposition of the Surrender Charge.

Section 27(c)(1).

Section 27(c)(1) of the Act, in pertinent part, prohibits any registered investment company issuing periodic payment plan certificates, or depositor or underwriter therefor, from selling any such certificate unless it is a redeemable security.

Applicants believe that the assessment of a Surrender Charge upon certain redemptions, which is fully disclosed in the prospectus, would not prevent the Contract from qualification as a redeemable security. However, in order to avoid any questions of applicability of Section 27(c)(1), Applicants request an exemption from its provisions to the extent necessary to permit imposition of the Surrender Charge.

Sections 2(a)(32) and 27(d).

Section 2(a)(32) of the Act, in pertinent part, defines "redeemable security" as any security under the terms of which the holder is entitled to receive approximately his proportionate share of the issuer's current net assets or the cash equivalent thereof. Section 27(d) of the Act, in pertinent part, requires that the holder of a periodic payment plan certificate be able to surrender the certificate under certain circumstances with the recovery of certain front-end sales charges.

Applicants submit that the imposition of the Surrender Charge does not violate Sections 2(a)(32) or 27(d). While Applicants acknowledge that both sections contemplate the assessment of a front-end sales load, they state that deferring the imposition of the sales charge does not restrict the owner from receiving his proportionate share or the value of his account on redemption. In order to avoid any questions of the applicability of Sections 2(a)(32) and 27(d), Applicants request an exemption from their provisions to the extent necessary to permit imposition of the Surrender Charge.

Administrative Charge

As noted above, the Contract is subject to an annual Administrative charge of $20. If the value of the Contract is surrendered in full or other than the last day of the contract year, the Administrative Charge will be deducted from the owner's redemption proceeds.

The provisions of the Act discussed above under the heading "Surrender Charge" may be equally applicable to the Administrative Charge. Thus, Applicants request exemptions from the provisions of Sections 2(a)(32), 22(c), 26(a)(2)(C), 27(c)(1), 27(c)(2), and 27(d) of the Act and Rule 22c–1 thereunder, to the extent necessary, to permit deduction of the Administrative Charge as described.

Payment of Contract Fees and Charges

As stated above, Section 27(c)(2) of the Act provides that the proceeds of all payments on periodic payment plan certificates issued by a registered investment company (except amounts deducted for sales load) must be deposited with a trustee or custodian with the qualifications prescribed in Section 26(a) and held by such trustee or custodian under an agreement described therein. Section 26(a)(2)(C), as here pertinent, provides that no payment to the depositor or principal underwriter of a unit investment trust shall be allowed the custodian as an expense, except a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping and other administrative services of a character normally performed by the custodian. Section 26(a)(2)(D) further provides that the custodian have possession of all securities and other property in which the funds of the trust are invested subject only to charges and collections allowed under clauses (A), (B) and (C) of Section 26(a)(2) until distribution thereof to the security holders of the trust.

Applicants request an exemption from the provisions of Sections 26(a) and 27(c)(2) to the extent necessary to permit deduction by IDS Life and payment to IDS Life of the Administrative Charge, the Mortality and Expense Risk Charge and any applicable state premium tax. Applicants agree to the following conditions and terms in connection with these exemptions:

(1) The charges for administrative services shall not exceed such reasonable amount as the Commission may prescribe, jurisdiction being reserved to the Commission for such purpose.

(2) The payment of sums and charges out of the assets of the Accounts shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the Applicants' consent to the condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right, in any proceeding before the Commission, or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision of the Act or any rule or regulation under the Act if, and to the extent, such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, no later than November 6, 1981 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his/her

interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered will receive any notice and order in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-30639 Filed 10-21-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11990; 812-4991]

InterCapital Liquid Asset Fund, Inc. et al.; Filing of Application

October 16, 1981.

In the Matter of InterCapital Liquid Asset Fund Inc., InterCapital High Yield Securities Inc., InterCapital Income Securities Inc., Inter Captial Tax-Free Daily Income Fund Inc., InterCapital Tax Exempt Securities Inc., InterCapital Industry-Valued Securities Inc., InterCapital Dividend Growth Securities Inc., InterCapital Natural Resource Development Securities Inc., Active Assets Money Trust, Active Assets Tax-Free Trust, Active Assets Government Securities Trust, Dean Witter Reynolds InterCapital Inc., Five World Trade Center, New York, New York 10048 and Dean Witter Reynolds Organization Inc., 45 Montgomery Street, San Francisco, CA 94104.

Notice is hereby given that InterCapital Liquid Asset Funds Inc. ("Liquid Asset"), InterCapital High Yield Securities Inc. ("High Yield"), InterCapital Income Securities Inc. ("Income"), InterCapital Tax-Free Daily Income Fund Inc. ("Tax-Free"), InterCapital Tax Exempt Securities Inc. ("Tax-Exempt"), InterCapital Industry-Valued Securities Inc. ("Industry-Valued"), InterCapital Dividend Growth Securities Inc. ("Dividend Growth") and InterCapital Natural Resource Development Securities Inc. ("Natural Resource") (collectively, the "Funds"), Active Assets Money Trust, Active Assets Tax-Free Trust and Active Assets Government Securities Trust (collectively, the "Trusts," and referred to herein collectively with the Funds as the "Investment Companies"), Dean Witter Reynolds InterCapital Inc. ("Investment Manager"), and the Investment Manager's parent, Dean Witter Reynolds Organization Inc. ("Dean Witter") (referred to herein with the Investment Companies and the Investment Manager as "Applicants"), filed an application on October 13, 1981, and an amendment thereto on October 16, 1981, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting Applicants from the provisions of Section 15(a) of the Act to the extent necessary to permit the implementation, without shareholder approval, of new investment management contracts between the Investment Companies and the Investment Manager on the same fundamental terms and conditions as the present investment management contracts ("Investment Management Contracts"), during the period commencing on the date on which Sears Acquisition Corporation ("Bidder"), a wholly-owned subsidiary of Sears, Roebuck and Co. ("Sears"), first purchases shares of the common stock of Dean Witter pursuant to a cash tender offer, and continuing through the date a new investment management contract is approved or disapproved by shareholders of each respective Investment Company, which period shall be no longer than 120 days. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Each of the Investment Companies is registered under the Act as an open-end, diversified management investment company, except for Income, which is registered as a closed-end, diversified management investment company. The Investment Manager, which is registered under the Investment Advisers Act of 1940, serves as the investment adviser to each Investment Company, in each case pursuant to an Investment Management Contract approved by the Investment Company's shareholders. Applicants state that the fees payable to the Investment Manager under the Investment Management Contracts are each within the range of fees prevailing in the industry and have been found to be fair and reasonable in the judgment of the boards of directors and trustees of the Investment Companies (including those directors and trustees who are not interested persons of the Investment Companies, who constitute 75 percent of the boards). The application states that, absent the transactions described in this application or some other event not presently foreseeable, the Investment Management Contracts between the Investment Manager and each of the Investment Companies would continue until the following dates: (i) December 31, 1981—Liquid Asset and High Yield; (ii) January 31, 1982—Income; (iii) April 30, 1982—Tax-Free, Tax Exempt and Industry-Valued; (iv) June 30, 1982—Dividend Growth and Natural Resource; and (v) October 30, 1982—the Trusts.

The application states that, in mid-August 1981, representatives of Sears approached senior management of Dean Witter on a preliminary and exploratory basis, which resulted in general discussions concerning matters such as the business strategies of Dean Witter and Sears, including Sears' long-term commitment to becoming a leading provider of consumer financial services. Applicants represent that these general discussions led to meetings in late September between members of senior management of Sears and Dean Witter, and, on October 1 and 2, to negotiations for a possible acquisition of Dean Witter by Sears. Negotiations broke off on the evening of October 2, 1981, but resumed on the evening of October 6, 1981. It is asserted that, on October 7, 1981, the senior managements of Dean Witter and Sears determined that they were prepared to recommend to their respective Boards of Directors a transaction in which the entire equity interest in Dean Witter would be acquired by Sears in two steps: (i) a tender offer by the Bidder for up to 5,463,213 shares (the "Tender Offer"), or approximately 45% of the outstanding shares, on a fully diluted basis, of Dean Witter's common stock, par value $1.00 per share ("Shares"), for $50 per share net to the seller in cash and (ii) the merger of Dean Witter with and into the Bidder (the "Merger"), subject to the approval of the stockholders of Dean Witter and certain other conditions. Applicants represent that, on October 8, 1981, the Executive Committee of the Board of Directors of Sears authorized the making of a formal acquisition proposal to Dean Witter; on the same day, the Board of Directors of Dean Witter unanimously approved the

Tender Offer and the Merger and recommended that shareholders of Dean Witter who wish to receive cash for their Shares accept the offer. On October 8, 1981, the Bidder, Sears and Dean Witter executed an Agreement and Plan of Reorganization and Agreement of Merger (collectively, "Merger Agreement"). In addition to providing for the Merger, Applicants state that the Merger Agreement grants the Bidder an option ("Option") exercisable through February 5, 1982, to purchase up to 1,880,011 authorized but unissued Shares of Dean Witter at a price of $50 per Share.

Section 15(a) of the Act provides, in pertinent part, that it shall be unlawful for any person to serve or act as investment adviser of a registered investment company, except pursuant to a written contract which has been approved by the vote of a majority of the outstanding voting securities of such registered company, and requires that such written contract provide for automatic termination in the event of its assignment. Section 2(a)(4) of the Act defines "assignment" to include any direct or indirect transfer of a contract by the assignor, or of a controlling block of the assignor's outstanding voting securities by a security holder of the assignor. Section 2(a)(9) of the Act defines "control" as the power to exercise a controlling influence over the management or policies of a company, and beneficial ownership of more than 25% of the voting securities of a company is presumed to reflect control.

Applicants assert that, in the event that the Tender Offer is successful, or even moderately so, the Bidder will acquire in excess of 25% of the outstanding voting securities of Dean Witter. However, even if fewer than 25% of the outstanding shares are acquired pursuant to the Tender Offer, and given the existence of the Option, Applicants represent that it is likely that in the near future the Shares which the Bidder will own or have the right to own will represent the largest single holding of Shares. Applicants maintain therefore that the Bidder's acquisition of Shares can be expected to result in a change of actual control of Dean Witter and the Investment Manager. As a result, an assignment of each of the Investment Management Contracts within the meaning of Section 2(a)(4) of the Act would occur, and the Investment Management Contracts would terminate pursuant to their terms. Due to the requirements of Section 15(a) of the Act, new investment management contracts could not be implemented without shareholder approval. Applicants assert that such shareholder meetings would require the preparation and clearance of proxy materials, and sufficient solicitation periods to obtain the requisite quorums. The application states that the Investment Manager is currently preparing the proxy materials, and expects that the preparation and clearance of these materials will take several weeks. Based on its experience with respect to previous meetings of shareholders of the Investment Companies, the Investment Manager believes that a solicitation period of at least 45 days will be necessary to receive sufficient proxies to obtain quorums at such meetings. Applicants expect that shareholder meetings of the Investment Companies will be called for and held in mid-December 1981.

Applicants assert that, in view of the Tender Offer and the possible exercise of the Option, which can be expected to result in termination of the Investment Management Contracts, the boards of directors of the Funds and the trustees of the Trusts are concerned that the Investment Companies may not be able to continue the present relationships with the Investment Manager established pursuant to the Investment Management Contracts. The application states that in the course of a telephone meeting and conversations subsequent to the announcement of the Tender Offer and Merger, they unanimously determined that it would be in the best interests of the Investment Companies and their shareholders to enter into new investment management contracts ("New Contracts") with the same terms and conditions as the Investment Management Contracts currently in effect (except for the expiration dates and, in certain cases necessary to comply with state law, provisions regarding reimbursement by the Investment Manager of expenses in excess of state law limitations) and at the same level of compensation, subject to formal consideration of the matter (in accordance with the requirements of Section 15(c) of the Act) at meetings of the directors and trustees scheduled for October 26, 1981. [1] It is asserted that the New Contracts would take effect on the date the Bidder first purchases Shares pursuant to the Tender Offer or the Option ("Assignment Date").

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction from any provision of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants request an order of the Commission, pursuant to Section 6(c) of the Act, exempting them from the provisions of Section 15(a) of the Act to the extent necessary to permit the implementation, without shareholder approvals, of the New Contracts during the period from the Assignment Date throught the date on which shareholders of each respective Investment Company approve or disapprove a New Contract, such period to be no longer than 120 days from the Assignment Date. Applicants also state, however, that although assignments of the Investment Management Contracts may occur prior to the issuance of an order, Applicants shall not rely on such order, prior to its issuance, as authority for serving as investment adviser to the Investment Companies. Applicants undertake to present the New Contracts for approval by directors and trustees, and ratification by shareholders of the Investment Companies, as soon as reasonably practicable. In addition, Applicants represent that the Investment Companies will not bear any of the costs of the preparation and filing of this application or any other costs arising out of the assignment of the Investment Management Contracts (except to the extent such costs also relate to the holding of annual meetings and are in lieu of costs the Investment Companies would otherwise have incurred with respect to such meetings).

Applicants submit that the granting of the requested exemption from Section 15(a) of the Act would be consistent with the standards set forth in Section 6(c) of the Act for the following reasons:

(i) Applicants state their belief that, not withstanding the assignments that will occour, there will be no change in the investment advisory and other services provided to the Investment Companies. It is asserted that Sears has announced that Dean Witter will become an autonomous subsidiary of Sears, continuing to operate under the same name and under its present management. Applicants represent that each Investment Company will continue to receive the same services, provided by the same personnel, as prior to such assignments.

(ii) It is asserted that the Tender Offer and the Option were viewed as necessary elements in assuring that Sears can obtain the requisite voting control of Dean Witter for securing approval of the Merger by Dean

[1] Applicants undertake to file an amendment to the application promptly after the October 26, 1981 meetings, which amendment will describe the formal conclusions of the directors and trustees and the basis of those conclusions.

Witter shareholders. In order to minimize the possibility of the Tender Offer being unsuccessful, due to the excercise of withdrawal rights that would arise in the event of a competing tender offer, the Tender Offer is structured to enable the purchase of Shares as promptly as possible after its commencement. In view of the foregoing, Dean Witter submits that it would not be in the best interests of its stockholders to restructure the transactions or to delay the purchase of Shares pursuant to the Tender Offer, to enable approval of the New Contracts by shareholders of the Investment Companies prior to a change of control of the Investment Manager. Applicants believe that such restructuring would increase the vulnerability of Dean Witter to a competing acquisition bid from a less stable and less attractive bidder. In that event, Applicants maintain that Dean Witter would have less control over the selection and integrity of the company indirectly controlling the operations of the Investment Manager and, thus, place at risk the present beneficial relationships between the Investment Manager and the Investment Companies.

(iii) Applicants state that the Investment Manager is not itself a party to the transactions agreed upon by Dean Witter and Sears and had no formal voice in their decision-making process. In this situation, where the Investment Manager's operations are only one part of a rather large transaction between major corporations, Applicants represent that there was no practicable opportunity for the Investment Manager to affect the terms of the arrangements agreed upon by the parties. It is therefore asserted that the situation is similar to various types of assignments which are involuntary or unforeseeable. It is asserted that the statements of the Commission accompaning the proposal of Rule 15a–4 (Investment Company Act Release No 10809, August 6, 1979)[2] suggest that where an assignment is foreseeable, the policy of the Act that shareholder approval be obtained prior to entering into an investment advisory relationship should not be thwarted by providing an exemption from Section 15(a) of the Act because, in such a case, it is reasonably practicable to obtain prior shareholder approval. Applicants represent that, while in this case an assignment might be deemed to have been foreseeable because of the negotiated nature of the Merger, the rapid culmination of the negotiations did not present, and the form of the transactions deemed most appropriate by Sears and Dean Witter do not permit, the opportunity to secure prior approval of New Contracts by shareholders of the Investment Companies.

(iv) Applicants submit that the alternative of the Investment Manager serving at "cost" would be unreasonable. In this regard, Applicants state that the payments that the Investment Manager receives pursuant to the Investment Management Contracts with the Investment Companies represent substantially all of its revenues, the aggregate fees payable under the Investment Management Contracts amounting to approximately $75,000 per day. The Investment Manager submits that to deprive it of such revenues until the New Contracts can be approved by shareholders, for no other reason that the fact that the Tender Offer and Option will technically result in termination of the Investment Management Contracts, would be a harsh result and an unreasonable penalty to attach to transactions having no substantive impact on the nature and quality of the services rendered to the Investment Companies.

In view of the foregoing, Applicants submit that the exemption they request would be appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than 12:00 noon, November 6, 1981, submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-30640 Filed 10-21-81; 8:45 am]

BILLING CODE 8010-01-M

[2] Rule 15a–4 provides a temporary exemption from the requirement of Section 15(a) of the Act regarding prior shareholder approval of an investment advisory contract in certain situations during which an investment company would otherwise be without an investment adviser.

[Release No. 11987; 811-1006]

Midland Capital Corp.; Proposal to Terminate Registration

October 16, 1981.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), Midland Capital Corp., 110 William Street, New York, New York 10038 to declare by order on its own motion that Midland Capital Corporation ("Midland"), registered under the Act as a closed-end, non-diversified, management investment company, ceased to be an investment company required to be registered under the Act, effective as of the date on which Midland elected to be treated as a business development company.

Information contained in the files of the Commission indicates that Midland, which was organized on August 31, 1960 under the laws of Delaware, registered under the Act on December 16, 1960. On the same date, Midland filed a registration statement pursuant to the Securities Act of 1933. That registration statement became effective on February 2, 1961. On March 19, 1981, Midland elected to be regulated as a business development company pursuant to Section 54 of the Act.

Section 6(f) provides, in pertinent part, that any closed-end company which elects pursuant to Section 54 of the Act to be regulated as a business development company under Sections 55–65 of the Act will be excluded from the definition of an investment company and exempted from registration as an investment company pursuant to Section 8 of the Act.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission on its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare by order.

Notice is further given that any interested person may, not later than November 10, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing accompanied by a statement as to the nature of his or her interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he or she may request that he or she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Midland at the address stated above. Proof of such service (by affidavit, or in the case of an

attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-30645 Filed 10-21-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18177; File No. SR-MSE-81-9]

Midwest Stock Exchange, Inc.; Proposed Rule Change Relating to Termination of Registration as Specialists, Cospecialists, or Relief Specialists

Comments requested on or before November 12, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 9, 1981, the Midwest Stock Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Article XX, Rule 8 of the Midwest Stock Exchange Rules is hereby amended as follows:

Article XXX

Termination of Registration

Rule 8. Whenever it shall appear or be called to the attention of any member of the Committee on [Specialist Assignment and Evaluation] *Floor Procedure* or [its] *the* Chairman that a specialist, co-specialist or relief specialist is violating any of the rules of the Exchange or the federal securities laws, or is conducting business as a specialist, co-specialist, or relief specialist in an unethical manner, the member of the Committee on [Specialist Assignment and Evaluation] *Floor Procedure* or [its] *the* Chairman shall, without the necessity of previous notice, suspend the registration of such specialist, co-specialist, or relief specialist pending an opportunity for a prompt hearing on the apparent violation in accordance with Article XII of the Rules of the Exchange. Notwithstanding the opportunity for hearing, upon imposition of the summary suspension of registration, the Exchange shall provide notification thereof to the Securities and Exchange Commission (the "Commission"). At the same time, the affected specialist, co-specialist or relief specialist may immediately file a request with the Commission for a stay of imposition of the suspension of registration in accordance with such procedures as the Commission may provide.

In connection with its responsibilities to monitor and evaluate the performance of registered specialists, co-specialists or relief specialists the Committee on Specialist Assignment and Evaluation may suspend or terminate any such registration based upon a finding, after an opportunity for a hearing in accordance with Article XVII that a particular specialist, co-specialist or relief specialist has not satisfactorily performed his responsibilities as defined in the federal securities laws and the rules and policies of the Exchange.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change is being filed on the basis that the Committee on Floor Procedure is directly involved with the day to day functions of specialists and with trading rules which govern specialist conduct and thus will be better equipped to evaluate the conduct of specialists, co-specialists, or relief specialists in order to determine whether or not a rule violation has taken place. Furthermore, this proposed rule change will make the process for proceeding against specialists, co-specialists, or relief specialists consistent with the process used by the Exchange for the termination of registration of odd-lot dealers as set forth under Article XXXI, Rule 15.

The proposed rule change is consistent with the requirements of section 6a(6) and section 6a(7) of the Exchange Act of 1934 as amended in 1975. The rule change provides a procedure for suspension or disciplining of Exchange specialists which is more equitable because the Committee on Floor Procedure is better prepared to deal with this aspect of disciplining members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Stock Exchange, Incorporated does not believe that any burdens will be placed on competition as a result of the proposed Rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filled with the Commission, and all written communications relating to

the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before November 12, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 16, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-30642 Filed 10-21-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18181; file No. SR-NESDTC-81-4]

New England Securities Depository Trust Co.; Proposed Rule Change Relating to the Imposition of an Interest Charge of 1½ Percent per Month on Unpaid Balances due From Participants

Comments requested on or before November 12, 1981. Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on September 28, 1981, the New England Securities Depository Trust Company filed with the Securities and Exchange Commission the proposed change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board of Directors of the New England Securities Depository Trust Company concluded to impose an interest charge of 1½ percent per month on unpaid balances due from participants thirty days after billing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filings with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places set forth in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Basis for, the Proposed Rule Change

(a) The purpose of the imposition of an interest charge of 1½ percent per month on unpaid balances due from participants 30 days after billing is to stimulate prompt payment of charges and/or assessments which, in turn, will effect a reduction in the receivables due from Depository participants.

(b) The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934 and the rules and regulations thereunder applying to the New England Securities Depository Trust Company because it represents an equitable allocation of reasonable fees and other charges among its participants. The proposed rule change will be implemented consistently with the safeguarding of securities and funds in its custody or control or for which it is responsible because it would insure an efficient system for the settlement of security transactions and the safekeeping of assets.

(B) Self-Regulatory Organization's Statement on Burden on Competition

No Burden on competition is perceived by adoption of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before November 12, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 16, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-30637 Filed 10-21-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18176: File No. SR-PHLX 81-15]

Philadelphia Stock Exchange, Inc.; Proposed Rule Charge on Members Delinquent Accounts Owed to the Exchange

Comments requested on or before November 12, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given that on September 11, 1981, the Philadelphia Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

Self-Regulatory Organization's Statement

The Philadelphia Stock Exchange, Inc., (PHLX) proposes an amendment to supplementary material to its Rule 50 which increases the amount and changes the application of the late charge applied to members delinquent accounts and to the Exchange. The text of the amendment follows with brackets indicating deletions and new material italicized:

Supplementary Material

The amount of the late charge authorized by Rule 50 has been established at the rate of [one] *two* percent ([1 percent] 2 percent) [per month.] *simple interest for each thirty-day period or fraction thereof, calculated on a daily basis, during which accounts payable to the Exchange remain outstanding at least thirty-one (31) days.* [Rule 50 and t] The rate herein established shall become effective *as to all balances in a delinquent status* on and after [February 9, 1978] *October 13, 1981.*

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below of the

most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

The amount of the late charge has been increased to stimulate prompt payment of charges owed the PHLX by members and member organizations and to provide adequate cash flow for the provision of services in a membership organization.

The rule change is consistent with Section 6(b)(4) of the Act which requires the rules of exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members using its facilities. Members who are delinquent in payments should not be indirectly subsidized by the Exchange and members who are prompt payers. The form and amount of delinquent charge here used comports with standards commercial usage and is an equitable allocation because it penalizes non-uniformity in timely payment.

B. Self-Regulatory Organization's Statement on Burden on Competiton

The proposed rule change imposes no burden on competition. It promotes fair competition by encouraging persons in the same class to pay their Exchange debts on an equally prompt basis.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No comments were solicited or received on the proposed rule change.

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b–4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before November 12, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-30041 Filed 10-21-81; 8:45 am]

BILLING CODE 8010-11-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA); Special Committee 147—Traffic Alert & Collision Avoidance Systems; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 147 on Traffic Alert & Collision Avoidance Systems to be held on November 4–6, 1981 in Conference Rooms 8A–B–C, Federal Aviation Administration Building, 800 Independence Avenue, S.W., Wahington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Third Meeting Held on August 26–28, 1981; (3) Review and Discussion of Revised Committee Terms of Reference; (4) Outline Work Program for Traffic Alert and Collision Avoidance System, Type I, (TCAS–I) Working Group; (5) Consideration of Working Group Reports; (6) Assignment of Tasks; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, NW., Washington, D.C. 20006; (202) 296–0484. Any member of the public may present a written statment to the committee at any time.

Issued in Washington, D.C., on October 5, 1981.

Karl F. Bierach,

Designated Officer.

[FR Doc. 81-30304 Filed 10-21-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Environmental Impact Statement; Franklin County, Ohio

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) is being prepared for a proposed highway project in Franklin County, Ohio.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McBee, Division Administrator, or Mr. Lawrence J. Kastner, District Engineer, Federal Highway Administration, 200 North High Street, Columbus, Ohio 43215, Telephone: (614) 469–6896 or 469–6873.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration (FHWA) in cooperation with the Ohio Department of Transportation (ODOT) and the City of Columbus, has been preparing a draft environmental impact statement (EIS) since 1978 on the proposed replacement of an existing interchange in the Columbus innerbelt system known as the Spring-Sandusky Interchange, located northwest of the Central Business District. Besides the interchange, the proposed action includes the upgrading of the West and North Innerbelts; the upgrading of a connecting section of the Olentangy Freeway (SR 315); completion of a link (I–670) from the West Freeway (I–70) to the innerbelt; and several local street extensions or improvements.

The proposed project will replace substandard and overloaded facilities with modern and efficient facilities and complete a connection between the North Freeway (I–71) and the West Freeway (I–70), thus relieving pressures on the rest of the Columbus innerbelt system and promoting better overall service and energy utilization. The project is located at the confluence of the Scioto and Olentangy Rivers and requires the relocation of a section of the Scioto River.

Besides the no-build alternative, two build options are being considered for each of the several segments of the

project and these various options may be combined to form a number of composite alternatives. One combination of segments has been designated the preferred alternative but the final selection will be made only after the draft environmental impact statement is circulated and a public hearing held.

There are currently no plans to hold a formal scoping meeting. However, extensive coordination with Federal, State, and local agencies and the public has been underway and will continue throughout the development of the project.

To ensure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments or questions concerning this action and the EIS should be addressed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally asssisted programs and projects apply to this program)

Issued on: October 13, 1981.

John W. McBee,

Division Administrator.

[FR Doc. 81-30403 Filed 10-21-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement, Vanderburgh County, Indiana; Notice of Intent

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for the extension on new alignment of Lynch Road in eastern Vanderburgh and western Warrick Counties, Indiana.

FOR FURTHER INFORMATION CONTRACT: Mr. John W. Breitwieser, Staff Environmentalist, Federal Highway Administration, Room 254 Federal Office Building, 575 North Pennyslvania Street, Indianapolis, Indiana 46204. Telephone: (317) 269-7481.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration in cooperation with the Indiana Department of Highways and Vanderburgh County will be preparing an EIS on a proposal to extend Lynch Road on new alignment from its eastern terminus at Oak Hill Road to the intersection of Telephone Road and S.R. 62 in Warrick County. Total project length is approximately 3.9 miles of which 2.8 miles will be constructed on new alignment and 1.1 mile will utilize the existing alignment of Telephone Road from Old Boonville Highway to S.R. 62. The project is located north and northeast of Evansville, Indiana.

The purpose of the project is to create a continuous east-west corridor to the north and northeast of Evansville. At present there is no continuous facility in this area and inter-county traffic must enter the urban area.

There are currently four alternatives under consideration including the do-nothing alternate. Each improvement alternate will provide a 16' median, four 12' driving lanes and improved 11' shoulders within a typical right of way of 150'. Existing Telephone Road will be widened from two to four 12' lanes bordered by improved 11' shoulders within a typical right of way of 130'. Impacts include the acquisition of 0-7 residences. Approximately 0-62 acres of right of way will be required, most of which is undeveloped and agricultural land. The project will also involve new crossings of Pigeon Creek and the Crawford Brandies Ditch.

Twenty-six Federal, State and Local agencies have been coordinated with. An informal public information meeting will be held in the project area. No formal scoping meeting will be held. The Draft EIS will be available for public and agency review and comment. A formal Corridor Location Public Hearing will be conducted and its time and location will be advertised to the public.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Agencies, organizations and other persons interested in submitting comments or questions should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, (Highway Research, Planning and Construction). The provisions of OMB Circular A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program.)

Issued on: October 13, 1981.

George D. Gibson,

Division Administrator, Indianapolis, Indiana.

[FR Doc. 81-30321 Filed 10-21-81; 8:45 am]

BILLING CODE 4910-22-M

National Advisory Committee on Outdoor Advertising and Motorist Information; Charter Termination

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Advisory Committee termination and availability of Committee's final report.

SUMMARY: The Charter for the National Advisory Committee on Outdoor Advertising and Motorist Information expired on July 27, 1981. It has not been renewed because the Committee's task of advising the FHWA in its reassessment of the 1965 Highway Beautification Act has been completed. The Final Report of the Committee containing its recommendations to the Federal Highway Administrator is available to the public and governmental agencies.

ADDRESS: Single copies of the Committee's Report may be obtained from the FHWA's Real Property Acquisition Division, Room 4132, Nassif Building, 400 7th Street, SW., Washington, D.C., or upon written request sent to Real Property Acquisition Division, HRW-14, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. E. J. Zelasko, Deputy Chief, Real Property Acquisition Division, (202) 426-0143 or Mr. Edward Kussy, Deputy Assistant Chief Counsel for Right-of-Way and Environmental Law, (202) 426-0791. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

Issued on: October 15, 1981.

R. A. Barnhart,

Federal Highway Administrator.

[FR Doc. 81-30484 Filed 10-21-81; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular, Public Debt Series—No. 31-81]

Notes of Series F-1988; Interest Rates

October 18, 1981.

The Secretary announced on October 7, 1981, that the interest rate on the notes designated Series F-1988, described in Department Circular—Public Debt Series—No. 31-81 dated September 23, 1981, will be 15⅝ percent.

Interest of the notes will be payable at the rate of 15⅝ percent per annum.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-30061 Filed 10-21-81; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 204
Thursday, October 22, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, October 19, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets: Case No. 44,948-L—State Bank of Clearing, Chicago, Illinois.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(6) and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6) and (c)(9)(B)).

Dated: October 19, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1599-81 Filed 10-20-81; 1:01 pm]

BILLING CODE 6714-01-M

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FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, October 19, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of Peoples Westchester Savings Bank, Tarrytown, New York, for consent to merge, under its charter and title, with Peekskill Savings Bank, Peekskill, New York, and the Greenburgh Savings Bank, Dobbs Ferry, New York, and to establish the five offices of Peekskill Savings Bank and the five offices of the Greenburgh Savings Bank as branches of the resultant bank.

A personnel resolution.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: October 19, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1600-81 Filed 10-20-81; 1:02 pm]

BILLING CODE 6714-01-M

3

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, October 27, 1981 at 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance, litigation, audits, personnel, and 1982 management plan.

DATE AND TIME: Thursday, October 29, 1981 at 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (Fifth Floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: Setting of dates for future meetings; correction and approval of minutes. Advisory opinions: Draft AO 1981-43 Jack P. Jefferies, American Hotel & Motel Association Political Action Committee; Draft AO 1981-44 Robert Henzl, Chairman, Friends of Les Aspin. Pending legislation; appropriations and budget; classification actions; routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-1603-81 Filed 10-20-81; 3:01 pm]

BILLING CODE 6715-01-M

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 10:00 A.M., Thursday, October 29, 1981.

PLACE: 1700 G St., N.W., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Trust Department Application—Savers Federal Savings and Loan Association, Little Rock, Arkansas
Branch Office Application—Home Owners Federal Savings and Loan Association, Boston, Massachusetts
Merger (Pooling of Interest)—State Fidelity Federal Savings and Loan Association, Dayton, Ohio INTO First Federal Savings and Loan Association of Columbus & Bexley, Bexley, Ohio
Proxy Solicitations regarding MCCs
Holding Company Delegations
Election of FHLB Directors
Merger Policy Guidelines
Technical Amendments Relating to Receivership

No. 551, October 20, 1981.

[S-1598-81 Filed 10-20-81; 11:36 am]

BILLING CODE 6720-01-M

5

FEDERAL MARITIME COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: October 16, 1981, 46 FR 51111.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: October 21, 1981, 9:00 A.M.

CHANGE IN THE MEETING: Withdrawal of the following item from the open session:

3. Docket No. 80-13: Licensing of Independent Ocean Freight Forwarders—Further consideration of waiver or reduction of forwarding fees for relief agencies or charitable organizations.

[S-1595-81 Filed 10-20-81; 9:25 am]

BILLING CODE 6730-01-M

6

FEDERAL RESERVE SYSTEM (Board of Governors).

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR. 50658, Thursday, October 14, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Tuesday, October 20, 1981.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Review of reserve reporting and maintenance requirements of the Monetary Control Act. (This matter was originally announced for a meeting on Tuesday, October 13, 1981.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: October 20, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1604-81 Filed 10-20-81; 3:27 pm]

BILLING CODE 6210-01-M

7

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10:00 a.m., Wednesday, November 4, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints:
   a. Press lines (Docket No. 751).
5. Investigation TA-201-45 (Fishing Rods)—vote on remedy, if necessary.
6. Investigation 337-TA-90 (Airless Paint Spray Pumps)—briefing and vote.
7. Any items left over previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, (202) 523-0161.

[S-1602-81 Filed 10-20-81; 2:07 pm]

BILLING CODE 7020-02-M

8

NATIONAL CREDIT UNION ADMINISTRATION.

TIME AND DATE: 9:30 a.m., Monday, October 26, 1926.

PLACE: 1776 G Street NW., Washington, D.C., 7th Floor Board Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Adjudication. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).
2. Request from Federally insured credit union for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
3. Request for purchase and assumption with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

[S-1597-81 Filed 10-20-81; 1:00 pm]

BILLING CODE 7715-01-M

9

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of Change in Subject of Meeting.

The National Credit Union Administration Board has determined that its business required that the previously announced closed meeting on Friday, October 9, 1981 include the following additional item which was closed to public observation:

Proposed charter amendment. Closed pursuant to exemptions (8) and (9)(A)(ii).

Earlier announcement of this change was not possible.

The previously announced items were:

1. Proposed modification to delegated authority to increase loan assistance under Section 208(a)(1) of the Federal Credit Union Act. Closed pursuant to exemption (8).
2. Proposed Settlement of Liquidation Claim. Closed pursuant to exemptions (8), (9)(B) and (10).
3. Administrative Adjudication. Closed pursuant to exemptions (8), (9)(A)(ii) and (10).
4. Proposed Merger. Closed pursuant to exemptions (8) and (9)(A)(ii).
5. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
6. Requests for merger with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

The meeting was held at 10:15 a.m., in the 7th Floor Board Room, 1776 G Street N.W., Washington, D.C.

FOR MORE INFORMATION CONTACT: Rosemary Brady, Secretary of the Board, telephone (202) 357-1100.

[S-1598-81 Filed 10-20-81; 1:00 pm]

BILLING CODE 7535-01-M

10

NATIONAL TRANSPORTATION SAFETY BOARD. [NM-81-38]

TIME AND DATE: 9 a.m., Thursday, October 29, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C.20594.

STATUS: The first two items will be open to the public; the remaining items will be closed under exemption 9B and 10, respectively, of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. Recommendation to the Federal Aviation Administration Concerning Landing Gear Collapse on the Swearingen SA 226 Series Airplanes.
2. Discussion of NTSB Work Products.
3. Recommendation to Inspection Generale de l'Aviation Civile et de la Meteorologie re Air France Concorde Blown Tire Incidents, Dulles International Airport and John F. Kennedy International Airport, June 1979 through February 1981.
4. Opinion and Order: Petition of Black, Docket SM-2562; disposition of petitioner's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202-382-6525.

October 19, 1981.

[S-1590-81 Filed 10-19-81; 3:14 pm]

BILLING CODE 4910-58-M

11

NUCLEAR REGULATORY COMMISSION

DATE: Week of October 26, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Monday, October 26

2:00 p.m. 1. Discussion with EPRI Representatives on Fisson Product Behavior (Approx. 1½ hours) (public meeting)
2. Discussion of Congressional Testimony (closed meeting)

Tuesday, October 27

2:00 p.m. 1. Briefing on Proposed Enforcement Matters (closed meeting)

Wednesday, October 28

10:00 a.m. 1. Discussion of NRC Enforcement Policy (public meeting)
2:00 p.m. 1. Briefing on Equipment Qualification Program Plan (public meeting)

Thursday, October 29

2:30 p.m. 1. Affirmation/Discussion Session (public meeting) (items are tentative)

Items to be affirmed and/or discussed:

a. Interim Amendments to 10 CFR Part 50 Related to Hydrogen Control (Portion only).

b. Review of ALAB–650 (In the Matter of Public Service Electric and Gas Company, et al.)

Friday, October 30

1:30 p.m. 1. Briefing on Amendments to Part 50—Emergency Preparedness Regulations (public meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634–1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, (202) 634–1410.

Walter Magee,

Office of the Secretary.

October 19, 1981.

[S–1605–81 Filed 10–20–81; 3:36 pm]

BILLING CODE 7590–01–M

12

SYNTHETIC FUELS CORPORATION.

Meeting of the Board of Directors.

ENTITY: United States Synthetic Fuels Corporation.

ACTION: Notice of meeting and proposed amendment of by-laws.

SUMMARY: Interested members of the public are invited to attend and observe a meeting of the Board of Directors of the United States Synthetic Fuels Corporation to be held at the time, date and place specified below. This public announcement is made pursuant to the open meeting requirements of Section 116(f) of the Energy Security Act (42 U.S.C. §§ 8701, 8712(f), (1980 Supp.) 94 Stat. 611, 637). During the meeting, the Board of Directors may consider a resolution to close a portion of the meeting pursuant to the Corporation's By-Laws and Section 116(f) of the said Act.

Meeting Open to the Public—9:30 a.m.

1. Consideration of Open Meeting Policy
2. Consideration System of Organization
3. Consideration of amended By-Laws (the proposed amendments are explained at the end of this notice)
4. Consideration of Committees of the Board of Directors
5. Consideration of salary and benefit policies
6. Consideration of the election and salaries of certain officers
7. Consideration of Operating Budget for Fiscal Year 1982
8. Consideration of policies and procedures on public access to information, procurement of consulting services, and contract administration
9. Consideration of Independent Auditor
10. Acceptance of Inspector General Report
11. Consideration of certain resolutions of the former Board of Directors
12. Consideration of candidates for certain officer positions and related internal personnel matters
13. Consideration of certain individual employment commitments and claims
14. Consideration of matters relating to solicitations for proposals

In addition, the Board of Directors will consider such other matters as may be properly brought before the meeting.

TIME AND DATE: 9:30 a.m., October 28, 1981.

PLACE: Key Bridge Marriott Hotel, Rosslyn, Virginia.

PERSON TO CONTACT FOR MORE INFORMATION: If you have any questions regarding this meeting, please contact Mr. Owen Malone, Office of General Counsel, (202) 653–4230.

Proposed Amended By-Laws

The Board of Directors of the Corporation will be asked to approve the following substantive amendments to the Corporation's By-Laws:

Amendments to Article II will be proposed to reduce recitals of statutory requirements, require the presence and vote of four Directors for Board quorum and action, respectively, and expand the notice requirements for Board meetings.

Amendments to Article III will be proposed to (i) subject committee meetings at which four Directors are present to the same quorum, action and "open meeting" requirements as the Board, if the committee is acting in other than an advisory capacity, and (ii) require that any action by a committee be effected through a meeting.

Amendments to Article IV will be proposed consistent with the proposed System of Organization to create the following offices: Chairman and Chief Executive Officer, President and Chief Operating Officer, General Counsel and Secretary, Senior Vice President for Projects, Vice President for Administration and Treasurer, Vice Presidents for Projects, Technology and Engineering, Finance and External Relations, Inspector General and Deputy Inspector General.

Amendments to Articles V, VI, XI and XIII will be proposed to delete such Articles in their entirety.

Amendments to Article VII will be proposed to eliminate unnecessary recitals of statutory authority.

Amendments to Articles VIII and X will be proposed to omit redundancies.

Amendments to Article XII will be proposed to conform the Article with the "four Directors" requirement proposed for Article IV.

United States Synthetic Fuels Corporation.

Edward E. Noble,

Chairman of the Board.

October 19, 1981.

[S–1601–81 Filed 10–21–81; 8:45 am]

BILLING CODE 6450–01–M

federal register

Thursday
October 22, 1981

Part II

Department of Transportation

Federal Aviation Administration

Transponder and Altitude Reporting Equipment; Proposed Operating Requirements

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. 22285; Notice No. 81-13]

Transponder and Altitude Reporting Equipment; Proposed Operating Requirements; Proposed Reduction in Required Advance Notice to Air Traffic Control for Nontransponder Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to reduce the advance notice required to operate a nontransponder-equipped aircraft in certain controlled airspace. Present regulations require at least four hours advance notice to an appropriate Air Traffic Control (ATC) facility for nontransponder-equipped aircraft to fly in Terminal Control Areas (TCAs) or in controlled airspace above 12,500 feet MSL. This proposal would reduce that advance notice requirement to only one hour. The proposed amendment would result in a smaller burden on pilots of aircraft without transponders and a more efficient functioning of the ATC system.

DATES: Comments must be received on or before: December 21, 1981.

ADDRESSES: Send comments on the proposal in duplicate to:

Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22285 800 Independence Avenue, SW., Washington, DC 20591.

Or deliver comments in duplicate to: FAA Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, DC.

Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Gene Falsetti, Air Traffic Rules Branch, AAT-220, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 426-3128.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 22285." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

Regulatory History

Section 91.24 of the Federal Aviation Regulations (FARs) was amended in 1973 to reflect the current requirements for the use of airborne radar beacon transponders. The transponders enhance the radar image of an aircraft which is presented to the controller, provide radar target information, and enable ATC to safely handle an increased volume of traffic. Section 91.24(a) requires the transponders to meet technical standards set out in FAA Technical Standard Orders (TSOs). Section 91.24(b) requires the use of the transponders in TCAs and in positive controlled airspace above 12,500 feet MSL. The third paragraph, § 91.24(c), pertains to ATC authorized deviations from the transponder rule.

In March, 1980, the FAA Air Traffic Division, Southern Region, proposed to amend § 91.24(c) (3) to the extent that ATC might waive altogether the 4-hour notice requirement for nontransponder operations in a TCA. That proposal was discussed at the National Airspace Meeting in Atlanta in September, 1980. The Southern Region personnel explained that immediate ATC deviation authority was particularly suited to areas like Tampa where thunderstorms build, move, and dissipate in fairly rapid time frames. Armed with an immediate deviation authority, ATC could "flex" with the weather, permitting nontransponder operations anywhere within a TCA where good weather, equipment capability, and traffic conditions allowed.

Other FAA participants at the National Airspace Meeting felt that immediate deviation authority could decrease ATC capacity by increasing controller workload, and by creating coordination problems between different control sectors. Additionally, some felt that removing the advance notice requirement altogether might serve as a disincentive for pilots and operators to purchase and use the improved (Mode 3/A 4096 Code) transponders, thereby reducing the capabilities of the ATC system.

Both TCA and enroute controllers agreed that improvements in the ATC system warrant a reduction in the 4-hour notice time currently required. This proposal would reduce that advance notice time to a 1-hour minimum.

Analysis of the Proposal

Under this proposal, pilots desiring to operate nontransponder-equipped aircraft in TCA airspace or positive control airspace above 12,500 feet MSL could be required to furnish advance notice to an ATC facility at least one hour before the intended flight. This reduced notice time is likely to increase the efficiency and quality of ATC service because it would permit a more current ATC assessment of near term weather and traffic conditions.

It is important for pilots to note that the 1-hour requirement, like the current 4-hour requirement, would not be subject to waiver by ATC. Since ATC would lack the regulatory authority to grant deviations, requests for deviation are not appropriate and would only congest communications and distract ATC from its other responsibilities.

PART 91—GENERAL OPERATING AND FLIGHT RULES

The Proposed Amendment

Accordingly the Federal Aviation Administration proposed to amend § 91.24 of Part 91 of the Federal Aviation Regulations (14 CFR 91.24) by revising paragraph (c)(3) to read as follows:

§ 91.24 ATC transponder and altitude reporting equipment and use.

* * * * *

(c) ATC authorized deviations. * * *

(3) On a continuing basis, or for individual flights, for operations of aircraft without a transponder, in which case the request for a deviation must be submitted to the ATC facility having jurisdiction over the airspace concerned at least one hour before the proposed operation.

(Secs. 307(a), and 313(a), Federal Aviation Act of 1958 (49 U.S.C. §§ 1348(a), and 1354(a)); Sec. 6(c), Department of Transportation Act 949 U.S.C. 1655(c); and 14 CFR 11.65)

It has been determined under the criteria of the Regulatory Flexibility Act that this proposed rule, at promulgation, will not have a significant impact on a substantial number of small entities. This rule affects only air traffic control procedures, and it should have no effect whatever on small businesses.

The FAA has determined that this document involves a proposed regulation which: (1) Is not a "major rule" under Executive Order 12291; and (2) is not a "significant rule" under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). The impact of this proposal is so minimal that a regulatory evaluation is considered to be unnecessary.

Issued in Washington, DC, on September 22, 1981.

R. J. Van Vuren,

Director, Air Traffic Service.

[FR Doc. 81-30459 Filed 10-21-81; 8:45 am]

BILLING CODE 4910-13-M

federal register

Thursday
October 22, 1981

Part III

Department of Education

Office of Elementary and Secondary Education

Migrant Education Program; Grants to State Educational Agencies to Improve Interstate and Intrastate Coordination of Activities

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

34 CFR Part 205

Grants to State Educational Agencies To Improve the Interstate and Intrastate Coordination of Migrant Education Program Activities

AGENCY: Department of Education.

ACTION: Proposed Regulations.

SUMMARY: The Secretary proposes regulations for the Migrant Education Interstate and Intrastate Coordination Program to implement Section 143 of Title I of the Elementary and Secondary Education Act (ESEA). This program provides Federal financial assistance to State educational agencies (SEAs) for projects designed to improve interstate and intrastate coordination of migrant education activities among the SEAs, local educational agencies (LEAs), and other operating agencies participating in the Migrant Education Basic State Formula Grant Program.

DATE: Comments must be received on or before December 7, 1981.

ADDRESS: Comments should be addressed to Mr. Vidal A. Rivera, Jr., Deputy Director, Migrant Education Programs, Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue, S.W. (ROB-3, Room 3608), Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Mr. John Ridgway. Telephone No. (202) 245-2222.

SUPPLEMENTARY INFORMATION:

Background

The purpose of this program is to provide Federal financial assistance to SEAs for special projects designed to improve interstate and intrastate coordination of migrant education activities among the SEAs, LEAs, and other operating agencies participating in the Migrant Education Basic State Formula Grant Program authorized under Section 141 of Title I, ESEA (State formula grants for projects to meet the special educational needs of migratory children).

This program is authorized by Section 143 of Title I, ESEA, as amended. Section 143 became effective for the Fiscal Year (FY) 1980 Migrant Education Program. Since the Migrant Education Program is "advance-funded," the FY 1980 program was funded from the Congressional FY 1979 appropriation. However, the Section 143 program was not funded and did not operate during FY 1980.

Subsequently, in the Education Amendments of 1979 (Pub. L. 96-46), the Congress revised Section 143 to require the Department of Education (ED) to "reserve * * * for any fiscal year * * * not * * * less than $6,000,000 nor more than 5 percentum of the amount [appropriated for carrying out the Migrant Education Basic State Formula Grant Program]." Accordingly, ED reserved the minimum amount of $6 million from the Migrant Education Basic State Formula Grant Program's FY 1981 (Congressional FY 1980) appropriation of $245 million. ED is also now proposing to reserve $7.36 million from the FY 1982 (Congressional FY 1981) appropriation of $266.4 million.

Section 143 of Title I, ESEA, authorizes the Secretary to make grants or contracts with SEAs for special projects designed to improve the interstate and intrastate coordination of migrant education activities.

Note.—For a number of years, ED has contracted with an SEA to provide for the transfer of student records (the Migrant Student Record Transfer System (MSRTS)). The Secretary believes that, because of the nature of this particular interstate and intrastate coordination project, a contract is the most appropriate instrument to continue to procure these desired services and products. Since these regulations are proposed to govern only grants under this program, and not contracts (contracts are governed under regulations in Title 41 CFR), the "transfer of student records" activity described in the authorizing program statute is not included under these proposed regulations.

These proposed regulations, which would apply to all grants under this program, are necessary to—

(a) Reflect Departmental policy, guidelines, and requirements for the administration of discretionary grant programs; and

(b) Coordinate this program with the existing ED regulations of general governing authority (i.e., the Education Department General Administrative Regulations) (EDGAR) (34 CFR Parts 75-77) and the Grants Administration Regulations (34 CFR Part 74).

These regulations are also needed to—

(a) Better assure that migratory children are provided access to quality and coordinated programs of instructional and supporting services designed to meet their special educational needs;

(b) Promote a continuity of educational experience for migratory children by improving interstate and intrastate coordination of migrant education services under the Title I, ESEA, Migrant Education Basic State Formula Grant Program;

(c) Provide guidance to SEAs in their administration of these projects; and

(d) Establish appropriate criteria for the Secretary's evaluation of applications.

Chapter 1 of the Education Consolidation and Improvement Act (ECIA) (Pub. L. 97-35), which was signed by the President on August 13, 1981, will replace Title I, ESEA, with a simplified program to meet the special educational needs of educationally deprived children. Under that legislation, the regulations for the Migrant Education Interstate and Intrastate Coordination Program will be reviewed as part of the simplification resulting from Chapter 1, ECIA, and may be altered. Any changes that are made as a result of that review will apply to grants and contracts awarded under an appropriation that would become available on July 1, 1982.

Nevertheless, the Secretary has decided to issue these proposed regulations to implement Section 143 of the title I, ESEA, statute, as amended by the Education Amendments of 1978. By issuing these regulations, the Secretary establishes appropriate criteria for the selection of projects to be funded from the appropriation that became available on July 1, 1981, and provides guidance to assist SEAs in administering those projects. However, the Secretary is developing a comprehensive plan to issue regulations to implement Chapter 1, ECIA, and will propose appropriate changes in the regulations for the Migrant Education Interstate and Intrastate Coordination Program for future years.

How To Review These Regulations

These proposed regulations describe—

(a) The types of projects that may be funded;

(b) The types of activities that may be conducted under these projects;

(c) The procedure for determining and announcing any annual priorities of the Secretary for project funding;

(d) The procedure that a SEA must follow to apply for a grant;

(e) The evaluation process for applications and the selection criteria that the Secretary uses in that evaluation process; and

(f) The requirements that must be met by a grantee.

However, these proposed regulations (34 CFR Part 205) contain only those requirements that are proposed to apply solely to the Migrant Education Interstate and Intrastate Coordination Program. Therefore, these proposed

regulations must be reviewed in light of a number of other applicable regulations. The other applicable regulations have already been issued as final regulations and contain requirements that supplement the specific requirements in these proposed regulations.

The Migrant Education Basic State Formula Grant Program Regulations (34 CFR Part 204) contain definitions and participant eligibility requirements that apply to all Title I, ESEA, migrant education programs. The Title I General Provisions Regulations (34 CFR Part 200) contain definitions and general requirements that apply to all Title I, ESEA, programs. EDGAR (34 CFR Parts 75–77) and ED's Grants Administration Regulations (34 CFR Part 74) contain general administrative requirements that apply to all ED programs.

Executive Order 12291

These proposed regulations have been reviewed by the Department in accordance with Executive Order 12291 and are classified as non-major because they do not meet the criteria for major regulations established in the order.

The purpose of Executive Order 12291 of February 17, 1981, is to relieve regulatory burdens. The Order requires ED, when promulgating new regulations, to—

(a) Base administrative decisions on adequate information concerning the need for, and consequences of, proposed government action;

(b) Ensure that a regulation's benefits to society outweigh its cost to society;

(c) Choose regulatory objectives that maximize the net benefits to society; and

(d) Choose the regulatory approach involving the least net cost to society.

The Secretary has, to the maximum extent possible, incorporated these requirements as part of the Department's procedures for promulgating regulations. 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 especially invited on whether there may be further opportunities to reduce any regulatory burden found in these proposed regulations.

Invitation to Comment

Interested persons are invited to submit comments and recommendations regarding these proposed regulations. Written comments and recommendations may be sent to the address given at the beginning of this preamble. All comments received on or before December 7, 1981, will be considered in developing the final regulations.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Regional Office Building 3, Room 3608, 7th and D Streets, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday of each week except Federal holidays.

Regulatory Flexibility Act

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. Under these proposed regulations, grants and contracts are available only to State agencies. As defined in the Regulatory Flexibility Act, "small entities" only includes small businesses, small organizations, and small governmental jurisdictions. The definition of "small governmental jurisdiction" does not include States or State agencies.

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 proposed regulations. References to "sec." in these citations refer to sections of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978.

Dated: October 8, 1981.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance No. 84.144; Migrant Education/Interstate and Intrastate Coordination Program

The Secretary proposes to amend Title 34 of the Code of Federal Regulations by adding a new Part 205 to read as follows:

PART 205—GRANTS TO STATE EDUCATIONAL AGENCIES TO IMPROVE THE INTERSTATE AND INTRASTATE COORDINATION OF MIGRANT EDUCATION PROGRAM ACTIVITIES

Subpart A—General

Sec.

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

Sec.

Subpart C—How Does a State Apply for a Grant?

Subpart D—How Is a Grant Made to a State?

Authority: Part B, Subpart 1, Section 143 of Title I of the Elementary and Secondary Education Act of 1965 (Pub. L. 89–10), as amended by the Education Amendments of 1978 (Pub. L. 95–561) (20 U.S.C. 2763).

Subpart A—General

§ 205.1 What is the Migrant Education Interstate and Intrastate Coordination Program?

(a) *General.* The Migrant Education Interstate and Intrastate Coordination Program is designed to provide Federal financial assistance to State educational agencies (SEAs) for projects designed to improve interstate and intrastate coordination of migrant education activities among SEAs, local educational agencies (LEAs), and other operating agencies participating in the Migrant Education Basic State Formula Grant Program authorized by Section 141 of Title I of the Act (State formula grants for projects to meet the special educational needs of migratory children).

(b) *Applicability.* These regulations govern grants under this program.

(Sec. 143; 20 U.S.C. 2763)

§ 205.2 Who is eligible to participate as a grantee?

Only SEAs, either individually or cooperatively (i.e., through a group or consortium), may apply for a grant under this program.

(Sec. 143; 20 U.S.C. 2763)

§ 205.3 What regulations apply to this program?

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct project grant and contract programs) and 34 CFR Part 77 (Definitions).

(b) The regulations in this Part 205.

(Sec. 143; 20 U.S.C. 2763)

§ 205.4 What definitions apply to this program?

The definitions in the Migrant Education Basic State Formula Grant Program Regulations (34 CFR Part 204) apply to this program.

(Sec. 143; 20 U.S.C. 2763)

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

§ 205.10 What types of projects may be funded?

The Secretary may make grants to an SEA or SEAs to carry out projects designed to improve interstate and intrastate coordination of migrant education activities among SEAs, LEAs, and other operating agencies participating in migrant education activities.

(Sec. 143; 20 U.S.C. 2763)

§ 205.11 What types of activities may be conducted?

The projects may include, but are not limited to, the following activities:

(a) *Parental involvement.* This type of project might include activities such as:

(1) Identifying and designing—for dissemination on a regional and nationwide basis—effective strategies for parental involvement and the training of parent advisory council members; and

(2) Providing technical assistance to SEAs, LEAs, and other operating agencies in implementing strategies—that have been effective in other migrant education projects—for parental involvement and the training of parent advisory council members.

(b) *Resource centers.* This type of project might include activities such as:

(1) Identifying and designing—for dissemination on a regional and nationwide basis—effective materials (such as instruments and procedures for needs assessment surveys, student assessment instruments, curricular materials, and evaluation methods and materials); and

(2) Disseminating information about the availability of experts and other resources in the field of migrant education.

(c) *Identification and recruitment of children.* This type of project might include activities such as:

(1) Identifying and designing—for dissemination on a regional and nationwide basis—effective strategies and materials for the identification and recruitment of migratory children;

(2) Developing a coordinated nationwide program for the identification and recruitment of migratory children, including the design of model strategies and materials; and

(3) Providing technical assistance to SEAs, LEAs, and other operating agencies in implementing project designs and materials—that have been effective in other migrant education projects—for the identification and recruitment of migratory children.

(d) *Secondary school services.* This type of project might include activities such as:

(1) Identifying and designing—for dissemination on a regional and nationwide basis—effective project designs and materials from migrant education secondary school projects (such as career education, vocational instruction, dropout prevention projects, and the transfer of school credits); and

(2) Providing technical assistance to SEAs, LEAs, and other operating agencies in implementing project designs and materials—that have been effective in other migrant education projects—for secondary school services for migratory children.

(e) *Information and dissemination center.* This type of project might include activities such as—

(1) Conducting a nationwide awareness project for the Migrant Education Program—directed to the parents of eligible children, other parents and adults, the general education and educational research communities, and other family and child service agencies; and

(2) Designing and disseminating Migrant Education Program informational materials.

(f) *Staff development services.* This type of project might include activities such as identifying and designing effective interstate training strategies for Migrant Education Program staff members.

(g) *Interagency coordination.* This type of project might include activities such as:

(1) Identifying and designing—for dissemination on a regional and nationwide basis—effective strategies of interagency coordination of services to migratory children; and

(2) Providing technical assistance to SEAs, LEAs and other operating agencies in implementing strategies—that have been effective in other migrant education projects—of interagency coordination of services to migratory children.

(h) *Record transfer system uses.* This type of project might include activities such as exploring and designing strategies of additional uses for the existing migrant student record transfer system (e.g., program management information, instructional information refinements, skills information transmittal) to facilitate coordination of services among school districts and to enhance the continuity of education for migratory children.

(i) *Project evaluation.* This type of project might include activities such as:

(1) Identifying and designing—for dissemination on a regional and nationwide basis—effective evaluation strategies and materials for migrant education projects (e.g., strategies for short-term projects, strategies for using the migrant student record transfer system in assessment and evaluation); and

(2) Providing technical assistance to SEAs, LEAs, and other operating agencies in implementing strategies—that have been effective in other migrant education projects—for the evaluation of migrant education projects.

(Sec. 143; 20 U.S.C. 2763)

Subpart C—How Does A State Apply For A Grant?

§ 205.20 What must be included in an application?

In applying for a grant, an SEA shall provide information relevant to any proposed consortium of SEAs (for a group application only) including:

(a) An identification of each SEA proposed to participate in the consortium;

(b) A statement of commitment, indicating the terms of the commitment, from each SEA proposed to participate in the consortium;

(c) A description of the proposed objectives of the consortium; and

(d) A description of how each SEA proposed to participate in the consortium was involved in the development of the proposed objectives and activities of the project.

(Sec. 143; 20 U.S.C. 2763)

§ 205.21 How must a State develop its application?

An applicant SEA under the Migrant Education Interstate and Intrastate Coordination Program shall plan and develop its project in consultation and coordination with other SEAs or with participating LEAs, as appropriate.

(Sec. 143; 20 U.S.C. 2763)

Subpart D—How Is A Grant Made To A State?

§ 205.30 How is an application evaluated?

(a) The Secretary evaluates an application under this program on the

basis of the criteria in § 205.31 of these regulations.

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

(c) The maximum number of points possible for meeting each individual criterion is indicated in parentheses after the heading for that criterion.

(Sec. 143; 20 U.S.C. 2763; 20 U.S.C. 1221e-3(a)(1))

§ 205.31 What are the selection criteria for reviewing an application?

(a) *Plan of operation.* (35 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 the following:

(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) A clear description of the way that the SEA plans to use its resources and personnel to achieve each objective of the project.

(v) A clear description of how the SEA 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.

(vi) A clear description of how the SEA will provide an opportunity for participation of students enrolled in private schools.

(b) *Evaluation plan.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

Cross-reference. See 34 CFR § 75.590 of EDGAR (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.

(c) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows adequate qualifications of the key personnel the SEA plans to use in the project.

(2) The Secretary looks for information that shows the following:

(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.

(iv) The extent to which the SEA, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as:

(A) Members of racial or ethnic minority groups;

(B) Women;

(C) Handicapped persons; and

(D) The elderly.

(3) To determine personnel qualifications, the Secretary considers experience and training—in fields related to the objectives of the project—as well as other information that the applicant provides.

(d) *Adequacy of resources.* (10 points)

(1) The Secretary reviews each application for information that shows that the SEA plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows the following:

(i) The facilities that the SEA plans to use are adequate.

(ii) The equipment and supplies that the SEA plans to use are adequate.

(e) *Annual priorities.* (10 points)

(1) The Secretary reviews each application for information that shows the extent to which the applicant SEA's proposed project addresses one of the annual priorities for funding under this program, as announced in the program's application notice published in the **Federal Register.**

(2) The Secretary looks for information that shows that the applicant SEA's proposed project addresses one of the annual priorities for funding.

(f) *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 the following:

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

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

(g) *Interstate and intrastate consultation and coordination.* (5 points)

(1) The Secretary reviews each application for information that shows the quality of the applicant SEA's consultation and coordination with other SEAs or with participating LEAs, as appropriate.

(2) The Secretary looks for information that shows that the SEA—

(i) Has consulted and coordinated adequately with other SEAs or with participating LEAs, as appropriate, in planning and developing its project; and

(ii) Will consult and coordinate adequately with other SEAs or participating LEAs, as appropriate, in implementing and evaluating its project.

(Sec. 143; 20 U.S.C. 2763; 20 U.S.C. 1221e-3(a)(1))

§ 205.32 What are the factors considered in awarding a grant?

In awarding grants, the Secretary considers:

(a) The amount of funds available for grants under the program; and

(b) The rank order of the applications—as determined by using the criteria listed in § 205.31 of these regulations.

(Sec. 143; 20 U.S.C. 2763; 20 U.S.C. 1221e-3(a)(1))

§ 205.33 How are the annual priorities for funding established?

(a) *General.* (1) Each fiscal year, the Secretary announces in the application notice—published in the **Federal Register**—any national priorities relating to the types of projects to be considered for funding under this program.

(2) The Secretary may select one or more of these priorities from the list of types of activities in § 205.11 of these regulations.

(b) *Basis for determining priorities.* The Secretary establishes these funding priorities to reflect:

(1) Any unmet national needs in interstate or intrastate coordination; and

(2) Appropriate consultation with SEAs.

(Sec. 143; 20 U.S.C. 2763; 20 U.S.C. 3474)

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Part IV

Farm Credit Administration

Loan Policies and Operations

FARM CREDIT ADMINISTRATION

12 CFR Parts 614 and 615

Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, adopts and publishes new and amended regulations implementing those provisions of the Farm Credit Act Amendments of 1980 (Pub. L. 96–592) which authorize banks for cooperatives of the Farm Credit System to provide international trade financing and related services to eligible borrowers, and an amendment to its regulation concerning interest rates.

The regulations relating to international trade financing enable the banks for cooperatives to, among other things: (1) deposit securities and current funds in any Federal Reserve member bank or any Federal Deposit Insurance Corporation-insured State nonmember bank or in any domestic or foreign bank or other financial organization as may be authorized and approved; (2) treat earnings that result from loans to newly eligible noncooperative borrowers differently than earnings from cooperative borrowers; (3) rediscount, in financial markets, bankers acceptances created by the banks for cooperatives and accepted and discounted by the Farm Credit System's Fiscal Agency in accordance with the requirements of the new regulations; and (4) provide a full range of international financial assistance including, among other things, letters of credit, standby letters of credit, foreign trade receivables financing, and guarantees and contracts of suretyship where such contracts serve as guarantees, provide credit services, and perform servicing functions.

The regulation relating to interest rates permits the boards of directors of banks for cooperatives to develop and adopt an interest rate plan, subject to Farm Credit Administration approval, within which bank management may establish rates.

EFFECTIVE DATE: Thirty days from this publication date provided both Houses of Congress are in session. Notice of effective date will be published.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza, S.W., Washington, DC 20578, (202–755–2181).

SUPPLEMENTARY INFORMATION: On July 7, 1981, the Farm Credit Administration noticed and published for public comment new and amended regulations to 12 CFR Parts 614 and 615 (46 FR 35109–35118). Regulations implementing the authority for international trade financing are designated as new §§ 614.4281, 614.4700, 614.4710, 614.4720, 614.4800, 614.4810, and 614.4900, and amendments to §§ 614.4080, 614.4120, 614.4280, 615.5190, 615.5370(d), and 615.5550. Regulations § 614.4280, concerning interest rates, is also amended. For purposes of this supplementary information, certain terms are designated as follows: Farm Credit Administration (FCA); Federal Farm Credit Board (Federal Board); Farm Credit System (System); Farm Credit Act Amendments of 1980 (1980 Amendments); Farm Credit Act of 1971, as amended, 12 U.S.C. 2001, *et seq.* (Act).

Twelve parties provided comments on the international trade financing regulations. These included eight System banks, two trade associations, one commercial bank, and one Federal banking agency. The Federal Board considered each of the comments received and adopted final regulations in the course of its October 6, 1981 meeting.

The 12 parties provided 21 specific comments on the international trade financing regulations. Three of the 21 comments were editorial. The editorial suggestions were made on §§ 614.4080 and 614.4710. No comments were received with respect to § 614.4281, 614.4800, 614.4900, or 615.5550. The following summarizes comments received and reconciles the differences between the proposed and final regulations in light of the comments.

As suggested by one commentator, § 614.4080 has been revised from the proposed form to clarify that an eligible cooperative must be a party to the transaction being financed by a bank for cooperatives under the international trade financing authorities.

As to § 614.4120: (1) one commentator suggested defining "minimum ownership interest" in the regulation; (2) another suggested specifically limiting the term "import" to the financing of importing farm supplies (farm imports) as contrasted to importing farm (agricultural) commodities and products (farm production); (3) another suggested limiting eligible borrowers to U.S. nationals; and (4) another suggested incorporating the language contained in section 3.7(b) of the Act as closely as possible. The final regulation has been modified from the proposal to follow closely the language of section 3.7(b) of the Act. The term "minimum ownership interest" is addressed effectively in the proposed regulation § 614.4210 (46 FR 40028–40029) in a manner that makes definition in § 614.4120 unnecessary. The suggested limitation on the import financing authorities of the banks for cooperatives was not incorporated into the final regulation because the Act provides authority for financing imports beyond the limitation suggested. The banks for cooperatives have financed imports for a number of years under existing law, and the 1980 Amendments specifically give authority to finance "export or import of agricultural commodities, farm supplies, or aquatic products." The suggestion to limit export financing to U.S. nationals was also rejected as more restrictive than the statute which expressly provides for financing foreign parties under certain conditions.

As to § 614.4700: (1) one commentator questioned the authority of the banks for cooperatives to engage in financing foreign trade receivables through factoring and suggested deleting § 614.4700(a)(3); (2) another suggested identifying in § 614.4700(b) some of the guarantee or insurance plans to be used; and (3) another suggested amending § 614.4700(d) to provide for systemwide policies limiting the amount that the System lends in each country. The final regulation was changed from the proposal to identify some acceptable guarantee or insurance plans. The suggestion to delete § 614.4700(a)(3) was rejected because the Act does not so limit the type of international financing which may be extended to foreign and domestic parties. Factoring is a type of financing extended by commercial banks in the international area and, therefore, would not be beyond "national banking policies, objectives, and limitations." The suggestion to establish limits in the regulations as to the amount that banks for cooperatives can lend to a particular country was not followed because it would place FCA in a position of decisionmaking that might be interpreted as making official U.S. foreign policy. Furthermore, the Federal Board does not believe that a Federal agency should prescribe to privately owned banks to which countries those banks may lend or in what amounts. The regulation does require the banks for cooperatives to adopt policies setting appropriate country limits.

As to § 614.4710: one commentator suggested deleting §§ 614.4170(a)(5) and (a)(6). These changes were made in the final regulation because they more correctly define relationships within the Federal Reserve System. In addition,

§ 614.4710(a)(1) was modified from the proposal so as to tie bankers acceptances generated from exports or imports directly to agricultural commodities, farm supplies, or aquatic products, as suggested by another commentator. Another suggestion to define net worth in the regulation was not followed because the term has been defined in the FCA Uniform Chart and Description of Accounts for approximately 50 years. Another commentator suggested that goods available for bankers acceptance financing should include those produced from commercial fishing as well as from agriculture. This suggestion was adopted.

A commentator suggested altering § 614.4720(d) to require that banks for cooperatives be responsible only for "assuring the presentation of proper documents." This suggestion was rejected because common banking practice is to structure a letter of credit to be paid upon satisfaction of its terms and conditions. Typically, these terms and conditions direct payment upon presentation of proper documents. The FCA regulations only restrict the payment terms and conditions by requiring that the bank cannot be required to determine questions of fact or law involving the underlying transaction.

A commentator suggested rewriting § 614.4810 "to clarify that standby letters of credit issued on behalf of those domestic or foreign parties must also arise under qualified import or export transactions with an eligible cooperative." The Federal Board considered the change unnecessary because standby letters of credit issued in relation to transactions authorized under § 614.4120 must necessarily arise "under qualified import or export transactions with an eligible cooperative."

One commentator suggested as to § 615.5190 that System institutions be allowed to deposit funds in nonmember banks of the Federal Reserve System as long as the depository institutions are insured by the Federal Deposit Insurance Corporation. The Federal Board noted that this provision was included in the proposal and that no additional action was necessary.

All seven commentators on § 615.5370(d) suggested rewriting the regulation since the proposed rule for transactions involving leveraged lease and letter of credit transactions, and bankers acceptance and foreign trade receivable financing was too restrictive. The Federal Board believes that the proposed rule did not provide flexibility with regard to how certain earnings should be retained or allocated. The proposed rule dictated the means by which earnings are retained or allocated on the basis of whether the transaction is initially capitalized. This requirement, however, is beyond those requirements imposed on present borrowers from the banks for cooperatives. In response to these comments, § 615.5370 was rewritten to permit a bank for cooperatives to allocate certain transactions on a patronage basis and others on a nonpatronage basis. Allocation of earnings from new transactions must be consistent with allocation of earnings from current transactions. Also, the manner in which earnings are allocated is required to be consistent with the bank's bylaws.

One commentator suggested that FCA did not have the authority to amend § 614.4280 to allow the bank boards, subject to FCA approval, to develop interest rate plans within which management may establish rates. The commentator further suggested that interest rates must be specifically approved by FCA and rates not so approved were subject to State usury laws. These suggestions are contrary to the Act before 1980, the 1980 Amendments and their respective legislative histories. Sections 1.7, 2.4, and 3.10 of the Act authorize district boards to set interest rates for the banks with FCA approval. The Senate Report states that these sections give the FCA broad authority in approving interest rates provided that any plan approved is directed toward "furnishing eligible farmer borrowers a continuing source of credit at the lowest reasonable cost under all money cost situations" S. Rep. No. 92-679, 92nd Cong., 1st Sess. 19 (1971). Such broad authority is not restricted by detailed approval procedures but would include approval of a variety of plans such as a variable interest plan, a series of interest rates, different rates for different types of loans, and a range of interest rates.

Regarding State usury laws, the House Report on the 1980 Amendments unequivocally states that State limitations on interest rates do not apply to loans made by System institutions H.R. Rep. No. 96-592, 96th Cong., 2nd Sess. 22 (1980). However, with the 1980 Amendments Congress added language to section 4.17 to make the law clear on this point. In any event, this addition was not intended as any limitation on FCA's interest rate approval process. Because these arguments against the proposal are without merit, they were rejected.

Several other editorial and technical changes necessary for clarity and consistency with the 1980 Amendments are reflected in various sections of the final regulations.

For the reasons set out in the preamble, Parts 614 and 615 of Chapter VI, Title 12, of the *Code of Federal Regulations* are amended as shown. As a convenience to the reader, a redesignation table showing the old sections of Part 614 and the new published elsewhere in this issue is shown below.

As there were no unresolved differences between FCA and the Board of Governors of the Federal Reserve System as to whether the international trade financing regulations conform to "national banking policies, objectives, and limitations," the international trade financing regulations and the amendment to the interest rate regulation shall become effective 30 days from this publication date provided either or both Houses of Congress are in session during that time.

PART 614—LOAN POLICIES AND OPERATIONS

Section		Previous section
	Subpart A—General	
614.4000	Basic responsibilities	Same.
614.4010	Supervision by the Farm Credit Administration.	Same.
614.4020	Delegation	Same.
614.4030	Intent of delegation	Same.
614.4031	Policies for delegation of authority.	Same.
614.4040	Bank guideline responsibilities.	Same.
614.4050	Bank supervision of associations.	Same.
614.4051	Federal land bank and Federal intermediate credit bank credit reviews.	Same.
614.4060	Association responsibilities	Same.
	Subpart B—Chartered Territories	
614.4070	Loans outside the established territory—Federal land banks, Federal land bank associations, and production credit associations.	Same.
614.4080	Loans outside of bank's territory—banks for cooperatives.	Same.
	Subpart C—Lending Authorities	
614.4090	Federal land banks	Same.
614.4100	Federal intermediate credit banks.	Same.
614.4110	Production credit associations.	Same.
614.4120	Banks for cooperatives	Same.
614.4130	Approval	Same.
	Subpart D—General Loan Policies for Banks and Associations	
614.4140	Sound loan	Same.
614.4150	Credit factors	Same.
614.4160	Lending objective	Same.
614.4165	Special credit needs	Same.
614.4170	Borrower liability	Same.

PART 614—LOAN POLICIES AND OPERATIONS—Continued

Section		Previous section
Subpart E—Loan Terms and Conditions		
614.4180	Federal land banks	Same.
614.4190	Federal intermediate credit banks.	Same.
614.4200	Production credit associations.	Same.
614.4210	Banks for cooperatives	Same.
Subpart F—Security Requirements		
614.4220	General	Same.
614.4230	Federal land banks	Same.
614.4240	Federal intermediate credit banks	Same.
614.4250	Production credit associations.	Same.
614.4260	Banks for cooperatives	Same.
614.4261	Security and appraisal standards—banks for cooperatives.	Same.
Subpart G—Interest Rates and Changes		
614.4270	Policy	Same.
614.4280	Interest rates	Same.
614.4281	Discounts and related fees—banks for cooperatives	New.
614.4290	Interest on past due loans	Same.
614.4300	Other charges and fees	Same.
614.4310	Interest rate limitations for Federal intermediate credit banks.	Same.
614.4320	Production credit associations	Same.
614.4321	Interest rate program	Same.
Subpart H—Loan Participations		
614.4330	General	Same.
614.4331	Federal land banks	Same.
614.4332	Federal intermediate credit banks.	Same.
614.4333	Production credit associations.	Same.
614.4334	Banks for cooperatives	Same.
Subpart I—Loss-Sharing Agreements		
614.4340	General	Same.
614.4345	Guaranty agreements	Same.
Subpart J—Lending Limits		
614.4350	General	Same.
614.4351	Federal land banks	Same.
614.4352	Federal intermediate credit banks.	Same.
614.4353	Production credit associations.	Same.
614.4354	Banks for cooperatives	Same.
614.4360	Computation of obligation for lending limit determination.	Same.
Subpart L—Notice of Action and Appeals		
614.4440	Notice of action on loan application.	Same.
614.4441	Applicant's right to appeal	Same.
614.4442	Records	Same.
Subpart M—Loan Approval Requirements		
614.4450	General requirements	Same.
614.4460	Loan approval responsibility	Same.
614.4470	Loans subject to bank prior approval	Same.

PART 614—LOAN POLICIES AND OPERATIONS—Continued

Section		Previous section
Subpart N—Loan Servicing Requirements		
614.4510	General	Same.
614.4511	Federal land bank association compensation.	Same.
614.4512	Compromise of indebtedness.	Same.
Subpart O—Special Lending Programs		
614.4520	General	Same.
614.4530	Special loans, production credit associations.	Same.
Subpart P—Federal Intermediate Credit Bank Financing of Other Financing Institutions		
614.4540	Definitions	New.
614.4545	General	614.4540 and 614.4550.
614.4550	Basic eligibility criteria	614.4560 and 614.4570.
614.4555	Review of denial of access based on eligibility.	New.
614.4560	Establishing and maintaining access.	614.4560.
614.4565	Lending limit	New.
614.4570	General collateral requirements.	614.4600.
614.4580	Use of funds	New.
614.4590	General financing agreement.	614.4660.
614.4600	Methods of financing	614.4590, 614.4630, 614.4631, and 614.4632.
614.4610	Obligations eligible for discount or purchase.	New.
614.4620	Multiple ownership	New.
614.4630	Insolvency of an OFI	614.4640.
614.4640	Rates and fees	New.
614.4650	Basis for revocation of access.	614.4620.
614.4660	Place of discount	New
Subpart Q—Banks for Cooperatives Financing International Trade		
614.4700	Financing foreign trade receivables.	New.
614.4710	Bankers acceptance financing.	New.
614.4720	Letters of credit	New.
614.4800	Guarantees and contracts of suretyship.	New.
614.4810	Standby letters of credit	New.
614.4900	Foreign exchange	New.

Therefore, 12 CFR Parts 614 and 615 are amended as follows:

PART 614—LOAN POLICIES AND OPERATIONS

1. Part 614 is amended by removing the heading for Subpart E and moving §§ 614.4160 to 614.4170 to the end of Subpart D. Subpart F (§§ 614.4180 to 614.4210) is redesignated as Subpart E. Subpart G (§§ 614.4220 to 614.4261) is redesignated as Subpart F. Subpart H (§§ 614.4270 to 614.4321) is redesignated as Subpart G. Subpart I (§§ 614.4330 to 614.4334) is redesignated as Subpart H. Subpart J (§§ 614.4340 and 614.4345) is redesignated as Subpart I. Subpart K (§§ 614.4350 to 614.4360) is redesignated as Subpart J. Subpart M (§§ 614.4440 to 614.4442) is redesignated as Subpart L. Subpart N (§§ 614.4450 to 614.4470) is redesignated as Subpart M. Subpart O (§§ 614.4510 to 614.4512) is redesignated as Subpart N. Subpart P (§§ 614.4520 to 614.4530) is redesignated as Subpart O.

2. Section 614.4080 is amended by adding paragraph (d) to read as follows:

Subpart B—Chartered Territories

* * * * *

§ 614.4080 Loans outside of bank's territory—banks for cooperatives.

* * * * *

(d) A bank is authorized to provide a full range of credit services to eligible cooperatives enabling them to engage in international trade. This includes making technical and financial assistance available to a domestic or foreign party to facilitate the import or export of agricultural commodities, farm supplies, or aquatic products, and to make or participate in loans and commitments for the same, provided an eligible cooperative is a party to and benefits substantially from such transactions.

Subpart C—Lending Authorities

* * * * *

3. Section 614.4120 is revised to read as follows:

§ 614.4120 Banks for cooperatives.

The banks are authorized to make loans and commitments to eligible cooperatives and to extend to them other financial assistance, including, but not limited to, discounting notes and other obligations, guarantees, collateral custody, or participation with other banks for cooperatives and commercial banks or other financial institutions in loans to eligible cooperatives. The banks are authorized to make or participate in loans, commitments, and extend other technical and financial assistance to a domestic or foreign party with respect to its transactions with an an eligible cooperative, and to a domestic or foreign party in which an eligible cooperative has at least a minimum ownership interest for the export or import of agricultural commodities, farm supplies, or aquatic products through purchases, sales, or exchanges. The eligible cooperative must substantially benefit as a result of such a loan, commitment, or assistance for the purpose of facilitating the eligible cooperative's export or import operations. This type of activity shall be made under policies determined by the board of directors and approved by the Farm Credit Administration.

* * * * *

4. Section 614.4280 is revised to read as follows:

Subpart G—Interest Rates and Changes

* * * * *

§ 614.4280 Interest rates.

(a) Loans made by each bank shall bear interest at a rate or rates as may be determined by the bank board with the approval of the Farm Credit Administration. A bank board shall set interest rates or approve individual interest rate changes either on a case-by-case basis or pursuant to an interest rate plan within which managment may establish rates. Any interest rate plan shall set loan-pricing policies and objectives, provide guidance regarding the circumstances under which management may adjust rates, and provide the upper and lower limits on managment authority. A bank board may not delegate its ultimate responsiblities for setting interest rates, and any interest rate plan adopted shall be reviewed on a continuing basis by the bank board, as well as in conjunction with its review and approval of the bank's annual fiscal plan and long-range financial plan.

(b) Interest rate policies require the approval of the Farm Credit Administration.

5. Section 614.4281 is added to read as follows:

§ 614.4281 Discounts and related fees.

Banks for cooperatives may discount or rediscount notes, drafts, acceptances, and other negotiable paper at such rates as may be determined by bank management under policies of the bank board as approved by the Farm Credit Administration. Requests of the Farm Credit Administration for approval of such board policies shall include justification for the policy or change in the policy.

* * * * *

6. Subpart Q is revised to read as follows:

Subpart Q—Banks for Cooperatives Financing International Trade

Sec.

Authority: Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252.

§ 614.4700 Financing foreign trade receivables.

(a) The banks for cooperatives, under policies determined by their boards of directors and approved by the Farm Credit Administration, are authorized to finance foreign trade receivables on behalf of eligible cooperatives to include the following:

(1) Advances against collections.
(2) Trade acceptances.
(3) Factoring.
(4) Open accounts.

(b) To reduce credit, political, and other risks associated with foreign trade receivable financing, the banks for cooperatives shall avail themselves of such guarantee and insurance plans as are available in the United States and other countries, such as the Foreign Credit Insurance Association and the Export-Import Bank of the United States. Exceptions may be made where a prospective borrower has had a longstanding successful business relationship with the eligible cooperative borrower or an eligible cooperative which is not a borrower if the prospective borrower has a high credit rating as determined by the bank.

(c) When financing a draft drawn on a foreign importer, the banks should retain recourse to the exporter unless their credit evaluation of and experience with the importer indicate recourse is not necessary or unless appropriate guarantees or insurance plans are used.

(d) The financing of foreign trade receivables shall be limited by the policies of each bank's board of directors. The policies shall provide a method of determining the maximum amount in dollars, by country, to be financed and establishing a maximum percentage of the amount of a draft drawn on a foreign party against which the bank may advance funds. The banks shall take into consideration the following factors:

(1) The reputation and financial strength of the foreign importer.

(2) The reputation and payment record of the class of importers in the same country as the subject importer in regard to prompt payment of drafts drawn upon them.

(3) The quality of the supporting documents offered with the draft.

(4) The degree of ease with which necessary foreign exchange conversion can be made, or the extent to which foreign currency exposure may be hedged by forward or future contracts.

(5) The reputation and financial strength of the exporter.

(e) The banks may establish foreign trade receivable financing programs by which eligible parties pledge collections to the bank, and then may borrow from the bank up to a stated maximum percentage of the total amount of receivables pledged at any one time.

(f) When financing foreign trade receivables, the banks shall take such precautions and obtain such credit information as necessary to ascertain that all parties to the transaction(s) being financed are reputable and capable of performing their responsibilities under the contract of sale.

(g) When financing foreign trade receivables, the banks shall determine that all shipments are covered by maritime insurance while on the high seas.

(h) Countries where credit is to be extended will be analyzed periodically and systematically on a centralized basis. The resulting country studies will be disseminated to all banks for cooperatives to be used as inputs in credit grading decisions.

§ 614.4710 Bankers acceptance financing.

The Fiscal Agency is authorized to accept drafts or bills of exchange drawn upon banks for cooperatives. With the exception of acceptances eligible for purchase by the Federal Reserve Banks under the direction and regulation of the Federal Open Market Committee and rediscounted, acceptances shall be subject to the provisions of §§ 614.4350, 614.4354, and 614.4360 of the Regulations for Banks and Associations of the Farm Credit System, and must be combined with any other loans to the account party by the banks for cooperatives for the purpose of applying the lending limits of § 614.4354.

(a) *District Banks for Cooperatives.* (1) The Fiscal Agency's authority to accept drafts or bills of exchange includes the authority to accept drafts or bills of exchange drawn upon a district bank for cooperatives having not more than 6 months sight to run, exclusive of days of grace, that are derived from transactions involving the importation or exportation of agricultural commodities, farm supplies or aquatic products from the United States; or are derived from transactions involving the domestic shipment of goods that were produced from agriculture or commercial fishing or that have an agriculturally or aquatically related purpose; or are secured at the time of acceptance by title covering readily marketable staples.

(i) The dollar amount of such acceptances outstanding at any one time to any one borrower, exclusive of participations sold to others, shall be limited to 10 percent of the net worth of a district bank for cooperatives as of the

preceding June 30 or December 31, whichever is more recent, or an interim date determined by the Farm Credit Administration as a result of material changes in a bank's net worth. However, if such acceptances are secured either by attached documents or by some other actual security growing out of the same transaction as the acceptance, the 10-percent limit shall not apply.

(ii) The sum of all acceptance liabilities outstanding described in paragraph (a)(1), exclusive of participations sold to others, issued to all borrowers shall not exceed 100 percent of the bank for cooperatives' net worth but the aggregate of acceptances growing out of domestic transactions shall not exceed 50 percent of net worth calculated on the date indicated in paragraph (a)(1)(i) of this section.

(2) The limit specified in paragraph (a)(1)(ii) of this section is separate from and in addition to the lending limits of § 614.4354 of the regulations if the acceptances are rediscounted.

(3) During any period within which a bank for cooperatives holds its own acceptance, having given value therefor, the amount thereof shall be included against the § 614.4354 lending limits of the customer for whom the acceptance was made.

(4) The terms and requirements for the offering and purchase of participations in acceptance financing shall be the same as those for loans issued under § 614.4334 of the regulations.

(5) When acceptances denominated in foreign currencies are not funded in the same currency, the bank for cooperatives will take corresponding action to minimize foreign exchange risk.

(b) *Central Bank for Cooperatives.* (1) Drafts and bills of exchange discounted directly by the Central Bank for Cooperatives at any one time, exclusive of participations sold to others, shall not exceed the acceptance limit percentage prescribed in paragraph (a)(1)(i) of this section for district banks for cooperatives.

(c) *Total system.* Liabilities for drafts accepted at any one time from all the district banks for cooperatives and the Central Bank for Cooperatives shall not exceed 100 percent of the combined net worth of the banks for cooperatives. However, the aggregate of acceptances growing out of domestic transactions shall not exceed 50 percent of net worth. Discounted acceptances outstanding at any one time to any one borrower from one or more district banks for cooperatives and the Central Bank for Cooperatives, exclusive of participations sold to institutions other than banks for cooperatives, shall not exceed the percentage specified in paragraph (a)(1) of this section applied to the combined net worth of the banks for cooperatives. Acceptances created or discounted within previously established limits that have become excessive because of changes in accepting and/or discounting limits prescribed herein may be held and liquidated in accordance with terms individually specified by the Farm Credit Administration.

(d) *Purchase of Participations in Bankers Acceptances.* (1) A district bank for cooperatives shall determine limits on purchasing participations in discounted acceptances of another bank for cooperatives on the same basis as prescribed in § 614.4354 of the regulations for purchasing participations in loans of another bank for cooperatives.

(2) Participations in discounted acceptances shall be offered in accordance with § 614.4334 of the regulations.

(e) *Fiscal Agency.* All acceptances created by the 13 banks for cooperatives shall be physically accepted by the Fiscal Agency when intended for rediscount.

§ 614.4720 Letters of credit.

The banks for cooperatives, under policies determined by the board of directors and approved by the Farm Credit Administration, may issue, advise, or confirm import or export letters of credit in accordance with the Uniform Commercial Code, or the Uniform Customs and Practice for Documentary Credits, to or on behalf of its customers. Until such individual district bank board policies are approved by the Farm Credit Administration, the Central Bank for Cooperatives will issue, advise, or confirm import or export letters of credit on behalf of the district banks for cooperatives. In addition, as a matter of sound banking practice, letters of credit shall be issued in conformity with the following: (a) Each letter of credit shall conspicuously state that it is a letter of credit, or be conspicuously entitled as such.

(b) The letter of credit shall contain a specified expiration date or be for a definite term.

(c) The letter of credit shall contain a sum certain.

(d) The bank's obligation to pay should arise only upon fulfilling the terms and conditions as specified in the letter of credit. The bank must not be called upon to determine questions of fact or law at issue between the account party and the beneficiary.

(e) The bank's customer should have an unqualified obligation to reimburse the bank for payments made under the letter of credit.

(f) All letters of credit shall be irrevocable.

(g) The bank shall charge a fee for either issuing or confirming a letter of credit.

§ 614.4800 Guarantees and contracts of suretyship.

A bank for cooperatives, under a policy approved by the bank's board of directors and the Farm Credit Administration, may lend its credit, be itself a surety to indemnify another, or otherwise become a guarantor if an eligible cooperative substantially benefits from the performance of the transaction involved. A bank for cooperatives may guarantee the debt of eligible cooperatives and foreign parties or otherwise agree to make payments on the occurrence of readily ascertainable events if the guarantee or agreement specifies a maximum monetary liability. Guarantees may be secured or unsecured, and can include, but are not limited to, such events as nonpayment of taxes, rentals, customs duties, costs of transport, and loss or nonconformance of shipping documents. The bank's customer shall have an unqualified obligation to reimburse the bank for payments made under a guarantee.

§ 614.4810 Standby letters of credit.

(a) The banks for cooperatives are authorized to issue on behalf of parties eligible for financing under regulations § 614.4120 standby letters of credit that represent an obligation to the beneficiary on the part of the issuer:

(1) To repay money borrowed by, advanced to, or for the account of the account party, or

(2) To make payment on account of any indebtedness undertaken by the account party, or

(3) To make payment on account of any default by the account party in the performance of an obligation.

(b) As a matter of sound banking practice, banks for cooperatives shall evaluate applications for standby letters of credit on the basis of credit factors listed in § 614.4150 of the regulations.

§ 614.4900 Foreign exchange.

(a) Before a bank for cooperatives may engage in any financial transaction which transports monetary instruments:

(1) From any place within the United States to or through any place outside the United States, or

(2) To any place within the United States from or through any place outside the United States.

the Farm Credit Administration must have already approved that bank's policies governing such transactions and determine that the bank has established procedures necessary to safeguard the interests of the stockholders of the bank in regard to such transactions.

(b) Under policies approved by the Farm Credit Administration, a bank for cooperatives may engage in currency exchange activities necessary to service individual transactions that may be financed under the regulations authorizing export, import, and other internationally related credit and financial services. These currency exchange activities shall not include any loans or commitments intended to finance speculative futures transactions by eligible borrowers in foreign currencies. The bank may engage on behalf of its eligible borrowers or on its own behalf in bona fide hedging transactions and postitions, where such transactions or positions normally reduce risks in the conduct and management of international financial activities. The bank's policies should include established guidelines for:

(1) Net overnight positions, by currency.

(2) Maturity distribution, by currency, of foreign currency assets, liabilities, and foreign exchange contracts.

(3) Outstanding contracts with individual customers and banks.

(4) Credit approval procedures safeguarding against delivery or settlement risk.

(5) Total value of outstanding contracts—spot and forward.

(c) A bank for cooperatives is responsible for its compliance with the laws of the United States in regard to reporting requirements of the Department of the Treasury pertaining to currency exchange activities and international transfers of monetary instruments.

(d) A bank for cooperatives engaged in foreign exchange trading shall have written policies describing the scope of trading activity authorized, delegation of authority, types of services offered, trading limits, reporting requirements, and internal accounting controls.

(e) The bank's trading guideline policies should provide for reporting procedures adequate to inform management properly of trading activities and to facilitate detection of lack of compliance with policy directives.

(f) The bank's policies shall establish foreign exchange delivery limits for eligible customers with relationship to the customer's financial capability to bear the financial risks assumed. The bank will be expected to maintain documentary evidence that a customer's delivery exposure is reasonable, and that responsible bank officers routinely review outstanding delivery exposure of individual customers.

(g) The bank's personnel policies shall include written standards of conduct for those involved with foreign exchange activities, including the following which should be prohibited:

(1) Trading with entities affiliated with the bank or with members of the board of directors.

(2) Foreign exchange and deposit transactions with other bank employees.

(3) Personal business relationships with foreign exchange and money brokers with whom the bank deals.

(h) The bank's policies should provide detailed instructions regarding the need for bank officers to disclose the limits of responsibility and liability of the bank when it holds positions or executes contracts for the account of eligible parties. The bank's policies regarding the respective procedures should provide reasonable assurance that reports on trading activities are current and complete, and that the opportunity for concealment of unauthorized transactions is kept at the absolute minimum.

(i) The 13 banks for cooperatives shall use the Fiscal Agency for purposes of trading foreign exchange. All foreign exchange transactions shall be made by the Fiscal Agency on behalf of the banks consistent with instructions received from the respective bank.

(j) Guidelines (b) through (i) of this section will not apply if a bank purchases or sells foreign exchange through a commerical bank and has no foreign exchange risk exposure.

PART 615—FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

Subpart G—Deposit of Funds

7. Section 615.5190 is revised to read as follows:

§ 615.5190 General.

(a) Federal land banks and Federal land bank associations, Federal intermediate credit banks and production credit associations, and banks for cooperatives may deposit securities and current funds with and receive interest from any member bank of the Federal Reserve System or any insured State nonmember bank as defined in section 3 of the Federal Deposit Insurance Act. Federal land bank associations and production credit associations also may deposit funds with their supervisory bank.

(b) The banks for cooperatives also may deposit securities and current funds with and receive interest from any foreign or domestic financial organization as may be authorized under policies adopted by the banks' boards of directors and approved by the Farm Credit Administration to the extent necessary to facilitate transactions described under § 614.4080(d) of these regulations, except that, to the extent such deposits are invested in instruments approved under § 615.5140 of these regulations, they may not be invested in foreign funds. The sum of deposits placed by a bank for cooperatives with financial organizations as authorized under the foregoing shall not exceed 10 percent of the aggregate bank for cooperatives' total net worth for a period of more than 30 calendar days, and shall be made only by the Central Bank for Cooperatives on behalf of the district bank for cooperatives.

8. Section 615.5370 is amended by adding (d) to read as follows:

Subpart L—Distribution of Earnings

§ 615.5370 Banks for cooperatives' earnings.

* * * * *

(d) A bank may conduct certain transactions on a patronage basis and others on a nonpatronage basis. Reasonable equity shall exist among the parties involved in patronage and nonpatronage transactions including, but not limited to, an equitable allocation of expenses. Each bank shall provide for an equitable method of allocating patronage earnings in a manner consistent with bank bylaws.

9. A new subpart Q consisting of § 615.5550 is added to read as follows:

Subpart Q—Bankers Acceptances

§ 615.5550 Bankers acceptances.

Subject to the provisions of subpart 614, banks for cooperatives may rediscount with other purchasers the acceptances they have created. The bank board, under policies approved by the Farm Credit Administration, may delegate this authority to bank management.

(Secs. 5.9, 5.12, 5.18, Pub. L. 92-181, 85 Stat. 619, 620, 621 (12 U.S.C. 2243, 2246 and 2252))

C. T. Fredrickson,

Acting Governor.

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12 CFR Part 614

Loan Policies and Operations

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration, by its Federal Farm Credit Board, adopts and publishes new and amended regulations which implement those provisions of the Farm Credit Act Amendments of 1980 (Pub. L. 96-592), which expand the authority for financing institutions, other than Farm Credit System institutions, to borrow from and discount with the Federal intermediate credit banks of the Farm Credit System.

EFFECTIVE DATE: Subject to two-House congressional veto as explained in the Supplementary Information, notice of actual effective date will be published.

FOR FURTHER INFORMATION CONTACT: Larry H. Bacon, Deputy Governor, Office of Administration, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, DC 20578, (202-755-2181).

SUPPLEMENTARY INFORMATION: On July 7, 1981, the Farm Credit Administration noticed and proposed for public comment new and amended regulations to 12 CFR Part 614 which would expand the authority for financing institutions other than Farm Credit System institutions to borrow from the Federal intermediate credit banks of the Farm Credit System (46 FR 35112-35115). For purposes of this supplementary information, certain terms are designated as follows: Farm Credit Administration (FCA), Federal Farm Credit Board (Federal Board), Farm Credit System (System), Federal intermediate credit bank (FICB), production credit association (PCA), Farm Credit Act Amendments of 1980 (1980 Amendments), and Farm Credit Act of 1971, as amended, 12 U.S.C. 2001, *et seq.* (Act). The new or amended sections of 12 CFR Part 614 are: §§ 614.4540, 614.4545, 614.4550, 614.4555, 614.4560, 614.4565, 614.4570, 614.4580, 614.4590, 614.4600, 614.4610, 614.4620, 614.4630, 614.4640, 614.4650, and 614.4660.

Eighteen sources provided comments on the proposed regulations. The commentators were: seven OFIs, four System banks, four trade associations, two Congressmen, and one law firm. These 18 sources provided 66 specific comments. In view of the comments received on the proposed regulations, the final OFI regulations contain two additional sections. Section 614.4540 contains definitions of the terms used in the OFI regulations, and § 614.4660 establishes the basis for determining the FICB with which an eligible OFI having loans in more than one Farm Credit district will be eligible to obtain credit.

A number of comments were received which indicated that certain provisions in §§ 614.4545 and 614.4550 of the proposed regulations were subject to various interpretations, some of which were inconsistent with the statute or the intent of the Federal Board. To correct this problem, §§ 614.4545 and 614.4550 have been restructured in a manner which will facilitate the interpretation and administration of the criteria and procedures provided in those sections.

In response to issues raised regarding the meaning of several terms used in the proposed regulation, the final regulations contain a new § 614.4540 setting forth definitions of certain terms used in the OFI regulations. The following terms are defined: "affiliate", "subsidiary", "depository institution", "other financing institution", "national money markets", and "regional money markets". Although the definitions are self-explanatory, it is important to understand the background for the broad definition of "affiliate" and the limited purpose for which the definition is used.

During consideration of the 1980 Amendments, Congress expressed concern that a lending institution which would otherwise be unable to meet the criteria for access to an FICB as a supplemental source of credit might be able to circumvent the statute by forming an affiliated entity which would be itself eligible for access. At the same time, Congress did not wish to deny access to an OFI merely because it was a subsidiary or affiliate of another entity. Congress addressed both of these concerns by authorizing the FICB to which a request for access is made to review, on a case-by-case basis, the total relationship of the OFI and its subsidiaries and affiliates for the purpose of determining whether the eligibility criteria should be applied to the OFI alone or to the OFI in combination with its subsidiaries and affiliates.

FCA has determined that compliance with this statutory purpose can best be achieved through a two-step analysis. Under § 614.4545(c) an FICB will: (1) Identify the subsidiaries and affiliates of an OFI and (2) analyze the relationship between the OFI and its subsidiaries and affiliates to determine whether the OFI should be considered alone, or together with its subsidiaries and affiliates as a combined entity, for the purpose of applying eligibility criteria. "Affiliate" is defined in § 614.4540 to include all persons and entities who own, control, or can vote any voting stock. The definition is necessarily broad to assure that congressional concern regarding circumvention of the statute is addressed. The definition of "affiliate" is significant only to the first step of the two-step analysis and is designed to ensure that the FICB examines the entire ownership and control structure character of the OFI.

After the ownership and control structure of the OFI has been identified, the FICB will proceed to the second step. This requires the FICB to analyze and identify the existence and extent of consolidated stock ownership, common management and employees, common directors, contractual and correspondent relationships, prior business dealings, and liability interrelationships. (This last consideration, which includes, among other things, an analysis of fund flows between the entities, will be of critical importance when the OFI is owned by one or more financial intermediates.) Applying these factors, the FICB will determine whether the OFI should be considered as an individual entity or together with those who own and control it as a combined entity. This determination to consider the OFI as an individual or a combined entity will then be used consistently in the application of the eligibility criteria established in the Act and developed in the regulations for determining eligibility for access to an FICB.

There were six comments on these provisions of the proposed regulation now contained in § 614.4545. Four editorial suggestions were adopted. The editorial changes clarify that the applicable provisions of §§ 614.4545 and 614.4550 must be met by all OFIs requesting access to credit from FICBs and that producers or harvesters of aquatic products will receive the same consideration as farmers and ranchers. A commentator suggested that the regulations should distinguish between the obligation of the FICBs to grant access to OFIs and their authority to grant access under other circumstances.

The final regulation has been restructured to present a more flexible approach to this issue. The Federal Board believes that, in practice, the difference between the obligation and

the authority of FICBs will be administrative rather than regulatory.

Another commentator suggested that the criteria for access are too restrictive and that they can be interpreted and applied differently by the various FICBs. The Federal Board believes that the regulation accurately reflects the intent of Congress and does not impose unnecessary restrictions. The regulation does provide for some flexibility in its application; however, such flexibility is necessary to accommodate the many different types and structures of OFIs which can be expected to apply for access. At the same time, the automatic review procedures provided in § 614.4555 will, in operation, prevent inconsistent application of the criteria among the various Farm Credit districts.

Regarding the provisions of the proposed regulations now contained in § 614.4550, 15 comments were received from 10 sources. One commentator raised several issues which were premised on a belief that the regulation was silent on the eligibility criteria for nonaffiliated credit corporations. The premise for this concern is unfounded since the regulation does address eligibility standards for nonaffiliated corporations in §§ 614.4545 and 614.4550(a)(1), (2), (4), and (5). It was also suggested that the regulation should clearly address the authority to finance large publicly held financing institutions or holding companies. The regulations cited above clearly address the eligibility of such OFIs by imposing the same eligibility criteria on all OFIs. If the criteria are met, an OFI will be eligible for access, regardless of its size.

A general comment was received to the effect that FICBs have a responsibility for providing a continuous source of credit to eligible borrowers. The commentator believes that the focus of the regulations should therefore be on defining the System's responsibility to serve borrowers, rather than distinguishing between the financial institutions which do the lending. This comment is inconsistent with the 1980 Amendments since Congress clearly differentiated between PCAs and OFIs in defining the responsibility of the System to provide credit. The regulations implement specific statutory provisions which establish eligibility criteria applicable to OFIs.

Regarding § 614.4550(a)(1), the same commentator stated that it would be arbitrary to impose an eligibility criterion on an OFI requiring that 15 percent of its total loans be for agricultural purposes. The Federal Board disagrees with this comment. The 15-percent requirement was endorsed by Congress during consideration of the 1980 Amendments and is consistent with the purposes of section 2.3 of the Act. It represents a significant liberalization from the 25-percent requirement imposed administratively under the prior law, yet establishes a reasonable threshold by which an OFI's commitment to agriculture can be judged.

Several commentators suggested that for the purpose of determining whether the 15-percent requirement has been met, the term "agricultural or aquatic loans" should include agricultural real estate loans. Similarly, it was suggested that farm leasing also be included. Both suggestions were incorporated in the final regulation. However, a suggestion that loan participations be included in that term was rejected because section 2.3 of the Act requires that an OFI demonstrate a need for sources of funds to meet the credit requirements of its agricultural or aquatic borrowers. Loan participations do not evidence that need since they involve the borrowers of another lender.

A suggestion that the 15-percent criterion be liberalized in those Farm Credit districts where agriculture represents a nondominant industry was rejected based on the Federal Board's belief that such an approach would, in equity, require a corresponding increase in the percentage criterion in those districts where agriculture is dominant. Such variations would be inconsistent with the Federal Board's belief that the criterion should represent a basic nationwide standard. The Federal Board also noted that the final regulation does afford flexibility for certain instances where the 15-percent test is not met.

With respect to § 614.4550(a)(1), a commentator suggested that the last sentence be clarified to distinguish between financing the sale of products and financing the operational needs of eligible farmers, ranchers, and fishermen. The Federal Board believes that this distinction is already clear based on the regulation and the manner in which it will be applied, since both will require an examination of the nature of the credit extended by the OFI.

As to § 614.4550(a)(3), three commentators expressed opinions relating to the 60-percent loan-to-deposit ratio requirement. One commentator suggested that the 60-percent loan-to-deposit ratio be used only as a starting point for determining an OFI's commitment of funds. It also suggested that the percentage should be based on the highest average for 3 of the prior 5 years. One commentator viewed the requirement as vague and subjective, but suggested that if the regulation was modified to make a clearer distinction between the authority and the obligation of an FICB, the problem could be resolved. One considered the requirement too high for some areas, and another suggested that the regulation should provide an exception for situations when the ratio falls due to conditions beyond management's control.

The Federal Board does not consider § 614.4550(a)(3) vague and subjective. For situations where a bank fails to meet the criterion because of economic decline, the regulation provides an exception if the OFI has maintained a loan-to-deposit ratio equivalent to the ratio in depository institutions of comparable size in the district. The Federal Board believes this exception adequately addresses the need for flexibility. In response to the comment that the requirement is too high, the Federal Board believes a 60-percent ratio is justified since it was selected on the basis of statistical data which indicate that banks can and do operate effectively with ratios higher than 60 percent. The criterion is well below the loan-to-deposit ratio standard at which bank regulators typically express concern as to the appropriate and efficient operation of a commercial bank.

With respect to § 614.4550(a)(4), a commentator suggested that the regulation should restrict the upper size of the originating commercial bank to one with no more than $250,000,000 in assets, with authority for an FICB to approve exceptions. It also recommended opening the discount privilege to unit banks which, although members of holding companies, do not use the holding company as a means of accessing regional or national money markets.

The first suggestion was not accepted because the Federal Board does not believe it is appropriate to establish a limit on asset size. This conclusion is supported by testimony given and comments made during congressional consideration of the 1980 Amendments. The Federal Board recognizes that in practice the application of eligibility criteria may, in some circumstances, have the effect of limiting access to OFIs based on the amount of assets; however, this result will vary from one part of the country to another to accommodate different operating conditions. With respect to holding company affiliates, the issue is not whether an affiliate uses the holding company, but whether it is able to do so as a regular part of its funding mechanism. It should be noted that this is only one of several questions which must be addressed in determining

under § 614.4545(c) whether the OFI will be considered together with its affiliates for purposes of meeting the eligibility criteria.

A commentator expressed concern that § 614.4550(a)(4) is already being applied prior to adoption of the final regulation. It cited an example wherein an OFI's request for access was rejected by an FICB because the OFI sold Fed funds. The sale of Fed funds will not be a basis in itself for rejection under the final regulations.

Several comments were received from OFIs which have established relationships with FICBs and are concerned that they will now be denied access since they are not able to comply with the eligibility criteria in the final regulations. This concern is unfounded since § 614.4550(b) makes clear that OFIs which are eligible and are discounting with an FICB will not be subject to the eligibility criteria in these regulations if they do not make material changes in their operations or ownerships. However, they will be subject to the other provisions in these regulations.

Four commentators addressed § 614.4555. One noted that the review provision goes beyond the requirements of the statute and suggested the provision be modified to delete any notice and hearing requirements. Another suggested the need for more certainty in the process with respect to the time period allowed and the availability of independent arbitrators.

The first comment was correct in its assessment that the statute and the legislative history do not require notice and hearing in conjunction with FCA review of a denial of a request for access. The regulation has been restructured and clarified to avoid that interpretation. The Federal Board recognizes the need for the fair and consistent administration of eligibility determinations, and the important supervisory role of FCA in assuring that all OFIs requesting access are properly considered under the eligibility standards established in the law and regulations, and that any incorrect eligibility determination is revised regardless of the tenacity of the requesting OFI. To achieve that result the regulation provides for automatic FCA review of all negative determinations by FICBs and establishes FCA as the final authority for eligibility determinations. In this manner the regulation assures that the eligibility criteria will be applied uniformly within the various districts and that denials of access will be consistent with the law and regulations. If, following FCA review, an OFI is denied access, it will be notified by the FICB of such denial and the reasons therefor. The OFI may thereafter submit to the FICB a new request for access which it believes responds to the deficiencies cited. It should be noted that the scope of FCA review under the regulations will encompass all denials of access based on eligibility, not just those denials based on affiliations with other entities.

There were 20 comments on § 614.4560. With respect to subsection (a), one commentator stated that there is no stated requirement for maintaining reasonable credit quality, except in § 614.4560(a)(3). The Federal Board believes that requirements regarding credit quality are dealt with adequately in several sections of the final regulations—including §§ 614.4545, 614.4550, and 614.4560.

Regarding § 614.4560(b)(1), a commentator suggested that the regulations should contain a $500,000 minimum capital requirement, with authority for an FICB to provide exceptions. Another commentator presented an opposite view, stating that the initial capital requirements are a major problem since the minimum capital required by most FICBs is excessive for smaller commerical banks. In response to the first comment, the Federal Board believes that a $500,000 capital requirement is substantially greater than could be justified based upon an analysis of economic feasibility or servicing costs to an FICB. The Federal Board believes the regulation is responsive to the second comment, since its practical application will reduce the minimum capital requirements for most FICBs. While in no way binding or conclusive, a preliminary review by FCA indicates that an OFI minimum capital base of approximately $250,000 should be in many circumstances adequate and justifiable from an FICB cost perspective to support an OFI line of credit with the bank. However, no capital standard has been specified in § 614.4560 in order to accommodate inevitable servicing cost variances among FICBs based on asset size, volume of OFI business, operating experiences, and various other factors. FCA will review and monitor FICB policies relating to OFI minimum capital requirements to assure that they have sound justification based on empirical cost analyses.

A commentator suggested that the regulations should state when an OFI must invest in the FICB to which it seeks access. It was also suggested that the required OFI investment in an FICB should be the "actual" average investment for PCAs rather than the "required" average investment. The second suggestion was adopted. However, the first suggestion was rejected since the requirement is most appropriately handled in the financing agreement between the OFI and the FICB.

As to the debt-to-capital ratio requirements in § 614.4560(a)(3), a commentator stated that prevailing capital leveraging is far less favorable than the leveraging permitted for national banks. Two commentators suggested that the ratios should start at 5:1 and move upward, based on experience, to a ratio equal that authorized for PCAs. The Federal Board agress that the ratio requirement is more conservative than that imposed on national banks. However, the requirement is consistent with the basic thrust of the law toward equal treatment for OFIs and PCAs. It also believes that the 10:1 maximum ratio established in the regulation accomplishes the intent of the commentators. Another commentator suggested that the regulation should provide such flexibility as would permit the establishment of debt-to-capital ratios for OFIs on a differential basis. This suggestion is not supported by the operating history of OFIs and therefore no change was made.

With respect to § 614.4560(b)(4), a commentator expressed the opinion that the subsection compares dissimilar situations in that PCAs do not have general collateral requirements. This observation is correct. However, the pledging of all assets by a PCA to secure its line of credit from the bank does parallel the general collateral requirement of the subsecton and sets a workable basis for comparison.

Eleven commentators addressed § 614.4560(b)(5) which establishes the extent to which a credit line must be used and authorizes the imposition of fees for failure to use the credit line. The comments focused on three points: (1) the volatile nature of agriculture makes the projections unreliable and impossible to administer; (2) a comparable requirement is not imposed on PCAs; and (3) the requirement does not accommodate fluctuating credit needs of an OFI since it imposes an upper limit on the amount an OFI can borrow. One commentator suggested that a 2-year projection should be a sufficient commitment, while another suggested that a 1-year commitment is more common in banking and more in line with what is required of PCAs. One commentator recommended deletion of the exception clause in the regulation, and another suggested the need for an

editorial change to clarify the application of the commitment fee.

The proposal was modified to clarify the basis for assessing a commitment fee. The fee will be assessed where failure to reach the projections was within the control of the OFI. The fee will not be applicable where failure to meet the requirements resulted from fluctuations in agricultural borrowings caused by economic conditions. The final regulation also reduces the required projection period from 3 years to 2 years since the Federal Board considers this a reasonable period which is adequate to achieve the purpose of the law and the regulation.

In response to the second point, the regulation and the authorized fees are intentionally inapplicable to PCAs. The potential for the assessment of fees is designed to discourage OFIs from "shopping" for credit at the expense of an FICB. Unlike OFIs, PCAs have no alternative sources of credit other than FICBs. Since they are unable to seek or obtain credit elsewhere when rates are more favorable, there is no need to discourage such activity on the part of PCAs. One commentator analogized the OFI/FICB relationship to bank-to-bank relationships, noting that such relationships do not involve commitment fees. The Federal Board views this characterization as inaccurate. The relationship between an FICB and an OFI is not a bank-to-bank arrangement since such relationships are normally for short-term periods. The FICB/OFI relationships are properly analogous to bank/customer relationships in which the assessment of a commitment fee is justifiable. Several commentators correctly characterized the regulation as providing for the establishment of a maximum line of credit. As with any other borrower, a maximum would be established based on the needs and credit worthiness of the OFI. The credit line can always be renegotiated if those needs increase.

Section 614.4565 establishes OFI lending limits. A commentator suggested that the lending limit for an OFI should start at 50 percent of capital and surplus and increase thereafter as experience warrants. One commentator recommended deleting the limit entirely since the effect of the provision on some OFIs which are not affiliated with commercial banks would be to prohibit them from serving several of their larger customers. Both suggestions were rejected because the lending limit imposed in the regulation is substantially more liberal than that permitted by any Federal or State bank regulatory agencies, and is consistent with lending limits imposed on PCAs. Several commentators correctly interpret the regulation to permit OFIs to serve borrowers whose needs exceed 50 percent of the institution's capital through participations with other lenders or by obtaining a guarantee on that portion of a loan which exceeds the limit. As to § 614.4590, a commentator expressed hope that the development of the standard general financing agreement will not delay implementation of the final regulations; that the agreement will be standardized; and that there will be opportunity for OFI comment. FICBs as a group will afford OFIs the opportunity to comment on the general financing agreement. It is anticipated that the agreement will be available in draft form by the time the regulations are effective.

One commentator objected to the examination requirements in this section, arguing that they conflict with the exclusive examination powers of bank regulatory agencies. FCA does not routinely audit OFIs but the Act gives FCA such authority and requires OFIs other than certain State-regulated institutions to submit to such examinations at the request of FCA. With respect to State banks, trust companies, and savings associations, the Act authorizes FCA to require such institutions to provide FCA access to examination reports prepared by constituted State authorities. The regulation has been modified to clarify these statutory obligations and responsibilities.

Two commentators suggested deleting "annual" from the third sentence of § 614.4590. This change was made.

Two comments were received on § 614.4610. Under the regulation, an eligible OFI can discount with an FICB any loan which a PCA is authorized to make, including certain loans for rural housing and farm-related business. The Federal board modified the proposal to make clear that the loans eligible for discount with an FICB are subject to the same limitations imposed on PCAs, including the requirement that the aggregate of rural housing loans to an OFI discounted with the FICB cannot exceed 15 percent of the OFI's loan volume with the FICB.

One commentator suggested including farm leasing obligations among loans eligible for discount. Farm leasing is eligible if PCAs in the district are authorized by the district board to make financial leases.

One commentator suggested that the regulation be modified to enable an FICB to continue discounting for an eligible OFI even where one of the OFI's affiliates becomes ineligible, and that in such a case the OFI should merely be precluded from discounting loans of the ineligible affiliate. The suggestion was adopted and is reflected in § 614.4620.

Five comments were received on § 614.4640. Two commentators noted that the last sentence of an earlier version of the proposal was omitted. The sentence has been added in the final regulation. Two commentators suggested that FICBs should be permitted to charge OFIs "special" or additional fees to recognize the existence of a risk differential between extending credit to OFIs and PCAs. This suggestion was not accepted because the Federal Board has no conclusive evidence to indicate the existence of a significant differential which would warrant a different treatment for OFIs. However, FCA staff will study this issue further. Another commentator suggested changing the allowable spread from 4 to 6 percent, or 50 percent of the discount rate. The Federal Board has no evidence that the current spread is inadequate for the profitable operation of PCAs and OFIs.

Two comments were received on § 614.4650. One commentator suggested a typographical correction in § 614.4650(a)(4) which was made. Another suggested that "failure to maintain adequate credit quality" should be included as a reason for revoking access. This concept was implicit in the proposal and specific language to that effect has been added in the final regulation.

In response to a comment received concerning OFIs operating in more than one Farm Credit district, a new § 614.4660 was added to the final regulations. The new section establishes criteria for identifying the FICB which a multi-district OFI may access as a source of funds.

Effective Date Information

The Federal Board considered each of the comments received and adopted final regulations in the course of its October 7, 1981 meeting. The effective date of these regulations is subject to section 5.18(c) of the Act which provides for a two-House congressional veto. The regulations were transmitted to Congress contemporaneously with transmittal to the Office of the Federal Register for publication. They will become effective upon the expiration of sixty calendar days of continuous session of Congress from the date of publication unless a committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the

regulations or such a resolution has been adopted by either House of Congress. If for one of such reasons the regulations do not become effective sixty days from the date of publication, the regulations will become effective ninety days from such date unless both Houses of Congress adopt a concurrent resolution disapproving the regulations.

A final notice establishing the effective date of the regulations will be published subsequently in the **Federal Register.**

A redesignation table is published elsewhere in this issue.

PART 614—LOAN POLICIES AND OPERATIONS

For the reasons set out in the preamble, Subpart P, Part 614 of Chapter VI, Title 12 of the *Code of Federal Regulations* is amended as shown.

The entire Subpart P is added to read as follows:

Subpart P—Federal Intermediate Credit Bank Financing of Other Financing Institutions

Sec.

Authority: Secs. 5.9, 5.12, 5.18, Pub. L. 92–181, 85 Stat. 619, 620, 621, 12 U.S.C. 2243, 2246 and 2252.

§ 614.4540 Definitions.

When used in this subpart:

(a) The term "person" means an individual, corporation, partnership, association, joint stock company, trust, fund, or any organized group of individuals or entities whether incorporated or unincorporated.

(b) The term "affiliate" of another person means a person that directly, or indirectly through one or more intermediaries,

(1) Owns, controls, or has the power to vote shares of any class of voting securities of such person; or

(2) Controls in any manner the election of a majority of directors of such person; or

(3) Exercises or has the power to exercise a controlling influence over the management of such person.

(c) The term "subsidiary" of another person means any person 10 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by such other person.

(d) The term "depository institution" means any national bank, state bank, trust company, savings institution, or credit union.

(e) The term "other financing institution" (hereinafter referred to as "OFI") means any person enumerated in section 2.3(a)(2) of the Farm Credit Act of 1971, as amended, except to the extent that depository institutions, as defined herein, are specifically excluded in usage of the term.

(f) The term "national money markets" means those money markets serviced by the largest banks in the United States which operate on a national level and conduct international operations as well.

(g) The term "regional money markets" means those money markets generally served by intermediate size banks which do not ordinarily operate on a national level but which may trade funds among themselves and provide services to community banks.

§ 614.4545 General.

(a) The Federal intermediate credit banks have a responsibility to make loans and extend other financial assistance to, and discount for or purchase from, any OFI which meets the criteria set forth in § 614.4550 and complies with the various other requirements of this subpart.

(b) An OFI meeting the basic eligibility criteria in § 614.4550 of this subpart shall have its application evaluated on the basis of its ability to make and service a sound loan portfolio and its managerial and financial strength. The presence of two or more OFIs serving the same territory or the failure of an OFI to enter into loan participations with production credit associations shall not be considered in evaluating the application. Financial assistance may be provided through a direct loan to the OFI, or by purchasing or discounting individual loans made by the OFI.

(c) A Federal intermediate credit bank shall determine, in considering a request to establish an access relationship, whether the OFI should be considered by itself, or together with its affiliates or subsidiaries as a combined entity, for the purpose of determining eligibility in applying the criteria set forth in § 614.4550 of this subpart. A determination to consider an OFI together with its affiliates as a combined entity shall require the consistent application of each of the eligibility criteria to the combined entity on a consolidated basis. In making its determination, the bank shall give due regard to the total relationship between the various parties, including but not necessarily limited to the following factors:

(1) Ownership of voting stock;

(2) Common management and employees;

(3) Common directors;

(4) Contractual and correspondent relationships;

(5) Prior business dealings; and

(6) Liability interrelationships, including but not limited to fund flows.

(d) Where a Federal intermediate credit bank makes a determination to consider an OFI together with its affiliates as a combined entity, the OFI must demonstrate that the larger organization of which it is considered a part will continue to use the same proportion of its resources for agricultural or aquatic lending. The OFI must also demonstrate that all resources available to the consolidated entity are being used to alleviate the shortage of funds for agriculture.

(e) In dealing with an OFI affiliated with a cooperative, the Federal intermediate credit bank shall consider the possible effects of such relationship on the operations and credit policies of the cooperative. Such OFI which is an otherwise eligible entity may discount or borrow on the security of notes of farmers, ranchers, or producers or harvesters of aquatic products (as distinguished from notes of cooperatives), evidencing loans to finance the cost of supplies, equipment, or services obtained from such affiliated cooperative, if the bank board finds that an additional source of credit is needed to facilitate financing of such transactions and the primary benefits of such credit will inure to the borrowing farmers, ranchers, or producers or harvesters of aquatic products.

§ 614.4550 Basic eligibility criteria.

(a) An OFI shall be afforded access on a reasonable basis to a Federal intermediate credit bank as a source of funds if it meets all of the eligibility criteria set forth below:

(1) The OFI is duly organized and qualified to make loans under the laws of each jurisdiction in which it operates. The OFI shall be a person primarily engaged in the business of extending short- and intermediate-term credit to farmers, ranchers, and/or producers or

harvesters of aquatic products. A person engaged in other business activities shall not be eligible to obtain credit from a Federal intermediate credit bank merely because it has the power to make loans to farmers, ranchers, and/or producers or harvesters of aquatic products. The fact that an OFI has powers not related to such credit activities or receives income from other sources shall not in and of itself render it ineligible. A person whose primary function is to finance the sale of products by its affiliates shall not be eligible for access.

(2) The OFI is significantly involved in lending for agricultural or aquatic purposes. The OFI has at least 15 percent of its loan volume at the seasonal peak in agricultural and/or aquatic loans. The Federal intermediate credit bank shall consider requests with a lesser percent if the OFI demonstrates that it is making a special and sustained effort to serve agricultural or aquatic producers and the 15 percent will be attained in a reasonably short period. Only obligations under § 2.15(a)(1), (2), and (3) of the Farm Credit Act of 1971, as amended, as well as eligible agricultural or aquatic real estate loans to eligible borrowers and leasing obligations to eligible borrowers originated through the OFI's own leasing program, shall be considered in determining that this 15-percent requirement has been met.

(3) Where the OFI seeking access is a depository institution, or where the OFI is affiliated with one or more depository institutions and considered a combined entity in accordance with § 614.4545(c) of this subpart, the OFI must demonstrate a continuing need for supplementary sources of funds to meet the credit requirements of its agricultural or aquatic borrowers. The OFI's gross loan-to-deposit ratio shall be not less than 60 percent at the seasonal peak for the last 3 consecutive years. Where failure to meet this criterion in one of the last 3 consecutive years is the result of a general decrease in borrowings caused by an economic decline, the Federal intermediate credit bank may make an exception in applying this criterion to a request for access where the OFI has otherwise maintained ratios equivalent to depository institutions of comparable size in the district. For purposes of this paragraph, gross loans shall include all direct credit extended by the OFI in its trade area. Such items as loans purchased from or participated in with other OFIs shall be excluded.

(4) The OFI has limited access to national or regional money markets as an alternate source of funds and is fully utilizing locally generated funds to finance local needs. Evidence of money market access shall be determined by the extent to which the OFI, or persons of similar size and circumstances, have the ability to utilize, on a regular basis, bankers acceptances, commercial paper, or negotiable certificates of deposit, or other similar liability instruments as a source of funds.

(5) The OFI would continue to use at least the same proportion of its resources for agricultural or aquatic lending.

(b) An OFI eligible under previous regulations which cannot meet the basic eligibility requirements of these regulations and is discounting with a Federal intermediate credit bank on the effective date of these revisions shall not become ineligible provided it does not make material changes in operations or ownership.

§ 614.4555 Review of denial of access based on eligibility.

A Federal intermediate credit bank which proposes to reject a request by an OFI for access to the bank as a source of funds on the basis of eligibility as set forth in § 614.4550 of this subpart shall promptly notify the Farm Credit Administration of such decision and the reasons therefor. The Farm Credit Administration shall review each such negative decision on a case-by-case basis, taking into consideration all relevant factors, and advise the bank of its final determination. Thereafter, the bank shall promptly notify the OFI of the determination as to the request for access and, if rejected, the reasons therefor.

§ 614.4560 Establishing and maintaining access.

(a) An OFI seeking access to a Federal intermediate credit bank as a supplemental source of funds shall demonstrate that it is able to establish and maintain a sound lending program. Each Federal intermediate credit bank shall develop standards to evaluate an OFI relative to:

(1) A capital structure adequate to support an economically feasible lending operation;

(2) The amount of collateral required to be deposited with or invested in the bank to support the extension of credit to the OFI; and

(3) The ability of the OFI to extend and administer the anticipated loan portfolio on a sound basis.

(b) The standards set forth in subsection (a) shall be subject to the following limitations:

(1) The amount required to capitalize an OFI shall be determined by an analysis of the economic feasibility of the proposal presented in the request, the credit risk involved, and the servicing cost to the Federal intermediate credit bank. Any uniform minimum capital requirement based on the Federal intermediate credit bank's administrative costs shall be supported by documented costs which clearly demonstrate the need for the minimum requirement.

(2) The initial capital required to be invested in the Federal intermediate credit bank by an OFI shall be no greater than the actual average investment required of production credit associations in the district. OFIs with established access relationships may be assessed for additional capital if the contract is renegotiated to permit a larger volume of loans or when a general capital equalization or assessment is made. Capital invested in the bank by an OFI shall be retired in accordance with bank policy.

(3) No obligation shall be purchased from or discounted for, and no loans shall be made or other similar financial assistance extended by a Federal intermediate credit bank to an OFI if the amount of such obligation added to the aggregate liabilities of such OFI, whether direct or contingent (other than bona fide deposit liabilities), exceeds 10 times the paid-in and unimpaired capital and surplus of such OFI or the amount of such liabilities permitted under the laws of the jurisdiction creating such OFI, whichever is less. It shall be unlawful for any national bank which is indebted to any Federal intermediate credit bank upon obligation discounted or purchased to incur any additional indebtedness, if by virtue of such additional indebtedness its aggregate liabilities, direct or contingent, will exceed the limitation contained herein. A debt-to-capital ratio less than that permitted by statute may be imposed to assure that the OFI maintains its eligibility to borrow and provides adequate capital from a credit standpoint. Any lesser ratio imposed initially shall not be less than one ratio point below the district average for production credit associations. Once the OFI has established and maintained a satisfactory access relationship with a Federal intermediate credit bank, the debt-to-capital standard shall be the same as that used in evaluating production credit associations.

(4) General collateral securing the entire credit line from a Federal intermediate credit bank may be required in accordance with § 614.4570

of this subpart. The amount to be required shall be based on the credit risk presented by the OFI and shall not be proportionally greater than is required of a production credit association under similar circumstances.

(5) Credit lines with a Federal intermediate credit bank shall be established according to projections of loan volume provided by the OFI and accepted by the Federal intermediate credit bank. A credit line shall be established for at least a 2-year term in support of the OFI's continuing need for access. Failure to maintain an annual average daily balance of loans discounted equal to at least 70 percent of the projected average daily balance shall subject the OFI to payment of an annual loan commitment fee. The fee shall be equal to 1 percent of the difference between the projected and approved average daily balance and the actual average daily balance of loans outstanding or discounted. The Federal intermediate credit bank may make exceptions when failure to comply with this requirement is caused by a general decrease in agricultural borrowings caused by an economic decline, but no exception shall be made when failure to comply with this requirement is due to borrowings obtained from other sources or repurchase of loans by an affiliate. Repeated failure to utilize the line of credit at an acceptable level may result in loss of access. No fee shall be assessed if the relationship is terminated by the Federal intermediate credit bank for reasons other than those stated in this section. OFIs with inactive access relationships on the effective date of these regulations shall be notified and given a reasonable opportunity to activate or cancel the relationship.

§ 614.4565 Lending limit.

An OFI having access to a Federal intermediate credit bank shall not accept liability on any loan or other obligation, or obtain any endorsement or guarantee from a borrower where the aggregate of such liabilities or indebtedness to the OFI would exceed 50 percent of its capital and surplus or such lesser amount as may be established by other State or Federal statute. OFIs which have loans in excess of this limitation shall have 2 years from the effective date of these regulations to reduce individual risk exposure to within this limitation.

§ 614.4570 General collateral requirements.

As a condition precedent to establishing a credit line with a Federal intermediate credit bank, OFIs (except depository institutions) shall pledge as collateral for any and all obligations to the bank, cash, or readily marketable securities of high rating, in an amount to be determined by the Federal intermediate credit bank. At the discretion of the bank, depository institutions may be required (unless prohibited by law or by supervisory authority) to deposit acceptable collateral. Securities and obligations pledged with the bank shall be deposited under a collateral pledge agreement pursuant to which all securities and obligations so pledged, including all substitutions and additions and the proceeds of any such collateral, including all income derived, shall be available to secure any and all obligations to the Federal intermediate credit bank, whether direct or contingent, present or future.

§ 614.4580 Use of funds.

Funds obtained from the Federal intermediate credit bank may not be used by an OFI to expand lending activity in loans which would be ineligible for discount.

§ 614.4590 General financing agreement.

An OFI desiring to access a Federal intermediate credit bank shall execute a general financing agreement. The agreement shall state the general terms and conditions under which loans will be discounted or made or credit otherwise extended and shall provide for the OFI to periodically furnish the bank acceptable financial reports and any data necessary to assure that the OFI remains in compliance with these regulations. The agreement shall further provide that the OFI, other than a State bank, trust company, or savings association, agrees to examination by the Farm Credit Administration if such examination is requested by the Governor. With respect to an OFI which is a State bank, trust company, or savings association, the agreement shall provide that such OFI, at the request of the Governor, consents that reports of its examination by constituted State authorities may be furnished by such authorities to the Farm Credit Administration.

§ 614.4600 Methods of financing.

(a) A Federal intermediate credit bank may provide funds to OFIs by discounting or purchasing individual loans or by direct loan to the OFI, all subject to the following:

(1) Direct discount or purchase is normally made at full face value of the individual loan of acceptable quality. At the option of the Federal intermediate credit bank, a loan of less than acceptable quality may be discounted or purchased at less than the full amount of such loans. In such transactions, the OFI shall be required to apply all repayments toward repayment of the amount of the less than acceptable loan discounted or purchased by the bank.

(2) A Federal intermediate credit bank is authorized to make loans and advances to OFIs secured by notes or other such obligations of eligible borrowers defined in Part 613 of these regulations; however, such loans or advances may be made to enable the OFI to make or carry loans to such bona fide farmers and ranchers or to producers or harvesters of aquatic products.

(b) The following classes of obligations are authorized for discount or purchase or as collateral for direct loans and advances to OFIs, subject to approval of the bank to which such securities are to be pledged:

(1) Obligations of eligible borrowers defined in Part 613 of these regulations arising from direct credit extension by the OFI.

(2) Loan participations purchased.

(3) Obligations set forth in § 615.5140(a) which have been approved by the Farm Credit Administration for investment by institutions of the Farm Credit System.

§ 614.4610 Obligations eligible for discount or purchase.

Any obligation the proceeds of which could have been advanced to an eligible borrower by a production credit association in the district shall be eligible for discount by or purchase from an OFI, as set forth in Part 613 of these regulations and the limitations contained therein, including § 613.3040(d)(2). Loan participations purchased by an OFI shall be eligible for discount by or purchase from an OFI. The Federal intermediate credit bank is authorized to take corrective measures if this authority is being used to circumvent the intent of these regulations. The Federal intermediate credit banks shall be responsible for providing OFIs with any additional lending and borrower eligibility guidelines which may be provided to production credit associations.

§ 614.4620 Multiple ownership.

Where two or more entities combine resources to form an OFI to apply for access to a Federal intermediate credit bank, the request for access shall be evaluated according to the criteria set forth in §§ 614.4545 and 614.4550 of this subpart. The Federal intermediate credit bank shall in no event be required to

discount for, purchase from, or extend credit to such an OFI with respect to any obligation originated by one of its affiliates which is itself ineligible under the criteria set forth in § 614.4550 of this subpart.

§ 614.4630 Insolvency of another financing institution.

(a) If an OFI having access to a Federal intermediate credit bank becomes insolvent or is in process of liquidation, or if it fails to service its loans properly, and where supervision or orderly liquidation will be facilitated by direct handling of the obligations of the note makers, the bank may, with the consent of the Farm Credit Administration, take over such obligations for orderly liquidation. Obligations pledged with the bank by an OFI, either as collateral for a direct loan or as additional security for any and all indebtedness of the institution to the bank, also may be taken over and handled directly with the makers after a title has been acquired in accordance with the provisions of applicable laws and the terms of the pledge agreements executed by the OFI involved. The bank's authority to handle obligations directly includes the authority to make additional advances, to grant renewals and extensions, and to take such other actions as may be necessary to collect the loans. Direct liquidation of obligations carried for an OFI should be resorted to only in cases where other measures have failed, and it is apparent that direct liquidation is the only practicable means available to the bank for protection of its interest.

(b) Obligations handled for an insolvent OFI as provided in this section shall not be assigned as collateral for bonds without the approval of the Farm Credit Administration.

(c) As to obligations which a bank has taken over from a defaulting OFI for liquidation, interest shall be collected according to the terms. Renewals of such obligations, when directly payable to the bank, shall bear interest at a rate not to exceed the maximum rate that may be charged by OFIs on obligations eligible for discount by the banks at the time of renewal.

§ 614.4640 Rates and fees.

Interest on loans to OFIs shall be charged and collected at the same rate and on the same basis as to production credit associations. No obligation offered for discount by an OFI shall be accepted if the rate charged the borrower exceeds by more than 4 percent the rate of the Federal intermediate credit bank in effect on the date the loan was made or, with respect to variable rate loans, the rate in effect from time to time throughout the loan. Except as provided in § 614.4560(b) of this subpart, a Federal intermediate credit bank may charge servicing fees in connection with credit extended to financing institutions provided comparable fees are charged to production credit associations.

§ 614.4650 Basis for revocation of access.

(a) A Federal intermediate credit bank may revoke or suspend the credit line of an OFI for cause. The following may be cause for revocation.

(1) Failure to comply with this subpart or the terms of the agreement between the Federal intermediate credit bank and the OFI.

(2) Failure to correct violation of State or Federal statutes brought to the attention of the OFI, where the nature of the violation calls into question the safety of the loan or discount relationship or the integrity of the OFI's management.

(3) Failure to maintain management, credit practices, or credit quality satisfactory to the bank.

(4) Failure to use the established credit line to the extent contemplated in § 614.4560(b)(5) of this subpart.

(5) Changes in the operation of the institution which render it ineligible under § 614.4550 of this subpart.

(b) During any period of suspension the bank shall not be required to purchase from or discount for the OFI any new obligations and no further advances shall be required pending correction of a default. The Federal intermediate credit bank may make advances to cover commitments on obligations held by the bank or to preserve the security and protect the interest of the bank in obligations held by it. Before making additional advances to an OFI whose right to borrow or discount has been suspended because the ratio of its total liabilities to unimpaired capital and surplus equals or exceeds the maximum permitted under law, the bank shall satisfy itself that the OFI will not violate any applicable law by assuming liability for such additional advances.

§ 614.4660 Place of discount.

When an OFI has loans outstanding to borrowers in more than one Farm Credit district, it shall establish its eligibility with the Federal intermediate credit bank in whose territory the OFI has its principal place of business. However, if more than 50 percent of the OFI's loans outstanding to borrowers are located in a single Farm Credit district other than that in which the OFI is headquartered, it shall establish its eligibility and discount relationship with the Federal intermediate credit bank in whose territory the loan volume is concentrated. No OFI having access to a bank on the effective date of these regulations shall be required to change its relationship to another Federal intermediate credit bank unless the OFI changes its headquarters location or its lending territory.

C. T. Fredrickson,

Acting Governor.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS*		DOT/FHWA	USDA/SCS*
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
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 Soil Conservation Service will begin Tues/Fri. publication as of Nov. 3, 1981.

REMINDERS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing October 21, 1981