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Presidential Documents

Title 3—

The President

Proclamation 4889 of December 29, 1981

Staged Reduction of Rates of Duty on Certain Products To Carry Out a Trade Agreement With Japan, and Technical Corrections in the Tariff Schedules of the United States

By the President of the United States of America

A Proclamation

1. I have determined, pursuant to section 124(a) of the Trade Act of 1974 (the Trade Act) (19 U.S.C. 2134(a)) that certain existing duties of the United States are unduly burdening and restricting the foreign trade of the United States and that one or more of the purposes of the Trade Act would be promoted by entering into the trade agreement with Japan identified in the third recital of this proclamation.

2. Sections 131(a), 132, 133, 134, 135, and 161(b) of the Trade Act (19 U.S.C. 2151(a), 2152, 2153, 2154, 2155, and 2211(b)) and section 4(c) of Executive Order No. 11846 of March 27, 1975 (3 CFR 1971–1975 Comp. 974) have been complied with.

3. Pursuant to Title I of the Trade Act (19 U.S.C. 2111 *et seq.*), I have, through my duly empowered representative, on September 30, 1981, entered into a trade agreement with Japan pursuant to which United States rates of duty on certain products would be modified as hereinafter proclaimed and as provided for in Annexes I and II to this proclamation, is exchange for certain measures which will benefit United States interests.

4. Pursuant to the Trade Act, I determine that the modifications or continuance of existing duties hereinafter proclaimed are required or appropriate to carry out the trade agreement identified in the third recital of this proclamation.

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, including but not limited to sections 124 and 604 of the Trade Act (19 U.S.C. 2134 and 2483), do proclaim that:

(1) The TSUS is hereby modified as provided in Annex I to this proclamation;

(2) Annexes II and III to Presidential Proclamation 4707 of December 11, 1979, are amended as provided in Annex II to this proclamation;

(3) Annex IV of Proclamation 4707 of December 11, 1979, is superseded to the extent inconsistent with this proclamation.

(4) Whenever the column 1 rate of duty in the TSUS for any item specified in Annex I to this proclamation is reduced to the same level as, or to a lower level than, the corresponding rate of duty inserted in the column entitled "LDDC" by Annex I of this proclamation, the rate of duty in the column entitled "LDDC" for such item shall be deleted from the TSUS.

(5) Each of the modifications made by this proclamation shall be effective as to articles entered, or withdrawn from warehouse for consumption, on and after January 1, 1982.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of December, 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

Annex I

MODIFICATIONS OF THE TARIFF SCHEDULES OF THE UNITED STATES

Notes:

1. Bracketed matter is included to assist in the understanding of ordered modifications.

2. The following items, with or without preceding superior descriptions, supersede matter now in the Tariff Schedules of the United States (TSUS). The items and superior descriptions are set forth in columnar form, and material in such columns is inserted in the columns of the TSUS designated "Item", "Articles", "Rates of Duty 1", "Rates of Duty LDDC", and "Rates of Duty 2", respectively.

Subject to the above notes the TSUS is modified as follows:

Items 687.65, 687.70, 687.75, and 687.76 and their superior heading are superseded by:

	[Electronic...:]			
	[Other:]			
"687.66	Electronic tubes, except cathode-ray tubes.....	[See Annex II]	4.2% ad val.	35% ad val.
	Transistors and other related electronic crystal components; mounted piezo-electric crystals:			
687.70	Transistors.....	[See Annex II]	4.2% ad val.	35% ad val.
687.72	Diodes and rectifiers.....	[See Annex II]	4.2% ad val.	35% ad val.
687.74	Monolithic integrated circuits.....	[See Annex II]	4.2% ad val.	35% ad val.
687.77	Other integrated circuits...	[See Annex II]	4.2% ad val.	35% ad val.
687.79	Mounted piezo-electric crystals.....	[See Annex II]	4.2% ad val.	35% ad val.
687.81	Other.....	[See Annex II]	4.2% ad val.	35% ad val.
	Other, including parts not specially provided for:			
687.83	Parts of electronic tubes...	[See Annex II]	4.2% ad val.	35% ad val.
687.85	Parts of semiconductors.....	[See Annex II]	4.2% ad val.	35% ad val.
687.87	Other.....	[See Annex II]	4.2% ad val.	35% ad val.
687.89	Any article described in the foregoing items 687.66 to 687.87, inclusive, if Canadian article and original motor-vehicle equipment (see headnote 2, part 6B, schedule 6).....	Free".		

Annex II

Annex III, Section A to Presidential Proclamation No. 4707 of December 11, 1979, is amended--

1. by deleting in the column entitled "Item in TSUS as modified by Annex II", the TSUS item number "321.25" and substituting "351.25" in lieu thereof;

2. by deleting, in the column entitled "1987" as to TSUS item 722.42, the rate of duty of "2%" and substituting "2.2%" in lieu thereof;

3. by deleting, in the column entitled "1982" as to TSUS item 730.63, the rate of duty of "13.3%" and substituting "11.3%" in lieu thereof;

4. by deleting the following TSUS item numbers with their corresponding rates of duty and footnotes:

687.58	687.70	708.85
687.65	687.75	709.40; and

5. by inserting the following TSUS item numbers in numerical sequence, with their corresponding rates of duty and footnotes, as follows:

Item in TSUS as modified by Annex II	Rate from which staged	Rates of duty, effective with respect to articles entered on and after January 1,--							
		1980	1981	1982	1983	1984	1985	1986	1987
687.58 2/	6% ad val.	5.8%	5.6% 2/	2/	2/	2/	2/	2/	2/
687.65 2/	6% ad val.	5.8% 2/	5.6% 2/	2/	2/	2/	2/	2/	2/
687.66 2/	6% ad val.	5.8% 2/	5.6% 2/	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
687.70 2/	6% ad val.	5.8% 2/	5.6% 2/	4.24%	4.2%	4.2%	4.2%	4.2%	4.2%
687.72 2/	6% ad val.	5.8% 2/	5.6% 2/	4.24%	4.2%	4.2%	4.2%	4.2%	4.2%
687.74 2/	6% ad val.	5.8% 2/	5.6% 2/	4.24%	4.2%	4.2%	4.2%	4.2%	4.2%
687.75 2/	6% ad val.	5.8% 2/	5.6% 2/	2/	2/	2/	2/	2/	2/
687.77 2/	6% ad val.	5.8% 2/	5.6% 2/	4.24%	4.2%	4.2%	4.2%	4.2%	4.2%
687.79 2/	6% ad val.	5.8% 2/	5.6% 2/	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
687.81 2/	6% ad val.	5.8% 2/	5.6% 2/	4.24%	4.2%	4.2%	4.2%	4.2%	4.2%
687.83 2/	6% ad val.	5.8% 2/	5.6% 2/	5.3%	5.1%	4.9%	4.7%	4.4%	4.2%
687.85 2/	6% ad val.	5.8% 2/	5.6% 2/	4.24%	4.2%	4.2%	4.2%	4.2%	4.2%
687.87 2/	6% ad val.	5.8% 2/	5.6% 2/	4.24%	4.2%	4.2%	4.2%	4.2%	4.2%
708.85	12.5% ad val.	11.8%	11%	9.6%	8.8%	8.1%	7.3%	6.6%	6.6%
709.40	6% ad val.	5.8%	5.6%	5.1%	4.9%	4.7%	4.4%	4.2%	4.2%

Footnote 2 for items 687.58, 687.65, 687.66, 687.70, 687.72, 687.74, 687.75, 687.77, 687.79, 687.81, 687.83, 687.85, and 687.87:

2/ Item 687.58 discontinued effective March 31, 1981, and superseded by items 687.65, 687.70, and 687.75. Item 687.65 is renumbered as item 687.72 and item 687.75 is discontinued and is superseded by items 687.66, 687.74, 687.77, 687.79, 687.81, 687.83, 687.85, and 687.87, effective January 1, 1982.

[FR Doc. 81-37472
Filed 12-30-81; 4:20 pm]
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Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and the Under Secretary for Small Community and Rural Development to reflect the establishment of the Office of Rural Development Policy. This action is necessary to ensure effective and efficient implementation of the rural development responsibilities mandated by the Rural Development Act of 1972 and the Rural Development Policy Act of 1980.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Robert L. Siegler, Deputy Assistant General Counsel, Office of the General Counsel, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, DC, 20250, 202-447-6035.

SUPPLEMENTARY INFORMATION: This rule transfers the delegations of authority relating to rural development activities from the Administrator of the Farmers Home Administration to the Director of the newly created Office of Rural Development Policy. The Director of the new Office reports directly to the Under Secretary for Small Community and Rural Development and will assist the Under Secretary in carrying out the Department's responsibilities for leadership and coordination of national, State, and local rural development efforts through the identification of emerging rural issues and needs; the development and implementation of policy guidelines that seek to provide proper government program direction for service to rural America; the incorporation of these guidelines into a congressionally mandated national rural development strategy, and management of the Section 111, Area Development Assistance Planning grants program. This rule relates to internal agency management and organization. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the **Federal Register.** Further, since this rule relates to internal agency management and organization, it is exempt from provisions of Executive Order 12291 and Secretary's Memorandum 1512-1.

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

1. Section 2.23 is amended by revising paragraph (a)(1) and by adding a new paragraph (b)(14) to read as follows:

§ 2.23 Delegations of authority to the Under Secretary for Small Community and Rural Development.

* * * * *

(a) *Related to farmers home activities.*

(1) Administer the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq) except (i) with respect to loans for rural telephone facilities and service and financing for community antenna television services or facilities delegated to the Under Secretary for Small Community and Rural Development in paragraphs (c)(2) and (c)(3) of this section; (ii) the authority contained in section 342 of said act, 7 U.S.C. 1013a; (iii) the authority under 7 U.S.C. 1926(a)(11), to administer areawide rural development planning assistance to public bodies; and (iv) the authority under 7 U.S.C. 1926(a)(13), for assistance to eligible volunteer fire departments. This delegation includes the authority to collect, service, and liquidate loans made or insured by the Farmers Home Administration, or its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loans Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional Agricultural Credit Corporations of Washington, D.C.

* * * * *

(b) *Related to rural development.* * * *

(14) Administer areawide rural development planning assistance to public bodies. (7 U.S.C. 1926(a)(11)).

* * * * *

Subpart I—Delegations of Authority by the Under Secretary for Small Community and Rural Development

2. Section 2.70 is amended by revising paragraph (a)(1) and by removing paragraphs (a)(15) through (a)(27) as follows:

§ 2.70 Administrator, Farmers Home Administration.

(a) *Delegations.* * * *

(1) Administration of the Consolidated Farm and Rural Development Act (Act) except (i) financing under section 306(a)(1) of the Act, 7 U.S.C. 1926(a)(1), of any rural electrification or telephone systems or facilities other than hydroelectric generating and related distribution systems and supplemental and supporting structures if they are not eligible for Rural Electrification Administration financing; (ii) financing for community antenna television services or facilities; (iii) the authority contained in section 342 of the Act, 7 U.S.C. 1013a; (iv) the authority contained in section 306(a)(11) of the Act, 7 U.S.C. 1926(a)(11); and (v) the authority contained in section 306(a)(13) of the Act, 7 U.S.C. 1926(a)(13). This delegation includes the authority to collect, service, and liquidate loans made or insured by Farmers Home Administration or its predecessor agencies, the Farm Security Administration, the Emergency Crop and Feed Loans Offices of the Farm Credit Administration, the Resettlement Administration, and the Regional

Agricultural Credit Corporation of Washington, D.C.

* * * * *

(15)–(27) [Reserved]

* * * * *

3. A new § 2.71 is added to read as follows:

§ 2.71 Director, Office of Rural Development Policy.

(a) *Delegations.* Pursuant to § 2.23(b), and subject to policy guidance and direction by the Under Secretary for Small Community and Rural Development, the following delegations of authority are made by the Under Secretary for Small Community and Rural Development to the Director, Office of Rural Development Policy:

(1) Provide leadership and coordination within the executive branch of a nationwide rural development program utilizing the services of executive branch departments and agencies and the agencies, bureaus, offices, and services of the Department of Agriculture in coordination with rural development programs of State and local governments. (Sec. 526(b) of the Revised Statutes, 7 U.S.C. 2204(b)).

(2) Coordinate activities relative to rural development among agencies under the Under Secretary for Small Community and Rural Development and, through appropriate channels, serve as the coordinating agency for other departmental agencies having primary responsibilities for specific titles of the Rural Development Act of 1972 and allied legislation.

(3) Administer a national program of economic, social, and environmental research and analysis, statistical programs, and associated service work related to rural people and the communities in which they live including rural industrialization; rural population and manpower; local government finance; income; development strategies; housing; social services and utilization; adjustments to changing economic and technical forces; and other related matters.

(4) Work with Federal agencies in encouraging the creation of rural community development organizations.

(5) Assist other Federal agencies in making rural community development organizations aware of the Federal programs available to them.

(6) Advise rural community development organizations of the availability of Federal assistance programs.

(7) Advise other Federal agencies of the need for particular Federal programs.

(8) Assist rural community development organizations in making contact with Federal agencies whose assistance may be of benefit to them.

(9) Assist other Federal agencies and national organizations in developing means for extending their services effectively to rural areas.

(10) Assist other Federal agencies in designing pilot projects in rural areas.

(11) Conduct studies to determine how programs of the Department can be brought to bear on the economic development problems of the country and assure that local groups are receiving adequate technical assistance from Federal agencies or from local and State governments in formulating development programs and in carrying out planned development activities.

(12) Assist other Federal agencies in formulating manpower development and training policies.

(13) Authority to enter into contracts for the support of rural development.

(14) Administer the Area Development Assistance Planning grant program. (7 U.S.C. 1926(a)(11)).

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

For Subpart C:

Dated: December 28, 1981.

John R. Block,

Secretary of Agriculture.

For Subpart I:

Dated: December 18, 1981.

Frank W. Naylor, Jr.,

Under Secretary for Small Community and Rural Development.

[FR Doc. 81-37399 Filed 12-31-81; 8:45 am]

BILLING CODE 3410-01-M

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7 CFR Part 2

Revision of Delegations of Authority; Correction

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: In FR Document 81-28167 appearing at page 47747 in the **Federal Register** of September 30, 1981, the amendatory language to § 2.27 appearing on page 47750 is corrected to read as follows:

"9. Section 2.27 is further amended by revising paragraphs (a)(7) and (a)(13) to read as follows:"

In addition, § 2.43 should have been removed.

The purpose of this document is to make those corrections.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Robert L. Siegler, Deputy Assistant General Counsel, Office of the General Counsel, Department of Agriculture, Washington, D.C. (202) 447-6035.

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

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

John R. Block,

Secretary of Agriculture.

[FR Doc. 81-37401 Filed 12-31-81; 8:45 am]

BILLING CODE 3410-01-M

Federal Crop Insurance Corporation

7 CFR Part 425

[Amdt. No. 4]

Peanut Corp Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Interim rule.

SUMMARY: This rule amends the Peanut Crop Insurance Regulations (7 CFR Part 425), effective for the 1981 crop year only, by extending the cancellation date from December 31, 1981, to March 1, 1982. The 1981 crop year policy is amended to provide for change in cancellation date prior to the 1982 crop year. This amendment will become effective immediately for all present peanut policyholders whose 1981 crops are protected by the Federal Crop Insurance Corporation (FCIC).

This amendment is necessary because of delay in enactment of farm legislation which will have a direct impact on the Department of Agriculture's Peanut Program and the FCIC Peanut Crop Insurance Policy.

The effect of this amendment is to provide additional time to advise policyholders of any amendment to the regulations brought about by the farm legislation.

This amendment is promulgated under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.).*

DATES: Effective date: This interim rule is effective January 4, 1982.

Comment date: The Federal Crop Insurance Corporation is soliciting public comment on this interim rule for a period of 60 days following publication in the **Federal Register.** A final rule will then be promulgated. Written comments, data, and opinions on this interim final rule must be submitted not later than March 5, 1982, to be sure of consideration.

ADDRESS: All written comments on this interim rule should be sent to the Office

of the Chairman, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202-447-3325.

The Draft Impact Analysis describing the options considered in developing this interim final rule and the impact of implementing each option is available upon request from Peter F. Cole at the above address.

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981), and has been classified as "not significant."

Melvin E. Sims, Chairman of the Federal Crop Insurance Corporation (FCIC), has determined that an emergency situation exists which warrants foregoing public notice and comment procedure and a 30-day delay in effective date on this action because the Peanut Crop Insurance Regulations (7 CFR Part 425) provide that any changes regarding the contract must be placed on file 15 days prior to the cancellation date in order to allow policyholders sufficient time to decide on their insurance plans. Farm legislation is not final and FCIC is therefore not able to notify its policyholders before the 15-day time limit prior to December 31; therefore, in order to provide sufficient time to notify policyholders, FCIC is extending the cancellation date from December 31, 1981, to March 1, 1982.

Each peanut crop insurance policyholder will be notified that the cancellation date is extended to permit them to examine possible contract changes due to the pending farm legislation.

Pursuant to the administrative provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with regard to this interim rule are impracticable and contrary to the public interest and good cause is found for making this action effective immediately.

Comments have been solicited for 60 days after publication of this document, and this interim action is scheduled for review so that a final document discussing any comments received and any amendments required can be published in the **Federal Register** as soon as possible.

All written submissions made pursuant to this action will be available for public inspection in the Office of the Chairman during regular business hours, Monday through Friday.

The Chairman, FCIC, has also determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons in accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), and (3) this action conforms with the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which this amendment applies is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by the Office of Management and Budget (OMB) Circular A-95 was not used to assure that units of local government are informed of this action.

The information gathering and recordkeeping requirements of the regulations to which this amendment applies (7 CFR Part 425) have been approved by OMB under the following control numbers:

RMS OMB NBR
0563-0001
0563-0003
0563-0007

Background

Section 10 of the Appendix to the Peanut Crop Insurance Policy provides that the Corporation is required to notify the insured of any changes in the terms and provisions of the peanut insurance contract. Such notification must be made at least 15 days prior to the cancellation date (normally December 31) preceding the crop year for which the changes are to become effective. Farm legislation is not pending before the Congress which directly affects the Department of Agriculture's 1982 Peanut Program. FCIC cannot amend the regulations to conform with the legislation and still notify the policyholders in time; therefore, this action will serve to extend the deadline of December 31, 1981, to March 1, 1982, thus allowing time for possible changes to be made in the regulations and sufficient time given to the policyholder to examine such changes.

Under the authority contained in the Federal Crop insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Peanut Crop Insurance Regulations (7 CFR Part 435), as published in the **Federal Register** on Wednesday, November 28, 1979, at 44 FR 67953-67960, effective for the 1981 crop year only.

It has been determined that this action does not constitute a review as to the need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1512-1 (June 11, 1981). That review will be completed prior to the sunset review date of November 28, 1984.

Interim Rule

PART 425—PEANUT CROP INSURANCE

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby amends the Peanut Crop Insurance Regulations (7 CFR Part 425), effective for the 1981 and succeeding crop years, in the following instances;

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

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1501, 1516).

2. 7 CFR 425.7(d), paragraph (c) of Section 12 of the Peanut Crop Insurance Policy is revised to read as follows:

§ 425.7 The application and policy.

* * * * *

(d) * * *

Peanut Crop Insurance Policy

* * * * *

12. Life of contract: Cancellation and termination

* * * * *

(c) Following are the cancellation and termination dates for the 1981 crop year:

State	Cancellation date	Termination date for indebtedness
All States	Mar. 1	Mar. 31.

For the 1982 and succeeding crop years, the following are the cancellation and termination dates:

State	Cancellation date	Termination date for indebtedness
All States	Dec. 31	Mar. 31

Done in Washington, D.C., on December 24, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: December 28, 1981.

Approved by:
Melvin E. Sims,
Chairman.

[FR Doc. 81-37417 Filed 12-31-81; 8:45 am]

BILLING CODE 3410-08-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 40, 70, and 150

Submittal of Installation Information Pursuant to US/IAEA Safeguards Agreement

AGENCY: Nuclear Regulatory Commission.

ACTION: Final Rule.

SUMMARY: The Commission is amending 10 CFR Parts 40, 70 and 150 to relieve applicants for licenses of the requirements to submit installation information. This information provides a detailed description of the licensee's physical plant and methods for the control of nuclear material relative to the IAEA safeguards inspection program. Presently all applicants are required to provide installation information irrespective of selection by the IAEA. The amendments will permit the Commission to request installation information of a license applicant if it deems for a particular case that the information is needed in accordance with the US/IAEA Safeguards Agreement.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. J. M. Branscome, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC. 20555 (301-443-5976).

SUPPLEMENTARY INFORMATION: The US/IAEA Safeguards Agreement entered into force on December 9, 1980. Notice of entry into force was published in the **Federal Register** on December 24, 1980, 45 FR 84967, at which time the Commission's implementing regulations became effective.

Under the Agreement and regulations, the IAEA has the right to apply safeguards to licensees listed on the United States eligible list, as defined in 10 CFR 75.2(b). In order to assure that a licensee on the U.S. eligible list could be visited and inspected by the IAEA promptly after listing, NRC regulations provided that certain applicants for a license to possess and use source material and special nuclear material should file specified information with NRC at least 9 months prior to the date when the applicant desires to receive the material (or earlier upon request by the Commission). The Commission explained in the **Federal Register** on May 25, 1978, 43 FR 22368, that this procedure was necessary to enable IAEA to place its control procedures in force before nuclear material is received. The Commission noted on July 17, 1979, 44 FR 41473, in reply to public comments, that the prelicensing review provisions would allow it, in cooperation with licensees, to avoid delays in the licensing process.

A further consideration of this issue has led the Commission to conclude, after consultation with the Department of State, that the prelicensing review provisions, at least for the time being, are unnecessarily burdensome on applicants for certain licenses.

The Commission has determined that it will be sufficient to require that an applicant submit installation information and permit verification of the information submitted only when specifically requested to do so by NRC. Ordinarily, the time between submission of an application and the issuance of a license would be more than adequate to enable an IAEA facility attachment to be negotiated in the interim. But even where this may not be the case, the Commission will have official knowledge of significant new installations, prior to commencement of construction, by virtue of the environmental report requirements in 10 CFR 40.32(e) (relating to the production of uranium hexafluoride and certain other activities) § 70.23(a)(7) (relating to processing and fuel fabrication, scrap recovery, conversion of uranium hexafluoride, and certain other activities). The Commission will be able to determine whether prelicensing review is needed and, if it is, to make an appropriate request in a timely manner.

Since there is no counterpart requirement to inform NRC of new operations in Agreements States, 10 CFR 150.17a has been amended to require advance notice from applicants located there. Then, instead of routinely requiring submission of installation information, the Commission would obtain it only when the Commission finds that there is a need for the information. The license applicant would be advised of the need for the information.

The promulgation of the amendments will not result in any activity that affects the environment. Accordingly, the Commission has determined, under the National Environmental Policy Act and the criteria of 10 CFR 51.5(d)(2) and (3), that neither an environmental impact statement nor an environmental impact appraisal to support a negative declaration for the amendments to 10 CFR Parts 40, 70, and 150 is required.

Because these amendments relate solely to minor procedural matters and are solely for the purpose of relieving licensees of existing requirements, notice of proposed rulemaking and public procedure thereon are unnecessary. Because the rule relieves persons of existing restrictions, it can be made effective immediately upon publication.

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 40, 70, and 150 are published as a document subject to codification.

PART 40—DOMESTIC LICENSING OF SOURCE MATERIAL

1. The authority citation for Part 40 is revised to read as follows:

Authority.—Secs. 62, 63, 64, 65, 81, 161, 182, 183, 186, 68 Stat. 932, 933, 935, 948, 953, 954, 955, as amended, secs. 83, 84, 92 Stat. 3033, as amended, 3039, sec. 234, 83 Stat. 444, as amended, (42 U.S.C. 2092, 2093, 2094, 2095, 2111, 2113, 2114, 2201, 2232, 2233, 2236, 2282); secs. 202, 206, 88 Stat. 1244, 1246 (42 U.S.C. 5842, 5846) unless otherwise noted.

Section 40.31(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Section 40.46 also issued under sec. 184, 68 Stat. 954, as amended, (42 U.S.C. 2234).

For the purposes of sec. 223, 68 Stat. 958, as amended, (42 U.S.C. 2273), §§ 40.3, 40.25(d)(1)-(3), 40.35 (a)-(d), 40.41 (b) and (c), 40.46, 40.51 (a) and (c) and 40.63 are issued under sec. 161b, 68 Stat. 948, as amended, (42 U.S.C. 2201(b)); and §§ 40.25 (c) and (d)(3) and (4), 40.26(c)(2), 40.35(e), 40.41(f), 40.61, 40.62, 40.64, and 40.65 are issued under sec. 161o, 68 Stat. 950, as amended, (42 U.S.C. 2201(o)).

2. In § 40.31, paragraph (g) is revised to read as follows:

§ 40.31 Application for specific licenses.

* * * * *

(g) In response to a written request by the Commission, an applicant for a license to possess and use source material in a uranium hexafluoride production plant or a fuel fabrication plant and any other applicant for a license to possess and use more than one effective kilogram of source material (except for ore processing, as defined in § 75.4(o) of this chapter) shall file with the Commission the installation information described in § 75.11 of this chapter. The applicant shall also permit verification of this installation information by the International Atomic Energy Agency and take other action as may be necessary to implement the US/

IAEA Safeguards Agreement, in the manner set forth in § 75.6 and §§ 75.11 through 75.14 of this chapter.

* * * * *

PART 70—DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

3. 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.

Section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152).

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. 161i, 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)).

4. In § 70.21, paragraph (g) is revised to read as follows:

§ 70.21 Filing.

* * * * *

(g) In response to a written request by the Commission, an applicant for a license to possess and use more than one effective kilogram of special nuclear material shall file with the Commission the installation information described in § 75.11 of this chapter. The applicant shall also permit verification of such installation information by the International Atomic Energy Agency and take such other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth in § 75.6 and §§75.11 through 75.14 of this chapter.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

5. The authority citation for Part 150 is revised to read as follows:

Authority.—Sec. 161b, 68 Stat. 948, sec. 274, 73 Stat. 688 (42 U.S.C. 2201(b), 2021), Sec. 201(f), Pub. L. 93–438, 88 Stat. 1243, (42 U.S.C. 5841).

Section 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). For purposes of sec. 223, 68 St[illegible] as amended (42 U.S.C. 2273), § 150.1[illegible] d under sec. 161b, 68 Stat. 950 (42 U[illegible] 2201(b)).

6. Section 150.17a is amended by revising paragraph (c) and adding paragraph (d) to read as follows:

§ 150.17a Compliance with requirements of US/IAEA Safeguards Agreement.

* * * * *

(c) An applicant for an Agreement State License authorizing possession of source material in amounts greater than one effective kilogram (except in ore processing) shall notify the Commission at least 9 months prior to the date when the applicant desires to receive the source material.

(d) In response to a written request by the Commission, an applicant for an Agreement State License authorizing possession of source material in amounts greater than one effective kilogram (except in ore processing) shall file with the Commission the installation information described in § 75.11 of this chapter. The applicant shall also permit verification of such installation information by the International Atomic Energy Agency and take such other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth in § 75.6 and §§ 75.11 through 75.14 of this chapter.

Dated at Bethesda, Md. this 14th day of December 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-37464 Filed 12-31-81; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Docket No. R-0379]

Interest on Deposits; Regulation Q; Technical Amendments

Correction

In FR Doc. 81-36795 appearing at page 62397 in the issue for Thursday, December 24, 1981, on page 62398, in the second column, in § 217.7(b), in the table, make the following corrections:

1. In the second line, "5¼" should have read "5¾";

2. In the third line, "6¾" should have read "6".

BILLING CODE 1505-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

[Revision 6; Amt. 27]

Business Loan Policy; Small Business Lending Companies

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Small Business Administration (SBA) is repealing its authority to approve as participating lenders additional small business lending companies (also known as "Subsection (b) Lenders"), since SBA does not have adequate resources to service and effectively supervise additional lenders.

While the effective date of the repeal of the regulation is the date of publication in the **Federal Register**, SBA will continue to process all applications received prior to the date of publication and will approve or disapprove such applications according to procedures established prior to the effective date of repeal.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Questions regarding this rule may be directed to Robert C. Hull, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, (202) 653-7894.

SUPPLEMENTARY INFORMATION: On August 17, 1981, notice was published in the **Federal Register** (46 FR 41523) setting forth proposed amendments to Part 120 which would (1) repeal the authority of SBA to approve as participating lenders additional small business lending companies (known as "Subsection (b) Lenders") and (2) require that all Subsection (b) Lenders maintain unimpaired capital and surplus of not less than $2,000,000 or the aggregate of the lender's share of all outstanding loans, whichever is greater.

Interested parties were given until the close of business on or before October 16, 1981, to submit their comments on the proposed amendments. Comments were received from only eight parties of which five are approved Subsection (b) Lenders (SBLC's); two are applicants for SBA approval as SBLC's; and one U.S. Government Agency, the Department of Transportation. The four respondents who commented on the proposed repeal believed that SBLC's provided an effective alternative to traditional bank lending, and one of the respondents suggested that SBA have CPA firms expand their audit parameters to the extent necessary to eliminate the need

for SBA audits of the SBLC's. SBA does not believe this proposal can be implemented effectively since its supervision of SBLC's extends beyond only auditing. Seven respondents commented on the proposal to increase the financial requirements of SBLC's. A majority of them noted that the proposed capital increases would not be applicable to bank lenders so that the proposal was discriminatory. Several suggested a formula approach to any capital increase. One respondent believed that increasing the capital would not necessarily make an SBLC more efficient in its lending.

SBA has reviewed and considered the comments and believes some of those relating to increasing the capital requirements have merit. Therefore, the Agency wishes to study the area further. Accordingly, SBA is deferring action on an increase in capital requirement as proposed in the Notice and is not now promulgating a rule on this point. However, SBA does repeal by this publication its authority to accept and process additional applications to become SBLC's. SBA will continue to process applications received prior to the date of this publication pursuant to established procedures, and any applications approved subsequent to the date of publication will be considered SBLC's for all purposes.

In the Notice of publication of the proposed rule, SBA certified that such rule, if promulgated, would not have a significant impact upon a substantial number of small entities, and provided an explanation of that certification. Accordingly, this Notice contains no analysis under the Regulatory Flexibility Act. In addition SBA hereby recertifies that this rule does not constitute a major rule for the purpose of Executive Order 12291.

Accordingly, pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), Part 120, Chapter I, Title 13 of the Code of Federal Regulations, is amended as follows:

PART 120—BUSINESS LOAN POLICY

1. Section 120.4(b) is revised to read as follows:

§ 120.4 Eligible loan participants.

* * * * *

(b) *Small Business Lending Companies.* Lending institutions which have qualified as "Subsection (b) Lenders" (Small Business Lending Companies) may continue as loan participants if in addition to the requirements set forth in subparagraphs (a) (1), (2) and (3) of this section, they also meet each of the following requirements:

(1) *Business Purpose.* Be a corporation (profit or non-profit) engaged solely in the making of loans in participation with SBA, and shall not be engaged in any other business or activity except as hereinafter authorized.

(2) *Subject to SBA Supervision and Examination.* Be subject to supervision and examination by SBA and to conduct their business operations in accordance with such regulations as may be promulgated by SBA.

2. Section 120.4 is amended by removing subparagraph (c)(2):

§ 120.4 Eligible loan participants.

* * * * *

(c) Determination of eligibility.

* * * * *

(2) [Removed]

* * * * *

(Catalog of Federal Domestic Assistance Program No. 59.012, Small Business Loans)

Dated: December 18, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-37360 Filed 12-31-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-NW-75-AD; Amdt. 39-4291]

Airworthiness Directive; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: On October 16, 1981, the FAA issued a telegraphic Airworthiness Directive (AD) T81-22-51, effective upon receipt, to all operators of Boeing 747 series aircraft equipped with RollsRoyce RB.211 engines, certificated in all categories. This AD requires revision of the airplane flight manual limitations and procedures and requires certain aircraft modifications so that the flight crew is promptly alerted to indications of possible impending engine failure and immediate action can be initiated to preclude a failure from occurring. RollsRoyce has released Alert Service Bulletin RB.211-77-A6424, Rev. 1, dated October 14, 1981, pertaining to this subject. Further rulemaking action is contemplated. This AD is hereby published in the **Federal Register** to make it effective to all persons.

DATES: Effective date: January 11, 1982.

This AD was effective earlier to all recipients of telegraphic AD T81-22-51 dated October 16, 1981.

ADDRESSES: The Service Bulletins specified in this Airworthiness Directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124, or may be examined at the Federal Aviation Administration, Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas D. Moreland, Aerospace Engineer, ANM-140S, Federal Aviation Administration, Seattle Area Aircraft Certification Office, Northwest Mountain Region, Seattle, Washington 98108.

SUPPLEMENTARY INFORMATION: There have been three recent inflight failures of the Rolls-Royce RB.211 engine low pressure (LP) fan shaft on Lockheed L-1011 aircraft which resulted in significant damage to the aircraft. In a recent incident on September 22, 1981, 3 of the 4 hydraulic systems on a Lockheed L-1011 aircraft were rendered inoperative as a result of the engine failure, and engine fragments penetrated the aft pressure bulkhead. An engine modification which will preclude such failure is not yet available. All incidents were preceded by an abnormally high vibration indication on the airborne vibration monitoring (AVM) system. Since the same type engine failure could occur on the 747 airplanes equipped with RollsRoyce RB.211 engines, interim action is necessary. Accordingly, in the interim it is necessary to revise the airplane flight manual limitations and procedures, and to require certain aircraft modifications so that the flight crew is promptly alerted to indications of possible impending engine failure and immediate action can be initiated to preclude a failure from occurring. Rolls Royce has released Alert Service Bulletin RB.211-77-A6424, Rev. 1, dated October 14, 1981, pertaining to this subject. Further rulemaking action is contemplated.

Since this condition was likely to exist or develop on other airplanes with Rolls Royce RB.211 engines, a telegraphic airworthiness directive was issued which requires airplane flight manual revisions and modifications to Boeing Model 747 series airplanes with RB.211 engines. It is now published to make it effective to all persons.

Since a situation existed and still exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impractical and good cause exists

for making this amendment effective in less than 30 days.

Adoption of the Amendment

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

BOEING: Applies to all Boeing Model 747 series airplanes certificated in all categories with Rolls-Royce RB.211 engines. To alert the flight crew to conditions which may precede engine failure, perform the following, unless previously accomplished:

A. Within 25 hours time in service after the receipt of this AD, or within 3 calendar days, whichever occurs later, revise the Boeing 747 FAA approved Airplane Flight Manual to add the following and provide to the flight crew:

Section 1—Limitations

Powerplant Limitations

Airborne Vibration Monitor (AVM) System

- At least one channel (A or B) of the AVM system must be operative for each engine for all flight operations.
- The operative AVM channel (A or B) must be the same for all engines.
- When both channels of the AVM system are operative, select channel A. If this channel becomes inoperative (indication goes to zero) in flight, select B.
- The AVM filter selector must be set to the norm position at all times except during routine AVM monitoring checks.

Section 2—Emergencies

Engines Abnormal Vibration Indication

During steady running conditions, if an airborne vibration monitor (AVM) system channel indicates a sudden increase of 1 (one) unit or more, or if the AVM warning light activates, even if the indicator returns to normal:

Immediate Action
Thrust Level—Close
Start Lever—Cut Off

Note.—During takeoff roll, a momentary fluctuation of the AVM indicator with no other indication of engine malfunction is not cause for shutdown.

Note.—When holding or descending in severe icing conditions, the AVM indication may gradually increase to above 2.5 units (warning light setting). This condition can be alleviated by increasing N1 to 90% for 5 seconds when ice accumulation (gradual vibration increase) is first detected. AVM indications may exceed 2.5 units during shedding. No action is required unless other indications of engine malfunction are observed.

Engine Oil Light Illuminated

If the engine oil light illuminates steadily or filter blockage is indicated:

Immediate Action
Thrust Lever—Close
Start Lever—Cut Off

B. Within 60 days calendar time after effective date of this AD, install an amber repeater light (annunciator) for the vibration meter alarm lights on the pilot's panel in accordance with Boeing Service Bulletin 747-77-2061 dated November 4, 1981, or later revision approved by the Chief, Seattle Area Aircraft Certification Office, FAA Northwest Mountain Region.

C. When the indications specified in paragraph A above occur, engines must undergo the following maintenance actions prior to further engine operation for flight:

1. Rolls Royce RB.211-77-A6424, Rev. 1, dated October 14, 1981, paragraph D.(4) for oil pressure and/or AVM indications.

2. Boeing Maintenance Manual Chapter 71-00-46, High Indicated Vibration.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

E. Alternate methods of compliance with this AD may be used when approved by the Chief, Seattle Area Aircraft Certification Office, FAA, Northwest Mountain 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 the address listed above. These documents may also be examined at FAA Northwest Mountain Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective January 11, 1982, and was effective earlier to those recipients of telegraphic AD T81-22-51 dated October 16, 1981.

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

Note.—The FAA has determined that this regulation is an emergency that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under DOT regulatory policies and procedures (44 FR 11034, February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, and 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 Section 1006(a) of the Federal Aviation Act of 1958 as amended (49 U.S.C. 1486(a)), it is subject to review by the courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Seattle, Washington on December 21, 1981.

Robert O. Brown,
Acting Director, Northwest Mountain Region.

[FR Doc. 81-37414 Filed 12-31-81; 8:45 am]
BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 81-ASW-43; Amdt. 39-4290]

Airworthiness Directives; Costruzioni Aeronautiche Giovanni Agusta Model A109A Series Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires replacement of the engine mount central legs with improved design legs on Agusta Model A109A helicopters. This action is needed to prevent engine mount leg failure during operation which may result in improper support of the engine and possible drive shaft failure, and emergency descent of the helicopter.

DATE: Effective February 8, 1982.

Compliance is required within 200 hours' time in service after the effective date of this AD.

ADDRESSES: A copy of the service information may be examined at Office of Regional Counsel, Airworthiness Docket No. 81-ASW-43, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas.

The applicable Agusta Technical Bulletin No. 109-25 may be obtained from: Costruzioni Aeronautiche Giovanni Agusta, Cascina Costa (Gallarate), Italy.

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 J. H. Major, Helicopter Policy and Procedures Staff, Aircraft Certification Division, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 502.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring installation of improved design engine mount central legs within 200 hours' time in service was published in 46 FR 48941. The proposal affecting Agusta A109A helicopters was prompted by

several reports of engine mount central leg failures and resulting improper support of an engine. Improper support of an engine may cause possible drive shaft failure and emergency descent of the helicopter.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. The proposal is adopted without change.

Adoption of the Amendment

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

COSTRUZIONI AERONAUTICHE GIOVANNI AGUSTA: Applies to Model A109A series helicopters through Serial Number 7169 equipped with engine mount central legs, P/N 109-0605-06 and 109-0605-07, certificated in all categories (Airworthiness Docket No. 81-ASW-43).

Compliance is required within 200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the engine mount central leg and possible loss of engine support, accomplish the following:

(a) Remove the engine mount central legs, P/N 109-0605-06-13, 109-0605-06-14, 109-0605-07-13, and 109-0605-07-14.

(b) Install engine mount central leg assemblies, P/N 109-0640-84-1 and -2, and P/N 109-0640-85-1 and -2 as described in Section 71-20-00 of the A109A maintenance manual.

(c) Install engines and check engine to transmission alignment as described in Section 71-00-00 of the A109A maintenance manual.

(d) If an equivalent means of compliance is used in complying with this AD, that equivalency must be approved by the Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa and Middle East Office, c/o American Embassy, Brussels, Belgium. Compliance with Agusta Technical Bulletin No. 109-25, dated August 29, 1980, constitutes compliance with this AD.

This amendment becomes effective February 8, 1982.

(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 not considered major under the provisions of Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since 19 helicopters will be affected for a total estimated impact of $132,050. A copy of the final regulatory evaluation prepared for this regulation is contained 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 the various courts of appeals of the United States, or the United States Court of Appeals for the District of Columbia.

Issued in Fort Worth, Texas, on December 18, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-37409 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-CE-17-AD; Amendment 39-4296]

Airworthiness Directives; Gates Learjet Models 25, 25A, 25B and 25C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Gates Learjet Models 25, 25A, 25B, and 25C airplanes. The AD requires the installation of an improved pitch trim actuator, trim-in-motion warning, pitch axis master interrupt, autopilot roll monitor and several other associated alterations and an initial and repetitive inspection of the unmodified stall warning system. If these airplanes are operated with a flight control system not modified or inspected in accordance with this AD, it could adversely affect safety of flight.

DATES: Effective date: January 8, 1982.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Gates Learjet Corporation, Airplane Modifications Kits referenced in paragraph A) of this AD, may be obtained from Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277; Telephone (316) 946-2000. A copy of each of the Airplane Modification Kit documents is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106, and Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Larry Malir, ACE-213, Aircraft Certification Program, FAA, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269-7008.

SUPPLEMENTARY INFORMATION: Amendment 39-4184, AD 81-16-08 published in the **Federal Register** (46 FR 39990, 39991) applicable to Gates Learjet Models 24E/F and 25D/F airplanes was issued as a final rule. Although that action involved requirements affecting immediate flight safety, interested persons were afforded an opportunity to participate in rulemaking action on Learjet aircraft by inviting comments on the contents of that rule. Due consideration has been given to those comments in the development of this AD. While those comments will also be considered in any future AD action on other Learjet models, the FAA feels that no additional information would be forthcoming from a further invitation for comments and therefore a similar invitation has not been included in this document.

Inspection of the stall warning system on all Learjet model airplanes was previously required as one-time inspection by Paragraph E) of AD 80-19-11 (45 FR 65999, 66002). In view of the comments received on AD 81-16-08, particularly those which questioned if unsafe conditions exist and the one commentator who related actual malfunctions he had experienced or was aware of on certain affected Learjet model airplanes in various phases of flight, and on further review of discrepancy findings requested by paragraph E) of AD 80-19-11, the FAA has determined there is a need to require reinspection of the stall warning system on Gates Learjet Models 25, 25A, 25B, and 25C airplanes in accordance with Gates Learjet Service Bulletins SB 23, 24, 25-301B. This need for reinspection is based on reported failed accelerometers or improperly wired stall warning systems. The resulting improper operation of a failed accelerometer or improperly wired stall warning system when coupled with an inadvertent stick pusher operation during cruise flight could present control forces and flight upset beyond the capability of the crew to recover.

Also, airplane modification kits, which install the improved pitch trim actuator, trim-in-motion warning, redesigned pitch axis master interrupt, autopilot roll monitor and stick puller/mach warning wire changes in the Learjet Model 25, 25A, 25B and 25C airplanes have become available and are incorporated in this AD.

Because the Airplane Flight Manual (AFM) changes provided with those kits would be in conflict with certain AFM revisions required by AD 80-19-11, the AD will also include provisions to resolve this conflict.

Accordingly, the FAA has decided to issue an AD applicable to the Learjet

Model 25, 25A, 25B, and 25C airplanes to require modifications that have been FAA approved to be installed on those airplanes. The AD also requires an initial and repetitive inspection of the stall warning system as specified in Learjet Service Bulletin SB 23, 24, 25-301B.

Further, in response to comments received on AD 81-16-08, the modification procedures of this AD differ from those previously specified in that AD in that it includes provisions to allow the horizontal stabilizer trim actuator work to be accomplished at FAA certificated maintenance repair agencies not limited to the agencies performing the airplane modifications required by this AD. Finally, the AD identifies certain restrictive AFM procedures which were required by AD 80-19-11 and allows those procedures to be relieved when the specified Learjet kits are installed and the respective AFM changes are incorporated.

Since the unsafe condition described herein may still exist on other Gates Learjet Models 25, 25A, 25B, 25C airplanes, an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) is being published in the **Federal Register.**

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the **Federal Register.**

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 adding the following new Airworthiness Directive.

GATES LEARJET: Applies to the following models and serial number airplanes certificated in any category:

Models and Serial Nos.

25, 25A—25-003 through 25-066 except 25-061
25B, 25C—25-061, 25-067 through 25-205

COMPLIANCE: Required as indicated, unless previously accomplished.

(A) On or before the compliance date (Reference Table I), accomplish the requirements of this paragraph at an FAA certificated maintenance repair agency. However, the modification and inspection of the horizontal stabilizer trim actuator as required in the airplane modification kits referenced in Table I may be performed by another FAA certificated repair agency utilizing qualified technicians who must have recent accessory overhaul experience performing the overhaul and test of the Gates Learjet Horizontal Stabilizer Trim Actuator with the necessary shop equipment (Attachment I hereto) as referenced in Learjet Repair Manual Number 1711-9, or the equivalent equipment.

(1) Modify Learjet Models 25, 25A and 25B/C airplane flight control systems, stall warning and control wheel in accordance with the following:

TABLE I

Gates Learjet airplane modification kit	Learjet models	Compliance date/time
AMK 81-9, *AMK 81-8, and AMK 80-13 Change 3.	25 B/C	On or before Oct. 31, 1982.
AMK 81-10 Change 1, *AMK 81-8 and AMR 80-13 Change 3.	25, 25A	On or before Aug. 31, 1982.

*Kit AMK 81-8 does not apply unless Kit AAK 76-4 has been installed.

(B) Required Airplane Maintenance Record entry must be accomplished by the facility performing its portion of the AD as prescribed in paragraph A) of this AD.

(C) Insert in the appropriate sections of the existing Airplane Flight Manual (AFM) the FAA approved temporary Airplane Flight Manual Change pertaining to procedures required as a result of the modification of the flight control system in accordance with Airplane Modification Kit, all as listed in Table II below. Upon completion of the modifications required by paragraph A) of this AD and the insertion of the temporary AFM changes or equivalent permanent AFM revision, the identified, more restrictive paragraphs of AD 80-19-11 set forth in Table II below are no longer applicable.

TABLE II

Learjet AMK	Learjet model	AFM change date	AD 80-19-11 [1]
AMK 81-10	25, 25A	Oct. 14, 1981	(A)2, (A)5, (A)6.
AMK 81-9	25B/C	Sept. 4, 1981	(A)2, (A)5, (A)6.

[1] Paragraphs of AD superseded.

(D) To assure proper operation of the Stall Warning Accelerometer Unit, unless previously inspected in the last 100 hours time-in-service before the effective date of this AD, within the next 50 hours time-in-service, and at every 150 hours time-in-service thereafter, inspect the Stall Warning Accelerometer in accordance with Gates Learjet Service Bulletins SB 23, 24, 25-301B.

(E) Prior to accomplishing the modification required by paragraph A) of this AD, contact the FAA office noted in paragraph G) of this AD if any modification or alteration has been performed on the affected airplane for further instruction relative to the compatibility of the modification of this AD.

(F) Airplanes may be flown in accordance with FAR 21.197 to a location where modifications required by this AD can be accomplished.

(G) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, FAA, Central Region, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209.

This amendment becomes effective on January 8, 1982.

(Secs. 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) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this document involves a final regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket; otherwise, an evaluation is not required. A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review 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 December 23, 1981.

Murray E. Smith,

Director, Central Region.

Attachment I

The stabilizer actuator test stand (P/N ST-00463) is used to functionally test the stabilizer actuator after overhaul. The physical structure of the test must be capable of withstanding a minimum load of 2500 lbs. without any bending or deformation.

The stabilizer actuator is vertically mounted on the test stand with one end stationary and the other end movable through a hydraulic actuator. The test stand consists of the following components:

a. Hydraulic Actuator—The hydraulic actuator is capable of applying a regulated load of 0 to 2500 lbs. on the stabilizer actuator during the entire extend or retract cycles.

b. Hydraulic Pressure Regulator—The pressure regulator is used to select hydraulic pressures applied to the stabilizer actuator during the functional test.

c. Hydraulic Pressure Gauge—The hydraulic pressure gauge is used to monitor hydraulic pressure applied to the stabilizer actuator. The gauge must be certified at least monthly.

d. Digital Position Readout—The digital position readout indicator is used to monitor the travel of the stabilizer actuator. Signals to the indicator are picked up from a rigid mounted linear potentiometer and movable wiper attached to the hydraulic actuator. The digital readout is accurate to 1/1000th of an inch.

e. Linear Scale—A linear scale, graduated in 100th of an inch, is permanently mounted on the test stand to verify the digital readout. A tool of known length is used to verify the

linear scale and digital readout before the stabilizer actuator functional test is performed. The tool length must be certified at least yearly.

f. Lapse Timer—A lapse timer is coupled to the control switches and the stabilizer actuator to monitor travel time during the extend and retract cycles. The lapse timer must measure seconds to be accurate to 1/100th of a second.

g. Trim Controller—The trim controller is used to simulate two-speed input to the stabilizer actuator primary motor. The trim controller part number is EM 2079–6.

h. Pre-Select Timer—The pre-select timer is used to check stabilizer actuator travel vs. time, voltage and amperage inputs in accordance with the functional test.

i. Power Supply—The power supply is variable through 0–30 volts DC and 0–30 amperes DC.

j. DC Voltmeter—The DC voltmeter must be capable of measuring 0–30 volts DC and must be certified at least yearly. The voltmeter is used to monitor the voltage inputs to the stabilizer actuator in accordance with the functional test.

k. DC Ammeter—The DC ammeter must be capable of measuring 0–30 amperes DC and must be certified at least yearly. The ammeter is used to monitor the amperes inputs to the stabilizer actuator in accordance with the functional test.

l. Millivolt Meter—The millivolt meter is used to monitor the stabilizer actuator linear potentiometer for a smooth and steady signal output. The meter is 0–50 volts graduated in 100 mv increments.

m. Switches—Necessary switches installed to operate the stabilizer actuator primary and secondary motors to extend or retract.

n. A digital or Simpson 260 meter, not a part of the test stand, is used to verify the resistance of the stabilizer actuator linear potentiometer. The digital or Simpson 260 meter must be certified at least every 90 working days.

[FR Doc. 81-37410 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-CE-19-AD; Amendment 39-4297]

Airworthiness Directives; Gates Learjet Model 23, 24, 25, 28, 29, 35 and 36 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), applicable to Gates Learjet Models, 23, 24, 24A, 24B, 24B–A, 24C, 24D, 24D–A, 24E, 24F, 24F–A, 25D, 25F, 28, 29, 35, 36, 35A and 36A airplanes. The AD requires an initial and repetitive inspections of the unmodified stall warning system on all of the applicable Learjet models. If these airplanes are not inspected in accordance with this AD, it could adversely affect safety of flight.

DATES: Effective Date: January 8, 1982.

COMPLIANCE: As prescribed in the body of the AD.

ADDRESSES: Gates Learjet Corporation, Airplane Modifications Kit referenced in paragraph A) of this AD, may be obtained from Gates Learjet Corporation, P.O. Box 7707, Wichita, Kansas 67277; Telephone (316) 946–2000. A copy of each of the Airplane Modification Kit documents is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106, and Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Larry Malir, ACE–213, Aircraft Certification Program, FAA, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 269–7008.

SUPPLEMENTARY INFORMATION: Inspection of the stall warning system was previously required as a one-time inspection by paragraph E) of AD 80–19–11 (45 FR 65999, 66002).

In view of the comments received on AD 81–16–08 (46 FR 39990, 39991), particularly those which questioned if unsafe conditions exist and the one commentator who related actual malfunctions he had experienced or was aware of on certain affected Learjet model airplanes in various phases of flight, and on further review of discrepancy findings requested by paragraph E) of AD 80–19–11, the FAA has determined there is a need to require reinspection of the stall warning system in accordance with appropriate Gates Learjet Service Bulletin SB 23, 24, 25–301B, SB 28, 29–27–3B or SB 35, 36–27–12B. This need for reinspection is based on reported failed accelerometers or improperly wired stall warning systems. The resulting improper operation of a failed accelerometer or improperly wired stall warning system when coupled with an inadvertent stick pusher operation during cruise flight could present control forces and flight upset beyond the capability of the crew to recover.

Accordingly, the FAA has decided to issue an AD applicable to the aforementioned Learjet Model airplanes to require an initial and repetitive inspection of the stall warning system as specified in the respective Learjet Service Bulletins. Since the unsafe condition described herein may still exist on other Gates Learjet Models 23, 24, 24A, 24B, 24B–A, 24C, 24D, 24D–A, 24E, 24F, 24F–A, 25D, 25F, 28, 29, 35, 35A, 36 and 36A airplanes, an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) is being published in the **Federal Register.**

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the **Federal Register.**

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 adding the following new Airworthiness Directive.

GATES LEARJET: Applies to the following models and serial number airplanes certificated in any category:

Models	Serial No.
23	23-003 through 23-099.
24, 24A	24A-011, 24A-012, 24-015, 24-019, 24-031, 24-043, 24-050, 24-051, 24-055, 24-060, 24-065, 24-087, 24-096, and 24-100 through 24-180.
24B, 24B-A	24-181 through 24-217, 24-219 through 24-229.
24C, 24D, 24D-A	24-218, 24-230 through 24-328.
24E, 24F, 24F-A	24-329 through 24-357.
25D, 25F	25-206 through 25-336, 25-338 and on.
28, 29	28-001 and on, 29-001 and on.
35, 36, 35A, 36A	35-001 and on, 36-001 and on.

COMPLIANCE: Required as indicated.

(A) To assure proper operation of the Stall Warning Accelerometer Unit, unless previously inspected in the last 100 hours time-in-service before the effective date of this AD, perform, within the next 50 hours time-in-service, and at every 150 hours time-in-service thereafter, inspect the Stall Warning Accelerometer in accordance with appropriate Gates Learjet Service Bulletins SB 23, 24, 25–301B, SB 28, 29–27–3B, or SB 35, 36–27–12B.

(B) Airplanes may be flown in accordance with FAR 21.197 to a location where modifications required by this AD can be accomplished.

(C) Any equivalent method of compliance with this AD must be approved by the Chief, Aircraft Certification Program, FAA, Central Region, Room 238, Terminal Building No. 2299, Mid-Continent Airport, Wichita, Kansas 67209.

This amendment becomes effective on January 8, 1982.

(Secs. 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) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89))

Note.—The FAA has determined that this document involves a final regulation under

DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket; otherwise, an evaluation is not required. A copy of it, when filed, may be obtained by contacting the person identified under the caption "For Further Information Contact."

This rule is a final order of the Administrator under the Federal Aviation Act of 1958, as amended. As such, it is subject to review 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 December 23, 1981.

Murray E. Smith,

Director, Central Region.

[FR Doc. 81-37411 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-44]

Alteration of Transition Area: El Dorado, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will alter the transition area at El Dorado, AR. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the El Dorado Downtown Airport. This amendment is necessary to provide controlled airspace for aircraft executing a new instrument approach procedure to the Downtown Airport. Coincident with this action, the El Dorado Downtown Airport is changed from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: March 18, 1982.

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

SUPPLEMENTARY INFORMATION: On October 26, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 52123) stating that the Federal Aviation Administration proposed to alter the El Dorado, AR, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. One commentor objected to this proposal.

Discussion of Comments

Mr. Thomas F. Conway, Director of Operations of Jamaire, Inc., interposed an objection. The objection stated that another established approach procedure in the same airspace would further derogate the efficient and timely flow of IFR traffic. The amount of traffic using the approach procedure to EL Dorado Downtown Airport is expected to be very low. One of the principal users of Downtown, Mr. D. R. Womack, was contacted and it was determined that his aircraft presently execute approaches to Goodwin Field and, when weather conditions permit, they proceed to Downtown using special visual flight rule procedures. If weather conditions do not permit, the pilot will land at Goodwin Field. Since the majority of aircraft that will be making approaches to the Downtown Airport presently are making approches to Goodwin Field and proceeding to Downtown Airport under special visual flight rule conditions, we have determined that establishment of this approach will not result in a substantial increase in instrument operations.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, March 18, 1982, 1981, as follows:

El Dorado, Arkansas

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of El Dorado Goodwin Airport (latitude 33°13'15"N., longitude 92°48'47"W.) and within a 5-mile radius of the Downtown Airport (latitude 33°11'00"N. longitude 92°40'00"W.).

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

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

Issued in Fort Worth, TX, on December 22, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-37413 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-SO-51]

Designation of Transition Area, Leesburg, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule will designate the Leesburg, Florida, Transition Area and will lower the base of controlled airspace in the vicinity of Leesburg Municipal Airport from 1,200 to 700 feet AGL to accommodate Instrument Flight Rule (IFR) operations. A standard instrument approach procedure has been developed and additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

EFFECTIVE DATE: 0901 GMT, February 15, 1982.

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

SUPPLEMENTARY INFORMATION:

History

On Monday, September 28, 1981, (46 FR 47464), the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish the Leesburg, Florida, Transition Area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections to the proposal were received in response to this publication.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations establishes the Leesburg, Florida, Transition Area. A new standard instrument approach procedure (NDB Runway 31) has been developed for Leesburg Municipal Airport utilizing the proposed Leesburg NDB (nonfederal, nondirectional radio beacon). This action is necessary to provide the required controlled airspace to protect aircraft conducting Instrument Flight Rule operations.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181, Subpart G, of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (and amended) (46 FR 540) is further amended, effective 0901 GMT, February 15, 1982, as follows:

Leesburg, Florida

That airspace extending upward from 700 fee above the surface within a 6-mile radius of Leesburg Municipal Airport (lat. 28°49'20" N.; long. 81°48'35" W.), within 3 miles each side of the 126° bearing from the Leesburg RBN (lat. 28°49'44" N.; long. 81°49'08" W.) extending from the 6-mile radius area to 8 miles southeast 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 regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a major rule under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

Issued in East Point, Georgia, on December 21, 1981.

Jonathan Howe,

Director, Southern Region.

[FR Doc. 81-37403 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-58]

Alteration of Transition Area: Westminster, Maryland

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Westminster, Maryland, (Westminster Airport), Transition Area. It changes the description to cause "Westminster Airport" to read "Carroll County Airport" where the former appears.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is clerical in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective January 4, 1982.

Amend § 71.181 of Part 71, Federal Aviation Regulations by altering:

(a) The caption of the Westminster Maryland (Westminster Airport) 700-foot floor transition area by deleting, "(Westminster Airport)" and by substituting, "(Carroll County Airport)", therefor.

(b) The description of the Westminster Maryland (Westminster Airport) 700-foot floor transition area by deleting, "Westminster Airport", and by substituting, "Carroll County Airport", therefor.

(Secs. 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; Sec. 6(c) of the 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); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-37378 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-39]

Alteration and Revocation of Transition Areas: Albion and Berlin, New Jersey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Berlin, New Jersey, and revokes the Albion, New Jersey, Transition Areas. The alteration results in a combining of the former Albion, New Jersey, Transition Area into the Berlin, New Jersey, Transition Area. These changes result from a change in the name of Albion Airport to Camden Airport, and a recognition that both airports and the transition areas are located in Berlin, New Jersey.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The rule is editorial in nature and does not impose any additional burden on any person. In view of the foregoing, notice and public procedure hereon are unnecessary, and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective January 4, 1982 as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, as follows:

a. *Albion, N.J.*—Revoke the Albion, N.J., 700-foot floor Transition Area in its entirety.

b. *Berlin, N.J.*—Amend the text of the Berlin, N.J., 700-foot floor Transition Area by deleting, "13 miles north of the VORTAC." and by substituting, "13 miles north of the VORTAC; within a 5-mile radius of the center 39°34'40" N., 74°56'55" W., of Camden County Airport, Berlin, N.J., and within 2 miles each side of the Cedar Lake VORTAC 003° radial extending from the 5-mile radius area to the VORTAC, excluding the portion that coincides with the Millville, N.J., Transition Area. The Camden County Airport Transition Area is effective from sunrise to sunset, daily." therefor.

(Section 307(a), and 313(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a) and 1354(c)]; sec. 6(c) of the 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); (3) does not warrant preparation of regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-37404 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ANW-13]

Alteration of Transition Area; Medford, Oregon

AGENCY: Federal Aviation Administration (FFA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The revocation of Low Altitude Airway V-23E between Fort Jones, California, and Medford, Oregon, to be effective January 21, 1982 (ASD-81-ANW-8), necessitates a redescription of the 1,200-foot transition area for Medford, Oregon, which is accomplished by this document.

EFFECTIVE DATE: January 21, 1982.

Comments must be received on or before January 30, 1982.

ADDRESSES: Send comments on the rule in triplicate to:

Chief, Operations, Procedures, and Airspace Branch, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

The official docket may be examined at the following location:

Office of the Regional Counsel, Federal Aviation Administration, Northwest Region, FAA Building, Boeing Field, Seattle, Washington 98108.

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

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe a portion of the 1200 foot transition area southeast of Medford, Oregon. The revocation of V-23E negates its use as a reference in the description of the transition area, 46 FR 56779, November 19, 1981. No substantive changes are made in the transition area. Since this change is editorial in nature only, it is found that notice and public procedure herein are unnecessary and that the amendment may be made effective in less than 30 days. However, comments are invited on the rule. When the comment period closes, the FAA will use the comments and any other available information to review the rule.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished and amended (46 FR 540), is further amended, effective 0901 GMT, January 21, 1982, as follows:

Medford, Oregon

Replace the words * * * "on the south by the 7-mile radius area centered on the Siskiyou County Airport, on the west by the east edge of V-23E;" beginning on line 8 with: "on the southeast by a line 5 miles southeast and parallel to the Fort Jones Vortac 041° radial, on the west by the east edge of V-23;" * * *

(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)

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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Seattle, Washington, December 23, 1981.

Robert O. Brown,

Acting Director, Northwest Mountain Region.

[FR Doc. 81-37397 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-48]

Designation of Transition Area: Seminole, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Seminole, TX. The intended effect of the amendment is to provide adequate controlled airspace for aircraft executing a new instrument approach procedure to the Gaines County Airport. This amendment is necessary to provide protection for aircraft executing instrument approaches using the proposed nondirectional radio beacon (NDB). Coincident with this action, the airport will be changed from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: March 18, 1982.

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

SUPPLEMENTARY INFORMATION: On October 29, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46 FR 53434) stating that the Federal Aviation Administration proposed to designate the Seminole, TX, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes, this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71, § 71.181, of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 540) is amended, effective 0901 GMT, March 18, 1982, as follows:

Seminole, TX

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Gaines County Airport (latitude 32°40'35"N., longitude 102°39'06"W.) and within 3 miles each side of the 189° bearing of the NDB (latitude 32°40'19"N., longitude

102°38'43"W.) extending from the 7-mile radius area to 8.5 miles south of the NDB.

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

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

Issued in Fort Worth, TX, on December 22, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-37412 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

14 CFR Parts 71, 73, and 75

[Airspace Docket No. 81-AWA-12]

Compilation of Regulations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent.

SUMMARY: In the past, the FAA has published, in the **Federal Register**, an annual Compilation of Regulations containing current airspace designations. This compilation was published annually for the benefit of the public, since airspace designations are not carried in the Code of Federal Regulations or the Federal Aviation Regulations. This year the FAA will not publish the compilation in the **Federal Register**. The FAA plans to publish a handbook containing the compilation at a later date.

FOR FURTHER INFORMATION CONTACT: Mary Ann Webb, Airspace Regulations and Obstruction Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8626.

SUPPLEMENTARY INFORMATION:

History

The publication cost of the compilation in the **Federal Register** has escalated. Accordingly, a more cost efficient handbook will be published that will reflect the annual compilation with page changes to reflect the updates.

Further information regarding the availability and cost of the handbook will be published in the **Federal Register** when the information is available.

Issued in Washington, D.C., on December 24, 1981.

Shelomo Wugalter,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-37186 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 50

Fee Structure for Special Population Censuses

AGENCY: Bureau of the Census, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of the Census is amending the regulation for conducting special population censuses by removing the fee structure for conducting a special population census. The special censuses will be conducted on an actual cost basis. Concerned communities may write the Bureau to obtain an individual estimate.

EFFECTIVE DATE: December 30, 1981.

FOR FURTHER INFORMATION CONTACT: George Hurn, Chief, Special Census Branch, Bureau of the Census, Washington, D.C. 20233, (301) 763-5806.

SUPPLEMENTARY INFORMATION:

PART 50—SPECIAL SERVICES AND STUDIES BY THE BUREAU OF CENSUS

The Bureau is amending title 15, chapter 1, part 50, fee structure for special population censuses, by removing § 50.10(b) and removing the designation "(a)."

Section 50.10 is revised to read as follows:

§ 50.10 Fee structure for special population censuses.

The Bureau of the Census is authorized to conduct special population censuses at the request of and at the expense of the community concerned. To obtain a special population census, an authorized official of the community should write a letter to the Associate Director for Demographic Fields, Bureau of the Census, Washington, D.C. 20233, requesting detailed information and stating the approximate present population. The Associate Director will reply giving an estimate of the cost and other pertinent information.

Title 13, United States Code, section 196, Special Censuses, requires payment to the Bureau of the actual or estimated cost of each such special census.

We have determined that this regulation does not meet the criteria specified in Executive Order 12291 for a major rule and does not require a Regulatory Impact Analysis.

This rule is not subject to the requirements of the Regulatory Flexibility Act.

This rule does not impose an information collection requirement.

Dated: December 15, 1981.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 81-37379 Filed 12-31-81; 8:45 am]

BILLING CODE 3510-07-M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Energy Costs and Consumption Information Used in Labeling and Advertising for Consumer Appliances; Ranges of Comparability for Furnaces and Dishwashers

AGENCY: Federal Trade Commission.

ACTION: Rule related notice.

SUMMARY: Under the Federal Trade Commission's Appliance Labeling Rule, each required label or fact sheet for a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. These ranges show the highest and lowest energy costs or efficiencies for the various size or capacity groupings of the appliances covered by the rule. The Commission publishes the ranges annually in the **Federal Register** if the upper or lower limits of the range change by 15% or more from the previously published range. If the Commission does not publish a revised range, it must publish a notice that the prior range is still applicable for the next year.

The ranges of energy efficiencies for furnaces and energy costs for dishwashers have not changed this year by as much as 15%. Therefore, the ranges published last year for furnaces and dishwashers remain in effect until new ranges are published next year.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: James Mills, 202-724-1491, or Lucerne D. Winfrey, 202-724-1453, Attorneys, Division of Energy and Product Information, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA)[1] required the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances: (1) Refrigerators and refrigerator-freezers; (2) freezers; (3) dishwashers; (4) clothes dryers; (5) water heaters; (6) room air conditioners; (7) home heating equipment, not including furnaces; (8) television sets; (9) kitchen ranges and ovens; (10) clothes washers; (11) humidifiers and dehumidifiers; (12) central air conditioners; and, (13) furnaces. Under the statute, the Department of Energy (DOE) is responsible for developing test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule [2] covering seven of the thirteen appliance categories: refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners, and furnaces.

The rule requires that energy efficiency ratings or energy costs and related information be disclosed on labels, fact sheets and in retail sales catalogs for all covered products manufactured on or after May 19, 1980. Certain point-of-sale promotional materials must disclose the availability of energy cost or energy efficiency rating information. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of the DOE test procedures.

Pursuant to § 305.8 of the rule, manufacturers submitted reports to the Commission by January 21, 1980. These reports contained the estimated annual cost or energy efficiency rating, derived from tests performed pursuant to the DOE test procedures, for all models of the seven categories of appliances. The reports also contained the model, the number of tests performed on each model, and the capacity of each model. From the information, the Commission compiled and published [3] ranges of comparability for each product, as required by § 305.10 of the rule.

Section 305.10(a) of the rule requires that manufacturers, after filing this initial report, shall report the same information annually by specified dates for each product type. [4] If an analysis of the new data indicates that the upper or lower limits of any of the ranges have changed by more than 15%, the Commission must, under § 305.10 of the rule, publish a revised version of the new range or ranges. Otherwise, the Commission must publish a statement that the prior range or ranges remain in effect for the next year.

The annual reports for furnaces and dishwashers have been received and analyzed and it has been determined that neither the upper nor lower limits of the ranges for these two product categories have changed by 15% or more.

In consideration of the foregoing, the present ranges for furnances and dishwashers will remain in effect for the next year.

As a consequence of this, all cost figures for dishwashers required to be disclosed along with dishwasher ranges must be based on the same representative average unit costs for energy that were used in establishing the existing ranges. That is, the representative average costs per unit for energy that are to be used in calculating the estimated annual operating cost for dishwashers remain the same as were published in § 305.9 of the Commission's final Appliance Labeling Rule: 4.97 cents per KWH for electricity; 84.1 cents per gallon for oil; 36.7 cents per therm for natural gas; and, 54.5 cents per gallon for propane gas. This will require recalculation (but not resubmission) for any models submitted to the Commission based on the 1981 representative average unit costs for energy published by DOE on December 1, 1980[5] and the Commission on January 13, 1981.[6]

When calculating the estimated annual operating costs to be used in the cost grids on fact sheets pertaining to gas-fired and oil-fired furnaces and boilers, manufacturers of these products may continue to use 4.97 cents per KWH as the cost rate for the electricity consumed by the electrically powered parts of the furnaces or boilers.

Issued: By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-37437 Filed 12-31-81; 8:45 am]

BILLING CODE 6750-01-M

[1] Pub. L. 94-163, 89 Stat. 871, (Dec. 22, 1975).

[2] 44 FR 66466, 16 CFR Part 305 (November 19, 1979).

[3] 45 FR 13998 (March 3, 1980), 45 FR 19520 (March 25, 1980), 45 FR 26036 (April 17, 1980), 46 FR 3629 (January 16, 1980).

[4] Reports for clothes washers are due by March 1; reports for water heaters, room air conditioners and furnaces are due by May 1; reports for dishwashers are due by June 1; reports for refrigerators, refrigerator-freezers and freezers are due by August 1.

[5] 45 FR 79575 (December 1, 1980).

[6] 46 FR 2974 (January 13, 1981).

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16 CFR Part 305

Energy Costs and Consumption Information Used in Labeling and Advertising for Consumer Appliances; Ranges of Comparability for Room Air Conditioners

AGENCY: Federal Trade Commission.

ACTION: Rule related notice.

SUMMARY: Under the Federal Trade Commission's Appliance Labeling Rule, each required label or fact sheet for a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. These ranges show the highest and lowest energy costs or efficiencies for the various size or capacity groupings of the appliances covered by the rule. The Commission publishes the ranges annually in the **Federal Register** if the upper or lower limits of the range change by 15% or more from the previously published range. If the Commission does not publish a revised range, it must publish a notice that the prior range is still applicable for the next year.

The ranges of energy efficiencies for room air conditioners have not changed this year by as much as 15%. Therefore, the ranges published last year remain in effect until new ranges are published.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: James Mills, 202–724–1491, or Lucerne D. Winfrey, 202–724–1453, Attorneys, Division of Energy and Product Information, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA) [1] required the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances: (1) Refrigerators and refrigerator-freezers; (2) freezers; (3) dishwashers; (4) clothes dryers; (5) water heaters; (6) room air conditioners; (7) home heating equipment, not including furnaces; (8) television sets; (9) kitchen ranges and ovens; (10) clothes washers; (11) humidifiers and dehumidifiers; (12) central air conditioners; and, (13) furnaces. Under the statute, the Department of Energy (DOE) is responsible for developing test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule [2] covering seven of the thirteen appliance categories: refrigerators and refrigerator-freezers, freezers, dishwashers, water heaters, clothes washers, room air conditioners, and furnaces.

The rule requires that energy efficiency ratings or energy costs and related information be disclosed on labels, fact sheets and in retail sales catalogs for all covered products manufactured on or after May 19, 1980. Certain point-of-sale promotional materials must disclose the availability of energy cost or energy efficiency rating information. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of the DOE test procedures.

Pursuant to § 305.8 of the rule, manufacturers submitted reports to the Commission by January 21, 1980. These reports contained the estimated annual cost or energy efficiency rating, derived from tests performed pursuant to the DOE test procedures, for all models of the seven categories of appliances. The reports also contained the model, the number of tests performed on each model, and the capacity of each model. From the information, the Commission compiled and published [3] ranges of comparability for each product, as required by § 305.10 of the rule.

Section 305.10(a) of the rule requires that manufacturers, after filing this initial report, shall report the same information annually by specified dates for each product type.[4] If an analysis of the new data indicates that the upper or lower limits of any of the ranges have changed by more than 15%, the Commission must, under § 305.10 of the rule, publish a revised version of the new range or ranges. Otherwise, the Commission must publish a statement that the prior range or ranges remain in effect for the next year.

The annual reports for room air conditioners have been received and analyzed and it has been determined that neither the upper nor lower limits of the ranges for this product category have changed by 15% or more.

In consideration of the foregoing, the present ranges for room air conditioners will remain in effect for the next year.

(Sec. 324 of the Energy Policy and Conservation Act (Pub. L. 94–163 (42 U.S.C. 6294)); as amended by the National Energy Conservation Policy Act (Pub. L. 95–619))

Issued: By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81–37438 Filed 12–31–81; 8:45 am]

BILLING CODE 6750–01–M

[1] Pub. L. 94–163, 89 Stat. 871 (Dec. 22, 1975).

[2] 44 FR 66466, 16 CFR Part 305 (November 19, 1979).

[3] 45 FR 13998 (March 3, 1980), 45 FR 19520 (March 25, 1980), 45 FR 26036 (April 17, 1980), 46 FR 3829 (January 16, 1981).

[4] Reports for clothes washers are due by March 1; reports for water heaters, room air conditioners and furnaces are due by May 1; reports for dishwashers are due by June 1; reports for refrigerator-freezers and freezers are due by August 1.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

[Docket RM 79–14]

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

December 28, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order prescribing incremental pricing thresholds.

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

EFFECTIVE DATE: January 1, 1982.

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

SUPPLEMENTARY INFORMATION:

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

Pursuant to that mandate and pursuant to § 375.307(1) of the Commission's regulations, delegating the publication of such prices to the Director of the Office of Pipeline and Producer Regulation, the incremental pricing acquisition cost threshold prices for the month of January 1982 is issued by the publication of a price table for the applicable month.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

TABLE I.—INCREMENTAL PRICING ACQUISITION COST THRESHOLD PRICES

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Calendar Year 1980												
Incremental Pricing Threshold	$1.702	$1.738	$1.750	$1.762	$1.776	$1.790	$1.804	$1.819	$1.834	$1.849	$1.863	$1.877
NGPA Section 102 Threshold	2.358	2.381	2.404	2.428	2.453	2.478	2.504	2.532	2.560	2.588	2.614	2.640
NGPA Section 109 Threshold	1.786	1.799	1.812	1.825	1.839	1.853	1.867	1.883	1.889	1.915	1.929	1.943
130% of No. 2 Fuel Oil in New York City Threshold	7.170	7.260	7.410	7.110	7.380	8.040	7.840	7.380	7.400	7.400	7.450	7.580
Calendar Year 1981												
Increment Pricing Threshold	$1.891	$1.908	$1.925	$1.942	$1.954	$1.967	$1.980	$1.990	$2.000	$2.010	$2.025	$2.041
NGPA Section 102 Threshold	2.667	2.698	2.729	2.761	2.787	2.813	2.840	2.863	2.886	2.909	2.940	2.971
NGPA Section 109 Threshold	1.957	1.975	1.993	2.011	2.024	2.037	2.050	2.060	2.070	2.080	2.096	2.112
130% of No. 2 Fuel Oil in New York City Threshold	7.610	7.760	8.260	9.010	9.510	9.430	9.360	9.260	8.860	8.700	8.930	8.990
Calendar Year 1982												
Incremental Pricing Threshold	$2.057											
NGPA Section 102 Threshold	3.003											
NGPA Section 109 Threshold	2.128											
130% of No. 2 Fuel Oil in New York City Threshold	9.180											

[FR Doc. 81-37467 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6100

[OR-19328]

Oregon; Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order which withdrew 7,479.62 acres of land for reclamation purposes. This action will restore portions of the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: February 2, 1982.

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

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

1. The Secretarial Order of April 26, 1909, which withdrew the following described lands for use by the Bureau of Reclamation for reclamation purposes in connection with the Columbia South Side Project, is hereby revoked in its entirety:

Willamette Meridian

Columbia South Side Project

T. 7 S., R. 19 E.,
Sec. 17, S½SW¼;
Sec. 18, lots 3 and 4, SE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 19, lots 1, 2, 3, and 4, N½NE¼, SW¼NE¼, E½W½, W½SE¼, and SE¼SE¼;
Sec. 28, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 29, NW¼NW¼;
Sec. 30, E½;
Sec. 32, NW¼;
Sec. 33, N½NE¼, SE¼NE¼, and SW¼NW¼;
Sec. 34, W½NE¼, NW¼, and N½S½.
T. 8 S., R. 19 E.,
Sec. 3, lot 3, SE¼NW¼, and W½SE¼;
Sec. 4, lot 7, SE¼SW¼, and SE¼;
Sec. 5, lots 3, 4, and 5, SW¼NE¼, and SE¼NW¼;
Sec. 9, lots 3 and 4, NE¼, and E½SW¼;
Sec. 10, W½NE¼, and E½SW¼;
Sec. 15, lot 1, and E½W½;
Sec. 21, lot 1, NE¼, NE¼NW¼, N½SE¼, and SW¼SE¼;
Sec. 22, lots 3 and 4, NE¼NE¼, E½SW¼, and S½SE¼;
Sec. 23, lots 1 and 2, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 25, NE¼NW¼, S½NW¼, SW¼, and S½SE¼;
Sec. 26, lot 1, W½NE¼, NE¼NW¼, and SE¼;
Sec. 35, NE¼.
T. 9 S., R. 19 E.,
Sec. 1, S½NE¼, and E½SE¼;
Sec. 12, N½, NW¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 24, SE¼NE¼, W½NW¼, and NE¼SE¼.
T. 8 S., R. 20 E.,
Sec. 31, lots 2, 3, and 4, S½NE¼, SE¼NW¼, E½SW¼, and SW¼SE¼.
T. 9 S., R. 20 E.,
Sec. 6, lots 1 and 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 30, lots 1 and 2, W½E½, and E½NW¼.

The areas described aggregate 7,479.62 acres in Jefferson, Wasco, and Wheeler Counties.

2. The following described lands are withdrawn and reserved for the John Day Fossil Beds National Monument and remain segregated from operation of the public land laws generally, including the mining and mineral leasing laws:

Willamette Meridian

T. 7 S., R. 19 E.,
Sec. 33, N½NE¼, and SE¼NE¼;
Sec. 34, W½NE¼, NW¼, and N½S½.

The area described contains 520 acres in Wheeler County.

3. The following described lands are withdrawn for Powersite Reserve No. 24 of July 2, 1910; Powersite Reserve No. 145 of July 2, 1910; Powersite Reserve No. 556 of November 24, 1916; and Powersite Classification No. 383 of August 15, 1947, and remain segregated from operation of the public land laws generally, but will be open to the mining laws:

Willamette Meridian

T. 7 S., R. 19 E.,
Sec. 17, S½SW¼;
Sec. 18, lots 3 and 4, W½SE¼, and SE¼SE¼;
Sec. 19, lots 2 and 3, N½NE¼, SW¼NE¼, E½NW¼, NW¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 28, NW¼NE¼, NW¼NW¼, S½N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 29, NW¼NW¼;
Sec. 30, E½E½, SW¼NE¼, and NW¼SE¼;
Sec. 32, NW¼.
T. 8 S., R. 19 E.,
Sec. 3, lot 3, SE¼NW¼, NE¼SW¼, and W½SE¼;
Sec. 4, lot 7, SE¼SW¼, and SE¼;
Sec. 5, lots 3, 4, 5, SW¼NE¼, and SE¼NW¼;
Sec. 9, lots 3 and 4, NE¼NE¼, S½NE¼, and E½SW¼;
Sec. 10, W½NE¼, and E½SW¼;
Sec. 15, lot 1, and E½SW¼;

Sec. 21, lot 1, N½NE¼, SE¼NE¼, NE¼NW¼, NW¼SE¼, and SE¼SW¼;
Sec. 22, lots 3 and 4, E½SW¼, and S½SE¼;
Sec. 23, lot 2, NE¼SW¼, and NW¼SE¼;
Sec. 25, NE¼NW¼, SW¼NW¼, W½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 26, lot 1, W½NE¼, NE¼NW¼, NW¼SE¼, and E½SE¼;
Sec. 35, NE¼NE¼.
T. 9 S., R. 19 E.,
Sec. 1, SE¼NE¼, and E½SE¼;
Sec. 12, NE¼NE¼, S½N½, NW¼SW¼, NE¼SE¼, and S½SE¼;
Sec. 24, SE¼NE¼, and NE¼SE¼.
T. 8 S., R. 20 E.,
Sec. 31, lots 2, 3, and 4, S½NE¼, SE¼NW¼, E½SW¼, and SW¼SE¼.
T. 9 S., R. 20 E.,
Sec. 6, lots 1, 2, 3, 5, 6, and 7, S½NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼;
Sec. 30, lots 1 and 2, W½E½, and E½NW¼.

The areas described above aggregate 5,631.15 acres in Jefferson, Wasco, and Wheeler Counties.

4. At 10 a.m. on February 2, 1982, the lands described in paragraph 1, except as provided in paragraphs 2 and 3, will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on February 2, 1982, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

5. At 10 a.m. on February 2, 1982, the lands described in paragraph 1, except as provided in paragraph 2, will be open to location under the United States mining laws. They have been and continue to be open to applications and offers under the mineral leasing laws.

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

Garrey E. Carruthers,

Assistant Secretary of the Interior.

December 28, 1981.

[FR Doc. 81-37420 Filed 12-31-81; 8:45 am]

BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

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) 287-0230, 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. No appeals of the proposed base flood elevations were received from the community or from individuals within 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).
Arizona	Fredonia (town), Coconino County FEMA-6121	Kanab Creek	Intersection of creek and center of Pipe Spring Road (State Highway 389).	*4,662
Maps available for inspection at Town Clerk's Office, Fredonia, Arizona.				
Arkansas	City of Shannon Hills, Saline County (FEMA 6129)	Otter Creek	Approximately 100 feet downstream of Shannon Hills Dr..	*314
			At the southern corporate limits	*319
		Shannon Hills Tributary	Approximately 200 feet upstream of Clayton Drive	*315
			Just upstream of Joan Drive	*321
Maps available for inspection at Shannon Hills City Hall, 10401 High Road East, Mabelvale, Arkansas 72103.				
California	Galt (city), Sacramento County FEMA-6129	Dry Creek	100 feet upstream from center of State Highway 99	*44
Maps available for inspection at Department of Engineering, 380 Civic Drive, Galt, California.				
California	Red Bluff (city), Tehama County FEMA-6121	Sacramento River	Intersection of Willow Street and Riverside Way	*269
			Intersection of Williams Avenue and Sale Lane	*270

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
	East Sand Slough	Samson Slough	100 feet upstream from center of Antelope Blvd	*271
		Paynes Creek Slough	Intersection of Slough and center of Antelope Blvd	*272
		Dibble Creek	650 feet downstream from center of Interstate Highway 5.	*280
		Brewery Creek	At confluence with Brewery Creek Tributary	*273
		Brickyard Creek	100 feet upstream from center of Baker Road	*319
		Reeds Creek	Area between Creek and the west end of Locust Avenue.	*269
		Grasshopper Creek	100 feet downstream from center of Interstate Highway 5.	*289
Maps available for inspection at Department of Planning, 555 Washington Street, Red Bluff, California.				
California	Redwood City (city), San Mateo County, FEMA-6121	San Francisco Bay	Intersection of Bloomquist Street and Harbor Boulevard.	*7
Maps available for inspection at Planning Department, City Hall, 1017 Middlefield Road, Redwood City, California.				
California	Siskiyou County (Unincorporated Areas) FEMA-5979	Johnson Creek (Near Etna)	Upstream side of state Highway 3 over the channel	*2,919
		Etna Creek	Approximately 400 feet south of the intersection of the channel and State Highway 3.	#2
		Shasta River (Near Edgewood)	Upstream side of Southern Pacific Railroad over the channel.	*2,943
		Yreka Creek (Near Yreka)	Approximately 150 feet south along the channel from its intersection with Sharps Road.	*2,684
		Moffett Creek (Near Fort Jones)	Approximately 100 feet east of the intersection of Fort Jones Highway and Scott River Road.	*2,725
			Douglas Avenue Bridge over the channel	*2,743
			Approximately 1,000 feet southwest along Marble View Drive from its intersection with State Highway 3.	#1
		Cottonwood Creek (Near Hornbrook).	Upstream side of Front Street over the channel	*2,161
		Indian Creek (Near Happy Camp)	Approximately 300 feet northwest of Deer Lick Creek confluence.	*1,300
		Sacramento River (Near Dunsmuir)	Upstream side of Scherrer Avenue over the channel	*2,247
		Klamath River (Near Happy Camp)	At Elk Creek confluence	*1,076
		Klamath River (Near Seiad Valley)	At confluence with West Grider Creek	*1,361
			Downstream side of State Highway 96 over the channel.	*1,396
		Humbug Gulch (Near Yreka)	Intersection of downstream county limits and channel	*2,748
		Seiad Creek	Approximately 500 feet north of the intersection of State Highway 96 and Old Seiad Creek Road.	#2
Maps available for inspection at Public Works Building, 311 4th Street, Yrek, California.				
California	Yuba County (Unincorporated Areas) FEMA-6124	Feather River	Intersection of river and center of Southern Pacific Railroad.	*73
		Yuba River	200 feet west along Walnut Avenue from intersection with Hallwood Boulevard.	*88
		Jack-Simmerly Slough	Intersection of Simmerly Slough and center of Woodruff Lane.	*74
		Linda Drain	50 feet northeast along Grand Avenue from the intersection with Western Pacific Railroad.	*58
			Intersection of drain and center of McGowan Parkway	*60
			150 feet north from intersection of Linda-Hurst Road and Sharp Avenue.	*62
			100 feet upstream from center of North Beale Road	*70
			Intersection of North Beale Road and Widget Avenue	#2
			Intersection of Linda-Hurst Road and Sharp Avenue	#1
		Olivehurst Drain	100 feet upstream from center of Southern Pacific Railroad.	*63
		Plumas Lake	100 feet southeast from the intersection of McGowan Parkway and Rancho Road.	*60
Maps available for inspection at County Department of Public Works, 215 5th Street, Marysville, California.				
Connecticut	Marlborough, town, Hartford County (Docket No. FEMA-6053).	Blackledge River	Downstream Corporate Limits	*159
			Downstream State Route 2	*174
			2,400' upstream State Route 2	*184
			Upstream South Main Street	*195
			2,300' upstream South Main Street	*205
			4,850' downstream J. Daniels Road	*215
			2,300' downstream J. Daniels Road	*226
			Upstream J. Daniels Road	*238
			2,200' upstream J. Daniels Road	*249
			3,700' upstream J. Daniels Road	*259
			5,800' upstream J. Daniels Road	*270
			Downstream State Route 66	*275
			Upstream State Route 66	*284
			2,100' upstream State Route 66	*295
			3,350' upstream State Route 66	*305
			Downstream Parker Road	*315
			1,600' upstream Parker Road	*326
			4,000' upstream Parker Road	*336
			Upstream West Road	*342
		Dickinson Creek	1,000' downstream Flood Road	*350
			Upstream Flood Road	*359

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Downstream State Route 66	*373
			3,600' upstream State Route 66	*383
			5,000' upstream State Route 66	*392
			Downstream Chapman Road	*407
			Upstream North Main Street	*416
			Downstream Sarah Lane	*425
			Upstream West Road	*436
			550' upstream West Road	*450
			850' upstream West Road	*460
			1,200' upstream West Road	*470
			1,500' upstream West Road	*479
			1,850' upstream West Road	*490
			2,2000' upstream West Road	*499
			Approximately 2,500' upstream West Road	*510
			1,100' downstream Old Stagecoach Road	*515
			850' downstream Old Stagecoach Road	*525
			Approximately 600' downstream Old Stagecoach Road	*535
			Approximately 250' downstream Old Stagecoach Road	*647
			Upstream Old Stagecoach Road	*555
			Approximately 300' upstream Old Stagecoach Road	*565
			550' upstream Old Stagecoach Road	*574
			Approximately 850' upstream Old Stagecoach Road	*584
		Flat Brook	Downstream Standish Drive	*350
			Downstream Jones Hollow Road	*362
			Upstream Jones Hollow Road	*369
			750' upstream Jones Hollow Road	*380
			Approximately 1,250' upstream Jones Hollow Road	*390
			Downstream Finley Hill Road	*405
			350' upstream Finley Hill Road	*416
			850' upstream Finley Hill Road	*430
			1,200' upstream Finley Hill Road	*440
			1,550' upstream Finley Hill Road	*450
			Approximately 1,850' upstream Finley Hill Road	*462
			2,100' upstream Finley Hill Road	*473
			2,300' upstream Finley Hill Road	*483
			2,500' upstream Finley Hill Road	*492
			2,700' upstream Finley Hill Road	*502
			Upstream Corporate Limits	*511
		Foot Sawmill Brook	Confluence with Blackledge River	*351
			300' upstream South Buckboard Lane	*361
			1,550' upstream South Buckboard Lane	*368
			Approximately 2,350' upstream South Buckboard Lane	*381
			2,800' upstream South Buckboard Lane	*390
			Approximately 3,300' upstream South Buckboard Lane	*400
			Approximately 3,700' upstream South Buckboard Lane	*408
			Approximately 700' downstream Stony Brook Road	*419
			Downstream Stony Brook Road	*426
			500' upstream Stony Brook Road	*434
		Lyman Brook	Approximately 350' downstream Private Drive	*206
			Downstream Private Drive	*218
			Approximately 300' upstream Private Drive	*230
			Approximately 600' upstream Private Drive	*241
			1,900' upstream Private Drive	*250
			Downstream State Route 2 (downstream crossing)	*257
			3,300' downstream State Route 2 (upstream crossing)	*268
			Downstream State Route 2	*277
			950' downstream Johnson Road No. 1	*290
			Downstream Johnson Road No. 1	*302
			350' upstream Johnson Road No. 1	*315
			650' upstream Johnson Road No. 1	*325
			1,050' upstream Johnson Road No. 1	*335
			Approximately 1,400' upstream Johnson Road No. 1	*345
			Approximately 1,750' upstream Johnson Road No. 1	*355
			1,100' downstream State Route 66	*365
			800' downstream State Route 66	*373
			400' downstream State Route 66	*385
			75' downstream State Route 66	*396
Maps available for inspection at the Office of the Town Clerk, Town Assessor, and Town Planner, Marlborough Town Hall, Marlborough, Connecticut.				
Florida	Unincorporated Areas of Glades County (FEMA-6129)	Caloosahatchee River	Just upstream of U.S. Highway 27 Bridge (State Highway 25).	*13
		Bee Branch	Just upstream of State Highway 720	*42
		Pollywog Creek	Just upstream of State Highway 720	*45
		Turkey Branch (Shallow Flooding Areas).	Just downstream of State Highway 78	*22
		Long Hammock Creek (Shallow Flooding Areas).	Approximately 0.5 Mile North of State Highway 80	*15
		Stream J (Shallow Flooding Areas)	Approximately 200 feet north of State Highway 80	*18
		Stream K (Shallow Flooding Areas)	Approximately 200 feet north of State Highway 80	*19
		Okeechobee Rim Canal Interior Drainage Areas.	Just upstream of Indian Prairie Canal	*17
		Lake Okeechobee	Entire Shore Line	*21
Maps available for inspection at Glades County Courthouse, U.S. Highway 27th and Sixth Street, Moore Haven, Florida 33471.				
Florida	Unincorporated Areas of Hendry County (FEMA-6129)	Caloosahatchee River	Just downstream of State Route 29	*9
		Jacks Branch	Just downstream of State Route 78	*10
		Stream A	Unnamed Road at 1,750 feet above mouth	*12

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Stream B	Unnamed Road at 600 feet above mouth	*15
		Stream C	Just upstream of Niles Street	*20
		Stream D	Just upstream of State Route 78	*18
			Just upstream of North River Road	*20
		Stream E	Just downstream of State Route 78	*10
		Bee Branch	Just downstream of State Route 78	*14
		Pollywog Creek	Just downstream of State Route 78	*14
		Labelle "A"	Just upstream of Devils Garden Avenue	*19
			Just downstream of State Route 29	*20
		Canal 139	Approximately 700 feet north of confluence with South Alico Canal.	*20
		Stream "F"	Just downstream of State Route 80	*19
		Stream "G"	Just downstream of State Route 80	*21
		Long Hammock Creek	Approximately 1600 feet upstream of State Route 80	*25
		Stream I	Approximately 8,000 feet upstream from State Route 80.	*22
		Stream J	Approximately 1,000 feet upstream of State Route 80	*19
		Stream K	Approximately 10,000 feet upstream of State Route 80	*22
		Lake Okeechobee	Entire Shoreline	*21
Maps available for inspection at County's Engineers Office and Building and Zoning Department, Hendry County Courthouse, LaBelle, Florida 33935.				
Florida	City of Inverness, Citrus County (FEMA-6015)	Tsala Apopka Lake	Entire Shoreline	*43
		Henderson Lake	Entire Shoreline	*43
		Little Spivey Lake	Entire Shoreline	*43
		White Lake	Entire Shoreline	*36
		Grant Lake	Entire Shoreline	*38
Maps available for inspection at City Hall, Main Street, Inverness, Florida 32650.				
Florida	City of Perry, Taylor County (FEMA-6129)	Spring Creek	Just downstream of Springfield Street	*39
			Just upstream of Washington Street	*43
			Just upstream of Clark Street	*45
		Pimple Creek	Just upstream of Main Street	*39
			Just upstream of Jefferson Street	*43
		Pimple Creek East Branch	Just upstream of Helen Street	*49
		Shallow Flooding (Ponding)	Approximately 150 feet north of the intersection of First Street and South Avenue.	*38
			Approximately 600 feet south of the intersection of Young Street and Stephen Street.	*42
			At the intersection of Bacon Street and Alvarez Street	*43
			At the intersection of Cross Road and Oak Street	*44
			Approximately 400 feet south of the intersection of Ash Street and Johnson Stripling Road.	*45
			At the intersection of Oquin Road and Crit Jones Drive	*46
Maps available for inspection at City Hall, 224 South Jefferson, Perry, Florida 32347.				
Florida	City of Wewahitchka, Gulf County (FEMA-6129)	Apalachicola River	Confluence of Taylor Branch with Chipola River	*28
			Intersection of Bass Street and State Road 22	*30
		Taylor Branch	Just downstream of State Road 71	*29
			Just upstream of State Road 71	*33
			Just downstream of Catalpa Avenue	*35
Maps available for inspection at City Clerk's Office, City Hall, Osceola Avenue and Second Street, Wewahitchka, Florida 32465.				
Georgia	City of Flemington, Liberty County (FEMA-6129)			
		Peacock Canal	Just downstream of U.S. 82	*21
			Just upstream of Dirt Road	*26
		Mallard Canal	Just upstream of Dirt Road	*20
		Alligator Canal	Just upstream of Dirt Road	*20
			Just upstream of Old Hines Road	*21
		Goshen Canal	Just upstream of confluence of Alligator and Goshen Canal.	*19
Maps available for inspection at the Office of the Mayor, 111 Oglethorpe Highway, Flemington, Georgia 31313.				
Illinois	(C) Belvidere Boone County (Docket No. FEMA-6124)	Kishwaukee River	At the confluence of Tributary A	*753
			About 250 feet upstream of Main Street	*761
			At the upstream corporate limits	*764
		Tributary A	At the confluence with Kishwaukee River	*753
			Just upstream of Newburg Road	*757
			About 200 feet downstream of the Chicago and North Western railroad crossing.	*757
			About 1,000 feet upstream of the downstream Chicago and North Western railroad crossing.	*768
			About 50 feet downstream of the upstream Chicago and North Western railroad crossing.	*775
			About 200 feet upstream of Stone Quarry Road	*781
			Just downstream of East Chrysler Drive	*782
			Just upstream of East Chrysler Drive	*784
			About 3,000 feet upstream of East Chrysler Drive	*786
Maps available for inspection at the Clerk's Office, Municipal Building, 123 South State Street, Belvidere, Illinois.				
Illinois	(C) Fulton Whiteside County (Docket No. FEMA-6129)	Mississippi River	About 0.56 mile downstream of State Route 136	*591
			About 1.44 miles upstream of State Route 136	*593
		Shallow Flooding	About 1,100 feet south of intersection of 6th Street and 22nd Avenue.	*581
			About 500 feet southeast of intersection of State Route 136 and levee.	*584
			Northeastern corporate limits	*585
Maps available for inspection at the City Hall, 406 13th Avenue, Fulton, Illinois.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Indiana	(C) Boonville Warrick County (Docket No. FEMA-6129).	Cypress Creek	About 650 feet downstream of Southern Railway	*392
			About 0.52 mile upstream of State Route 62	*396
Maps available for inspection at the City Hall, 113 South Second Street, Boonville, Indiana.				
Indiana	(C) Greenwood Johnson County (Docket No. FEMA-6124).	Fountain Creek	At mouth	*738
			Just upstream of Rolling Hill Road	*743
			Just downstream of County Line Road	*747
		Grassy Creek	About 740 feet downstream of Granada Drive	*809
			At the upstream corporate limits (above Fiesta Drive)	*815
		Pleasant Creek	At mouth	*761
			Just downstream of U.S. Route 31	*782
			Just downstream of Conrail	*803
			Just upstream of Conrail	*810
			About 0.73 mile upstream of Broadway Street	*811
			Just downstream of South Emerson Avenue	*823
		Pleasant Creek	At mouth	*819
		South Branch	Just downstream of South Emerson Avenue	*825
		Pleasant Run	At downstream corporate limits (about 2,000 feet upstream of 300 West Road).	*725
			Just upstream of Fry Road (near Fountain Creek)	*744
			Just downstream of Main Street (about 1,200 feet east of 125 West Road).	*755
			Just downstream of U.S. Route 31	*768
			Just downstream of County Line Road	*780
Maps available for inspection at the City Hall, Planning and Zoning Department, 335 South Madison Avenue, Greenwood, Indiana.				
Indiana	(T) Newburgh Warrick County (Docket No. FEMA-6129).	Ohio River	At downstream corporate limits	*382
			At upstream corporate limits	*383
Maps available for inspection at the Town Hall, 200 State Street, Newburgh, Indiana.				
Indiana	(Uninc.) Warrick County (Docket No. FEMA-6129)	Ohio River	At the downstream county boundary	*381
			At the upstream county boundary	*385
		Cypress Creek	Just upstream of Southern Railway (about 1.1 miles north of South 150 Road).	*391
			Just upstream of North 250 Road	*396
		Pigeon Creek	About 1.6 miles downstream of West 1025 Road	*386
			Just downstream of North 250 Road	*390
		Weinsheimer Ditch	At mouth	*388
			Just downstream of West 900 Road	*388
		Little Pigeon Creek	At mouth	*384
			About 7.5 miles upstream of State Highway 161	*392
Maps available for inspection at the County Courthouse, Warrick County Commission Office, Boonville, Indiana.				
Iowa	(C), Denison, Crawford County (Docket No. FEMA-6124).	Boyer River	Just downstream of confluence of East Boyer River	*1,161
			About 1.1 miles upstream of Avenue C	*1,169
		East Boyer River	Just upstream of Illinois Central Gulf Railroad	*1,161
			Just downstream of County Highway M-36	*1,178
		Mud Creek	At downstream corporate limits (near U.S. Highway 30).	*1,186
			About 1.04 miles upstream of U.S. Highway 30	*1,213
Maps available for inspection at the City Hall, Box 518, Denison, Iowa.				
Iowa	(C), Glenwood, Mills County (Docket No. FEMA-6129)	Keg Creek		
			Just upstream of U.S. Highway 34 (downstream of Hazel Street).	*983
			About 2,000 feet upstream of U.S. Highway 34 (upstream of Green Street).	*992
		Fallons Creek	Just downstream of U.S. Highway 34	*991
			About 2,300 feet upstream of U.S. Highway 34	*998
Maps available for inspection at the City Hall, 107 South Locust, Glenwood, Iowa.				
Iowa	(C), Kirkman, Shelby County (Docket No. FEMA-6124)	West Nishnabotna River	About 350 feet downstream from the downstream corporate limits.	*1,225
			About 300 feet upstream from the upstream corporate limits.	*1,226
Maps available for inspection at the Mayor's Home, Kirkman, Iowa.				
Massachusetts	Bridgewater, Town, Plymouth County (Docket No. FEMA-6012).	Mattfield River	Confluence with Taunton River	*33
			Downstream of West Pond Street	*33
			Upstream of West Pond Street	*33
		Sawmill Brook	Confluence with Taunton River	*23
			Downstream of State Routes 18 and 28	*23
			Upstream of State Routes 18 and 28	*25
			Approximately 1,400' upstream of State Routes 18 and 28.	*26
		Snows Brook	Confluence with Taunton River	*22
			Upstream of South Street	*31
			Approximately 1,200' downstream of Footbridge	*33

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 500' downstream of Footbridge	*35
			Downstream of Footbridge	*37
			Upstream of Footbridge	*38
			Approximately 1,100' downstream of Cross Street	*40
			Approximately 500' downstream of Cross Street	*42
			Downstream of Cross Street	*44
			Upstream of Cross Street	*48
			Approximately 500' upstream of Cross Street	*50
			Approximately 1,000' upstream of Cross Street	*53
			Approximately 1,500' upstream of Cross Street	*55
			Approximately 1,300' downstream of Forest Street	*58
			Approximately 700' downstream of Forest Street	*60
			Downstream of Forest Street	*62
			Upstream of Forest Street	*68
		South Brook	Confluence with Town River	*36
			Downstream of Water Street (Upper crossing)	*36
			Upstream of Water Street (Upper crossing)	*41
			Approximately 450' downstream of Conrail	*41
			Downstream of Conrail	*47
			Upstream of Conrail	*51
			Downstream of Summer Street	*51
			Upstream of Summer Street	*55
			Approximately 1,500' downstream of Bedford Street	*55
			Approximately 100' downstream of Bedford Street	*57
			Bedford Street	*64
		Taunton River	Corporate Limits	*21
			Downstream of Plymouth Street	*22
			Confluence of Sawmill Brook	*23
			Upstream of Bedford Street	*24
			Upstream of Titicut Street	*25
			Downstream of Woodward Bridge	*26
			Downstream of Auburn Street	*27
			Downstream of Cherry Street	*28
			Approximately 1,500' upstream of Cherry Street	*29
			Downstream of Dam	*30
			Downstream of Mill Street	*31
			Upstream of Mill Street	*32
			Confluence of Town and Mattfield Rivers	*33
		Town River	Confluence with Taunton River	*33
			Approximately 550' upstream of confluence with Taunton River.	*35
			Approximately 2,000' upstream of Hayward Street	*36
			Upstream of Broad Street	*37
			Downstream of Oak Street	*38
			Upstream of Oak Street	*39
			Upstream of Dirt Road	*40
			Downstream of High Street	*41
			Upstream of High Street	*48
			Upstream of Corporate Limits	*49
Maps available for inspection at the Engineering Office, Academy Building, Central Square, Bridgewater, Massachusetts.				
Massachusetts	Templeton, Town, Worcester County (Docket No. FEMA-6129).	Otter River	Approximately 2,160' upstream of Maple Street	*856
			Approximately 8,000' upstream of Maple Street	*865
			Upstream side of Hamlet Mill Road	*887
			Approximately 1,600' upstream of Otter River Dam	*914
			Upstream Corporate Limits	*919
Maps available for inspection at the Planning Board, Templeton Town Hall, Central Street, Baldwinville, Massachusetts.				
Michigan	(Twp.), Caledonia, Shiawassee County (Docket No. FEMA-6124).	Shiawassee River	About 500 feet upstream of Gould Street	*733
			About 1.5 miles upstream of Gould Street	*734
Maps available for inspection at the Town Hall, 135 North State Road, Owosso, Michigan.				
Michigan	(Twp.), Marengo, Calhoun County (Docket No. FEMA-6124).	Rice Creek	About 1,600 feet downstream of dam	*897
			Just downstream of 20 Mile Road	*907
		Kalamazoo River	At western corporate limit	*901
			About 0.9 mile downstream of B-Drive North	*908
			Just downstream of 24 Mile Road	*920
		Mill Race	About 1,700 feet downstream of dam	*898
			Just upstream of dam	*898
Maps available for inspection at the Town Hall, 21375 H Drive, North, Marshall, Michigan.				
Michigan	(Cht. Twp.), Watertown, Clinton County (Docket No. FEMA-6124).	Looking Glass River	Just upstream of Bauer Road	*771
			Just downstream of Airport Road	*794
Maps available for inspection at the Town Hall, 12803 South Wacousta Road, Grand Ledge, Michigan.				
Minnesota	(Uninc.), Faribault County (Docket No. FEMA-6130)	Blue Earth River	At Riverside County Club Road	*1,945
			Just downstream of County Highway 8 (about 5,250 feet downstream of Interstate 90 westbound).	*1,056
			Just downstream of County Highway 4	*1,073
		East Fork Blue Earth River	About 1,100 feet downstream of East Street	*1,062
			About 3,900 feet upstream of 7th Street	*1,065
		Coon Creek	At confluence of Blue Earth River	*1,065
			Just upstream of U.S. Highway 169	*1,072
			Just downstream of County Highway 4	*1,088
		Badger Creek	At confluence with Blue Earth River	*1,062

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Just downstream of Township Road (about 3,350 feet upstream of confluence of Little Badger Creek).	*1,064
		Little Badger Creek	At confluence with Badger Creek	*1,062
			At Township Road	*1,077
		Minnesota Lake	Shoreline	*1,036
Maps available for inspection at the Faribault County Courthouse, Main Street, Blue Earth, Minnesota.				
Minnesota	(C), Lino Lakes, Anoka County (Docket No. FEMA-6130).	Amelia Lake	Shoreline	*910
		Bald Eagle Lake	Shoreline	*913
		Baldwin Lake	Shoreline	*885
		Centerville Lake	Shoreline	*886
		Forsham Lake	Shoreline	*886
		Otter Lake	Shoreline	*913
		Peltier Lake	Shoreline	*887
		Randeau Lake	Shoreline	*888
		Reshanau Lake	Shoreline	*886
		Rice Lake	Shoreline	*886
Maps available for inspection at the City Hall, 1189 Main Street, Lino Lakes, Minnesota.				
Minnesota	(c), Luverne, Rock County (Docket No. FEMA-6130)	Rock River	About 250 feet downstream of the confluence of Poplar Creek.	*1,437
			Just upstream of County Highway 4	*1,443
			About 2,400 feet upstream of County Highway 4	*1,445
		Poplar Creek	Confluence with Rock River	*1,437
			Just upstream of Kniss Avenue	*1,451
			Just upstsream of Main Street	*1,472
			Just downstream of Dodge Street	*1,482
Maps available for inspection at the City Hall, 203 East Main Street, Luverne, Minnesota.				
Minnesota	(Uninc.), Washington County (Docket No. FEMA-6052).	Mississippi River	At the confluence with the St. Croix River	*691
			About 0.8 mile upstream of Lock and Dam No. 2	*695
			Just upstream of the upstream corporate limits of Cottage Grove.	*697
			Just downstream of the downstream corporate limits of St. Paul Park.	*701
		St. Croix River	Just upstream of the confluence of Trout Brook	*691
			Just upstream of the Chicago and North Western Railroad.	*692
			Just upstream of the upstream corporate limits of Stillwater.	*693
			Just downstream of the downstream corporate limits of Marine-on-St. Croix.	*696
			Just upstream of the upstream corporate limits of Marine-on-St. Croix.	*698
			About 3,500 feet downstream of the upstream county boundary.	*701
		Browns Creek	About 2,200 feet upstream of the confluence of the St. Croix River.	*705
			About 4,550 feet upstream of the confluence of the St. Croix River.	*769
			About 200 feet upstream of County Highway 5	*840
			Just upstream of the crossing of the Burlington Northern railroad.	*855
			Just downstream of the upstream crossing of the Burlington Northern railroad.	*862
			Just upstream of the upstream crossing of the Burlington Northern railroad.	*868
			Just upstream of abandoned dam	*882
			About 1,650 feet downstream of State Highway 96	*895
			Just downstream of State Highway 96	*896
		Hardwood Creek	At the downstream corporate limits of the City of Hugo	*920
			At the upstream corporate limits of the City of Hugo	*921
		Big Marine Lake	At shoreline	*943
		Big Carnelian Lake	At shoreline	*868
		Long Lake	At shoreline	*893
		Halfbreed Lake	At shoreline	*939
Maps available for inspection at the Washington County Courthouse, 14900 61st Street, North, Stillwater, Minnesota.				
Missouri	Unincorporated Areas of Pemiscot County (FEMA 6130).	Mississippi River	Just downstream of Interstate Highway 155	*278
		Clay Roost Bayou (Shallow Flooding Area).	Just north of the intersection of State Highway A and the St. Louis San Francisco Railway.	*261
		Ditch No. 72 (Shallow Flooding Area).	Just downstream of Main Street	*257
		Lateral No. 21 (Shallow Flooding Area).	At west corporate limits of the City of Hayti Heights	*267
		Ditch No. 6 Lateral A (Shallow Flooding Area).	Approximately 1,000 feet downstream of Interstate Highway 155.	*269
		Ditch No. 6 Lateral AA (Shallow Flooding Area).	Just upstream of the St. Louis San Francisco Railway	*268
		Ditch No. 4 (Shallow Flooding Area).	Just downstream of the St. Louis Southwestern Railway.	*264
		Ditch No. 6 (Shallow Flooding Area).	Just downstream of Interstate Highway 55	*264

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Ditch No. 8 (Shallow Flooding Area).	Just downstream of Interstate Highway 55	*274
		Ditch No. 9 (Shallow Flooding Area).	Just upstream of State Highway M	*249
		Franklin Ditch (Shallow Flooding Area).	Just downstream of Interstate Highway 155	*266
			Approximately 4,500 feet upstream State Highway 164	*264
		Pemiscot Bayou (Shallow Flooding Area).	Approximately 3,000 feet downstream of the St. Louis San Francisco Railway.	*257
		Little River (Shallow Flooding Area).	Just upstream of State Highway B	*267
		Ditch Nos. 81, 1, 66, 251, 258, 259 (Parallel Ditches, Shallow Flooding Area).	Just downstream of St. Louis Southwestern Railway	*262
		Old Pemiscot Bayou (Shallow Flooding Area).	At State Route 164	*258
Maps available for inspection at County Clerk's Office, County Courthouse, Ward Avenue, Caruthersville, Missouri 63830.				
New Hampshire	Exeter, Town, Rockingham County (Docket No. FEMA-6130).	Squamscott River	Entire shoreline	*8
		Exeter River	Approximately 250' downstream Chestnut Hill Avenue	*9
			Upstream Chestnut Hill Avenue	*12
			Upstream Dam	*30
			Confluence with Little River	*32
			Upstream Court Street	*33
			Upstream Linden Street	*35
			Upstream Boston and Maine Railroad	*36
			Upstream Kingston Road (Route 111)	*42
			Downstream Cross Road	*51
			Upstream Dam	*66
			Downstream Corporate Limits	*66
		Little River	Confluence with Exeter River	*32
			Upstream Linden Street	*32
			Downstream Dam	*42
			Upstream Dam	*48
Maps available for inspection at the Planning Office, Exeter Town Office, 10 Front Street, Exeter, New Hampshire.				
New Hampshire	Portsmouth, City, Rockingham County (Docket No. FEMA-6146).	Atlantic Ocean	Entire Portsmouth Shoreline	*9
Maps available for inspection at the Planning Department, Portsmouth City Hall, 126 Daniel Street, Portsmouth, New Hampshire.				
New Jersey	Cranbury, Township, Middlesex County (Docket No. FEMA-6130).	Millstone River	Downstream Corporate Limits	*74
			Upstream U.S. Route 130	*84
			Upstream Corporate Limits	*96
		Cranbury Brook	Downstream Corporate Limits	*70
			Upstream Dam (4th Dam Crossing)	*82
			Upstream U.S. Route 130	*91
			Upstream Corporate Limits	*95
		Cedar Brook	Confluence with Cranbury Brook	*72
			Upstream Warren Petty Road	*81
			Upstream North Main Street	*97
			Upstream Washington Road	*101
			Downstream New Jersey Turnpike	*106
			Upstream Corporate Limits	*110
		Tributary to Millstone River	Confluence with Millstone River	*77
			Approximately 3,450' upstream confluence with Millstone River.	*89
		Shallow Brook	Upstream U.S. Route 130	*108
			Upstream Corporate Limits	*110
Maps available for inspection at the Municipal Building, 23 North Main Street, Cranbury, New Jersey.				
New Jersey	Glen Gardner, Borough, Hunterdon County (Docket No. FEMA-6080).	Spruce Run	Downstream Corporate Limits approximately 8,200' upstream of confluence with Spruce Run Reservoir.	*365
			Approximately 9,140' upstream of confluence with Spruce Run Reservoir.	*375
			Approximately 100' downstream of Main Street	*385
			Main Street (Upstream side)	*388
			Sanatorium Road (Upstream side)	*399
			Approximately 1,300' upstream of Sanatorium Road	*409
			Approximately 710' downstream of School Street	*419
			School Street (Upstream side)	*428
			Main Street (Upstream side)	*431
			Approximately 960' upstream of Main Street	*441
			Conrail (Upstream side)	*450
			Bell Avenue (Upstream side)	*453
			Approximately 2,680' upstream of Bell Avenue	*472
			Upstream Corporate Limits	*485
Maps available for inspection at the Office of the Borough Clerk, Municipal Building, Glen Gardner, New Jersey.				
New Jersey	Rockleigh, Borough, Bergen County (Docket No. FEMA-6005).	Sparkill Brook	400' upstream of confluence with Sparkill Creek at downstream Corporate Limits.	*31
			Downstream of Paris Avenue	*32
			Downstream of Golf Course Road	*38
			Piermont Road at upstream Corporate Limits	*45
Maps available for inspection at the Rockleigh Borough Hall, Rockleigh Road, Rockleigh, New Jersey.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
New York	Rush, Town, Monroe County (Docket No. FEMA-6122).	Genesee River	Downstream Corporate Limits	*532
			Upstream Corporate Limits	*537
		Honeoye Creek	Confluence with Genesee River	*535
			Upstream West Henrietta Road	*542
			Upstream Dam	*549
			Upstream Corporate Limits	*555
		Pinnacle Creek	Confluence with Honeoye Creek	*550
			Upstream State Route 251	*570
			Upstream Pinnacle Road (second crossing)	*606
			Upstream Wardell Road	*621
		Railroad Creek	Confluence with Genesee River	*535
			Upstream Martin Road	*548
			Upstream East River Road	*587
			Upstream Farm Road	*600
		Stoney Brook	Confluence with Honeoye Creek	*544
			Upstream Stoney Brook Road	*559
			Upstream Abandoned Railroad	*570
			Upstream Dam	*598
			Upstream Five Points—Honeoye Falls Road	*609
			Downstream Honeyoye Falls Road	*665
Maps available for inspection at the Town Hall, 5977 East Henrietta Road, Rush, New York.				
New York	Tioga, Town, Tioga County (Docket No. FEMA-6130)	Susquehanna River	Downstream Corporate Limits	*783
			State Route 282	*791
			Confluence with Pipe Creek	*799
			Confluence with Owego Creek	*814
		Catatonk Creek	Confluence with Owego Creek	*824
			Glen Mary Drive (upstream side)	*837
			Upstream Corporate Limits	*846
		Owego Creek	Confluence with Susquehanna River	*814
			Talcott Street	*817
			Upstream of Dam	*822
			Confluence with Catatonk Creek	*824
			Upstream of State Route 96	*832
			Upstream Corporate Limits	*857
Maps available for inspection at the Tioga Town Hall, Tioga Center, New York.				
Ohio	(V), Alexandria, Licking County (Docket No. FEMA-6124).	Raccoon Creek	About 200 feet downstream of Old State Route 37	*940
			Just upstream of State Route 37	*944
			About 950 feet upstream of State Route 37	*946
Maps available for inspection at the Mayor's Office, Town Hall, Granville Street near Route 37, Alexandria, Ohio.				
Ohio	(V), Granville, Licking County (Docket No. FEMA-6124).	Raccoon Creek	About 2100 feet downstream of State Route 661	*912
			At upstream corporate limits	*918
		Clear Run	At downstream corporate limits	*929
			Just upstream of Cedar Street	*952
			Just downstream of State Route 661	*970
Maps available for inspection at the Village Manager's Office, Town Hall, 118 South Main Street, Granville, Ohio.				
Ohio	(V), Johnstown, Licking County (Docket No. FEMA-6124).	Raccoon Creek	At downstream corporate limits	*1056
			At upstream corporate limits	*1061
		Kiber Run	At downstream corporate limits	*1073
			At upstream corporate limits	*1079
Maps available for inspection at the Mayor's Office, Town Hall, Route 62, 129 East Coshocton Street, Johnstown, Ohio.				
Oregon	Florence (City), Lane County FEMA-6122	Siuslaw River	Intersection of river and center of U.S. Highway 101	*11
Maps available for inspection at Planning Department, 250 Highway 101, Florence, Oregon.				
Oregon	Hillsboro (City), Washington County FEMA-6122	Tualatin River	Intersection of river and center of State Highway 219 (at corporate limits).	*147
		Dawson Creek	Intersection of creek and center of Burlington Northern Railroad.	*151
		Dairy Creek	100 feet upstream from center of State Highway 8	*150
Maps available for inspection at Planning Department, 205 S.E. Second Avenue, Hillsboro, Oregon.				
Oregon	Tangent (City), Linn County FEMA-6122	Calapooia River	Approximately 800 feet south along Glass Drive from the point where Glass Drive bends from an east-west to a north-south orientation.	*238
		North Lake Creek	Intersection of the channel and State Highway 99E	*239
			Intersection of Blackberry Lane and Tangent Drive	*242
Maps available for inspection at City Hall, 32909 Highway 99E, Tangent, Oregon.				
Pennsylvania	Beaver Falls, city, Beaver County (Docket No. FEMA-6146).	Beaver River	Downstream Corporate Limits	*720
			Upstream of Patterson Dam	*734
			Upstream of Eastvale Dam	*753
			Upstream Corporate Limits	*755
		Walnut Bottom Run	Approximately 1,300' downstream of 22nd Street	*779
			22nd Street Upstream	*785
			25th Street Upstream	*792
			6th Avenue Upstream	*803
			Clayton Road Upstream	*823

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Upstream Corporate Limits	*850
		Wallace Run	Upstream Corporate Limits	*755
Maps available for inspection at the Municipal Building, 715 Fifteenth Street, Beaver Falls, Pennsylvania.				
Pennsylvania	Big Beaver, borough, Beaver County (Docket No. FEMA-6146).	Beaver River	Downstream Corporate Limits	*755
			Pennsylvania Turnpike (upstream side)	*757
			Upstream Corporate Limits	*760
		Stockman Run (Lower)	Confluence with Beaver River	*758
			Approximately 1,920' upstream of confluence with Beaver River.	*843
		Stockman Run (Upper)	Approximately 385' downstream of Careywood Road	*941
			Careywood Road (downstream side)	*949
			Private Drive (upstream side) approximately 1,930' downstream of Fairlane Boulevard.	*1,019
			Fairlane Boulevard (upstream side)	*1,063
			Approximately 965' upstream of Fairlane Boulevard	*1,094
		Wallace Run	Confluence with Beaver River	*755
			Culvert inlet upstream of Norwood Drive	*826
			Wallace Run Road (upstream side)	*859
			Private Drive (upstream side) approximately 660' downstream of Sunview Drive.	*966
			Sunview Drive (upstream side)	*985
			Shenango Road (upstream side)	*1,073
			Approximately 3,000' upstream of Shenango Road	*1,110
		West Clarks Run	Downstream Corporate Limits	*912
			Downstream crossing of Conrail (upstream side)	*943
			McKinley Road (upstream side)	*959
			Upstream crossing of Conrail (upstream side)	*1,044
			Approximately 2,100' upstream of Conrail	*1,109
		North Fork Little Beaver Creek (Lower).	Downstream Corporate Limits	*900
			Approximately 7,340' upstream of Corporate Limits	*917
		North Fork Little Beaver Creek (Upper).	Downstream Corporate Limits	*941
			Upstream Corporate Limits	*941
		Tributary to Wallace Run	Confluence with Wallace Run	*1,003
			Wallace Run Road (upstream side)	*1,065
			Approximately 2,280' upstream Wallace Run Road	*1,105
Maps available for inspection at the Big Beaver Borough Building, Beaver Falls, Pennsylvania.				
Pennsylvania	Coatesville, city, Chester County (Docket No. FEMA-6080).	West Branch Brandywine Creek	Downstream Corporate Limits	*308
			Upstream of Lincoln Highway	*315
			Upstream of Conrail Spur Crossing	*321
			Approximately 3,050 feet downstream of Route 30 By-Pass.	*345
			Upstream of Route 30 By-Pass	*357
			Upstream Corporate Limits	*362
		Sucker Run	Strode Avenue	*315
			Upstream Corporate Limits	*319
Maps available for inspection at the City Hall, Coatesville, Pennsylvania.				
Pennsylvania	Neshannock, township, Lawrence County (Docket No. FEMA-6130).	Neshannock Creek	Approximately 350' downstream of Maitland Road	*899
			Approximately 6,600' upstream of Maitland Road	*902
			Approximately 7,090' downstream of upstream Corporate Limits.	*914
			Upstream Corporate Limits	*926
		Shenango River	Approximately 150' upstream of Downstream Corporate Limits.	*816
			Upstream Corporate Limits	*819
Maps available for inspection at the Neshannock Township Municipal Building, 3131 Mercer Road, New Castle, Pennsylvania.				
Pennsylvania	Upper Salford, township, Montgomery County (Docket No. FEMA-6124).	Perkiomen Creek	Downstream Corporate Limits	*146
			Spring Mount Road bridge (upstream side)	*160
			Salford Station Road bridge (upstream side)	*171
			Hendricks Road bridge (upstream side)	*182
			Upstream Corporate Limits	*186
		Unami Creek	Downstream Corporate Limits	*213
			Upstream Corporate Limits	*216
		East Branch Perkiomen Creek	Downstream Corporate Limits	*199
			Shelly Road bridge (upstream side)	*211
			Old Sumneytown Pike bridge (upstream side)	*215
			Upstream Corporate Limits	*220
		Vaughn Run	Confluence with East Branch Perkiomen Creek	*214
			Old Sumneytown Pike bridge (upstream side) Upstream crossing.	*249
			Approximately 1,100' upstream from upstream crossing of Old Sumneytown Pike bridge.	*260
Maps available for inspection at the Upper Salford Township Municipal Building, Salfordville, Pennsylvania.				
Tennessee	City of Mt. Juliet, Wilson County (FEMA-6130)	Cedar Creek	Just upstream of State Highway 70 (Lebanon Pike)	*477

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Stoners Creek	Just upstream of Old South Mt. Juliet Road. Approximately 300 feet north of intersection of Old South Mt. Juliet and Stoney Creek Roads.	*534
			Just downstream of South Mt. Juliet Road	*545
Maps available for inspection at City Manager's Office, Mt. Juliet Road, Mt. Juliet, Tennessee 37122.				
Texas	Town of Dalworthington Gardens, Tarrant County (FEMA-6130).	Rush Creek	Approximately 950 feet upstream of Indian Trail	*543
			Approximately 100 feet downstream of Pleasant Ridge Road.	*557
		Ryan's Branch	Just upstream of Roosevelt Drive	*577
		Twins Springs Draw	Just downstream of Bowen Road	*577
Maps available for inspection at Dalworthington Gardens Town Hall, 2600 Roosevelt Drive, Arlington, Texas 76016.				
Texas	Town of Iowa, colony, Brazoria County (FEMA-6122)	West Fork Chocolate Bayou	Just downstream of County Road 64	*46
			Just upstream of County Road 57	*54
		Unnamed Tributary of Chocolate Bayou.	Just upstream of County Road 62	*47
		Hayes Creek	Just upstream of County Road 54	*52
			Just upstream of County Road 382	*54
		Chocolate Bayou	Just downstream of County Road 72	*51
Maps available for inspection at Town Hall, Iowa Colony, Texas 77583.				
Texas	City of Laredo, Webb County (FEMA-6130)	Chacon Creek	Approximately 760 feet upstream of the confluence of Tributary 2.	*388
			Just upstream of State Highway 359	*390
		Chacon Creek Tributary 1	Just downstream of U.S. Highway 83	*394
			Just downstream of Canada Avenue	*418
			Just downstream of Vicente Street	*431
		Las Manadas Creek Tributary 2	Just downstream of Missouri Pacific Railroad	*417
			Just upstream of Interstate Highway 35	*424
		Rio Grande River	Just upstream of International Bridge No. 2	*390
			Just upstream of Missouri Pacific Railroad Bridge	*391
		Zacate Creek	Just upstream of Washington Street	*395
			Just upstream of Hillside Road East	*402
			Just upstream of Park Street	*405
		Zacate Creek Tributary 1	Approximately 1,190 feet downstream of West Calton Road.	*422
			Just downstream of entrance ramp to Interstate Highway 35.	*423
		Zacate Creek Tributary 2	Approximately 480 feet upstream of confluence with Zacate Creek.	*436
			Approximately 800 feet upstream of confluence with Zacate Creek.	*438
Maps available for inspection at Mayor's Office, City Hall, 500 Florence Avenue, Laredo, Texas 78040.				
Texas	Unincorporated Areas of Webb County (FEMA-6130)	Chacon Creek	Just upstream of the Texas and Mexican Railroad	*408
			Just downstream of U.S. Highway 59	*414
		Chacon Creek Tributary Two	Just upstream of Loop 20	*404
			Approximately 130 feet upstream of Century Boulevard	*419
		Las Manadas	Just downstream of County Highway 1472	*406
			At the confluence of Las Manadas Creek Tributary Three.	*411
			Just downstream of Missouri Pacific Railroad	*429
		Las Manadas Creek Tributary One	Just upstream of Dirt Road B	*413
			Just upstream of Dirt Road C	*419
		Las Manadas Creek Tributary Two	Just upstream of Missouri Pacific Railroad	*417
		Las Manadas Creek Tributary Three.	Just downstream of Unnamed Road	*422
		Rio Grande River	Unnamed Road "A" Extended	*384
			Just downstream of Unnamed Road "B" Extended	*406
Maps available for inspection at Road and Bridge Administration, Webb County Courthouse, 1000 Houston Street, Laredo, Texas 78040.				
Wisconsin	(V) Kimberly, Outagamie County (Docket No. FEMA-6124).	Fox River	About 120 feet upstream of Washington Street bridge	*692
			Just downstream of Cedars Lock Dam	*694
			Just upstream of Cedars Lock Dam	*702
			At upstream corporate limits	*703
Maps available for inspection at the Office of the Village Clerk, Village Hall, 515 Kimberly Avenue, Kimberly, Wisconsin.				

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

Issued: December 9, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-37168 Filed 12-31-81; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 47, No. 1
Monday, January 4, 1982

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

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1865 and 1951

Analyzing Credit Needs and Graduation of Borrowers

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to revise and redsignate its regulations pertaining to the analysis of credit needs and graduation of borrowers. The intended effect of this action is to clarify the District Director's responsibilities for analyzing the credit needs and graduation of Community Program and Multiple Housing borrowers. Also, the period of time between the date of initial loan making and the first graduation review is shortened. This action is needed to tighten graduation review requirements, to comply with an overall restructuring of FmHA regulations, to meet the requirements for review of existing regulations and to reflect FmHA's field office reorganization.

DATE: Comments must be received on or before March 5, 1982.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250. All written comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: John W. Sones, Jr., Real Estate Loan Officer, Farm Real Estate Loan Division, Room 5320, South Agriculture Building, Washington, D.C. 20250, telephone 202-447-3646.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated "non-major" because this proposed revision would not increase the costs to borrowers since graduation was a part of their agreement when loans were made. It is the intent of the Program to provide assistance to rural populations only until they are eligible for credit elsewhere. All loan servicing actions described in this Instruction will be conducted without regard to race, color, sex, marital status, national origin, age, physical or mental handicap. As proposed, FmHA revises and redesignates its regulations on analyzing credit needs and graduation of borrowers from Part 1865 to a new Subpart F of Part 1951, Chapter XVIII, Title 7, Code of Federal Regulations. These regulations enable FmHA loans to be analyzed to determine credit needs and to be reviewed for graduation to other sources of credit. They prescribe the authorities, policies, and routines for analyzing and reviewing FmHA borrowers for graduation in addition to those contained in other FmHA regulations.

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

This regulation does not directly affect any FmHA programs or projects which are subject to A-95 clearinghouse review.

The following is a list of Catalog of Federal Domestic Assistance numbers of programs affected by this regulations:

10.404 Emergency Loans
10.405 Farm Labor Housing Loans and Grants
10.406 Farm Operating Loans
10.407 Farm Ownership Loans
10.408 Grazing Association Loans
10.409 Irrigation, Drainage, and Other Soil and Water Conservation Loans
10.410 Low to Moderate Income Housing Loans
10.413 Recreation Facility Loans
10.415 Rural Rental Housing Loans
10.416 Soil and Water Loans
10.417 Very Low-Income Housing Repair Loans and Grants
10.418 Water and Waste Disposal Systems for Rural Communities
10.420 Rural Self-Help Housing Technical Assistance
10.421 Indian Tribes and Tribal Corporation Loans
10.423 Community Facilities Loans
10.428 Economic Emergency Loans

(7 U.S.C. 1989; 42 U.S.C. 1480; Title II of Pub. L. 95-334; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70)

Dated: October 21, 1981.

Charles W. Shuman,
Administrator, Farmers Home Administration.

PART 1865—[Reserved]

Therefore, as proposed Part 1865 is removed and reserved and a new Subpart F of Part 1951 is added and reads as follows:

PART 1951—SERVICING AND COLLECTIONS

Subpart F—Analyzing Credit Needs and Graduation of Borrowers

Sec.
1951.251 Purpose.
1951.252 Objectives.
1951.253 Responsibility.
1951.254–1951.260 [Reserved]
1951.261 Graduation of FmHA borrowers to other sources of credit.
1951.262 Action when borrower fails to refinance.
1951.263 Special requirements for Multiple Housing Borrowers.
1951.264–1951.300 [Reserved]

Subpart F—Analyzing Credit Needs and Graduation of Borrowers

§ 1951.251 Purpose.

This Subpart prescribes the policies to be followed when analyzing borrowers' needs for continued Farmers Home Administration (FmHA) supervision and credit, and graduation of borrowers to other sources of credit. All borrowers' loan account(s) will be reviewed for graduation purposes in accordance with this Subpart, except Guaranteed, Watershed, and Resource Conservation and Development borrowers.

§ 1951.252 Objectives.

(a) Borrowers will graduate to other credit when it is available at reasonable rates and terms when they are able to do so. For the purpose of this Subpart, reasonable rates and terms are considered as being those which similar rural borrowers are expected to meet when borrowing for similar purposes and periods of time from responsible

lenders serving the area. However, in the case of Multiple Housing Program borrowers, the adverse effect that requiring graduation may have on the objective of providing housing for low- and moderate-income persons must be considered, as well as the prepayment restrictions of Section 502 of Title V of the Housing Act of 1949 for loans and transfers approved on new terms after December 21, 1979.

(b) The graduation of FmHA borrowers to other credit sources should be accomplished by voluntary means. This is desirable from the standpoint of the borrower, other lenders, the Government, and the public. Borrowers should be inspired to graduate as a mark of success in their financial affairs. However, it must be recognized that the notes, security instruments or loan agreements of most FmHA borrowers contain enforceable agreements requiring them to refinance the loans under certain conditions. When voluntary graduation by refinancing cannot be accomplished, legal action to enforce graduation will be recommended, as necessary, when the note, security instrument or loan agreement contains such provisions.

(c) All loan servicing actions described in this Subpart will be conducted without regard to race, color, sex, marital status, national origin, age, physical or mental handicap (borrower must possess the capacity to enter into a legal contract for services).

§ 1951.253 Responsibility.

(a) The State Director is responsible to assure that the provisions of this Subpart are complied with in each State under his or her jurisdiction.

(b) The County Supervisor is responsible for the review and followup action on all Farmer Program and Single Family Rural Housing Program borrowers.

(c) The District Director is responsible for the review and followup action on all Community Program and Multiple Housing borrowers.

§§ 1951.254–1951.260 [Reserved]

§ 1951.261 Graduation of FmHA Borrowers to other sources of credit.

(a) Reaching an understanding with applicants and borrowers. The County Supervisor or District Director, when applicable, will take the following action to implement the policy of this subpart:

(1) Periodically discuss the refinancing requirements and any prepayment restrictions contained in the note, security instruments, or loan agreement form with borrowers and document the discussion in the running case record.

(2) Conduct reviews with borrowers for the purpose of determining their financial ability to graduate to other sources of available credit.

(3) Advise all borrowers that their loans will be reviewed periodically for graduation purposes by FmHA. Also, advise each borrower that refinancing will be required if other credit is available even though the loan has not fully matured. Multiple Housing borrowers subject to the prepayment restrictions will further be advised of the conditions under which prepayment can be considered.

(b) When borrowers should be advised to refinance their FmHA indebtedness. Borrowers, other than those indebted for only the current year's operating expenses, will be advised to obtain credit from other sources to refinance their FmHA debt(s) when the County Committee, County Supervisor or District Director determines that they have made sufficient progress to do so. For EM borrowers who are able to obtain their credit elsehwere when they received their EM actual loss loans, the initial review will be conducted 3 years after the loan is made and every other year thereafter. In making this determination, the following factors will be considered:

(1) Availability of other credit in the area of reasonable rates and terms.

(2) Present and potential income to meet the terms, costs, and conditions of other credit (i.e., debt-paying ability).

(3) Equity in property owned and funds available.

(4) Typical user costs, rental rates, lease fees, or other charges when borrowers rely on collections from these sources for debt repayment.

(c) Review of borrower's status and progress. On September 1 of each year the Finance Office will furnish County Supervisors with lists of active borrowers who ave been indebted for at least 3 years for Emergency (EM) and Economic Emergency (EE) loans; 4 years for Operating Loans; 6 years for Farm Ownership, Soil and Water, and Recreation loans; 10 years for Grazing, Irrigation and Drainage and Indian Land Acquisition loans; and 6 years for individual rural Housing loans. District Directors will be furnished a list of Community Program borrowers who have been indebted for at least 10 years, and Multiple Housing borrowers and transferees who have assumed loans on new terms and who have been indebted for 15 years in the case of an unsubsidized project and 20 years in the case of a subsidized project. These listings will be compiled on the basis of the year in which the initial loan was made, i.e. the listings in odd numbered years will include the names of all borrowers who received loans during odd numbered calendar years and who are currently eligible for review. The same procedure will apply in even numbered years to borrowers who received loans during even numbered calendar years.

(d) Subsequent graduation reviews will be made every other year after the initial review. Annually, between October 1 and March 1, the County Committee, with the assistance of the County Supervisor, will conduct a review of the status of all borrowers listed by the Finance Office, except, for borrowers with Multiple Housing, Community Program, and Single Family Housing Loans, unless the applicant has also applied for or already received a Farmer Program Loan. The District Director will review the status of Community Program and Multiple Housing borrowers. However, if the County Supervisor or a County Committee member or the District Director, whichever is applicable, has knowledge of any other borrower whose circumstances have changed sufficiently to enable the borrower to possibly obtain suitable credit elsewhere, the borrower will be included in the graduation review. A determination of the borrower's potential for obtaining credit from other sources will be made after considering the factors outlined in § 1951.261(b).

(e) Upon completion of the review, the County Supervisor will prepare Form FmHA 451–24, "Results of Borrower Graduation Review by County Committee and County Supervisor," listing only those active borrowers who will be requested to refinance. The County Supervisor will document on this Form the basis for requesting each borrower to refinance and the County Committee will execute the last page of the Form in accordance with the Forms Manual Insert for Form FmHA 451–24. The District Director will prepare Form FmHA 451–24 for those Community Program and Multiple Housing borrowers who will be requested to refinance. The District Director will also document the Form as to the basis for requesting each borrower to refinance and execute the last page of the Form.

(f) Notifying the borrower to refinance. A borrower who is determined to be eligible for other credit will be requested, in writing, immediately after the review to refinance the FmHA debt(s) involved.

(1) FmHA Guide Letter Number 451–1 will be used to request a borrower whose note, security instrument, or loan agreement, contains an applicable

refinancing requirement to inform the County Supervisor or the District Director, when applicable, of the progress being made to obtain other credit. If the borrower is unable to graduate, evidence must be furnished by the borrower of the credit sources contacted and the reasons why the required credit is not available. The date by which refinancing should be accomplished by a borrower who has been requested to graduate will be shown on the managment system card for appropriate followup action. This date should be 60 days from whenever FmHA Guide Letter Number 451–1 is mailed to the borrower or, in unusual situations, a longer period may be given if conditions warrant such action. For example, this may include a case where the borrower expects to receive income in the near future for payment of FmHA account(s) which would substantially reduce the amount required for refinancing or a case in which the borrower is a public body and must issue bonds to accomplish graduation.

(2) When the note, security instrument, or loan agreement does not contain a refinancing requirement, the borrower will be encouraged to refinance the account if otherwise eligible for refinancing. No further action will be required in such cases.

(g) Additional loans or subordinations will not be made to a borrower who has been requested to refinance unless:

(1) Documentation clearly establishes that the borrowerr is unable to obtain and repay the total credit needed from other sources at reasonable rates and terms. For Multiple Housing borrwers this documentation must also indicate that the rates and terms available from other credit would not permit the continued use of the facility by eligible tenants. Before a loan or a subordination of the loan type for which the borrower hsas been requested to graduate may be made, it must be documented that the borrower is no longer able to graduate to other credit sources. The request to refinance will then be withdrawn. Conditions which may substantiate inability to graduate include but are not limited to:

(i) Losses beyond the borrower's control.

(ii) Adverse economic conditions or lack of other credit.

(iii) Insufficient repayment ability as a result of increased credit needs required by the borrower's operation.

(2) Depending on where the case is being serviced, the County Supervisor, the District Director or the State Director will determine when additional loans or subordinations may be made, subject to the Appeals Procedure found in Subpart B of Part 1900. When applicable, certification by the County Committee will be obtained. If the case is in the County Office, the County Committee must consider the factors in paragraph (g)(1) of this section and certify as to the borrower's eligibility. If the case file has been submitted to the State Office or to the Office of the General Counsel (OGC) for further servicing action, the County Supervisor or District Director will notify the State Director of the request for additional loan assistance including the circumstances concerning the loan request and include recommendations concerning the request. However, an application for additional loan assistance or a request for subordination will not be approved until notification has been received from the State Director that additional loans or subordinations may be made. If the case has been referred to OGC for servicing and the State Director determines that additional loan assistance will be given, the State Director will contact OGC and recommend that legal action be withdrawn, request that the case file be returned, and notify the County Supervisor or District Director, when applicable, if additional loans may be made to the borrower.

§ 1951.262 Action when borrower fails to refinance.

The following action will be taken when a borrower fails to refinance as requested:

(a) For borrowers other than Community Programs and Multiple Housing. At the expiration of the 60-day period or other period mentioned in § 1951.261(f) of this Subpart, the County Supervisor will:

(1) When borrowers with a five-percent interest rate refinancing ceiling have not refinanced their accounts because other credit is not available in the area at this rate, document this fact on Form FmHA 451–24 opposite the borrower's name. The County Supervisor will continue to make reasonable efforts to encourage such borrowers to refinance on a voluntary basis. However, it will not be necessary to include these borrowers in the annual review as long as credit at five-percent interest is not available from other sources.

(2) For other borrowers who have not made arrangements to refinance their FmHA indebtedness. The County Supervisor will consider in consultation with the County Committee, when applicable, any new information submitted by the borrower or obtained from other sources and make a further determination whether refinancing should be required. Before making this redetermination the County Supervisor must verify that the information submitted by the borrower is suitable. If the information submitted by the borrower is unsuitable, the County Supervisor will contact suitable sources of credit available in the area and document the information received from these sources in the case folder. Under appropriate circumstances, an appearance of the borrower before the County Committee may be advisable.

(i) If such additional consideration confirms that suitable credit is not available to a borrower, the borrower will be notified that further efforts need not be made toward refinancing for the remainder of the year.

(ii) If further consideration confirms that refinancing should be required, the County Supervisor will obtain a complete farm and home plan or, when appropriate, a nonfarm business or family budget. Usually, the information needed can be documented by completing Form FmHA 431–3, "Family Budget," and Form FmHA 431–2, "Farm and Home Plan," and, when nonfarm businesses are involved, supplemental information can be obtained on Form FmHA 431–4, "Business Analysis—Nonagricultural Enterprise." However, other acceptable forms may be used, provided that those forms show the financial condition of the borrower and a budget.

(iii) On Grazing, Irrigation and Drainage, and Loans to Indian Tribes, FmHA Form 442–2, "Statement of Budget Income and Equity," or other acceptable forms will be used. If it appears that the borrower has and will have adequate debt repayment ability from a realistic plan to accomplish graduation, the County Supervisor will inform the borrower, in writing, that refinancing of the FmHA debt must be accomplished immediately or else the case will be forwarded to the State Director for further action. If the plan fails to show that the borrower will have adequate repayment ability to accomplish graduation, the County Supervisor will present the information to the County Committee and recommend that the graduation request be withdrawn in accordance with paragraph (a)(2)(i) of this section.

(iv) If the borrower fails to cooperate in providing this information, the County Supervisor will inform the borrower that the request to refinance is still in effect and that the case is being forwarded to the State Director for further action.

(v) If the Farm and Home Plan, or other plan, confirms that graduation can be accomplished by the borrower or if

the borrower fails to cooperate and furnish the requested information, the County Supervisor will prepare Form FmHA 455–1, "Request for Legal Action," or, in the case of real estate loans, Form FmHA 465–7, "Report on Real Estate Problem Case," and submit the original to the State Director together with the borrower's case folder. One each form the County Supervisor will include, among other pertinent facts:

(A) Credit sources contacted by the borrower and a statement of the reasons given by the borrower for failure to refinance, and

(B) Action taken by the County Supervisor to verify the availability of credit to the borrower.

(b) For Community Program and Multiple Housing borrowers: The District Director will follow § 1951.262 (a) for the action to be taken when borrowers fail to refinance, except that Form FmHA 442–2, "Statement of Income and Expense for the Fiscal Year to Date;" Form Fm HA 1930–8 "Year End Report and Analysis for Fiscal Year Ending ———"; or another suitable form as appropriate will be used to determine the borrower's financial condition, including present and future debt repayment ability, and Exhibit A or B, as appropriate, of FmHA Instruction 451.5, (which is available in any FmHA office) will be used to report the problem case to the State Director.

(c) For all borrowers: The State Director will review each case submitted and determine what action should be taken on the basis of the latest note, security instrument, or loan agreement signed by the borrower and the facts and recommendations available.

(1) Some notes, security instruments or loan agreements provide for refinancing when it can be obtained

(i) Upon reasonable terms and conditions,

(ii) On terms prevailing in the area for loans for similar periods of time and purposes, or

(iii) At reasonable rates and terms for loans for similar purposes and period of time.

(2) These three provisions in paragraph (c)(1) of this section are all construed to mean that the borrower agrees to and can be forced through legal action to refinance if credit can be obtained from another source at reasonable rates and terms as defined in § 1951.252(a).

(3) If the State Director determines that refinancing will be required, the borrower will be notifed, in writing, to refinance the FmHA indebtedness in accordance with the agreement contained in the note, security instruments, or loan agreement within 30 days for all borrowers except Community Programs type borrowers. For Community type borrowers this 30-day period may be extended, if necessary, so as to allow the borrower to comply with any State statute. A copy of the State Director's letter to the borrower will be sent to the County Supervisor or District Director. If the borrower fails to comply with the request within 30 days, or fails to furnish satisfactory evidence of inability to obtain the necessary credit, the State Director will refer the case to OGC with recommendations for legal action; or, if the borrower has income from all sources sufficient to repay the account within the authorized period, the State Director may accelerate certain accounts with the borrower as authorized in § 1872.17(g) of Subpart A of Part 1872 of this Chapter.

§ 1951.263 Special Requirements for Multiple Housing Borrowers.

Upon graduation and acceptance of the full payment from a Multiple Housing borrower, the State Director will provide the National Office with a report as described in 1944.250(c) of Subpart E to Part 1944.

§ § 1951.264–1951.300 [Reserved].

[FR Doc. 81–37461 Filed 12–31–81; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 81–EA–45]

Proposed Alteration of Transition Area; Pittstown, New Jersey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to alter the Pittstown, New Jersey, Transition Area over Alexandria Airport, Pittstown, New Jersey. A new VOR–8 instrument approach procedure has been developed for Alexandria Airport, and will require protection for aircraft executing the new approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before February 8, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA–7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA–530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995–3391.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties 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 Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before February 8, 1982, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedural Branch, AEA–530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995–3391.

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.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Pittstown, New Jersey, Transition Area by designating an area within a 7 mile radius of the

airport and adding to the western extension an area approximately 10 miles wide and 2 miles long.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the description of the Pittstown, New Jersey 700-foot floor transition area by deleting, "to 23 miles west of the VORTAC." and substituting, "to 23 miles west of the VORTAC; within a 7-mile radius of Alexandria Airport (40°35'15" N., 75°01'00" W.) and within 5 miles each side of the Solberg, N.J., 271° radial extending from the 7-mile radius area to 25 miles west of the Solberg VORTAC.".

(Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York, on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-37406 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-40]

Proposed Alteration of Transition Area: Albion, N.Y.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to alter the Albion, N.Y., Transition Area over Pine Hill Airport, Albion, N.Y. A new VOR/DME-A instrument approach procedure has been developed for Pine Hill Airport, and will require protection for aircraft executing the new approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before February 8, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties 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 Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before February 8, 1982, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

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.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Albion, N.Y., Transition Area by adding an extension to the southwest 9 miles wide and 10 miles long.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposed to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by altering the Albion, New York, 700-foot floor Transition Area description as follows:

In the text, delete, "20 miles west of the VORTAC." and substitute, "20 miles west of the VORTAC; within 4.5 miles each side of the Buffalo, N.Y., 048° radial extending from the 5-mile radius area to 10 miles northeast of the VORTAC." therefor.

(Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Jamaica, New York, on December 1, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-37407 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-48]

Proposed Alteration of Transition Area: Romulus, New York

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice proposes to alter the Romulus, New York, Transition Area over Seneca Army Airfield, Romulus,

New York. A new instrument approach procedure has been developed for Seneca Army Airfield, and will require protection for aircraft executing the new approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before February 8, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties 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 Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before February 8, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

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.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Romulus, New York, Transition Area. The 700-foot transition area will be altered by increasing the radius area by ½ mile and moving its center 2 miles to the south and adding an extension to the southwest approximately 8 miles wide and 4½ miles long.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

Amend § 71.181 of Part 71 by altering the description of the Romulus, New York, 700-foot floor transition area by deleting, "within a 6-mile radius of a point lat. 42°44'30" N., long. 76°52'20" W.," and by substituting, "within a 6.5 mile radius of Seneca Army Airfield 42°42'58" N., 76°53'00" W.); and within 4 miles each side of the Romulus, N.Y., VOR (42°42'47" N., 76°52'57" W.) 153° radial extending from the 6.5 mile radius area to 11 miles southest of the VOR;" therefor.

(Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and CFR 11.65)

Notes.—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, therfore—(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.

Issued in Jamaica, New York, on December 8, 1981.

Timothy L. Hartnett,

Acting Director, Eastern Region.

[FR Doc. 81-37377 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-EA-42]

Proposed Designation of Transition Area; Punxsutawney, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: This notice proposes to designate a Punxsutawney, Pa. Transition Area over Punxsutawney Municipal Airport, Punxsutawney, Pa. A new VOR/DME—A instrument approach procedure has been developed for the airport, and will require protection for aircraft executing the new approach. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before February 8, 1982

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, New York 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

FOR FURTHER INFORMATION CONTACT: Al Reale, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties 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 Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430.

All communications received on or before February 8, 1982, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation

Administration, Federal Building, Jamaica, New York 11430, or by calling (212) 995-3391.

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.

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 a 700 foot Punxsutawney, Pa., Transition Area. The 700-foot transition area will be designated within a 6-mile radius of the airport.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations, by adding a new Punxsutawney, Pennsylvania, 700-foot floor transition area as follows:

Punxsutawney, Pa.

That airspace extending upwards from 700 feet above the surface within a 6-mile radius area of Punxsutawney Municipal Airport (40°58'15"N., 78°55'30"W.).

(Section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348(a)] and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)]; and CFR 11.65)

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them opeationally 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.

Issued in Jamaica, New York, on December 8, 1981.

Timothy L. Hartnett,

Acting Director, Eastern, Region.

[FR Doc. 81-37405 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 141

[Docket No. RM82-4]

Revision of Monthly Report of Cost and Quality of Fuels for Electric Plants: Form No. 423; Extension of Time for Comments

December 28, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On December 3, 1981, the Commission issued a Notice of Proposed Rulemaking involving the revision of the monthly report of cost and quality of fuels for electric plants (46 FR 60214, December 9, 1981). The comment period is being extended at the request of Duke Power Company.

DATE: Comments must be submitted on or before January 18, 1982.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary (202) 357-8400.

SUPPLEMENTARY INFORMATION: On December 21, 1981, Duke Power Company filed a request for an extension of time to file comments in response to the Commission's Notice of Proposed Rulemaking issued December 3, 1981, in the above-docketed proceeding. The motion states that because of the upcoming holidays, the company requires additional time to complete its evaluation of the proposed rulemaking and to prepare an adequate response.

Upon consideration, notice is hereby given that an extension of time for the filing comments is granted to and including January 18, 1982.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37466 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76 (Louisiana—3 Addition)]

High-Cost Gas Produced From Tight Formations; Louisiana

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This notice of proposed rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the State of Louisiana Office of Conservation that the Cotton Valley Group be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on January 27, 1982.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on January 12, 1982.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8511, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

Issued December 28, 1981.

I. Background

On October 29, 1981, the State of Louisiana Office of Conservation (Louisiana) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Cotton Valley Group located in the northern part of the State of Louisiana, be designated as a tight formation. The Commission previously adopted a recommendation that the Cotton Valley Sandstone Formation be designated as a tight formation (Order No. 158, issued June 17, 1981, in Docket No. RM79-76 (Louisiana—3)). Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Louisiana's recommendation that the Cotton Valley Group be designated a tight formation should be adopted. Louisiana's recommendation and

supporting data are on file with the Commission and are available for public inspection.

II Description of Recommendation

The Cotton Valley Group is composed of the Cotton Valley Sandstone formation and the Bossier Shale Formation. The area recommended by Louisiana encompasses the area previously adopted by the Commission as the Cotton Valley Formation (Louisiana—3). The recommended formations are located in northern Louisiana. They are situated in all of Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Franklin, Jackson, Lincoln, Natchitoches, Quachita, Red River, Sabine, Tensas, Union, Vernon, Webster and Winn Parishes and parts of Allen, Beauregard, Catahoula, Concordia, Grant, LaSalle, Madison, Morehouse, Rapides, and Richland Parishes. Areas excluded in the recommendation are certain portions of the Cotton Valley Group in the following fields: Beekman, Calhoun, Cheniere, Cotton Valley, Greenwood-Waskom, Hico-Knowles, Lisbon, North Carlton, Northeast Lisbon, Ruston, Sentell, Sligo, South Downsville, Terryville and West Lisbon.

Louisiana defines the Cotton Valley Group from electrical log measurements in the Phillips Petroleum Company—Martin B No. 1 well located in Section 32, Township 11 North, Range 10 West, Natchitoches Parish, Louisiana. The Cotton Valley Sandstone Formation is that interval encountered between the depths of 9,740 feet and 11,421 feet and the Bossier Shale Formation is that interval encountered between the depths of 11,421 feet and 12,737 feet.

III. Discussion of Recommendation

Louisiana claims in its submission that evidence gathered through information and testimony presented at a public hearing convened by Louisiana on this matter demonstrates that for each formation:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Louisiana further asserts that the requirement of Statewide Order No. 29-B will assure that development of the Cotton Valley Group will not adversely affect any fresh water aquifer that is or is expected to be used as a domestic or agricultural water supply. Further, Louisiana is in the process of establishing rules and regulations in accordance with the Environmental Protection Agency's Underground Injection Control guidelines which it believes will further prevent the contamination of any fresh water aquifer.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Louisiana that the Cotton Valley Group as described and delineated in Louisiana's recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 22, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Louisiana—3 Addition), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than January 12, 1982.

(Natural Gas Policy Act of 1978, (15 U.S.C. 3301—3432.))

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set forth below, in the event Louisiana's recommendation is adopted.

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271— CEILING PRICES

Section 271.703(d)(37) is revised to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* The following formations are designated as tight formations. A more detailed description of the geographical extent and geological parameters of the designated tight formations is located in the Commission's official file for Docket No. RM79-76, subindexed as indicated, and is also located in the official files of the jurisdictional agency that submitted the recommendation.

* * * * *

(37) *Cotton Valley Group in Louisiana.* The Cotton Valley Group consists of the Cotton Valley Sandstone and the Bossier Shale Formations. RM79-76 (Louisiana—3).

(i) *Delineation of Formation.* The Cotton Valley Group is located in northern Louisiana. It is situated in all of Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Franklin, Jackson, Lincoln, Natchitoches, Quachita, Red River, Sabine, Tensas, Union, Vernon, Webster and Winn Parishes and parts of Allen, Beauregard, Catahoula, Concordia, Grant, LaSalle, Madison, Morehouse, Rapides and Richland Parishes. Certian portions of the Cotton Valley Group in the following fields are excluded from the designated area: Beekman, Calhoun, Cheniere, Cotton Valley, Greenwood-Waskom, Hico-Knowles, Lisbon, North Carlton, Northeast Lisbon, Ruston, Sentell, Sligo, South Downsville, Terryville and West Lisbon.

(ii) *Depth.* The Cotton Valley Sandstone Formation and the Bossier Shale Formation are defined as those intervals encountered between the measured depths of 9,740 feet and 11,421 feet and 11,421 feet and 12,737 feet, respectively, on the induction electrical log of the Phillips Petroleum Company—Martin B No. 1 well located in Section 32, Township 11 North, Range 10 West, Natchitoches Parish, Louisiana.

[FR Doc. 81-37463 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 701, 764, 770, 771, 779, 780, 783, 784, 785, 786, 788, 816, 817, 825, and 828

Surface Coal Mining and Reclamation Operations; Permanent Regulatory Program; Definitions and Terminology

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) proposes to amend existing rules in 30 CFR Chapter VII relating to the two-acre exemption and definition and use of the terms "adjacent area," "affected area," "permit area," and "road." The term "mine plan area" is proposed for deletion and replaced where appropriate with either "permit area," "permit area and adjacent area," or "permit area and potentially impacted offsite areas." A new term "area of expected subsidence" or "area of potential subsidence" is proposed.

OSM is also proposing to amend 30 CFR 700.11(b), which provides an exemption from the requirements of the Surface Mining Control and Reclamation Act of 1977 for the extraction of coal where a coal mining and reclamation operation affects two acres or less. The proposed regulations would provide new criteria for determining when an operation qualifies for the exemption. The proposed rules also would establish a procedure by which the regulatory authority may make a determination that an operation is exempt. These changes are being made to clarify the rule and as a result of litigation on the Permanent Regulatory Program regulations.

In addition, OSM is proposing to amend 30 CFR Part 825 to eliminate unnecessary regulations regarding special bituminous coal mines in Wyoming.

DATES: The comment period for the proposed amendments will extend until February 3, 1982. Public hearings are scheduled for January 25, 1982. Public meetings may be held between January 4, 1982 and February 3, 1982.

ADDRESSES: Written comments must be mailed or hand-delivered to the Office of Surface Mining, U.S. Department of the Interior, Administrative Record Office, Room 5315L, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240. All comments, notices of public meetings, and summaries of the meetings will be available for inspection at Room 5315, 1100 L Street, NW., Washington, D.C.

A public hearing will be held in Washington, D.C., at the following location:

Department of the Interior Auditorium, 18th and C Sts., NW.

For the address where additional copies of these proposed amendments are available, see "Availability of Copies" under "Supplementary Information."

FOR FURTHER INFORMATION CONTACT: Two-acre exemption: Harriet Marple, Division of Regulation and Inspection, Office of Surface Mining, U.S. Department of the Interior; 202-343-5365. Definitions and terminology: Ray Aufmuth, Division of Engineering Analysis, Office of Surface Mining, U.S. Department of the Interior; 202-343-5244.

SUPPLEMENTARY INFORMATION:

I. Procedural Matters.
II. Revision of Definitions.
III. Proposed changes to Two-Acre Exemption Rule.
IV. Special Bituminous Coal Mines in Wyoming.

I. PROCEDURAL MATTERS

Public Comment Period

The comment period on the proposed rule will extend until February 3, 1982. All written comments must be received at OSM Headquarters, U.S. Department of the Interior, Administrative Record Office, Room 5315L, South Building (R&I-03), 1951 Constitution Avenue, NW., Washington, D.C. 20240, by 5:00 p.m. on that date. Comments received after that time will not be considered or included in the Administrative Record for the final rulemaking. OSM cannot ensure that written comments received or delivered during the comment period to a location other than that specified above will be considered and included in the Administrative Record for the final rulemaking.

Public Comments

Written comments should be as specified as possible. Comments not pertaining to the issues proposed cannot be considered under this rulemaking. OSM appreciates any and all comments, but those most useful and likely to influence decisions on these revisions will be those which include a reason for any given recommendation. Written comments will be accepted until 5:00 p.m. on February 3, 1982, at the address indicated above under "Addresses."

Availability of Copies

Copies of these proposed amendments may be obtained from the following OSM office:

OSM Headquarters, U.S. Department of the Interior, Administrative Record, Room 5315L, South Building, 1951 Constitution Avenue NW., Washington, D.C. 20240; 202-343-4728.

Public Hearing

A public hearing on these proposed rules will be held on January 25, 1982, to hear all those who wish to testify.

Persons wishing to testify at the public hearing on this proposed revision should contact the person listed under "For Further Information Contact" on or before January 22, 1982. Individual testimony at this hearing will be limited to 15 minutes. The hearing will be transcribed. Filing of a written statement at the time of giving oral testimony would be helpful and would facilitate the job of the court reporter. Submission of written statements in advance of the hearing would greatly assist OSM officals. Advance submissions will give these officials an opportunity to consider appropriate questions for clarification or to request more specific information from the person testifying.

The public hearing will continue on the day identified above until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak and wish to do so will be heard following the scheduled speakers. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to speak have been heard. Persons not scheduled to testify, but wishing to do so, assume the risk of having the public hearing adjourned unless they are present in the audience at the time all scheduled speakers have been heard.

Public Meetings

Representatives of OSM will be available to meet between 8:00 a.m. and 4:00 p.m., at the request of members of the public, State representatives, and other organizations to listen to advice and recommendations concerning the content of these proposed amendments. Persons wishing to meet with representatives of OSM during this time period may request a meeting at the Washington office. Persons to contact to schedule such meetings are as follows.

Washington—Two-acre exemption: Harriet Marple, 202-343-5365. Definitions and terminology: Ray Aufmuth, 202-343-5244.

OSM representatives will be available at the Washington office or the regional offices for these meetings between 9:00 a.m. and noon and 1:00 and 4:00 p.m. local time, Monday through Friday, excluding holidays. All such meetings are open to the public. If possible, notices of the meetings will be publicly posted in advance in the Administrative Record Office listed above under "Addresses" as to the location of the meeting. A written summary of the meetings will be made a part of the Administrative Record and will be available to the public.

Description of Proposed Rule

II. REVISION OF DEFINITIONS

The Office of Surface Mining (SM) is proposing to delete the term "mine plan area" and to clarify or revise certain definitions used in its permanent program regulations, 30 CFR Chapter VII, including the terms "adjacent area," "affected area," "mine plan area," "permit area," and "road." OSM is also proposing to add as a new term either "area of expected subsidence" or "area of potential subsidence." Legal authority for defining these terms is found in Sections 102, 201, 501, 503, 504, 506, 507, 508, 509, 510, 511, 515, 516, 517, 519, 522, 523, and 701 of the Surface Mining Control And Reclamation Act of 1977, 30 U.S.C. 1201 et seq. (SMCRA, the Act).

Discussion of these proposed changes is divided into two parts: (1) Definitions related to areal descriptions, and (2) Definition of the term "road".

(1) *Discussion of Definitions Relating to Areal Descriptions.*

Considerable confusion has arisen in the interpretation of several terms relating to certain areal description used in the permanent program regulations. A variety of terms is used with often unclear and occasionally conflicting definitions. The program has been further complicated by the fact that use of the term "mine plan area" was suspended by order of the U.S. District Court for the District of Columbia in *In re: Permanent Surface Mining Regulation Litigation,* No. 79-1144 (D.D.C.), Slip op. at pp. 35-36 (February 26, 1980) and Slip op. at pp. 57-58 (May 16, 1980.

Under the rules proposed today, the term "mine plan area" would be removed from the regulations; the terms "adjacent area," "affected area," and "permit area" would be redefined; and a new term, either "area of expected subsidence" or "area of potential subsidence" would be provided. Each of these proposed changes is discussed in the following.

"Mine Plan Area"

The term "mine plan area" was originally used in the permanent regulations to define that area where mining operations are authorized to be conducted throughout the entire life of the operations, or the total of all permit areas for the mining operations (44 FR 14920, March 13, 1979). The term was used primarily to define areas beyond the boundaries of the permit area for which certain information must be included in a permit application. The term was also used to a more limited extent in the sections relating to performance standards for surface coal mining and reclamation operations and to standards for designating lands as unsuitable for mining.

The removal of the term "mine plan area" from the permanent program regulations poses some significant issues with respect to alternate terms to be used in its place. Several major alternatives were considered: (a) Substitute the term "permit area" for "mine plan area," (b) substitute the term "permit area and adjacent areas" for "mine plan area" and clarify the definition of "adjacent area," (c) develop a new term to replace "mine plan area," or (d) substitute the term "minesite and surrounding areas" for "mine plan area." As described more fully below, OSM is proposing to use alternatives (a), (b) and (c) by selecting the appropriate alternative for each current reference in the permanent program regulations to "mine plan area."

Substitution of the term "permit area" for "mine plan area" would have the advantage of using a term that delineates an area that is well known by both the operator and the regulatory authority. The disadvantage of such a direct substitution is that certain information that may be required under the Act to be collected as part of the permitting process for areas other than the permit area might not be covered by the revised regulations.

Because of the interrelationship of different elements of the environment, information regarding proposed mining operations must include some data concerning resources outside of the immediate permit area. Sections 507(b)(11) and (12), and 508(a)(1) of the Act, for example, require that information concerning hydrology, climatology, and identification of lands subject to mining operations be furnished for an area larger than the permit area. Thus, in certain cases, reliance on the term "permit area" may create a somewhat arbitrary boundary not necessarily related to the environmental and ecological resources intended to be protected under the Act.

The second alternative would substitute the term "permit area and adjacent areas" for "mine plan area." One difficulty with this revision is that the definition of the term "adjacent area" includes the term "mine plan area." Thus, revision of the definition of the term "adjacent area" would be necessary. Revision of this term is discussed under the heading "Adjacent Area."

The term "permit area and adjacent areas" would be preferable where information necessary to evaluate the environmental impacts of a proposed mining operation is required for areas outside the actual limits of the permit area. The disadvantage of this term is that in certain circumstances its use may require permit applicants to obtain information on areas that will not be impacted by the proposed mining operation. This could place an additional burden on mine operators without an attendant improvement in environmental protection. Use of the term "permit area and adjacent area" may also complicate analysis of the probable hydrologic consequences of mining required by Section 507(b)(11) of the Act and the hydrologic plan requirements of Section 508(a)(13). These sections refer to the potential impact of a proposed mining operation both "on and off the minesite." Depending upon the definition of the term "adjacent area," there may be little relationship between the "permit area and adjacent areas" and the hydrologic regime potentially impacted by the proposed mining operation.

The third alternative considered was proposal of a new term, based upon the Act's emphasis with respect to the evaluation of the hydrologic consequences of mining in onsite (*i.e.*, within the permit area) and offsite areas. Under this alternative, the term "mine plan area" would be replaced by the phrase "permit area and potentially impacted offsite areas." The term "offsite areas" alone, without modification, was rejected as being too broad, since it could, in theory, encompass anything that is not onsite, no matter how remote from the minesite. While it is clear that Congress recognized a need to consider environmental impacts outside the limits of the permit area, it does not appear that Congress intended the Act's requirements to apply to areas that would not be impacted by such operations. This, in considering a definition that would include "offsite areas," OSM proposes to limit the offsite

areas requiring consideration to those areas which have the potential of being impacted by the mining operations.

A final term considered was "minesite and surrounding areas," which is used in Section 507(b)(11) of the Act. This term, however, was rejected as adding little to the other alternatives considered. It would be difficult to determine how to differentiate between "adjacent areas" and "surrounding areas," and use of the term "minesite" would add little to the available definitions of "disturbed area" and "permit area."

Review of the use of the term "mine plan area" throughout the regulations reveals that none of the alternatives alone can be satisfactorily used to cover the Act's requirements in each instance. Instead, different alternatives are appropriate in different cases. OSM proposes to select "permit area," "permit area and adjacent areas," and "permit area and potentially impacted offsite areas" as the alternatives that best cover the range of areal standards established under the Act. Each use of the term "mine plan area" in the existing regulations and the proposed substitute phrase selected for use in replacement of that term are detailed below.

Sections 779.11; 779.12(b), 779.22(c); 779.24 (i) and (k); 779.25 (e) and (j); 783.11; 783.12(b); 783.22(c); 783.24 (i) and (k); 783.25 (e) and (j); 816.13; and 817.13.

These regulations currently utilize the phrases "mine plan area and adjacent area(s)," "mine plan and adjacent area(s)," or "mine plan or adjacent area(s)" are used in these sections. The proposal would substitute for these phrases the phrase "permit area and adjacent areas" in each of the cited regulations. This is consistent with the intent to indicate that certain environmental resources information may be necessary for areas outside the boundaries of the permit area.

Sections 779.13 (a) and (b)(1); 779.14(a); 779.15(a); 779.16(a); 779.17; 779.25 (f) and (g); 780.21(a)(1), (a)(3), and (c); 783.13(a) and (a)(1); 783.14(a); 783.15(a); 783.16(a); 783.17; 783.25 (f) and (g); 784.14 (a)(1), (a)(3), and (c); 785.19(c)(1); 816.41(a); 816.51(b), 816.52(a)(11); 817.41(a); 817.52(a)(1); 828.11(e); 828.12(a).

The terms "mine plan area," "mine plan area and adjacent area(s)," "mine plan and adjacent area(s)," or "mine plan or adjacent area(s)" are used in each of the above sections in relation to requirements pertaining to the protection of the hydrologic balance. Additionally, §§ 779.13(a) and 783.13(a) use the phrase "the proposed mine plan area, the adjacent area, and the general area," and §§ 816.51(b) and 828.12(a) use the phrase "in the mine plan and in adjacent areas. "As noted by the U.S. District Court and by OSM in its preamble to the permanent regulatory program (44 FR 14921, March 13, 1979), the term "mine plan area" is not used in the Act. The Act, when referring to the protection of the hydrologic balance, refers to onsite and offsite areas (Sections 507(b)(11), 508(a)(13), 515(b)(10), and 517(b)(2)). This use is consistent with the physical characteristics of the hydrologic regime, which is a dynamic ecological system and cannot be confined to specific geographic boundaries.

For this reason, OSM proposes to delete the phrases noted in the above paragraph and replace them which relate to hydrologic balance and that it with the phrase "permit area and potentially impacted offsite areas." OSM believes that use of this term is in accordance with the requirements of the Act and will provide better guidance to regulatory authorities, operators, and the public in evaluating and minimizing the hydrologic impact of mining operations.

Sections 764.15(a)(7); 770.5; 779.18(a); 771.23(e)(2); 779.22(b); 779.25(d) and (h); 779.27(a), (b)(5), (d) (2 locations), (d)(1), and (d)(2); 780.11; 780.14(b)(2); 780.21(b)(1); 780.25(a) and (b); 780.37(e); 783.18(a); 783.22(b); 783.25(d) and (h); 783.27(b)(5); 784.11; 784.14(b)(1) and (d); 784.16(a) and (b)(1); 784.23(b)(2); 784.19(e); 785.19(e)(1)(iv); 786.14(b)(3); 786.19(c); 816.104(a), (b), (b)(1), and (b)(3); 816.105(a), (b), (b)(1), and (b)(4); 816.116(b)(2)(iii); 817.116(a) and (b)(2)(ii).

The term "mine plan area" is used alone in the above sections. Substitution of the term "permit area" for the term "mine plan area" is proposed to clarify the scope of the requirements in these sections. This substitution is based upon a review of the sections and an interpretation of the scope of each requirement.

Section 780.14 and 784.23

It is proposed that the term "mine plan and adjacent areas" in the first sentence of §§ 780.14 and 784.23 be deleted as unnecessary. Sections 780.14(a) and (b) and 784.23(a) and (b) indicate the specific areas covered by the map and plan requirements of the respective sections. Therefore, the term "mine plan and adjacent areas" in the first sentence is superfluous.

The phrase "unless specifically required for the mine plan area or adjacent area by the requirements of this section" is proposed for deletion from §§ 780.14(b) and 784.23(b) as unnecessary. These sections do not specify that any information be provided for the "adjacent area." Therefore, the term "adjacent area" is meaningless in the context used. The only reference to "mine plan area" is contained in paragraph (b)(2) and, as indicated above, the use of that term has been suspended and is proposed to be replaced by the term "permit area" by this rulemaking.

Sections 779.16(b)(2), 779.24(g), 783.16(b)(2), 783.24(g)

The phrases "affected area(s) within the proposed mine plan area" or "affected areas in the proposed mine plan area" are used in these four sections. These sections are proposed for revision by deletion of the words "within the proposed mine plan area(s)" and "in the proposed mine plan area."

The intent of these requirements was to assure that all waters that will receive discharges from areas proposed to be affected by mining operations would be described in the permit application for purposes of evaluating the impacts of mining on the hydrologic balance. It is proposed that the definition of the term "affected area" be revised through this rulemaking to include any land or water surface area used to facilitate or physically altered by surface coal mining and reclamation operations. Permit information requirements with respect to waters that receive discharges from "affected areas" are consistent with the necessity to evaluate the hydrologic impacts of mining operations. The term "mine plan area" in this description is unnecessary in this context, and it is therefore proposed that it be deleted.

Section 780.21(b)(3)

Section 515(b)(10)(D) of the Act requires "restoring of the recharge capacity of the *mined area* to approximate premining conditions" (emphasis added). The objective of this requirement is to assure that areas disturbed during mining will be reclaimed in such a manner as to restore the ability of the mined area to transmit water to ground-water systems after mining is completed. Section 780.21(b)(3) requires a plan for such restoration. Areas that require consideration in this process are areas that are disturbed and reclaimed during the mining process. The plan would not be applicable to areas that are not disturbed during mining. For this reason, § 780.21(b)(3) is proposed for revision by deleting the term "mine plan area" and replacing it with the term "disturbed area."

Sections 816.52(a)(2) and 817.52(a)(2)

The phrase "on or off the mine plan area" is used in §§ 816.52(a)(2) and 817.52(a)(2) in reference to areas relating to the hydrologic balance. This phrase is proposed for deletion and replacement with the phrase "permit area and potentially impacted offsite areas." As indicated, the phrase "permit area and potentially impacted offsite areas" is consistent with the requirements for protection of the hydrologic balance in Section 517 of the Act.

Section 783.14(a)(2)

The term "mine plan area" is use in § 783.14(a)(2) in describing requirements for information on the geology of areas underlain by the coal seam to be extracted during underground mining activities. This information is required to assist the regulatory authority, the operator, and the public in evaluating the potential impact of the proposed mining operation on the hydrologic balance and also on the surface due to subsidence. In some operations, the area for which this information is required may extend beyond the limits of the permit area. To clarify the scope of the requirements, it is proposed that paragraph (a)(2) of this section be revised by replacing the phrase "(2) The geology of those surface lands within the proposed mine plan area" with the phrase "(2) The geology of those lands."

Revision of the substantive requirements of § 783.14 are being conssidered as part of OSM's regulatory reform effort, and revised requirements for the entire section will be proposed in the near future.

Section 771.23(e)(1)

Section 771.23(e)(1) refers to "the mine plan area and the adjacent areas." The proposal would delete the phrase "the remainder of the mine plan area and" from this section. The scale of maps for areas within the permit area is specified earlier in this paragraph. Therefore, use of the term "permit area and adjacent areas" would be contradictory in this usage.

Section 771.23(e)(2)

The phrase "at any place within the mine plan area" is proposed for deletion from § 771.23(e)(2). The section as proposed to be revised would recognize that certain information, such as that which is required under Section 508(a)(1) of the Act for the "estimated life" of the operations, may be required for a term beyond the initial permit term.

Sections 779.12(a) and 783.12(a)

The phrase "of the subareas of the mine plan area" is proposed for deletion from §§ 779.12(a) and 783.12(a) as it no longer would be relevant.

Section 788.13(b)

The phrase "including, but not limited to, any remainder of the mine plan area described in the application for the existing permit," in § 788.13(b) is proposed for deletion as it no longer would be relevant.

Sections 825.11(b)(2) and (b)(6)

With deletion of the term "mine plan area" from the permanent program regulations, the terms "mine plan" and "mining plan" also need to be reconsidered. The terms "mine plan" and "mining plan" are terms of art used in the regulations as they pertain to mining operations on Federal lands (Subchapter D). Consequently, it is proposed that the terms "mining plan" and "mine plan" in § 825.11(b)(2) and (b)(6), respectively, be deleted and the term "permit" be used in their place.

"Adjacent Area"

The term "adjacent area" is proposed for revision in order to eliminate the reference to "mine plan area" and to reword the definition to more closely complement the definition of the term "permit area" as also proposed in this rulemaking.

As previously indicated (43 FR 41671, September 18, 1978), the term "adjacent area" is intended to refer to an area of variable size in which resources protected under the Act could be impacted by mining operations. The size of the adjacent area would depend upon whether impacts on air, water, fish, wildlife, cultural, or other resources are being considered.

Two alternatives are proposed for consideration. The first alternative defines "adjacent area" as including the area outside the permit area where resources protected by the Act are located and where those resources will be impacted or *could reasonably be expected to be impacted* by surface coal mining and reclamation operations. Limiting the adjacent area to the area that "reasonably could be expected to be impacted" by mining was considered in an earlier rulemaking (44 FR 14923, March 13, 1979) and rejected on the premise that the Act establishes a strict liability standard for enforcement purposes. OSM is reconsidering this proposal because the term "adjacent area" is used primarily to describe permit application information requirements, and, therefore, reliance on the Act's enforcement standard may have been misplaced. Under this standard, the operator would not be penalized for failure to cover in his or her permit application areas in which an impact could not reasonably have been expected.

The second alternative, which more closely follows the existing definition, would include areas where resources protected by the Act are located and where those resources will be impacted or *may be impacted* by surface coal mining and reclamation operations.

Under either proposal, the extent of the adjacent area would be determined by the particular context in which the term is used in the regulations and the particular resource requiring protection.

"Affected Area"

The present definition of the term "affected area" specifies that it is any area where surface coal mining activities are conducted or located. The basis for this definition is the definition of "surface coal mining operations" in Section 701(28) of the Act. (44 FR 14920, March 13, 1979.) In practice, OSM has found difficulties and ambiguities in the application of this definition. As a result, this proposal would revise the definition of "affected area" to more closely reflect the scope of areas covered in Section 701(28) of the Act.

The proposed revised definition of "affected area" also would clarify ambiguity concerning its application to (1) Roads and (2) lands that overlie underground mine workings.

Section 701(28)(B) of the Act defines "surface coal mining operations" as including all lands affected by the "construction of new roads or the improvement or use of existing roads to gain access to the site of such activities [the surface coal mining operations] and for haulage." Thus, a road is part of a surface coal mining operation if it is built, used, or upgraded for access to the site of the mining operation or for haulage of coal. Once it is determined that a road falls within this classification, it must be included within the "affected area" of the mine.

The purpose of the broad statutory definition of roads included in surface coal mining operations is revealed in the legislative history of the Act:

> Access and haul roads constructed for the purpose of the mining operation area are major sources of siltation on a continuing basis both during and after mining . . . In order to overcome the continuing and longstanding environmental problems these roads present, the committee specifies in the Bill that roads are to be designed and constructed with appropriate limits to grade, width, surface material and culvert placement and size in order to control drainage and prevent erosion outside the permit area. H.R. Rept. No. 95–218, 95th Cong., 1st Sess. 128 (1977).

The legislative history [1] and the language of the Act itself cast light on how Congress viewed the scope of Section 701(28) and which roads it intended to be included in the "affected area" of the mine. The definition of "surface coal mining operations" in the Act speaks of land the use of which is "incidental" to mining and of roads constructed, used, or improved "to gain access to the site . . . and for haulage." Thus, it is the use of roads for mining operations, and their association with a mine, that determines whether they should be considered to be part of the mining operations.

However, an outer limit to the types of roads which are regulated as part of a "surface coal mining operation" under the Act must exist. Otherwise, a State superhighway could be considered a haul road when used to transport coal—a result Congress did not intend. There is evidence in the Act itself that such a line must be drawn. Under Section 522(e)(4), mining may not take place within 100 feet of a public road, except where a mine road joins the public road. For purposes of the Act in other areas, the limit must logically be drawn from Congress' intent and the language of the Act which emphasizes the purpose and function of the road.

The purpose for which a road is constructed, used, or improved depends upon a variety of factors. For an operator who merely uses a road which is already an established part of the public road system and which has substantial public use, then to the extent that the public use continues undiminished, it would appear reasonable to conclude that the road should not be included as part of a "surface coal mine operation." This would clearly be the case where the operator uses a major State highway or interstate highway to transport coal. On the other hand, when a right-of-way is acquired by a coal company and cleared or improved to a level which would enable coal trucks to reach a mine, a strong presumption would arise that the road is subject to the Act even though title to the road may rest in a public body.

Under the proposed modification of the definition of "affected area," the circumstances under which roads constructed, improved, or used to gain access to or to haul coal from surface coal mining operations would be treated as unregulated roads, and not part of a surface coal mining operation, would be clarified. Several alternatives are currently being considered, and public comment is specifically requested with respect to each alternative and any part of each alternative presented. The final rule will be structured to reflect the requirements of the Act, Congress' intent, and public comment received on the proposed rule, utilizing all, any portion, or any combination of the proposed alternatives presented.

Section 701.5

As proposed, would include in the affected area every road used for purposes of access to or haulage to or from a coal mining operation unless one of the following alternatives applies. The term road also means a segment of a road, where applicable.

The first alternative would exclude from the affected area any part of a road used for coal haulage or access which is owned unconditionally, controlled and maintained by a public entity, used frequently for purposes other than coal haulage or access, and maintained (using public funds) in a manner similar to other public roads of a similar nature in the jurisdiction.

"Owned unconditionally" would mean that the road is owned by the public entity in fee simple or through a perpetual easement or right of way. Thus, where a public entity has title or an easement to a road that is for a term of years or is subject to reversion to someone other than a public entity, it would not own the road "unconditionally". Further, to be owned unconditionally a road may not be subject to any contract, agreement, or other limitation under which the road may at some future date cease to be owned by the public entity. For example, if a miner deeds an access or haul road to a public entity with a reverter clause under which ownership of the road reverts back to the miner after termination of the mining operations, the public entity would not unconditionally own the road.

"Uncontrolled and maintained" would mean that the road is upgraded, patrolled, repaired, kept open, cleared of snow, paved and otherwise taken care of by the public entity exclusively, using public funds. A road use of which is prevented or restricted by any person other than the public entity would not be "controlled" by that entity. Thus, if a miner blocks access to a publicly owned road, by erecting a gate or regularly leaving equipment in the road, the road would not be regarded as controlled by the public entity. Furthermore, if access is limited by the public entity on behalf of a miner, except for good cause, the road would not be considered as controlled by the public entity.

"Public funds" would be considered to include only funds from the general treasury of the public entity, and would not include funds contributed to the public treasury by persons conducting coal mining operations directly or through a tax levied upon such persons for the purpose of maintaining specific roads for particular operations. If funds contributed by, or derived from a tax levied upon, all persons conducting coal mining operations, for purposes of generally maintaining all roads within the jurisdiction, those would be public funds. Further, a person using a road for haulage or access may not perform the maintenance or provide the maintenance materials for the public entity.

The second alternative would exclude from the affected area a road or part of a road used for coal haulage or access if it has been designated a public road under the laws of the jurisdiction in which it is located, is maintained with public funds in a manner similar to other public roads of a similar nature in the jurisdiction, meets road construction standards at least as stringent as the coal haulage and access road standards in the State program, and is used substantially (more than incidentally) by the public. The differences between the

[1] A colloquy between two Senators illuminates the relationship between a regulated access or haul road and an unregulated road:

Mr. **McClure.** I would understand the purpose of the amendment to be to cover the roads which are appurtenanced to or part of the mining operations, that it would not be the intention of the sponsor of the amendment to extend the control mechanisms of the Act to roads which are public roads and not associated directly with mining operations; is that not correct?

Mr. **Baker.** That, I believe, would accord fully with my understanding. Let me make one or two limitations on that though. *If, as is sometimes the case, a public road is chosen to be used as an access road to a strip mining operation, the maintenance and retention of that road would be supervised by reclamation techniques; that is, if it is a public road and still used for mining operations it would be.*

Mr. **McClure.** If the maintenance operation of a public road became the obligation of the mining owner under local or state regulations that would be correct, right?

Mr. **Baker.** That is correct. It would not put any additional burden of responsibility on the part of the government.

Mr. **McClure.** But if the road were not taken over as part of the mining operations, then it would not cause that fall over the public road to extend the reclamation and criteria control under this to all such roads that might be traversed.

Mr. **Baker.** That is correct. I would point out that the bill itself has applications to mining operations which in no way deal with responsibilities of units of the government. If for that reason, and no other, it could not effect the roads, the Senator describes, only in a case where a public road was taken over by a strip mining operation would be drawn in light of Congress's intent and the language of the Act, which with their emphasis on the purpose and function of the road.—S. Cong. Rec. 3302 (Oct. 9, 1973). (Emphasis added.)

first and second alternatives are that (1) while the first alternative requires that to be excluded from the affected area a road must undergo frequent use for purposes other than coal haulage or access, the second alternative only requires "substantial or more than incidental" public use and (2) the second alternative requires road construction that meets construction standards at least as stringent as the haul and access road standards in the applicable State program. Once constructed according to equivalent standards, the road would have to be maintained using public funds and in a manner no less stringent than maintenance of other roads of a similar nature in the jurisdiction.

The third alternative would replace the public use and road construction criteria with a requirement that the road be paved. "Paved" is intended to mean that the entire length of the road be surfaced with applied allweather surfacing material of asphalt, concrete or similar consolidated, hard and durable material. The placement of gravel, rock or other unconsolidated material would not constitute paving. Thus, under these criteria, an unsurfaced and unimproved road used for coal haulage or access would not be a public road. OSM is proposing this test to provide a simple criterion that would not vary from State to State and requests comment on the reliability and applicability of the test.

The fourth alternative would replace the paving requirement of alternative three with the requirement that the road meet the road classification standards for a class 1, 2, or 3 road under the mapping system established by the U.S. Geological Survey for 7.5-minute topographic maps. Class 1 roads are primary highways, all-weather hard surface; class 2 roads are secondary State roads, and primary county roads that are all-weather and hard surface; and class 3 roads are light duty, all-weather, improved surface roads that are passable in all weather and are adjuncts to the primary and secondary highway systems. Roads that do not meet the standards for classifications 1, 2, or 3 are unsurfaced roads and unimproved roads considered passable in dry weather. Under this alternative, any road used for coal haulage or access that does not meet the U.S.G.S. road classification 1, 2, or 3 could not be considered a public road.

The second type of area requiring clarification in the definition of the term "affected area" involves areas located above underground mines. The existing rule includes all "land or water which is located above underground mine workings" as being within the "affected area". This has become known as the "shadow area" of a mine.

OSM has received many comments on this definition suggesting that the "shadow area" concept is too broad in relation to Congress' intent. These comments were rejected in an earlier rulemaking on the basis of Congress' intent to protect surface areas overlying underground workings. The use of the shadow area concept was based upon "the express provisions of Section 516(b)(1) and 516(c) of the Act, protecting the use of surface lands from subsidence." For this reason "the Office decided to retain coverage of lands overlying underground mine workings in the definition of affected area." (44 FR 14920, March 13, 1979).

In attempting to apply the "shadow area" concept during the past 3 years, OSM has found some inconsistencies in its application in relation to Congress' intent to regulate underground mine workings only to the extent that they have a surface impact. For this reason, OSM is proposing to revise the definition of "affected area" to more clearly define the limits of the "affected area" for underground mines.

The proposed rule includes in the "affected area" for an underground mine all surface areas where surface facilities are located, where excavation occurs, and where regulated roads are used; and for underground mines, in situ mines, and auger mines, the "area of expected subsidence." The area of expected subsidence would be defined to include the area where a vertical movement of the surface is expected to result from subsidence of underground excavations.

"Area of Expected Subsidence" or "Area of Potential Subsidence"

The term "area of expected subsidence" is intended to reflect Congress' concern expressed in Section 516 of the Act for the protection of surface lands from subsidence. OSM is aware that in the permitting process certain information for areas outside the area of maximum expected subsidence would be required in order to evaluate the operator's subsidence control plan. It is accepted that Congress did not intend to limit the scope of information required for a permit application to the "permit area," "affected area," or other artificial boundaries. Rather, Congress intended that the regulatory authority have sufficient information to evaluate the potential impacts of the proposed operation and the probability that the operation would meet the requirements of the Act and the regulatory program. It is not the OSM's intent in using the term "area of expected subsidence" to limit the subsidence-control plan to the specific area to be affected. Rather, it will be the operator's plan for the underground workings and the physical and geological conditions at the mine which will define the "area of expected subsidence."

The proposed amendments would add a new term "area of expected subsidence." This term would be used to define those surface areas overlying underground excavations resulting from in situ, auger, and underground mining activities that would be included within the "affected area" for a surface coal mining and reclamation operation. Two alternatives are provided.

The first alternative would define the "area of expected subsidence" as the area where a vertical movement of the surface is expected to result from subsidence of underground excavations. The basis for the term can be found in the definition of two other terms commonly used in mining engineering: (1) Subsidence area and (2) maximum expected subsidence.

A subsidence area is defined as the "area affected by subsidence over areas where minerals or other substances have been removed. The area is larger than the mined out area below. "A Dictionary of Mining, Mineral, and Related Terms," compiled and edited by Paul W. Thrush and staff of the U.S. Bureau of Mines, 1968. The term "maximum expected subsidence" means the "maximum possible vertical movement caused by an underground working." Subsidence Engineers' Handbook, National Coal Board Mining Department, 1975.

Under this alternative, the area of expected subsidence would be based on the operator's subsidence-control plan. This plan includes sufficient data and supporting documentation to determine those locations where the operator intends to utilize planned and controlled subsidence as part of the mining plan and those areas where the operator intends to design the mining operation to prevent the occurrence of subsidence. The subsidence-control plan would be reviewed by the regulatory authority to verify the operator's analysis of the area of expected subsidence.

The second alternative would propose a new term "area of potential subsidence" to be used in place of "area of expected subsidence." Under this alternative, the "area of potential subsidence" would be defined to mean the area where vertical movement of the surface may result from subsidence of underground excavations. The area of potential subsidence would include any areas where the operator intends to use

planned and controlled subsidence in the mining operation and any areas where the operator intends to prevent subsidence but where there is a possibility of failure of such efforts. The primary difference between the two alternatives is that the second alternative would include the area where subsidence was possible although not anticipated in the "affected area" for the mine. Only in those circumstances under which the geologic conditions at the mine would preclude subsidence of the surface, would the second alternative exclude the surface areas over underground workings from the "affected area" of the mine.

"Permit Area"

The definition of the term "permit area" in § 701.5 of the permanent program regulations is proposed for revision to more closely follow the definition of "permit area" set out in Section 701(17) of the Act and to indicate that overlapping permit areas for more than one operation are not required. Two alternatives are being considered.

The first alternative would define "permit area" as the area of land indicated on the approved map submitted with the operator's application, which includes the area of land upon which the operator will conduct surface coal mining and reclamation operations under the permit. This definition roughly follows the language of section 701(17) of the Act and defines the permit area in terms used in the Act to define lands that must be covered by the operator's bond under Section 509 of the Act. This area will be the land upon which the operator will initiate and conduct surface coal mining and reclamation operations. The definition also provides that areas adequately bonded under an existing valid permit may be excluded from a new permit area. OSM feels that this provision is consistent with the Act's intent to assure that adequate bond is provided for all areas where surface coal mining and reclamation operations are to be conducted. Because each bond must be adequate to cover the anticipated costs of reclamation of the area involved, duplicative bonding is unnecessary and not required.

The second alternative would define "permit area" as the area of land and water within boundaries designated on the permit application maps, as approved by the regulatory authority. This area would include, at a minimum, all affected areas during the term of the permit. This definition more closely follows the existing definition, which requires that all affected areas be included within the permit area. OSM specifically requests comments on the two proposed alternative definitions and means of clarifying the extent of the permit area. As proposed, the first alternative would appear to exclude the area of expected subsidence from the permit area, whereas the second area would include within the permit area all of those areas included in the first alternative as well as the area of expected subsidence.

(2) Discussion of the Term "Roads"

The road classification system used in the permanent regulatory program definition of the term "road" (44 FR 15320, March 13, 1979) was enjoined by the U.S. District Court *In Re: Permanent Surface Mining Regulation Litigation*, No. 79–1144, Slip Op. at 32–36 (D.DC May 16, 1980). OSM is now proposing that the definition of "road" be revised to remove the classification system enjoined by the District Court. The revised definition would follow the definition in 30 CFR 701.5, with the exception of the classification system.

III. PROPOSED CHANGES TO TWO-ACRE EXEMPTION

Backgound

A. Introduction

Section 528(2) of the Act exempts from the requirements of the Act "the extraction of coal for commercial purposes where the surface mining operation affects two acres or less." Regulations implementing this provision (30 CFR 700.11(b)) were originally published on March 13, 1979 (44 FR 15311). In litigation over the permanent regulatory program, the Commonwealth of Virginia challenged the two-acre rule as being overly broad.

In re: Permanent Surface Mining Regulation Litigation, No. 79–1144 (D.D.C. 1979). In response to this legal challenge, OSM agreed to modify § 700.11(b) to reflect more closely congressional intent. Accordingly, on November 27, 1979, OSM suspended the following language in the original § 700.11(b): "any such operation conducted by a person who affects or intends to affect more than two acres at physically unrelated sites within one year" (44 FR 67942). On February 6, 1980, OSM published a new proposed rule on the two-acre exemption (45 FR 8241).

A final two-acre rule was published on January 23, 1981, with an effective date of February 23, 1981 (46 FR 7902). On January 29, 1981, however, the President issued a memorandum directing that the effective dates of all final rules which were not yet effective be postponed for 60 days. Pursuant to that directive, the effective date of the January 23, 1981, rule was postponed until March 30, 1981 (46 FR 10707, February 4, 1981). On March 23, 1981 (46 FR 18023), a notice was published, in error, which purported to suspend the two-acre rule pending the outcome of rulemaking. On April 3, 1981, OSM cancelled the March 23, 1981, notice, extended the effective date of the two-acre rule for 31 days, and proposed to indefinitely suspend the rule (46 FR 20211). Comments on the proposed suspension were solicited until April 30, 1981.

On April 29, 1981, the effective date of the January 23, 1981, rule was further extended until June 14, 1981, and the comment period was reopened for 10 days (46 FR 23925). In order to fully consider the voluminous comments received on the proposed suspension of the two-acre rule, OSM extended the effective date of the January 23, 1981, rule until August 14, 1981, by notice published on June 14, 1981 (46 FR 31258). On August 10, 1981, OSM withdrew the January 23, 1981, two-acre rule (46 FR 40651). As a result of that action the rule implementing the two-acre exemption that was published March 13, 1979, has continued in effect except for the portion (quoted above) suspended on November 27, 1979.

In view of the complicated history of the two-acre rule, OSM today is proposing an entirely new two-acre rule. OSM will only consider public comments received in response to this notice of proposed rulemaking, as well as any substantive comments on the two-acre rule received in response to the postponement of the effective date of the January 23, 1981 rule. See 46 FR 40650, August 10, 1981.

B. Reorganization of § 700.11

As proposed, 30 CFR 700.11 has been reorganized so that the exemptions provided for in the Act, other than the two-acre exemption, which are currently in subsections (a) and (c)–(g), would all be put into a new subsection (a) as paragraphs (1)–(6). No substantive change is intended by this reorganization. The two-acre exemption would remain in a new subsection (b). A new subsection (c) would provide for determinations of exemption by the regulatory authority

C. Legislative History of Two-acre Exemption

Section 528(2) of the Act exempts from regulation the "extraction of coal for commerical purposes where the coal mining operation affects two acres or

less." In explaining this provision, the Senate Committee on Interior and Insular Affairs, referring to the exemption for the extraction of coal by a land owner for his own non-commercial use, the extraction of coal in the process of highway construction, and the two-acre exemption, stated its belief that "these three classes of surface mining cause very little environmental damage and that regulation of them would place a heavy burden on both the miner and the regulatory authority." S. Rep. No. 128, 95th Cong., 1st Sess. 97–98 (1977).

An early version of the surface mining bill contained a more restrictive version of this exemption. The early version would have allowed the exemption only for "the extraction of minerals or the removal of overburden for commercial purposes in amounts of less than one thousand tons in any one location (of not more than two acres) in any one calendar year." 119 Cong. Rec. 1357, 1368 (1973). Congress referred to such operations as "pick and shovel" operations that should be specifically excluded from regulation under the Act because "the scope of their impact is so minor" and they "do not present the environmental or social costs which regulation under the Act would internalize." *Id.* Since Congress ultimately removed the 1000-ton limitation, and otherwise altered the language of the exemption, it is unclear whether these particular statements represent Congress' view of the two-acre exemption as enacted.

In hearings on the final bill, Senator Metcalf gave further indication of the type of operation intended to be exempted under the language finally adopted. He stated that the Act would not "prevent this mine operator who handles a truckload of coal once a week, or something like that, from having complete opportunity to mine without any permit whatsoever. . . . You don't have to do it under this proposed regulation exemption of two-acres." Senator Metcalf concluded with the statement, "We are trying to exempt the one-man operation." Surface Mining Control and Reclamation Act of 1977, Hearings on S. 7 before the Subcommittee on Public Lands and Resources of the Committee on Energy and Natural Resources, 95th Cong., 1st Sess. 436 (1977). From the legislative history, it is clear that Congress provided this exemption because it perceived the exempted operations as causing minimal environmental damage and regarded the benefit to the environment of regulation as very small in relation to the burden on both the miner and the regulatory authority.

Proposed Changes to Two-Acre Exemption Rule (§ 700.11(b))

A. Background

Section 700.11(b) would provide that the requirements of 30 CFR Chapter VII would not apply to the extraction of coal for commerical purposes where the coal mining and reclamation operation (together with any related operations) has or will have an affected area, as defined in § 701.5, of two acres or less. This subsection would replace existing § 700.11(b). This subsection also would make it clear that related operations, discussed in detail below, would be considered as one operation for purposes of determining the affected area and the application of the exemption. The definition of affected area in § 701.5, which is an essential element of the exemption, is also being proposed for revision and is discussed earlier in this preamble. The proposed revised § 700.11(b) would apply where the operation "has or will have" an affected area of two acres or less. The language would be included in the regulation to clarify that the first two acres of a larger operation or a series of less-than-two-acre operations that are actually one operation would not be excluded. OSM believes that this is the proper interpretation of the Act and its legislative history, which makes it clear that the Congress was trying to provide an exemption for small operations and not to provide an exemption for the first two acres of any operation.

Accordingly, proposed § 700.11(b) provides that the exemption applies where the operation has "or will have" an affected area of two acres or less. Thus, for example, if an operation were intended to affect 20 acres, it would not be entitled to the exemption at any time. If an operation were originally intended to affect two acres or less, but before two acres was exceeded the person conducting the operation changed his or her intention and decided to mine a total of four acres, at that time the operation would cease to be exempt. This is a change in wording, not a change in substance from the previous regulation.

Other principal changes to the two-acre exemption would be the addition of criteria for determining how to treat, haul or access roads used by two or more operations and new criteria for determining whether two or more operations are related. Also, in proposed § 700.11(b), the term "coal mining operation" is used in place of all references to "surface coal mining operation" and "surface mining operation." The changes would be made so that this regulation would be consistent with all other regulations if the changes in definitions discussed above are adopted.

For purposes of this preamble, the term "operator" is used to refer to all persons conducting coal mining operations. Use of the term is not meant to be limited to the definition of "operator" in 30 CFR 701.5, *i.e.*, a person removing at least 250 tons of coal in a twelve-month period.

In the regulatory language, OSM has proposed alternative language for certain paragraphs. These alternatives are not in any particular order. Because one alternative is presented before another does not mean that OSM prefers that alternative. Therefore, commenters should consider equally all alternatives.

B. Roads (Proposed § 700.11(b)(1))

Two issues have arisen in the past concerning the treatment of a road used by a coal mining operation for access or haulage. The first issue is whether such a road used and/or owned by a person other than a coal mining operation can be included in the "affected area" of that coal mining operation. This issue is dealt with in the proposed amendment to 30 CFR 700.5 discussed elsewhere in this preamble. The second issue is whether a road used by more than one operation should be included in whole or in part in the "affected area" of each such operation. This issue is dealt with in the proposed 30 CFR 700.11(b)(1), as follows.

Under proposed 30 CFR 700.11(b), in determining whether a coal mining operation affects two acres or less, the regulatory authority would first look to proposed 30 CFR 701.5 to determine the affected area of the coal mining operation and any related operations. If a road used by a coal mining operation is part of its "affected area" under 30 CFR 701.5, it would be counted for purposes of determining whether that operation affects two acres or less. Conversely, a road which is not part of the affected area of an operation would not be counted. Often, however, portions of the same road are used by more than one operation for access or haulage. In this case, it is not clear under the present § 700.11(b) to which operation the road should be attributed. Any operation which uses a road for access or coal haulage *affects* the road and therefore there may be no basis for not including a road in the "affected area" of one operation simply because it is used by other coal mining operations. On the other hand, if the total area of a road used by two or more operations is included in the affected area of each of the operations, the road is in effect being counted twice.

The proposed rule provides five alternatives for treating segments of roads used by more than one operation, for purposes of determining whether the two-acre exemption applies. These alternatives would not apply to segments of roads used by only one operation; such segments would be included in the affected area of the operation using the road.

Under the first alternative, if one operation owned and used a segment of a road which was also used by other operators, the segment would be attributed to the operation that owned it. If the segment of the road was not owned by one of the operations using it or if more than one of such operations owned the road, it would be attributed to the operation which made the greatest use of the road.

This alternative might be difficult to administer because it depends on usage which may change from time to time. For example, if the operation to which the segment was attributed ceased operations, the road would have to be re-attributed.

Under the second alternative, the entire segment of the road used by more than one operation would be included in the affected area of each of those operations. Therefore, a segment of the road could be "counted twice". For example, suppose the road is 5,000 feet long and 20 feet wide, and the first 500 feet is used by operators A, B, and C, the next 3,000 feet is used only by operators A and B, and the final 1,500 feet is used only by operator A. The regulatory authority would include 100,000 square feet (20 x (500 + 3,000 + 1,500)), 70,000 square feet (20 x (500 + 3,000)) and 10,000 square feet (20 x 500), respectively, in the "affected area" of operators A, B, and C. If operators B and C were "related" operations (as discussed elsewhere in this Notice), their affected areas would be combined, and 70,000 (not 80,000) square feet of the road would be attributed to the combined affected area. Thus, under this alternative, the total area attributed to the three operations could exceed the actual area of the road.

Under the third alternative, the area of the commonly used segment would be divided equally among the users so that the total area attributed to the users could not exceed the actual area of the road. Thus, in the example given above, 63,333 square feet (500(20)÷3+3000(20)÷2+1500(20)) would be attributed to operator A; 33,333 square feet (500(20)÷3+3000(20)÷2) would be attributed to operator B; and 3,333 square feet (500(20)÷3 would be attributed to operator C. The total area attributed to the three operators (63,333+33,333+3,333 square feet) would not exceed the total area of the road (100,000 square feet), unlike the second alternative. However, because of the operation of the proviso to subsection (b)(1) (explained below), if operators B and C were "related" their affected area would include 35,000 square feet of road, and the affected area for operator A would be 65,000 square feet.

Under the fourth alternative, the segment of the road used by more than one operation would be pro-rated among the users, but the proration would be based on usage. Usage could be measured by various methods such as vehicular traffic or coal production. The measure of usage would be determined by the regulatory authority. For instance, using the example discussed above with regard to the third alternative, if operators A, B, and C had coal production of 1,000, 7,000 and 25,000 tons, respectively, the road area would be attributed as follows:

Operator A

$$500(20) \times \frac{1000}{1{,}000 + 7{,}000 + 25{,}000} = 303 \text{ sq. ft.}$$

$$3000(20) \times \frac{1000}{1000 + 7000} = 7{,}500$$

$$1500(20) \times 1000 = 30{,}000$$

Total area attributed to Operator A 37,803 sq. ft.

Operator B

$$500(20) \times \frac{7000}{1{,}000 + 7{,}000 + 25{,}000} = 2{,}121 \text{ sq. ft.}$$

$$3000(20) \times \frac{7000}{1000 + 7000} = 52{,}500$$

Total area attributed to Operator B 54,621 sq. ft.

Operator C

$$500(20) \times \frac{25{,}000}{1{,}000 + 7{,}000 + 25{,}000} = 7{,}576 \text{ sq. ft.}$$

Total area attributed to Operator C 7,576 sq. ft.

While it may be argued that the fourth alternative is the fairest, it would pose substantial administrative problems. The relative usage by the operators could be expected to change from time to time, and gathering enough data to determine usage could be expensive and time-consuming.

Under the fifth alternative, the regulatory authority could adopt any method for attributing a road segment used by more than one operation, so long as the entire segment was allotted by the regulatory authority and the method was consistent with the Act. Thus, the regulatory authority could adopt a procedure similar to the other alternatives proposed for this subsection, or could develop a different approach. This alternative would thus provide the maximum flexibility to States and would allow them to continue their present practices to the extent consistent with the Act.

For purposes of applying any of these alternatives, it would be irrelevant which person or operation may have permitted or bonded the road. Therefore, if four operations use a segment of a road, and that segment was permitted by one of those operations, the area of the segment would be attributed to one or more of those operations in accordance with the alternative finally adopted. Similarly, if the segment was permitted by a person other than the four operations using the road, *e.g.* an owner of the road which did not use it, the segment still would be attributed to one or more of those four operations for purposes of determining whether they affected two acres or less.

If two or more operations use the same segment of a haul or access road, and those operations are deemed to be related under proposed § 700.11(b)(2), then these operations would be counted as one operation in making the calculation under paragraph (1). Otherwise, in determining whether two or more related operations qualify for the two-acre exemption under some of the alternatives discussed above, the same segment of road could be counted more than once for the same operation. By way of illustration, if there are two related operations with sites affecting three-quarters of an acre each, and they share a road with an area of one-half acre, if the road were counted for each site, as under the second alternative above, these sites would exceed two acres in "affected area" even though their combined actual acreage was two acres. This would be an unfair method of calculating the acreage for purposes of the two-acre exemption.

C. Related Sites

As was note above, Congress' intent in adopting this provision was to avoid imposing the Act's requirements on "the one-man operation." Congress' rationale for the exemption was that it "would cause very little environmental damage and that regulation of [such operators] would place a heavy burden on both the miner and the regulatory authority." S. Rep. No. 95–128, 95th Cong., 1st Sess. 98 (1977).

In promulgating its existing regulations to implement section 528(2) of SMCRA, OSM was concerned that the limited exemption provided by Congress not be abused to evade the permitting and environmental protection performance standards of SMCRA. This concern was focused primarily on related operations, *e.g.*, operators dividing larger sites into sites of two acres or less, or a group of small operators hired by one person to mine a particular site with each such small operator mining less than two acres. Thus, in § 700.11(b) of the permanent program regulations as originally adopted, OSM attempted to avoid extension of the exemption to operations not intended to be exempted by Congress; OSM excluded from the scope of the exemption operations "conducted by a person who affects or intends to affect more than two acres at physically related sites, or any such operation conducted by a person who affects or intends to affect more than two acres at physically unrelated sites within one year." 44 FR 15312, 15315 (March 13, 1979).

The Commonwealth of Virginia challenged § 700.11(b), alleging that the exemption should not be denied to operators with physically unrelated sites which in total area exceed two acres, but individually are less than two acres. *In re: Permanent Surface Mining Regulations Litigation, Supra.* In response to this legal challenge, OSM agreed to change § 700.11(b). The series of regulatory actions which followed are explained above in the "Background" section of the preamble.

The proposed new § 700.11(b) provides specific criteria for determining when two or more operations should be considered as one for purposes of the exemption. Proposed § 700.11(b)(2) would provide that coal mining and reclamation operations would be deemed related only if (a) the operations occur within 12 months of each other and (b) the operations meet both the physical relatedness test in proposed § 700.11(b)(2)(i) *and* the common ownership or control test in proposed § 700.11(b)(2)(ii).

Under the proposed relatedness test, before two or more sites would be considered as one for purposes of the two-acre exemption, it would be necessary for those operations to be related both physically and through ownership or control. Proposed § 700.11(b)(2)(i) provides three criteria for determining whether two or more coal mining operations have a physical relationship. Two or more operations that meet any one of these physical relatedness criteria, and only one of the ownership or control criteria (explained below) would be deemed related for purposes of the two-acre exemption.

The first physical criterion, paragraph A of proposed § 700.11(b)(2)(i), is an areal test. Two alternatives are proposed. Under the first alternative, two or more operations would be related if they were contiguous. However, it is frequently possible to leave an undisturbed parcel of land between two sites being mined. Therefore, under the "contiguity" criterion such operations, which in reality are parts of a large operation capable of causing more than minimal environmental harm, would not be considered physically related under this criterion. They could be related, however, under one of the other criteria, discussed below.

Under the second alternative proposed for paragraph A, if any portion of one site is in the same or adjacent counties as any portion of the other site *and* drainage from both sites flows into the same watershed at or before a point located in the same county as, or within 10 aerial miles of, either site, then the sites would be related. OSM is proposing the standard of "same or adjacent county" because it establishes a reasonable means of eliminating operations which are not physically related, particularly when coupled with the requirement that drainage from the sites must affect the same local watershed, *i.e.*, a watershed in the same county as, or within 10 miles of, either site. Operations which are at least two counties apart are sufficiently remote that they could not in reality be parts of one larger operation. Consequently, OSM rejected using a State boundary as a parameter for the physical criterion. The purpose of the 10-mile provision would be to cover situations where two sites near a county boundary drain into a nearby watershed which happens to be in another county. It should be noted, however, that if the affected watershed is in the same county as either site, the 10-mile limitation would not apply.

The requirement that sites affect the same watershed would provide a limit on the scope of this physical relatedness test. Therefore, two two-acre operations on opposite sides of a ridge, even though in the same or adjacent counties, might not be physically related since they probably would drain into separate local watersheds. This limitation is consistent with the Congressional intent behind the two-acre exemption, since these sites separately would have only limited environmental impact. Where two or more sites in close proximity do drain into the same local watershed, however, the environmental impact is cumulative and therefore more significant, and one of the premises for the two-acre exemption (*i.e.*, that a two-acre operation would cause only minimal environmental impact) is no longer valid since the impact is caused by operations of more than two acres.

This second alternative for paragraph A would result in more operations being considered physically related than the first alternative. In fact, two sites mined consecutively by a "one-man operation" could be deemed related, resulting in loss of exemption for both sites. For example, if a single operator mined two acres at a site, and upon completion of the first site that same operator immediately began to mine a second two-acre site in the same county, at a location from which drainage would flow into the same local watershed, those operations would be considered related under the second alternative. Thus, to avoid being deemed related, the two sites mined consecutively by a "one-man operation" would either have to be two counties apart or would have to drain into separate local watersheds in order to be exempt.

OSM also would like commenters to address whether the final rule should not include the requirement that both sites affect the same watershed. In other words, once it was established that the sites were in the same or adjacent counties, then that would be sufficient to meet the physical relatedness test. Commenters also should address the appropriateness of the 10-mile limitation if the watershed test is retained in the final rule.

Section 700.11(b)(2)(i)(B) would provide a different measure of physical relationship. As was noted above, an operation only has to meet one of the physical relatedness criteria in order to be physically related. Under this second criterion, two or more two-acre operations would be considered physically related if they shared the same equipment or personnel on site or used some of the same access or haul roads, or loading, processing, shipping or other handling facilities. Two

operations also would be considered related if they used some of the same impoundments, dumps, fills, or other structures or facilities such as dams, refuse banks, stockpiles, overburden piles, spoil banks, culm banks, or storage areas. If two operations are sufficiently close so as to be sharing the same equipment, personnel, or facilities, and are under common ownership or control (as discussed below), then such operations should be considered as related and should not be exempt from the Act if their combined affected areas exceed two acres.

Under proposed § 700.11(b)(2)(i)(C), the third physical relatedness criterion, two or more operations would be considered physically related if they are situated so that surface mining operations at one site could cause harm to some of the same persons or environments as surface mining operations at the other site or sites. The type of harm contemplated by this section would include adverse effects on surface and ground water, damage from blasting, or air quality diminution. These are meant as illustrations and are not the only effects which could be considered under this paragraph. If commonly owned or operated sites are sufficiently proximate to have significant cumulative adverse environmental impacts, such operations should be deemded related for purposes of the two-acre exemption.

Paragraph (C) differs from the second alternative to paragraph (A). For two or more sites to be related under paragraph (C), actual or potential harm to persons or environment must be demonstrated. Under paragraph (A), it would not be necessary for two operations draining into the same local watershed to actually or potentially harm the watershed. The fact that they drain into the same watershed would be sufficient to meet that criterion.

Pursuant to proposed § 700.11(b), before two or more operations could be deemed related for purposes of the two-acre exemption, those operations would have to meet one of the physical relatedness critria (described above) and criteria demonstrating common ownership or control. Section 700.11(b)(2)(ii) would provide that two or more physically related operations would be deemed related for purposes of the two-acre exemption if they are owned or controlled, directly or indirectly, by or on behalf of: (A) The same person; (B) two or more persons one of which controls, is under control with, or is controlled by the other; or (C) members of the same family and their relatives, unless the person conducting surface coal mining operations establishes that there is no direct or indirect business relationship between them. For purposes of this section, "control" would be defined as ownership of 50 percent or more of the voting shares of, or general partnership in, an entity; any relationship which gives one person the ability in fact or law to direct what another does; or any relationship which gives one person express or implied authority to determine the manner in which coal at different sites will be mined, handled, sold, or disposed of.

The most important aspect of this proposed section is the definition of control. If one person exercises sufficient authority over another (whether by contract, lease, other agreement, or implied authority) to determine how that person mines, handles, stores or disposes of coal mined from a site, then there would be control. By way of illustration, if company A owns 100 acres and leases two acres each to operators X, Y, and Z for a prescribed fee, and company A has no authority to direct operators X, Y, or Z as to how the coal should be mined, handled, or sold, then operations X, Y, and Z would not be considered controlled by company A. Alternatively, if company A, by agreement with operators X, Y, and Z, requires that all coal mined at those sites be sold to company A and delivered to a prescribed tipple, then company A would "control" the operations under the proposed definition. Similarly, if company A required certain mining practices to be followed, the operations would be deemed to be related. A similar result would follow if company A and operators X, Y, and Z were part of the same corporate structure, since the operations then would be controlled or owned, directly or indirectly, by or on behalf of the same person.

Under the proposed definition of control, ownership of 50 percent or more of the voting shares in a company is not always required for control. Control would exist if enough shares were owned by a person to give him the "ability in fact or law to direct" what the company did.

As noted above, pursuant to proposed § 700.11(b)(2), two or more coal mining operations would be deemed related only if they met both a physical relatedness criterion in paragraph (i) and an ownership or control criterion in paragraph (ii). OSM has tentatively rejected the idea that meeting a criterion under either paragraph (i) or paragraph (ii) would be sufficient to consider operations related. Such an approach would result in a significant further narrowing of the scope of the exemption. Obviously, this would not be consistent with the intent of section 528(2) of the Act since few, if any, operations could then qualify for the exemption.

For this reason, OSM is proposing that to be related, two or more operations must be related both physically and through control.

If two operations are deemed to be related under the criteria proposed in § 700.11(b)(2), and therefore not exempt because their combined affected areas exceed two acres, this determination would not affect any contractual or other relationship which might exist between these operations or between these operations and a third party. The only difference would be that those operations would be required to comply with the regulatory program. Any contractual requirements which affect such matters as mining methods or handling or disposition of coal generally would not be affected.

Two or more operations which meet the relatedness criteria would not be deemed related, unless they also occur within 12 months of one another. This means that if there were more than 12 months between the time that one operation ends and a second begins, the two operations would not be considered related for purposes of § 700.11(b)(2). A person conducting surface coal mining operations therefore could mine a two-acre or less site, leave the area for more than 12 months, and then return to a nearby site and mine an additional two acres or less without being required to comply with the Act or the applicable program for either site.

Establishing a time limit makes it clear that if an operator moves from one two-acre site to another within a prescribed period of time those sites would be considered as one (if they also met the relatedness criteria described in detail above).

Without any time limit, a single operator effectively could be deterred from ever returning to an area it had previously mined since, under the proposed relatedness criteria, the area affected by all such related operations could be added together. Once the combined affected area exceeded two acres, the exemption no longer would be available to that operator for those sites. With a time limit, however, the operator could return to a previously mined area after the prescribed period, and if the affected area of the new operation is less than two acres, it would be exempt. It would not matter that the operations met the proposed relatedness criteria.

OSM specifically would like commenters to address the issue of whether 12 months is an appropriate time limitation, or whether it should be shortened or lengthened.

It should be noted that the proposed time limitation would be different from a limitation that exempted operations affecting two acres or less *during* a 12-month period. The latter limitation would allow an operator to mine up to two acres during a 12-month period of time, and on the first day of the 13th month begin a second two-acre operation without having to comply with the Act. OSM believes that such a limitation is not consistent with Congress' intent, since, for example, it could allow an operator to mine a ten-acre site over a five-year period, causing significant environmental damage if the standards of the Act were not applied.

D. Extraordinary Circumstances

OSM believes that these criteria should operate to assure that the exemption will apply to all operations intended by Congress to be exempt and to no others. However, OSM recognizes that there is a great variety of possible legal and factual situations to which the rule may apply. Therefore, OSM is considering the adoption of a provision (proposed § 700.11(b)(3)) under which the regulatory authority could determine that two or more operations were entitled to the exemption despite being "related" within the meaning of § 700.11(b)(2). Exempting the operation must be consistent with the purposes of the Act. The regulatory authority would make such a determination only after considering the entire circumstances surrounding the operations and their history. The determination would have to be made in writing and after public notice. It is intended that this provision would be used only in rare cases. OSM solicits comments on the appropriateness of this proposed provision and in particular would like commenters to provide examples of situations in which paragraph (b)(3) might apply.

E. Notice and Determination of Exemption

The existing regulations do not provide for a person who intends to conduct coal mining operations on two acres or less, or pursuant to an exemption in § 700.11(a), to be able to request a written determination of exemption in advance from the regulatory authority. The existing regulations also do not contain a formal procedure for the regulatory authority to make such a determination on its own initiative. OSM has proposed a provision in § 700.11(c)(2) that would allow the regulatory authority on its own initiative to make a written determination that an operation is exempt, and would give any person who intends to conduct exempt coal mining operations a right to receive a written determination. An advance determination of an operation's status might be desired, for example, by a person who intends to conduct surface coal mining operations on two acres or less, because it would provide a measure of certainty about the proposed operation's status.

OSM also is proposing a provision addressing the situation where a person requests in good faith and obtains an exemption which is later reversed. OSM believes that in such cases the operation or person conducting the operation should not be cited for violations or otherwise penalized for regulatory program violations during the time it was believed the operation was exempt. Where, for example, administrative or judicial action results in a reversal of the regulatory authority's determination that an operation is exempt, the coal mining operation would become subject to the applicable regulatory program requirements only as of the date the final determination is rendered.

F. Activities Other Than Coal Extraction

The exemption set forth in section 528(2) of the Act applies to "the extraction of coal" where the "surface coal mining operation" affects two acres or less. It is not clear from the statute what is meant to be included in the term "extraction of coal." The title of section 528 is "surface mining operations not subject to this Act." This term presumably has the same meaning as "surface coal mining operations", which is defined in section 701(28) of the Act. However, there are many activities covered by section 701(28) which can exist independently of extraction of coal, such as coal processing plants, coal preparation facilities, and tipples. OSM believes that the most reasonable interpretation of the Act is that "extraction of coal" does not cover such facilities where they exist independently of extraction of coal.

G. Undergound Mines

The application of the two-acre exemption to underground mines has been a subject of controversy. As discussed elsewhere in this Notice, 30 CFR 700.5 as currently in effect includes in the "affected area" of an underground mine the entire surface area ("shadow") over the undergound workings, and OSM is proposing to change the definition of "affected area."

Comments and Miscellaneous Information

OSM has proposed numerous modifications to the regulation in 30 CFR Chapter VII. OSM may adopt some or all of these proposals, or make modifications thereto as the result of comments received from the public.

OSM seeks comment on these proposals or any parts of these proposals and any suggestions for other approaches.

IV. SPECIAL BITUMINOUS COAL MINES IN WYOMING

OSM also is proposing to amend 30 CFR Part 825 which provides for alternative permanent program performance standards for special bituminous coal mines in Wyoming. Pursuant to the proposed changes, OSM would make clear that all authority to regulate such mines is with the State of Wyoming.

Section 527 of SMCRA authorizes the regulatory authority to issue separate regulations for certain aspects of mining two groups of special bituminous coal mines in Wyoming; those mines actually producing coal since January 1, 1972, and new mines commenced after the enactment of SMCRA. Such alternative regulations only may pertain to standards governing handling of spoil, elimination of depressions capable of collecting water, creation of impoundments, regarding to the approximate original contour and retention of stable highwalls. (Sec. 527(c)). All other requirements of the Act and regulations are applicable to these special mines. Pursuant to the authority in Sec. 527(c), OSM promulgated regulations at 30 CFR Part 825 which established alternative performance standards for special bituminous coal mines in Wyoming. (44 FR 14901, 15289–90, 15452–53, March 13, 1979).

Since the issuance of OSM's permanent program regulations, two events have occurred which have made OSM's regulations in Part 825 unnecessary. First, Wyoming's State program was approved by OSM pursuant to Sec. 503 of the Act and 30 CFR Part 732 (45 FR 78637, November 26, 1980). The alternative performance standards for special bituminous coal mines are contained in the State of Wyoming's regulatory program in the Wyoming Department of Environmental Quality, Land Quality Rules and Regulations, 1980, chapter VIII, Section 1, "Special Bituminous Coal Mines."

OSM and the State of Wyoming also have entered into a cooperative agreement to provide for State regulation of surface coal mining and reclamation operations on Federal lands in Wyoming (46 FR 9065, January 28, 1981). Therefore, any special bituminous coal mines on Federal lands in Wyoming also would be regulated pursuant to the standards in the Wyoming State Program, cited above.

In view of the foregoing, OSM has determined that it no longer is necessary to have regulations in 30 CFR establishing alternative performance standards for special bituminous coal mines. All such mines, whether on State or Federal lands in Wyoming, are governed by the standards in Wyoming's program. Any subsequent changes to Wyoming's program would be required to be consistent with Section 527 of SMCRA, and the provisions of 30 CFR 732.17 would ensure adequate review by both OSM and the public.

Therefore, OSM is proposing to delete all substantive sections of existing Part 825. A new § 825.2 would provide that special bituminous coal mines in Wyoming, as specified in Section 527 of the Act, must comply with all the approved or amended State of Wyoming statutes, its regulatory program approved pursuant to 30 CFR Part 732, and other regulations and decisions. This provision would make clear Wyoming's primacy regarding such mines.

Section 825.1 also would be amended by deleting paragraph (b). The remaining sections of Part 825 would be deleted in their entirety.

The Department of the Interior has determined that this document is *not* a major rule and does not require a regulatory impact analysis under Executive Order 12291.

The Department of the Interior has determined that this document will not have a significant economic effect on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under Pub. L. 96–354.

OSM has prepared a draft environmental assessment (EA) on this rule that reaches an interim conclusion that this rule would not significantly affect the quality of the human environment. The draft EA is on file in the OSM Administrative Record, Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. A final EA will be completed before issuance of the final rule. OSM may determine at a later date that this rulemaking and related rulemakings under Pub. L. 95–87 have cumulative effects on the environment. At that time, OSM will prepare any further environmental analysis required by the National Environmental Policy Act.

Dated: December 10, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

Title 30 Subchapters A, F, G, and K of the Code of Federal Regulations are proposed to be amended as set forth below:

§§ 779.11, 779.12, 779.22, 779.24, 779.25, 783.11, 783.12, 783.22, 783.24, 783.25, and 817.13 [Amended]

1. The sections of 30 CFR Parts 779, 783, 816 and 817 listed below are proposed to be amended by removing the words "mine plan area and adjacent areas(s)," "mine plan or adjacent area(s)," and "mine plan and adjacent area(s)" and inserting in their place the words "permit area and adjacent area(s)" in the following places:

(a) 30 CFR 779.11
(b) 30 CFR 779.12(b)
(c) 30 CFR 779.22(c)
(d) 30 CFR 779.24 (i) and (k)
(e) 30 CFR 779.25 (e) and (j)
(f) 30 CFR 783.11
(g) 30 CFR 783.12(b)
(h) 30 CFR 783.22(c)
(i) 30 CFR 783.24 (i) and (k)
(j) 30 CFR 783.25 (e) and (j)
(k) 30 CFR 816.13
(l) 30 CFR 817.13

§§ 779.13, 779.14, 779.15, 779.16, 779.17, 779.25, 780.21, 783.13, 783.14, 783.15, 783.16, 783.17, 783.25, 784.14, 785.19, 816.41, 816.51, 816.52, 817.41, 817.52, 828.11, and 828.12 [Amended]

2. The sections of 30 CFR Parts 779, 780, 783, 784, 785, 816, 817 and 828 listed below are proposed to be amended by removing the words "mine plan area," "mine plan area and adjacent area(s)," "mine plan or adjacent area(s)" "mine plan and adjacent area(s)," "the proposed mine plan area, the adjacent area, and the general area," and "in the mine plan and in adjacent areas" and inserting in their place the words "permit area and potentially impacted offsite areas" in the following places:

(a) 30 CFR 779.13(a) and (b)(1)
(b) 30 CFR 779.14(a)
(c) 30 CFR 779.15(a)
(d) 30 CFR 779.16(a)
(e) 30 CFR 779.17
(f) 30 CFR 779.25 (f) and (g)
(g) 30 CFR 780.21 (a)(1), (a)(3), and (c)
(h) 30 CFR 783.13(a) and (a)(1)
(i) 30 CFR 783.14(a)
(j) 30 CFR 783.15(a)
(k) 30 CFR 783.16(a)
(l) 30 CFR 783.17
(m) 30 CFR 783.25 (f) and (g)
(n) 30 CFR 784.14 (a)(1), (a)(3) and (c)
(o) 30 CFR 785.19(c)(1)
(p) 30 CFR 816.41(a)
(q) 30 CFR 816.51(b)
(r) 30 CFR 816.52(a)(1)
(s) 30 CFR 817.41(a)
(t) 30 CFR 817.52(a)(1)
(u) 30 CFR 828.11(e)
(v) 30 CFR 828.12(a)

§§ 764.15, 770.5, 771.23(e)(2), 779.18, 779.22, 779.25, 779.27, 780.11, 780.14, 780.21, 780.25, 780.37, 783.18, 783.22, 783.25, 783.27, 784.11, 784.14, 784.16, 784.23, 784.24, 785.19, 786.14, 786.19, 816.104, 816.105, 816.116, and 817.116 [Amended]

3. The sections of 30 CFR Parts 764, 770, 779, 780, 783, 784, 785, 786, 816, and 817 listed below are proposed to be amended by removing the words "mine plan area" and inserting in their place the words "permit area" in the following places:

(a) 30 CFR 764.15(a)(7)
(b) 30 CFR 770.5
(c) 30 CFR 771.23(e)(2)
(d) 30 CFR 779.18(a)
(e) 30 CFR 779.22(b)
(f) 30 CFR 779.25 (d) and (h)
(g) 30 CFR 779.27(a), (b)(5), (d), (d)(1), and (d)(2)
(h) 30 CFR 780.11
(i) 30 CFR 780.14(b)(2)
(j) 30 CFR 780.21(b)(1)
(k) 30 CFR 780.25 (a) and (b)
(l) 30 CFR 780.37(e)
(m) 30 CFR 783.18(a)
(n) 30 CFR 783.22(b)
(o) 30 CFR 783.25 (d) and (h)
(p) 30 CFR 783.27(b)(5)
(q) 30 CFR 784.11
(r) 30 CFR 784.14(b)(1) and (d)
(s) 30 CFR 784.16(a) and (b)(1)
(t) 30 CFR 784.23(b)(2)
(u) 30 CFR 784.24(e)
(v) 30 CFR 785.19(e)(1)(iv)
(w) 30 CFR 786.14(b)(3)
(x) 30 CFR 786.19(c)
(y) 30 CFR 816.104 (a), (b), (b)(1), and (b)(3)
(z) 30 CFR 816.105 (a), (b), (b)(1), and (b)(4)
(aa) 30 CFR 816.116(b)(2)(ii)
(bb) 30 CFR 817.116(a) and (b)(2)(ii)

§ 780.21 [Amended]

4. 30 CFR 780.21(b)(3) is proposed to be amended by removing the words "mine plan area" and inserting in their place the words "distrubed area."

§§ 816.52 and 817.52 [Amended]

5. The sections of 30 CFR Parts 816 and 817 listed below are proposed to be amended by removing the words "on or off the mine plan area" and inserting, in their place, the words "permit area and potentially impacted offsite areas" in the following places:

(a) 30 CFR 816.52(a)(2)
(b) 30 CFR 817.52(a)(2)

§ 825.11 [Amended]

6. 30 CFR 825.11(b)(2) and (b)(6) are proposed to be amended by removing the words "mining plan" and "mine plan," and inserting, in their place, the words "permit".

§§ 779.16 and 783.16 [Amended]

7. 30 CFR Parts 779 and 783 are proposed to be amended by removing the words "within the proposed mine plan area" in the following places:

(a) 30 CFR 779.16(b)(2)

(b) 30 CFR 783.16(b)(2)

§§ 779.24 and 783.24 [Amended]

8. 30 CFR 779.24(g) and 783.24(g) are proposed to be amended by removing the words "in the proposed mine plan area."

§ 771.23 [Amended]

9. (a) 30 CFR 771.23(e)(1) is proposed to be amended by removing the words "the remainder of the mine plan area and,"

(b) 30 CFR 771.23(e)(2) is proposed to be amended by removing the phrase "at any place within the mine plan area."

§§ 779.12 and 783.12 [Amended]

10. 30 CFR Parts 779 and 783 are proposed to be amended by deleting the phrase "of the subareas of the mine plan area" in the following sections:

(a) 30 CFR 779.12(a)

(b) 30 CFR 783.12(a)

11. 30 CFR 780.14 is proposed to be amended by removing the words "of the proposed mine plan area and adjacent areas" from the introductory text and by removing the words "unless specifically required for the mine plan area or adjacent area by the requirements of this section" from paragraph (b). As amended, the introductory text of § 780.14 and paragraph (b) reads as follows:

PART 780—SURFACE MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

§ 780.14 Operation plan: Maps and plans.

Each application shall contain maps and plans as follows:

* * * * *

(b) The following shall be shown for the proposed permit area:

* * * * *

12. 30 CFR 783.14 is proposed to be amended by removing the words "surface" and "within the proposed mine plan area" from paragraph (a)(2). As amended paragraph (a)(2) reads as follows:

PART 783—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR INFORMATION ON ENVIRONMENTAL RESOURCES

§ 783.14 Geology description.

* * * * *

(a) * * *

(2) The geology for those lands which are underlain by the coal seam to be extracted and the geology of the coal seam itself, including—

* * * * *

13. 30 CFR 784.23 is proposed to be amended by removing the words "and cross-sections of the proposed mine plan and adjacent areas" from the introductory text and by removing the words "unless specifically required for the mine plan area or adjacent area by the requirements of this section" from the introductory text of paragraph (b). As amended, the introductory text, and the introductory text of paragraph (b) read as follows:

PART 784—UNDERGROUND MINING PERMIT APPLICATIONS—MINIMUM REQUIREMENTS FOR RECLAMATION AND OPERATION PLAN

§ 784.23 Operation plan: Maps and plans.

Each application shall contain maps and plans as follows:

* * * * *

(b) The following shall be shown for the proposed permit area:

* * * * *

PART 788—PERMIT REVIEWS, REVISIONS, AND RENEWALS, AND TRANSFER, SALE, AND ASSSIGNMENT OR RIGHTS GRANTED UNDER PERMITS

14. 30 CFR 788.13(b) is proposed to be revised to read as follows:

§ 788.13 Permit renewals: General requirements.

* * * * *

(b) Permit renewal shall not be available for conducting coal mining and reclamation operations on lands beyond the boundaries of the permit area approved under the existing permit. Approval of permits to conduct operations on these lands shall be obtained in accordance with § 788.14(b)(2).

PART 701—PERMANENT REGULATORY PROGRAM

§ 701.5 [Amended]

15. 30 CFR 701.5 *Definitions* is proposed to be amended by removing the term "mine plan area" and its definition.

16. 30 CFR 701.5 *Definitions* is proposed to be amended by revising the definition of the term "adjacent area" according to one of the following alternatives:

[Alternative A]

* * * * *

[*Adjacent area* means the area outside the permit area where resources protected by the Act are located and where those resources are impacted or reasonably could be expected to be impacted by the coal mining and reclamation operations. The extent of the adjacent area will vary according to the context in which the term is used.]

* * * * *

[Alternative B]

* * * * *

[*Adjacent area* means the area outside the permit area where resources protected by the Act are located and where those resources are or may be adversely impacted by coal mining and reclamation operations. The extent of the adjacent area will vary according to the context in which the term is used.]

* * * * *

17. 30 CFR 701.5 is proposed to be amended by revising the definition of the term "affected area" according to one of the following alternatives:

* * * * *

Affected area means any land or water surface area which is used to facilitate or is physically altered by coal mining and reclamation operations. The affected area includes the disturbed area; any area upon which coal mining and reclamation operations are conducted; any adjacent lands the use of which is incidental to coal mining and reclamation operations; all areas covered by new or existing roads used to gain access to or for hauling coal to or from coal mining and reclamation operations, except as provided in this paragraph; any area covered by surface excavations, workings, impoundments, dams, ventilation shafts, entryways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, culm banks, tailings, holes or depressions, repair areas, storage areas, shipping areas; any areas upon which are sited structures, facilities, or other property or material on the surface resulting from or incidental to coal mining and reclamation operations; and, with respect to underground, in situ, and auger mining activities, the area of expected subsidence. The affected area shall include every road used for puproses of access to or for hauling coal to or from coal mining and reclamation

operations, unless—[insert Alternative A, B, C, or D]

[Alternative A]

[The road is owned unconditionally, controlled, and maintained by a public entity and is used frequently for purposes other than coal haulage or access. A road is owned unconditionally by a public entity only if it is not subject to any contract or other agreement or limitation under which the road may cease to be owned by the public entity. The road must be maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction in which it is located.]

[Alternative B]

[(a) The road has been designated as a public road pursuant to the laws of the jurisdiction in which it is located;

(b) The road is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction in which it is located;

(c) There is substantial (more than incidental) public use of the road; and

(d) The road meets road construction standards at least as stringent as the standards applicable to access and haul roads under the State program.]

[Alternative C]

[(a) The road has been designated as a public road pursuant to the laws of the jurisdiction in which it is located;

(b) The road is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction in which it is located;

(c) The road is paved.]

[Alternative D]

[(a) The road has been designated as a public road pursuant to the laws of the jurisdiction in which it is located;

(b) The road is maintained with public funds in a manner similar to other public roads of the same classification within the jurisdiction in which it is located;

(c) The road meets the classification standards for a Class 1, 2 or 3 road under the mapping system established by the U.S. Geological Survey for 7.5 minute topographic maps.]

* * * * *

18. 30 CFR 701.5 is proposed to be amended by adding either the term "area of expected subsidence" or the term "area of potential subsidence" according to one of the following alternatives:

[Alternative A]

* * * * *

[*Area of expected subsidence* means, with respect to auger, in situ, and underground mining activities, the area where a vertical movement of the surface is expected to result from subsidence of underground excavations.]

* * * * *

[Alternative B]

* * * * *

[*Area of potential subsidence* means, with respect to auger, in situ, and underground mining activities, the area where a vertical movement of the surface may result from subsidence of underground excavations.]

* * * * *

19. 30 CFR 701.5 is proposed to be amended by revising the definition of the term "permit area" according to one of the following alternatives:

[Alternative A]

* * * * *

[*Permit area* means the area of land indicated on the approved map submitted by the operator with his or her application, which shall include the area of land upon which the operator proposes to conduct coal mining and reclamation operations under the permit; provided that areas adequately bonded under another valid permit may be excluded from the permit area.]

* * * * *

[Alternative B]

* * * * *

[*Permit area* means the area of land and water within the boundaries designated on the permit application maps, as approved by the regulatory authority. This area shall include, at a minimum, all affected areas during the term of the permit, except that areas adequately bonded under another valid permit may be excluded from the permit area.]

* * * * *

20. 30 CFR 701.5 is proposed to be amended by revising the definition of the term "road" to read as follows:

* * * * *

Road means a surface right-of-way for purposes of travel by land vehicles used in coal exploration or coal mining and reclamation operations. A road consists of the entire area within the right-of-way, including the roadbed, shoulders, parking and side areas, approaches, structures, ditches, surface, and such contiguous appendages as are necessary for the total structure. The term includes access and haul roads constructed, used, reconstructed, improved, or maintained for use in coal exploration or coal mining and reclamation operations, including use by coal hauling vehicles leading to transfer, processing, or storage areas. The term does not include pioneer or construction roadways used for part of the road-construction procedure or roads within the immediate mining-pit area.

* * * * *

PART 700—GENERAL

21. Section 700.11 is proposed to be amended as follows:

§ 700.11 Applicability.

(a) Except as provided in paragraph (b), this chapter applies to all coal exploration and coal mining and reclamation operations, except:

(1) The extraction of coal by a landowner for his or her own noncommercial use from land owned or leased by him or her. Noncommercial use does not include the extraction of coal by one unit of an integrated company or other business or nonprofit entity which uses the coal in its own manufacturing or power plants;

(2) The extraction of 250 tons of coal or less by a person conducting a coal mining and reclamation operation. A person who intends to remove more than 250 tons is not exempted;

(3) The extraction of coal as an incidental part of Federal, State, or local government-financed highway or other construction in accordance with 30 CFR Part 707;

(4) The extraction of coal incidental to the extraction of other minerals where coal does not exceed 16⅔ percent of the mineral tonnage removed for commercial use or sale;

(5) The extraction of coal on Indian lands in accordance with 25 CFR Part 177, Subpart B; and

(6) Coal exploration on Federal lands outside a permit area.

(b) This Chapter does not apply to the extraction of coal for commercial purposes where the coal mining and reclamation operation (together with any related operations) has or will have an affected area, as defined in § 700.5 of this chapter, of two acres or less. For purposes of this paragraph:

(1) Where a segment of a road is used for access or coal haulage by more than one coal mining and reclamation operation, [insert Alternative 1, 2, 3, 4, or 5].

[First Alternative]

[the entire segment shall be included in the affected area of the operation that owns and uses that segment. If none of the operations owns the segment, or if it is owned by two or more of the operations using the segment, it shall be included in the affected area of the

operation that makes the greatest use of that segment;]

[Second Alternative]

[the entire segment shall be included in the affected area of each of those operations;]

[Third Alternative]

[the segment shall be divided equally among those operations;]

[Fourth Alternative]

[a *pro rata* share of the segment (based upon frequency of usage of the segment, as determined by a measure adopted by the regulatory authority) shall be included in the affected area of each of those operations;]

[Fifth Alternative]

[the entire segment shall be included, in whole or in part, in the affected area of any one or more of those operations, in accordance with the applicable regulatory program.]

provided, that where two or more operations which use the same segment are deemed to be related pursuant to paragraph (b)(2) of this section, those operations shall be considered as one operation.

(2) Except as provided in paragraph (b)(3) of this section, coal mining and reclamation operations shall be deemed related if they occur within twelve months of each other, and

(i) The operations meet any of the following criteria: [insert alternative 1 or 2]

[First Alternative]

[(A) The operations are contiguous;]

[Second Alternative]

[(A) Any portion of one operation is in the same or adjacent counties as any portion of the other operation, and drainage from both operations flows into the same watershed at or before a point located in the same county as, or within 10 aerial miles of, either operation;]

(B) The operations share some of the same equipment or personnel; or use some of the same access or haul roads or loading processing, shipping, or other handling facilities; or use some of the same impoundments, dumps, fills, or other structures or facilities;

(C) The operations are situated so that coal mining and reclamation operations at one site could cause harm to some of the same persons or environments as coal mining and reclamation operations at the other site or sites; and

(ii) The operations are owned or controlled, directly or indirectly, by or on behalf of:

(A) The same person;

(B) Two or more persons one of which controls, is under control with, or is controlled by the other; or

(C) Members of the same family and their relatives, unless the person conducting coal mining operations establishes that there is no direct or indirect business relationship between them;

Provided, that for purposes of this paragraph, "control" means: ownership of 50 percent or more of the voting shares of, or general partnership in, an entity; any relationship which gives one person the ability in fact or law to direct what the other does; or any relationship which gives one person express or implied authority to determine the manner in which coal at different sites will be mined, handled, sold or disposed of.

(3) Notwithstanding the provisions of paragraph (b)(2) of this section, the regulatory authority may determine, in accordance with the same procedures applicable to requests for determination of the exemption pursuant to § 700.11(c), that two or more coal mining operations shall not be deemed related if, considering the history and circumstances relating to the coal, its location, the coal mining operations, all related operations and all persons mentioned in paragraph (b)(2)(ii) of this section, the regulatory authority concludes in writing that the operations are not of the type which the Act was intended to regulate and that there is no intention on the part of such operations or persons to evade the requirements of the Act or the applicable regulatory program.

(4) The exemption provided by this section applies only to coal mining operations on two acres or less which are necessary to the extraction of coal for commercial purposes on the same two acres or less.

(c) The regulatory authority may on its own initiative and shall, within a reasonable time of a request from any person who intends to conduct coal mining and reclamation operations, make a written determination whether the operation is exempt under this section. The regulatory authority shall give reasonable notice of the request to interested persons. Prior to the time a determination is made, any person may submit and the regulatory authority shall consider any written information relevant to the determination. If a written determination of exemption is reversed through subsequent administrative or judicial action, any person who, in good faith, made a complete and accurate request for an exemption and relied upon the determination, shall not be cited for violations which occurred prior to the date of the reversal.

22. 30 CFR Part 825 is proposed to be revised as follows:

PART 825—SPECIAL PERMANENT PROGRAM PERFORMANCE STANDARDS—SPECIAL BITUMINOUS COAL MINES IN WYOMING

Sec.
825.1 Scope.
825.2 Special bituminous coal mines in Wyoming.

Authority: Surface Mining Control and Reclamation Act of 1977.

§ 825.1 Scope.

This part establishes requirements for certain bituminous surface coal mining activities located west of the 100th meridian west longitude in Wyoming which existed on January 1, 1972, and for surface coal mining activities immediately adjacent thereto which began development after August 3, 1977, in accordance with section 527 of the Act.

§ 825.2 Special bituminous coal mines in Wyoming.

Special bituminous coal mines in Wyoming, as specified in Section 527 of the Act, shall comply with all the approved or amended State of Wyoming statutes, its regulatory program approved pursuant to 30 CFR Part 732, and other regulations and decisions.

[FR Doc. 81-37459 Filed 12-31-81; 8:45 am]
BILLING CODE 4310-05-M

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30 CFR Part 913

Illinois Abandoned Mine Land Reclamation Plan; Closing of Review and Comment Periods

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed Rule—Closing of public comment period on the Illinois Abandoned Mine Land Reclamation Plan.

SUMMARY: The Assistant Secretary of the Department of the Interior is closing the period for review and comment on the proposed Abandoned Mine Land Reclamation Plan for the State of Illinois.

DATE: Written comments on the Plan must be received on or before 5:00 p.m., January 11, 1982.

ADDRESSES: Copies of the full text of the Illinois Plan are available for review during regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Region III, Administrative Records Center, Public Review Facility, Room 512, Federal Building and U.S. Court House, 46 East Ohio Street, Indianapolis, Indiana 46204.

Illinois Department of Mines and Minerals, 704 Stratton Building, 400 South Spring Street, Springfield, Illinois 62706.

The Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: Don Willen, Chief, Division of Abandoned Mine Land Reclamation, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Telephone: 202/343-7951.

SUPPLEMENTARY INFORMATION: .

General Background of the Abandoned Mine Land Reclamation Program

Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamation fee imposed upon the production of coal. Lands and water eligible for reclamation under the program are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or Federal law.

Each State, having within its borders coal mined lands eligible for reclamation under Title IV of SMCRA, may submit to the Secretary a State reclamation plan, demonstrating its capability for administering an abandoned mine reclamation program. If the Secretary determines that a State has developed and submitted a program for reclamation and has the necessary State legislation to implement the provisions of Title IV, the Secretary shall grant the State exclusive responsibility and authority to implement the provisions of the approved plan. Section 405 of SMCRA (30 U.S.C. 1235) contains the requirements for State reclamation plans.

Background on the Illinois Abandoned Mine Land Reclamation Plan Submission

On July 22, 1980, the State of Illinois submitted to OSM its proposed Abandoned Mine Land Reclamation Plan (plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Notice of receipt of the Illinois Plan and establishment of a period for public comment until August 27, 1980 were published in the **Federal Register** on July 28, 1980 (45 FR 49958-49959).

On August 27, 1981, a public hearing was held by OSM in Springfield, Illinois and there were no public comments.

On October 24, 1980 (45 FR 70480-70481), OSM extended the public comment period on the Illinois Plan while a final decision by the Secretary on the Illinois permanent surface mining regulatory program was pending. Now that the decision on the permanent regulatory program is near, OSM will close the public comment period on the Illinois Plan so that it can conclude its review of the proposed Plan. Copies of all comments received are available for review along with the proposed Illinois Plan at the address of the Office of Surface Mining Region III listed above under "addresses."

Dated: December 29, 1981.

J. Steven Griles,

Acting Director.

[FR Doc. 81-37462 Filed 12-31-81; 8:45 am]

BILLING CODE 4310-05-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 21502; RM-2737]

Subscription Television; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment/reply.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in response to a petition filed by the Consumer Electronics Group of the Electronic Industries Association. The extension will provide additional time for responding to a Further Notice of Proposed Rule Making concerning the Subscription Television Service.

DATE: Comments must be filed on or before January 15, 1982, and reply comments on or before January 29, 1982.

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

FOR FURTHER INFORMATION CONTACT: Freda Lippert Thyden, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 73 of the Commission's rules and regulations in regard to § 73.642(a)(3) and Other Aspects of the Subscription Television Service, Docket No. 21502, RM-2737, 46 FR 57078, November 20, 1981.

Adopted: December 15, 1981.
Released: December 21, 1981.

1. On December 10, 1981, the Consumer Electronics Group of the Electronic Industries Association ("EIA/CEG") filed a Motion for an Extension of Time in which to file comments in this proceeding. Comments are due on December 21, 1981. The petitioner requests that this date be extended to January 29, 1982.

2. EIA/CEG, as a trade association representing all the leading manufacturers of television receivers for sale in the United States, requests additional time to answer two of the issues raised in the Further Notice of Proposed Rule Making released in this proceeding. These issues involve whether STV subscribers should be allowed to purchase decoders and whether STV stations should be required to comply with current television technical standards. Since movant desires to canvass its members on their views, it alleges that it needs more time, especially during this holiday season, to prepare a response to the Notice than originally provided by the Commission.

3. We believe that petitioner has demonstrated a need for more time within which to file comments. Other parties may also find the holiday season impedes a timely preparation of comments and, therefore, find additional time beneficial. However, we believe a 3½ week extension is more than adequate for petitioner's purposes. We are concerned that allowing more time would impede our efforts to timely resolve the issues before us.

4. We conclude on the facts before us that petitioner has shown good cause for an extension of time. Therefore, it is ordered, that the "Request for Extension of Comment Period" submitted by the Consumer Electronics Group of the Electronic Industries Association is granted in part. The times for filing comments and reply comments in this proceeding are extended to and including January 15, 1982, and January 29, 1982, respectively.[1]

5. Authority for this action is contained in Sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

[1] Another petition for extension of time was filed on December 14, 1981, by the Subscription Television Association ("STVA"). This request asked for a comment date of January 21, 1982, because of the complexity of the

Continued

6. For further information concerning this proceeding, contact Freda Lippert Thyden, Broadcast Bureau, (202) 632-7792.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-37418 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1310

[No. 36135]

Rules Governing Publication of Exceptions Ratings Higher Than Classifications Ratings

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: In its notice of proposed rulemaking, the Commission sought comments on the merits of a petition seeking the removal of 49 CFR 1310.7(r), and on the merits of modifying rather than removing the paragraph. The paragraph requires motor common carriers to submit justification statements with any tariff that results in rates and charges higher than what would be applicable under classification ratings. In response to a request by the Central and Southern Motor Freight Tariff Association, a 90-day extension of the comment period in this rulemaking proceeding has been granted.

DATES: Comments of interested persons will now be due on or before April 6, 1982.

ADDRESS: An origianl and fifteen copies of comments should be sent to: Interstate Commerce Commission, Room 5356, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Doland J. Shaw, Jr. or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking (NPR) was served in this proceeding on November 13, 1981 and published in the **Federal Register** on November 18, 1981 at 46 FR 56629. The NPR was prompted by a petition filed by Central and Southern Motor Freight Tariff Association, Inc. (C&SMFT), seeking to have a regulation removed which requires prejustification of rates and charges higher than the classification ratings (49 CFR 1310.7(r)). Comments were due within 45 days or by January 4, 1982. By letter dated December 15, 1981, C&SMFT requested a 90-day extension of the comment period until April 6, 1982, on the ground that more time would be needed for the various rate bureaus to discuss and adopt a position on this issue.

Good cause has been shown to grant the extension.

Dated: December 24, 1981.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37366 Filed 12-31-81; 8:45 am]

BILLING CODE 7035-01-M

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proceeding, especially the issue of STV decoder sales. Nothing in STVA's petition warrants granting more time than the 3½ weeks already provided.

Notices

Federal Register
Vol. 47, No. 1
Monday, January 4, 1982

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.

ACTION

Privacy Act of 1974; Annual Publication of Systems of Records

AGENCY: ACTION.

ACTION: Annual publication of systems of records.

SUMMARY: The purpose of this notice is to inform the public of the Privacy Act systems of records maintained by ACTION and the Peace Corps.

DATES: This document fulfills the annual notice requirements of the Privacy Act of 1974.

FOR FURTHER INFORMATION CONTACT: Anthony L. Wildt, Director, Administrative Services Division, ACTION, 806 Connecticut Avenue, N.W., Washington, DC 20525. Telephone number (202) 254–8941.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. ACTION last published the full text of ACTION and Peace Corps' systems of records on page 55490, **Federal Register** Volume 44, dated September 26, 1979.

Since that publication, ACTION published an amendment to ACTION/Peace Corps's Syetems of Records in the **Federal Register** Volume 45 on December 22, 1980, on page 84113 to reflect the nondisclosure of data submitted in confidence to the agency which might reveal the identity of a confidential source. Under the heading of "Statement of General Routine Uses" the section regarding the "Exemption of Disclosure" is amended by adding the following paragraph:

—Nondisclosure of information furnished to the agency with a promise or implied promise of confidentiality-Certain systems of records maintained by the Agency contain information furnished with a promise of confidentiality as to the individual's identity. Such information is exempted as authorized by The Privacy Act (5 U.S.C. 552a(k)(5)). The information is investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualification for service as an employee or volunteer or for the obtaining of a Federal contract or for access to classified information. Such material shall be disclosed to the extent possible without revealing the identity of a source who furnished information to the government under an expressed promise of confidentiality of identity or, prior to the effective date of The Privacy Act, under an implied promise of such confidentiality of identity.

The following systems may contain information furnished with a promise or implied promise of confidentiality:

ACTION Staff Applicant and Employee Records
ACTION Volunteer Applicant and Service Records
Domestic and International Volunteer Security Files
ACTION Talent Bank
Discrimination Complaint File
Domestic Volunteer Appeal File
Personal Service Contracts Records
Legal Files Staff and Applicants
Contractors and Consultants Records File

On October 1, 1981, in **Federal Register** Volume 46, at page 48273, ACTION published a notice of a proposed system of records entitled "Peace Corps Volunteer Recruitment Resource File." The system will be comprised of members of the general public who by means of their professional positions/affiliations would be willing to refer prospective candidates in needed skill and/or emphasis areas for volunteer service. The system will be adopted as published or as a result of comments received that would cause a change.

The full text fo the ACTION/Peace Corps systems of records also appears in Privacy Act issuances, 1980 Compilation Volume IV, page one. Copies are available for review in Federal depository libraries nationwide. Copies of ACTION/Peace Corps' systems of records notices may be obtained by contacting the ACTION Administrative Services Division.

This notice is issued in Washington, D.C., on December 29, 1981.

Winifred A. Pizzano,
Deputy Director, ACTION.

[FR Doc. 81-37364 Filed 12-31-81; 8:45 am]
BILLING CODE 6050-01-M

VISTA Guidelines—Part IV

AGENCY: Action.

ACTION: Final notice of VISTA Guidelines—Part IV.

SUMMARY: This notice contains the final provisions of the Agency's policy concerning the involvement of VISTA Volunteers in demonstrations. The policy prohibits both VISTA sponsors from approving the involvement of VISTA Volunteers in project-related demonstrations and VISTA Volunteers from participating in demonstrations except under limited circumstances when on either authorized periods of leave or during off-service hours.

EFFECTIVE DATE: Part IV of VISTA Guidelines shall take effect on February 18, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur F. Fergenson, General Counsel, ACTION, 806 Connecticut Ave., NW., Washington, D.C. 20525; 202–254–3116.

SUPPLEMENTARY INFORMATION: Part IV of the VISTA Guidelines, although not regulations under the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), may, in whole or in part, be required by section 420 of our Act (42 U.S.C. 5060) to be published in proposed form for comments prior to their publication in final. That section was amended in 1979 to define the term regulation and to detail the procedures to be followed in prescribing regulations. Through its broad definition of a regulation, the section requires that "any rule, regulation, guideline, interpretation, order, or requirement of general applicability" must, except in limited circumstances, have a 30-day comment period and will be effective 45 days from date of final publication.

The policy promulgated herein as Part IV was published in proposed form as part of the VISTA Guidelines in the **Federal Register** for comment on Monday, November 9, 1981 (46 FR 55287–91). Parts I–III were published in final on December 22, 1981 (46 FR 62122). After extensive consideration of the comments received, the Agency

hereby adopts as final the proposed Part IV of the VISTA Guidelines with one substantive change and with the addition of a section establishing an internal advisory mechanism.

Description of Part IV and Agency Response to Public Comments

The new Guidelines proposed in our notice of November 9, 1981, effected a significant change in policy concerning the participation of VISTA Volunteers in project-related demonstrations approved by sponsoring organizations.

Under the previous guidelines, VISTA Volunteers were prohibited from participating in unlawful demonstrations, as defined by local law, but were permitted, in carrying out their official duties, to participate in lawful and nonpolitical demonstrations and protest activities which were approved by their sponsoring organization as part of its project activity and not otherwise in violation of Agency guidelines. But as we pointed out in our Notice of November 9, 1981, this policy is no longer supportable.

First, the Administration is committed to ending the VISTA program and returning to local communities the responsibility for those projects in which VISTA Volunteers are now engaged. The "confrontational spirit" created by demonstrations and protest activities "will damage efforts to find local sources of support to continue worthwhile VISTA projects in light of the reduced funding and anticipated phase-out of VISTA" (46 FR 55291). The Agency cannot permit its volunteers to join in causing such damage.

Second, the previous policy is at odds with "principles of the New Federalism" to which this Administration adheres (46 FR 55291). "The new administration of ACTION recognizes the importance of respect in the operations of government: respect for the states, for the municipal governments, and for the voluntary and profitmaking entities which form the base of this society" *(Id.)*. This respect is diminished "when representatives of the federal government are used by a federal grantee to demonstrate" *(Id.)*.

Third, the previous policy was subject to abuse by sponsoring organizations, because VISTA Volunteers could "be required to participate in demonstrations, at risk of discipline or dismissal for refusal to assist in attaining the goals of the project" (46 FR 55291). The Agency firmly believes that "[f]orced advocacy does not belong in VISTA," and that "VISTA Volunteers must be free of the constitutionally abhorrent practice of political compulsion through obliging them to participate in the public display of idealogical or political positions through demonstrations" *(Id.)*.

For these reasons the Agency proposed to change the demonstrations policy by prohibiting sponsoring organizations from using VISTA Volunteers in demonstrations. The change is made in the form of a memorandum agreement between the Agency and sponsoring organizations that says:

> No sponsor shall approve the involvement of any VISTA Volunteer assigned to them [sic] in planning, initiating, participating in, or otherwise aiding or assisting in any demonstration whatsoever. (46 FR 55291).

The Agency has received several comments concerning the proposed new demonstrations policy. The most detailed comments were submitted on the last day of the comment period, December 9, 1981, by the American Civil Liberties Union Fund of the National Capital Area. Essentially, the ACLU claims that the demonstrations policy violates the First Amendment. We have considered this claim, but we have concluded that the new policy does not violate the First Amendment.

The ACLU says that the new policy can withstand constitutional scrutiny only if it is "essential to the furtherance of a substantial government interest." It contends that the reasons stated by the Agency for the new policy "fall far short" of showing that it furthers a substantial governmental interest. But that is a political judgment, which is not shared by the Agency. On the contrary, the Agency maintains that the new policy furthers several substantial governmental interests, as outlined above. The fact that the ACLU and the Agency may hold different political opinions about what is a "substantial governmental interest" is not grounds for invalidating the new demonstration policy.

The ACLU also says that the new policy is "impermissibly vague in specifying the nature of the conduct to which it applies." But the new policy is clear and succinct. The terms "planning, initiating, participating in, or otherwise aiding or assisting" are sufficiently precise and easily understood. The term "demonstration" has been used, unadorned, in every previous VISTA policy statement on this issue, and has acquired a concrete meaning over the years which has been successfully communicated to VISTA Volunteers and sponsoring organizations. It is appropriate to recall the words of the Supreme Court, that "there are limitations in the English language with respect to being both specific and manageably brief, and it seems to us that although the prohibitions may not satisfy those intent on finding fault at any cost, they are set out in terms that the ordinary person exercising common sense can sufficiently understand and comply with, without sacrifice to the public interest" (*Civil Service Commission* v. *Nat'l Ass'n of Letter Carriers*, 413 U.S. 548, 578–579 (1973)). Furthermore, as we note below, the Agency is establishing a Demonstrations Unit in its Office of General Counsel, and any VISTA Vounteer or sponsoring organization which is in doubt about the permissiblity of a proposed course of conduct may seek and obtain advice from that Unit and thereby remove any doubt as to the meaning of the demonstrations policy.

Finally, the ACLU says that the Agency committed procedural violations in the manner in which it issued the new policy, by "unilaterally" imposing the new policy on sponsoring organizations and by circulating a memorandum containing the new policy before publishing it in proposed form in the **Federal Register** and inviting public comment. However, the Agency has full discretion under its enabling legislation to control the activities of its volunteers, and it need not seek the concurrence of sponsoring organizations to policy changes affecting those volunteers. While the VISTA Volunteer Handbook, at page 9, provides that amendments to memoranda of agreement between the Agency and sponsoring organizations may be made only upon "mutual agreement," that provision deals with amendments to the specific obligations undertaken in connection with a particular project. It does not deal with broad Agency policy changes. Such changes may be effected permissibly in a revision to the Agency's guidelines, such as those proposed in the Notice of November 9, 1981. Although the Agency does not necessarily subscribe to the view that revision of these guidelines may be accomplished only through notice-and-comment rulemaking, the Agency has fully complied with notice-and-comment rulemaking procedures. Thus, any alleged prior defect in the issuance of the new demonstrations policy has been cured.

The ACLU also submitted comments about an aspect of the previous demonstrations policy which the Agency has retained, namely, the prohibition against participation by VISTA Volunteers in lawful and nonpolitical demonstrations which were *not* approved by sponsoring organizations. The ACLU says that this aspect of the demonstration policy is overbroad, and unjustifiably infringes the First

Amendment rights of VISTA Volunteers. In addition, the ACLU claims that this aspect of the policy violates the Hatch Act.

In our Notice of November 9, 1981, we pointed out that the policy of the Agency for several years, including under the previous Administration, had been to prohibit VISTA Volunteers from participating in lawful and nonpolitical demonstrations which were not approved by sponsoring organizations, except during periods of authorized leave. We observed that VISTA Volunteers are available for service 24 hours a day, and that their high visibility in the communities they served justified "the historic ACTION policy forbidding VISTA Volunteers from engaging in demonstrations pursued outside the project and its goals" (46 FR 55290).

Despite the fact that this long-standing aspect of the demonstrations policy was never previously challenged by the ACLU or anyone else, the Agency has reexamined it against recent case law development under the First Amendment. The Agency has concluded that there are legitimate constitutional concerns about this long-standing policy. Therefore, the Agency will not enforce this aspect of the demonstrations policy in the future. VISTA Volunteers will be permitted, either while on authorized leave or while not engaged in performing service or on service time, to participate in lawful and nonpolitical demonstrations which are not related to projects of their sponsoring organizations, so long as they do not attempt to represent the views of VISTA or of any group of VISTA Volunteers on any public issue; so long as their participation could not reasonably be understood by the community to be identified with VISTA, the VISTA project, or other elements of the volunteer's VISTA service; and so long as participation does not interfere with the performance of their duties of service. In order to assist VISTA Volunteers in complying with this policy, the Agency is establishing a Demonstrations Unit in the Office of General Counsel, from whom volunteers and sponsoring organizations may obtain additional guidance and advice.

The Agency received many other comments on the new demonstrations policy, the overwhelming number echoing the concerns of the ACLU. Two other comments stated that the new policy was overly restrictive, and that project-related demonstrations were an effective means by which VISTA could achieve its purpose to help eliminate poverty and by which the poor could achieve the self-advancement needed to succeed. But the Agency believes that the confrontational approach characterized by demonstrations impairs the ability of sponsoring organizations to forge those ties with all parts of the local community which will sustain worthwhile VISTA projects when VISTA funding is reduced and the VISTA program is phased out. Moreover, the new demonstrations policy does not infringe on the independent rights of sponsoring organizations and poor people to demonstrate. It merely prohibits them from using VISTA Volunteers to join in such demonstrations. Furthermore, the new demonstrations policy affirmatively protects the First Amendment rights of volunteers. Finally, the policy protects the integrity of the VISTA program itself. For all the above reasons, we believe that the demonstrations policy is justified.

Another comment received by the Agency supported the new demonstrations policy.

Part IV—Involvement of VISTA Volunteers in Demonstrations

I. Demonstration Policy

The longstanding policy of VISTA has been that volunteers are not to engage in demonstrations to promote their own ideas of what is desirable in the communities into which they are sent by VISTA to serve. The old policy allowed that only those lawful demonstrations which, in fact, serve the project goals and which were specifically approved by the project sponsor could be engaged in by any volunteer at any time during their VISTA service in the community to which they were assigned. Recent developments in the law have convinced the Agency that the old demonstration policy can no longer continue to be applied as a blanket prohibition on non-service-time demonstrations.

The rationale for this longstanding VISTA policy is quite clear. Section 104 of the Domestic Volunteer Service Act of 1973, as amended (the Act), provides that VISTA Volunteers "shall be required to make a full-time personal commitment to combating poverty and poverty-related human, social, and environmental problems." Furthermore, the volunteers are committed "to live among and at the economic level of the people served, and to remain available for service without regard to regular working hours, at all times during their periods of service, except for authorized periods of leave." 42 U.S.C. 4954(a). Given these statutory obligations of service, it is apparent that VISTA Volunteers do not leave their jobs at the office when they go home for the evening. They are supposed to be as one among the people they serve. It is plain, then, that VISTA Volunteers must take special care in their nonservice, nonproject activities to avoid identification of VISTA with their personal demonstration efforts. The Agency must continue to protect the independence of the Agency and integrity of its VISTA program by insuring that the participation by volunteers in non-project-related and non-service-time demonstrations remain separate from their VISTA service.

The potential for coercion of the poor is particularly great in the case of the relationship VISTA Volunteers develop with those they serve. We must continue the policy strictly defining VISTA Volunteers' engagement in demonstrations on their own. This policy provides some modicum of protection to the poor people served by the volunteers; established as the poor are by many VISTA projects as well as by the long-promoted attitudes of the welfare state mentality in treating the problems of the poor into a cycle of dependency, the possibilities of coercion, even by example, are great. It is not at all preposterous to recognize the great hold VISTA Volunteers may have on many whom they serve; it takes no great imagination to understand the fears that those served might have respecting the possible withdrawal of assistance by VISTA Volunteers, and of the unspoken, but understood, *quid pro quo* set up between the provision of volunteer service and acquiesence in political means and goals espoused by the VISTA Volunteers in demonstrating. We mean to protect against the opportunity for and appearance of such coercion by enforcing fully the policy described herein; carefully segregating the volunteer's personal policy and political agenda from the poverty community which they serve as VISTA Volunteers.

It is not only in the above manner that ACTION has moved to protect the operation of the VISTA program, as well as the interests of the poor whom the volunteers serve, and to insure the integrity of the Congressional mandate concerning VISTA. There are stringent prohibitions contained in section 403 of the Act restricting lobbying, political activity, and voter registration efforts. ACTION has promulgated regulations under section 403 (45 CFR Part 1228) implementing these statutes. The regulations prohibit VISTA Volunteers from aiding in voter registration, and from engaging in partisan or nonpartisan electoral activity of any sort, as well as lobbying—by so-called grassroots

methods or otherwise—at any level of government, except in rare, precisely enumerated situations which are unlikely to frequently arise. These prohibitions prevent the above activities from being engaged in directly or indirectly by any VISTA Volunteers at any time or any place while on assignment.

ACTION intends to fully enforce these prohibitions. VISTA Volunteers who violate the regulations and notice are subject to discipline, including, when appropriate, separation. VISTA projects are subject to discipline, including termination, if they participate in any such violations. Projects up for renewal which have violated the regulations or notice shall not by renewed.

II. New Policy Element

On July 16, 1981, a memorandum was sent by Jim Burnley, the Director of VISTA, to all VISTA project sponsors entitled "Project Responsibility for VISTA Volunteer Activities," which alerted each sponsor of the new policy statement concerning demonstrations. That memo stated:

> No sponsor shall approve the involvement of any VISTA Volunteer assigned to them (sic) in planning, initiating, participating in, or otherwise aiding or assisting in any demonstration whatsoever.

This policy is readopted herein. VISTA Volunteers will be permitted, either while on authorized leave or while not engaged in performing service or on service time, to participate in lawful and nonpolitical demonstrations which are not related to projects of their sponsoring organizations, so long as they do not attempt to represent the views of VISTA or any group of VISTA Volunteers on any public issue; so long as their participation could not reasonably be understood by the community to be identified with VISTA, the VISTA project, or other elements of the volunteer's service; and so long as participation does not interfere with the performance of their duties of service.

No sponsor may approve participation in any demonstration.

The reasons for this policy affecting VISTA sponsors were clearly set out in the memorandum. A confrontational spirit will damage efforts to find local sources of support to continue worthwhile VISTA projects in light of the reduced funding and anticipated phase-out of VISTA. The new policy of eliminating demonstrations as an approved method of reaching project goals will also aid in establishing the principles of the New Federalism. The new administration of ACTION recognizes the importance of respect in the operations of the federal government: respect for the States, for the municipal governments, and for the voluntary and profitmaking entities which form the base of this society. This respect is not enhanced when representatives of the federal government are used by a federal recipient of financial assistance to demonstrate.

Another reason which ACTION considers critical in the adoption and implementation of the new element of the demonstration policy is the unhappy history forced advocacy has had in our country. The Supreme Court has consistently struck down attempts by the State to require citizens to adopt any set of beliefs. Prior to the new policy preventing VISTA sponsors from requiring volunteers to demonstrate as part of the project and in support of its goals, the VISTA Volunteer stood out as the only nonmilitary representative of the federal government who was obligated to affirm through a public demonstration a specific belief or set of beliefs. Although aimed at sponsors, the new policy directly and immediately enhances the First Amendment rights of volunteers. No more can VISTA Volunteers be required to participate in demonstrations at risk of discipline or dismissal for refusal to assist in attaining the goals of the project. We at ACTION do not mean to see VISTA Volunteers again be subject to such an abuse of their constitutional liberties. Forced advocacy does not belong in VISTA; and just as VISTA Volunteers cannot, by longstanding policy, be forced to compel the poor they serve to adopt the VISTA Volunteers' personal political agendas, so, too, the VISTA Volunteers must be free of the constitutionally abhorrent practice of political compulsion through obligating them to participate in the public display of ideological or political positions through demonstrations.

If either sponsors or volunteers require further guidance or wish to present specific factual questions, they may contact the Demonstrations Unit in the Office of the General Counsel. This Unit will consist of the General Counsel and two other attorneys. The Unit will advise on ACTION's view as to the applicability of the demonstration policy within 24 hours after receipt of the inquiry.

(45 U.S.C. 4953, 4954)

Dated in Washington, D.C. on December 28, 1981.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 81-37362 Filed 12-31-81; 8:45 am]

BILLING CODE 6050-01-M

OMB Control Numbers; Last of Existing Recordkeeping Requirements

AGENCY: ACTION.

ACTION: Notice of List of Existing Recordkeeping Requirements.

SUMMARY: This Notice sets forth the existing recordkeeping requirements contained in 45 CFR Chapter XII, and provides the OMB control numbers for ACTION's recordkeeping requirements.

FOR FURTHER INFORMATION CONTACT: Randi J. Greenwald, Associate General Counsel, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525; 202-254-7974.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the public protection clause (Section 3512) of the Paperwork Reduction Act of 1980, Pub. L. 96-511, the Office of Management and Budget has asked agencies to publish in the **Federal Register** lists of existing recordkeeping requirements, showing regulatory citations, sections containing the requirements, and current OMB numbers.

ACTION's list follows.

CFR Section	Description	OMB Number
45 CFR 1203.5	Non-discrimination assurances.	3001-0016
45 CFR 1207.2-2, 1208.2-2, 1209.2-2.	Project narrative for SCP, FGP, RSVP.	116-R0351
	Grant application for all ACTION programs.	116-R0268

Dated in Washington, D.C., on December 28, 1981.

Thomas W. Pauken,

Director, ACTION.

[FR Doc. 81-37457 Filed 12-31-81; 8:45 am]

BILLING CODE 6050-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Privacy Act of 1974; Amendment to Existing System of Records

The Department of Agriculture gives notice that, as of this date, it is amending the following Privacy Act

system of records: USDA/FS-4, Certification of Engineering Personnel. The amendment eliminates the system's automated data base which has proven to be too costly to maintain.

A description of this system of records (USDA/FS-4) was published in the **Federal Register**, February 19, 1980, at 45 FR 10824. The amended description is set forth below.

For further information, interested persons may contact A. L. Colley, Forest Service-USDA, Engineering Staff, P.O. Box 2417, Washington, D.C., 20013, telephone (703) 235-8077.

Dated: December 24, 1981.

John R. Block,

Secretary.

USDA/FS-4

SYSTEM NAME:

Certification of Engineering Personnel, USDA/FS

SYSTEM LOCATION:

Forest Service Headquarters Offices of the Chief, Regional Foresters, and Forest Supervisors as listed in 36 CFR 200.2, Subpart A, where individual is or was employed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

At the Forest Service employees who have taken examinations in one or more of the certification categories.

CATEGORIES OF RECORDS IN THE SYSTEM:

Consists of the name, social security number, work location, written and oral examination results, and certificates issued for each Forest Service employee defined in the preceding paragraph.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 7 CFR 2.60.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Examination results and supporting documents.

RETRIEVABILITY:

Manual system is indexed by name, social security number, and location.

SAFEGUARDS:

Records are maintained in standard filing system. The records are located in offices that are locked during non-office hours. They are available only to authorized personnel.

RETENTION AND DISPOSAL:

Records are maintained for the duration of individual's employment and thereafter filed in the Federal Records Center in accordance with standard procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Engineering, Forest Service, U.S. Department of Agriculture, P.O. Box 2417, Washington, D.C., 20013, or the appropriate Regional Forester, or Forest Supervisor in charge of the unit where the individual is or was employed.

NOTIFICATION PROCEDURE:

Employees (past or present) may request information as to whether or not the system contains records pertaining to them from the appropriate system manager listed in the preceding paragraph. A request for information should be in writing and should include the individual's full name, address, social security number, approximate date of last certification or examination, and place of employment at that time.

RECORD ACCESS PROCEDURES:

Use same procedure as for requesting Notification.

CONTESTING RECORD PROCEDURES:

Use same procedures as for requesting Notification.

RECORD SOURCE CATEGORIES:

Information in this system comes primarily from written, oral, and applied examinations.

[FR Doc. 81-37458 Filed 12-31-81; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Chugach Electric Association, Inc.; Finding of No Significant Impact

The Rural Electrification Administration (REA) has made a Finding of No Significant Impact (FONSI) with respect to proposed financing assistance to Chugach Electric Association, Inc., (Chugach) of Anchorage, Alaska, for the following projects in Kenai Peninsula Borough, Alaska: (1) Bernice Lake Power Plant Unit No. 4, a 26 MW gas combustion turbine, and (2) Beluga Station Oil Storage Facilities, comprising two fuel oil storage tanks with capacities of 54,800 barrels each. The gas turbine has been purchased and installed, but will not be operated until required permits are obtained. The oil storage tanks have not yet been constructed.

REA reviewed the Borrower's Environmental Report (BER) prepared by Chugach and determined that the BER is an accurate assessment of the environmental aspects of the project. Based upon the BER, REA prepared an Environmental Assessment addressing the impacts of the proposed project.

Alternatives to the proposed projects include no action, energy conservation, purchase power, transmission line construction, additional generation at other existing plants, use of alternate fuels and construction of new generation plants. REA determined that the proposed project: (1) Will have no effect on important farmlands, floodplains, federally listed threatened or endangered species or known cultural resources; and (2) will have no significant adverse effect to air quality. Construction and operation of the projects will not, in REA's judgment result in any unacceptable environmental impact. REA concluded that the proposed projects are an acceptable alternative because they best meet Chugach's need with a minimum of adverse impacts.

REA concludes that the proposed projects are not a major Federal action that will significantly affect the quality of the human environment. REA reaches a Finding of No Significant Impact in accordance with REA Bulletin 20-21:320-21, Part 1.

The FONSI, Environmental Assessment and BER may be reviewed at, or requested from, the Office of the Director, Distribution Systems Division, Room 3304 South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone: (202) 382-8848, or at the office of Chugach Electric Association, Inc., (L. J. Schultz, General Manager) P.O. Box 3518, (Gambell at Eight Avenue) Anchorage, Alaska 99501, telephone: (907) 276-3500.

This Program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 22nd day of December, 1981.

Harold V. Hunter,

Administrator.

[FR Doc. 81-37289 Filed 12-31-81; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Hart County Roadbanks Critical Area Treatment RC&D Measure, Georgia; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Dwight M. Treadway, State Conservationist, Soil Conservation Service, Federal Building, 355 East Hancock Avenue, Athens, Georgia 30613, telephone 404-546-2273.

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, Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Hart County Roadbanks Critical Area Treatment RC&D Measure, Hart County, Georgia.

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, Dwight M. Treadway, 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 the treatment of critically eroding roadbank areas. The planned works as described in the Finding of No Significant Impact consist of the establishment of erosion control vegetation on 105 acres.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Dwight M. Treadway, State Conservationist, Soil Conservation Service, Federal Building, 355 East Hancock Avenue, Athens, Georgia 30613, telephone 404-546-2273. 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.

No administrative action on implementation of the proposal will be taken until February 3, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a-f,q)

Dated: December 21, 1981.

Dwight M. Treadway,

State Conservationist.

[FR Doc. 81-37211 Filed 12-31-81; 8:45 am]

BILLING CODE 3410-16-M

Sebasticook Lake Watershed Project, Maine; Finding of No Significant Impact

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Billy R. Abercrombie, State Conservationist, Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine, 04473, telephone (207) 866-2132.

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 Sebasticook Lake Watershed, Penobscot and Somerset Counties, Maine.

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. Billy R. Abercrombie, State Consevationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection. The planned works of improvement include accelerated technical assistance for land treatment and water quality improvement.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Billy R. Abercrombie. An environmental impact appraisal has been prepared and sent to various Federal, State and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until February 3, 1982.

(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: December 22, 1981.

Billy R. Abercrombie,

State Conservationist.

[FR Doc. 81-37238 Filed 12-31-81; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

International Trade Administration

Numerically Controlled Machine Tool Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to numerically controlled machine tools or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

Time and Place

January 21, 1982, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., NW, Washington, D.C.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal

Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: December 28, 1981.

Talbot Lindstrom,

Deputy Director, Office of Export Administration.

[FR Doc. 81-37402 Filed 12-31-81; 8:45 am]

BILLING CODE 3510-25-M

Truck Trailer Axle-and-Brake Assemblies and Parts Thereof From Hungary; Suspension of Investigation

AGENCY: International Trade Administration, Commerce.

ACTION: Suspension of Antidumping Investigation on Truck Trailer Axle-and-Brake Assemblies and Parts Thereof From Hungary.

SUMMARY: The Department of Commerce (the Department) has decided to suspend the antidumping investigation involving truck trailer axle-and-brake assemblies and parts thereof from the Hungarian People's Republic. The basis for the suspension is an agreement by the Hungarian Railway Carriage and Machine Works (RABA), a manufacturer and exporter which accounts for all of the known imports of this product from Hungary, to revise their prices to eliminate sales of this merchandise to the United States at less than fair value.

With this notice's publication we are directing officers of the U.S. Customs Service to resume liquidation of this merchandise. They also are being instructed to refund any cash deposited and to release any bond or other security posted as a result of the prior suspension of liquidation declared in the preliminary determination.

EFFECTIVE DATE: January 4, 1982.

FOR FURTHER INFORMATION CONTACT: John J. Kenkel, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW., Washington, D.C. 20230 (202) 377-3464.

SUPPLEMENTARY INFORMATION:

Suspension of Antidumping Investigation

The Department of Commerce has decided to suspend the antidumping investigation involving truck trailer axle-and-brake assemblies and parts thereof from the Hungarian People's Republic. The basis for the suspension is an agreement by the Hungarian Railway Carriage and Machine Works (RABA), a manufacturer and exporter which accounts for all of the known imports of this product from Hungary, to revise its prices to eliminate sales of this merchandise to the United States at less than fair value.

With this notice's publication we are directing officers of the U.S. Customs Service to resume liquidation of this merchandise. They also are being instructed to refund any cash deposited and to release any bond or other security posted as a result of the suspension of liquidation declared in the preliminary determination. If, within 20 day's of this notice's publication, we receive a request from an interested party to continue this investigation in accordance with section 734(g) of the Tariff Act of 1930, as amended ("the Act") (19 U.S.C. 1673c), the Department and the U.S. International Trade Commission (the Commission) will do so, notwithstanding the suspension agreement. A final determination will not be made in this case unless there is such a request for continuation of the investigation in which case the Department will make a final determination.

The Department will conduct an administrative review of this case within 12 months of this notice's publication.

Case history

On February 12, 1981, the Department received a petition from counsel representing Rockwell International Corporation of Pittsburgh, Pennsylvania. The petitioner simultaneously filed a copy of the petition with the United States International Trade Commission. The petition alleged that truck trailer axle-and-brake assemblies and parts thereof are being sold in the United States at less than fair value and that the truck trailer axle industry in the United States is being materially injured by reason of the importation of this merchandise. After conducting a summary review of the petition, we instituted an investigation, and notice was published in the **Federal Register** of March 11, 1981 (46 FR 16109).

On March 30, 1981, the Commission notified us that it had determined, as required by section 733(a) of the Act, that there is a reasonable indication that an industry in the United States is materially injured by reason of the importation of the subject imports. The Commission's determination and the reasons therefore were published in the **Federal Register** of April 8, 1981 (46 FR 21121).

On June 19, 1981, the Department decided that Hungary is a state-controlled-economy country for the purposes of this investigation. Subsequently, Italy was selected as the surrogate country for the purposes of determining fair value.

On September 10, 1981, we preliminarily determined that truck trailer axle-and-brake assemblies are being sold in the United States at less than fair value. Notice of the preliminary affirmative antidumping determination was published in the **Federal Register** on September 17, 1981 (46 FR 46152).

We verified RABA's response to the producer's questionnaire on September 28-30, 1981. On October 5-7, 1981, we verified the response supplied by O/CAVA, the company in the surrogate country. We determined that RABA's exports of truck trailer axle-and-brake assemblies and parts thereof the United States were made at prices lower than the equivalent O/CAVA home market prices during the investigatory period of September 1, 1980 through February 28, 1981.

On October 16, 1981, Rockwell requested that the Department find that "critical circumstances" exist in this investigation, alleging that Eaton Corporation, the importer, knew or should have known that RABA was selling at less than fair value, and that there had been massive imports over a short time. The Department, on November 16, 1981, informed the petitioner that it was denying Rockwell's request because Eaton Corporation could not have known that Italy would be selected as the surrogate country in this investigation and, therefore, could not have known that RABA would be found selling at less than fair value.

Counsel for RABA, in a letter dated October 29, 1981, proposed to enter into a suspension agreement pursuant to section 734 of the Act and section 353.42 of the Commerce Department Regulations. In the proposal RABA stated that all necessary price

adjustments would be made to eliminate completely any amount by which the fair value of the product exceeds the U.S. price.

For purposes of this agreement, we do not consider it appropriate or necessary to depart from our preliminary determination that axles manufactured by O/CAVA in Italy are such or similar merchandise for purposes of this investigation.

RABA also has agreed to allow the Department to monitor the agreement and will submit quarterly reports detailing sales of the products to the United States. Further, RABA will make any price adjustments that are necessary after each administrative review.

On November 3, 1981, we provided copies of the proposed suspension agreement between RABA and the Department of Commerce to the petitioner for its consultation and to other parties to the proceeding for their comments.

On December 1, 1981, Rockwell International Corporation and Dana Corporation, an interested party, submitted comments on the proposed suspension agreement.

The Department has consulted with the petitioner and has considered all comments, in accordance with section 734(e) of the Act (19 U.S.C. 1673c). The Department has determined that the criteria for suspension of an investigation pursuant to section 734(e) of the Act have been met. The Department is satisfied that the agreement offsets completely the amount by which the fair value exceeded the U.S. price.

We have considered comments received on the proposed suspension agreement. The Department has agreed to make the following amendments. First, the Department has included separate brake assemblies in the agreement (see section one of Annex I). Second, the Department has clarified the section which describes when RABA may request a termination of the agreement. Third, the Department has further described the monitoring requirements in this Federal Register notice. Finally, the Department has made several minor changes in language, which do not substantially alter the agreement.

The Department will review the agreement according to section 751 of the Act, either annually or at such shorter periods as necessary, rather than an automatic quarterly review as the petitioner requests. The petitioner also has requested that the Department make Eaton Corporation a party to the suspension agreement. The Department has no valid legal basis to require Eaton to become a party to this agreement, or to submit data on its inventories and sales of the merchandise since Eaton is not related to RABA and this is a purchase price situation. Eaton Corporation, however, has given the Department a letter stating its willingness to provide the Department with any information in its possession concerning the purchase of axles from RABA.

The terms and conditions of the agreement are set forth in Annex I to this notice.

Monitoring Terms

RABA shall supply the Department with such information as the Department deems necessary to monitor the assurance that no future sales at less than fair value will occur, and such information as required for the Department to monitor compliance with the terms of the agreement, including, but not limited to the following.

RABA shall submit a quarterly report listing the following information for each entry: total value, quantity, terms of sale (e.g., fob, terms of payment, etc.), sales price per model, copies of the purchase order and shipping invoice of the product to the United States, whether such shipments occur directly or through intermediary countries. The first such report shall include all entries of the merchandise upon which liquidation had been suspended as well as those entered on or after the effective date of the suspension agreement and shall include all entries occurring through December 31, 1981. This first report shall be received by the Department no later than January 30, 1982. Subsequent quarterly reports will be provided to the Department on the basis of calendar quarters. Such reports shall be filed with the Department no later than 30 days from the end of each calendar quarter.

Further, RABA shall provide any additional information that the Department deems necessary in order to assure continuation of the agreement. The Department may require additional information as is necessary in order to conduct its administrative review under section 751 of the Act. This additional information will include, but not be limited to, all data concerning any subsequent price adjustments relative to the subject merchandise between RABA and Eaton. The administrative review will occur annually or at such shorter intervals as the Department deems necessary to ensure that there are and will be no sales at less than fair value.

The Department shall determine the information to be verified under section 751 review.

The Department shall instruct the U.S. Customs ports of entry to report all entries of the product to the Department for as long as this agreement remains in effect.

Monitoring this agreement is considered to be practicable since there is only one exporter. As long as RABA submits all information requested, the Department will be able to effectively monitor the agreement.

Enforcement

The Department shall enforce this agreement in accordance with section 734(i) of the Act (19 U.S.C. 1673c). The Department shall reopen the investigation with respect to the products exported by RABA that are subject to this agreement (1) if the Department determines that the agreement has not been complied with; (2) if the Department determines that the suspension of the investigation is no longer in the public interest; or (3) if the Department determines that effective monitoring is no longer practicable.

Public Interest

As this proposed agreement, *inter alia*, eliminates all sales of the merchandise at less than fair value, influences axle producers in the United States to be competitive and, therefore, is of direct benefit to consumers of trailer axles, it is deemed to be in the public interest.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

December 29, 1981.

ANNEX 1—TRUCK TRAILER AXLE-AND-BRAKE ASSEMBLIES AND PARTS THEREOF

Suspension Agreement

Pursuant to the provisions of section 734 of the Tariff Act of 1930 (19 U.S.C. 1673c) (the "Act") and §353.42 of the Commerce Department Regulations (19 CFR 353.42), the Department of Commerce (the Department) and the Hungarian Railway Carriage and Machine Works (RABA) enter into the following agreement on the basis of which the Department shall suspend its antidumping investigation with respect to truck trailer axle-and-brake assemblies and parts thereof from Hungary to the extent and in accordance with the terms and provisions set forth below.

1. Product Coverage

The investigation shall be suspended as to those trailer axle-and-brake assemblies and parts thereof (the "product") which are included in the investigation and are imported under item numbers 692.32 and 692.60 of the Tariff Schedules of the United States. This agreement also includes any parts which may be imported under any other

TSUS category to be utilized in trailer axles. These parts include, but are not limited to the beam, spindle, brake spider, camshaft, brake shoes, and separate brake assemblies when imported for use on trailer axles.

It is understood that this agreement does not include separate brake assemblies and other parts which are to be utilized solely in truck components other than trailer axles.

2. Basis for the Agreement

A. RABA agrees to make any necessary price adjustments to eliminate completely any sales of the product at less than fair value, as determined on the basis of the price of such or similar merchandise in the surrogate country and appropriate adjustments attributable to bringing the merchandise into the United States, by ensuring that:

(1) Beginning from the effective date of suspension of the investigation, the price RABA will charge any U.S. importer or customer for sales of the product which are entered into the United States or withdrawn from warehouse for consumption in the United States or previously released under cash deposit, bond or other security pursuant to the Department's preliminary determination (46 FR 46152) will not be less than the current fair value of the product as determined by the Department on the date of initialing of the proposed agreement.

(2) Subsequent price adjustments will be made by RABA as necessary to ensure that future sales of the product will not be made at less than fair value. Such adjustments shall be made in accordance with the Department's administrative review under section 751 of the Act (and § 353.53(a) of the Regulations).

(B) In accordance with the applicable law and regulations, this agreement applies to trailer axle-and-brake assemblies and parts thereof, described in paragraph 1 above, produced by RABA, which enter the United States for consumption therein, either directly or through intermediaries and which are exported either directly from Hungary or are transshipped through third countries.

(C) This agreement has no termination date. The Department will not consider a request for termination of this agreement until, at a minimum, it is able to determine that RABA has honored the agreement for at least two years from the effective date of the agreement.

3. Monitoring

Upon the request of the Department, RABA will supply to the Department such information as the Department deems necessary to ensure that RABA is in compliance with the terms of this agreement. At a minimum this will include a quarterly report from RABA itemizing all shipments and prices of trailer axle-and-brake assemblies and parts thereof to the United States.

The Department shall conduct administrative reviews under section 751 of the Act annually or at such shorter intervals as the Department deems necessary to ensure that there are and will be no sales at less than fair value. The Department shall verify information upon which its review is based. The Department shall also request the U.S. Customs Service to direct the ports of entry to forward an Antidumping Report of Importations for all entries of such trailer axle-and-brake assemblies and parts thereof while this agreement is in effect.

4. Reopening of Investigation

The Department shall reopen the investigation with respect to the axle-and-brake assemblies and parts thereof exported by RABA that are the subject of this agreement if the Department determines that RABA has not honored its obligations under this agreement. Additionally, the Department will reopen the investigation if it determines that the suspension agreement is no longer in the public interest or that effective monitoring is no longer practicable.

5. Other Provisions

In entering into the agreement, RABA does not hereby admit that any sales of the product have been made at less than fair value. RABA acknowledges that all other types of axles imported are subject to the import laws of the United States. The effective date of this suspension agreement is January 4, 1982.

Agreed to on this the 18th day of December, 1981.

Arthur T. Downey,

Hungarian Railway Carriage and Machine Works.

I have determined that the provisions of paragraph 2 eliminate any current unfair trade practices which were the subject of this investigation and that the provisions of paragraph 3 ensure that this agreement can be monitored effectively. Therefore, I have determined that this agreement to suspend this investigation meets the requirements of section 734(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1673c) and is in the public interest as required in section 734(d) of the Act.

Gary N. Horlick,

United States Department of Commerce.

[FR Doc. 81-37390 Filed 12-31-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Membership of General Performance Review Board

In a notice published in the **Federal Register** on September 2, 1981, the National Bureau of Standards (NBS) announced the latest changes in the membership and terms of the General Performance Review Board (GPRB). The purpose of the GPRB is to review performance agreements, performance appraisals and ratings, recommendations for certain personnel actions and other related material, and to make appropriate recommendations to the Director of NBS as the Appointing Authority for the Senior Executive Service at NBS concerning such matters in such a manner as will assure the fair and equitable treatment of senior executives and the organizations of which they are members and instill in the minds of such senior executives confidence in the integrity, competence, and impartiality of the GPRB. The GPRB performs its review functions for all NBS senior executives except those who are members of the NBS Executive Board and those who are members of the GPRB.

This notice announces further changes in the membership through the appointment of the following individuals for the terms shown below.

Mr. Karl E. Bell, Deputy Director of Administration, Office of the Director of Administration, National Bureau of Standards, Washington, D.C. 20234, Term—2 years

Dr. Howard T. Yolken, Chief, Office of Measurements for Nuclear Technology, National Measurements Laboratory, National Bureau of Standards, Washington, D.C. 20234, Term—2 years

Dr. George A. Sinnott, Associate Director for Technical Evaluation, National Engineering Laboratory, National Bureau of Standards, Washington, D.C. 20234, Term—2 years

The membership and expiration dates of the GPRB as now constituted, including the changes made by this notice, are set out below:

Dr. Howard E. Sorrows, Chair, Technology Adviser to the Director, National Bureau of Standards, Washington, D.C. 20234, Expiration of Appointment—September 11, 1982

Dr. Arthur O. McCoubrey, Associate Director for Measurement Services, National Measurement Laboratory, National Bureau of Standards, Washington, D.C. 20234, Expiration of Appointment—September 11, 1982

Dr. George A. Sinnott, Associate Director for Technical Evaluation, National Engineering Laboratory, National Bureau of Standards, Washington, D.C. 20234, Expiration of Appointment—December 31, 1983

Mr. Bascom W. Birmingham, Director, Boulder Laboratories, National Bureau of Boulder, Colorado, 80303, Expiration of Appointment—September 11, 1982

Mr. Karl E. Bell, Deputy Director of Administration, Office of the Director of Administration, National Bureau of Standards, Washington, D.C. 20234, Expiration of Appointment—December 31, 1983

Dr. Howard T. Yolken, Chief, Office of Measurements for Nuclear Technology, National Measurement Laboratory, National Bureau of

Standards, Washington, D.C. 20234,

Expiration of Appointment—

December 31, 1983

The appointment of the seventh member of the GPRB, to replace a member whose term has expired, will be announced in the **Federal Register** at such time as the appointment is made.

Persons desiring any further information about the GPRB or its membership may contact Mrs. Elizabeth W. Stroud, Chief, Personnel Division, National Bureau of Standards, Washington, D.C. 20234, (301) 921-3555.

Dated: December 28, 1981.

Raymond G. Kammer,

Deputy Director.

[FR Doc. 81-37381 Filed 12-31-81; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Dr. William W. Dawson; Modification of Permit

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) and § 220.24 of the regulations on endangered species (50 CFR Parts 217-227), the Scientific Research Permit No. 250 issued to Dr. William W. Dawson, Professor of Ophthalmology and Physiology, Department of Ophthalmology, Box J-284, J. Hillis Miller Health Center, University of Florida-College of Medicine, Gainesville, Florida 32610 on November 14, 1978 (43 FR 54284) as modified on October 22, 1981 (46 FR 208) is further modified as follows:

Section B-1 is modified by the addition of:

"Eye excretions of bottlenose dolphins shall be imported from Mexico as described in the modification request."

The modification is effective upon the date it is signed.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Dated: December 24, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-37439 Filed 12-31-81; 8:45 am]

BILLING CODE 3510-22-M

CONSUMER PRODUCT SAFETY COMMISSION

Privacy Act of 1974; Systems of Records; Annual Publication and Revisions

AGENCY: Consumer Product Safety Commission.

ACTION: Annual Publication of Systems of Records.

SUMMARY: The Consumer Product Safety Commission is publishing the complete text of its Privacy Act systems of records, as amended.

DATES: Effective January 4, 1982, except as to deleted systems and revised systems CPSC-2, 3, 4, 7, 11, and 13 which will become effective March 5, 1982, unless comments are received by that date which justify a contrary determination.

ADDRESSES: Send comments to Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be inspected during business hours at the Commission's public reading room, eighth floor, 1111 18th Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Joseph F. Rosenthal, Office of General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207. Telephone (202) 634-7770.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. The Consumer Product Safety Commission last published the full text of its systems of records at 42 FR 48751, September 23, 1977. Since that publication, the Commission's systems of records have been amended by an annual publication at 44 FR 77235, December 31, 1979; and by documents published at 45 FR 34337, May 22, 1980, 45 FR 5680, August 26, 1980, 46 FR 141, January 2, 1981, and 46 FR 22253, April 16, 1981. The Commission is now making further revisions to its systems of records, as described below, and publishing them in full text.

General Revisions

Numerous minor revisions have been made to correct typographical, punctuation, and grammatical errors, to correct citation formats, to update or change organizational designations, to reflect address changes resulting from the relocation of certain Commission organizations from 1111 18th Street, N.W., Washington, D.C. to 5401 Westbard Avenue in the Washington suburb of Bethesda, Maryland, and to reflect the transfer of functions from the former Civil Service Commission to the Office of Personnel Management. These minor revisions will not be enumerated.

In addition, a "routine use" which appeared in Privacy Act Systems CPSC-12 through CPSC-19 has been deleted. This routine use—"A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to the Commission under agreement with GSA"—is not in accord with Commission practice since GSA does not provide administrative services for CPSC record systems except in connection with revised CPSC-13, Personnel Data System, for which GSA merely provides data processing support.

Deletions

The Commission is deleting six systems of records, as follows:

SYSTEM NAME:

CPSC-6 Employee Career Development

Reason: This system is covered by Office of Personnel Management System OPM/GOVT-1.

SYSTEM NAME:

CPSC-9 Employee Financial Interest Statements

Reason: This system is covered by Office of Personnel Management System OPM/GOVT-8.

SYSTEM NAME:

CPSC-14 Employee Personnel Data File

Reason: Combined with revised CPSC-13, Personnel Data System.

SYSTEM NAME:

CPSC-20 Field Working Track System

Reason: System discontinued.

SYSTEM NAME:

CPSC-21 Ethics in Government Financial Disclosure Records

Reason: This system is covered by Office of Personnel Management System OPM/GOVT-4.

SYSTEM NAME:

CPSC–23 Health Unit Medical Records

Reason: System discontinued. CPSC no longer operates employee health units.

Additions

The Commission is making additions as follows:

SYSTEM NAME:

Appendix II—Pertinent Record Systems of other agencies

Reason: Some record systems physically located at CPSC are covered by Office of Personnel Management government-wide systems. These systems include the Official Personnel Folders and the materials previously described in deleted systems CPSC–6, CPSC–9, and CPSC–21. Other agencies also maintain record systems containing CPSC-related records. Appendix II is being added to inform CPSC employees and others about these systems containing data on CPSC employees.

Changes

The Commission is making the following changes in its systems of records:

SYSTEM NAME:

CPSC–2 Advisory Committee Records (name change)

Categories of individuals covered by the system: System expanded to cover members as well as applicants or nominees.

Categories of records in the system: System expanded to include correspondence and information relevant to selection of members and members' service.

Routine uses: System now also used to administer committees.

Retention and disposal: Provisions added dealing with termination of an individual's membership or of an entire committee.

SYSTEM NAME:

CPSC–3 Claims

Routine uses: New uses cover disclosure to a party having a legal interest in a claim and to federal, state, and local law authorities in connection with official proceedings.

SYSTEM NAME:

CPSC–4 Consumer Volunteer Roster

Storage: Computer records added.

Retrievability: Computer records added.

Safeguards: Computer records added.

Retention and disposal: Computer records added.

SYSTEM NAME:

CPSC–7 Employee Discrimination Complaint and Investigation File

Categories of individuals covered by the system: Expanded to include applicants for employment, as well as employees, who file complaints of discrimination.

Routine uses; Reference to Federal Womens Program deleted, since it is not longer a program external to CPSC.

Categories of records in the system: Expanded to include information on any alleged discriminatory official, as opposed to merely the specific person against whom a complaint is filed.

SYSTEM NAME:

CPSC–11 Employee Motor Vehicle Operators and Accident Report Records

Retrievability: Revised to show that records are retrievable by the name of the person to whom they pertain.

SYSTEM NAME:

CPSC–13 Personnel Data System (old name: Emplotee Payroll, Leave and Travel Records)

This system notice is a combination of two previously separate systems: CPSC–13, Employee Payroll, Leave and Travel Records, and CPSC–14, Employee Personal Data File. It has been extensively revised in form and closely follows the General Service Administration's notice for GAS/PPFM–4, Human Resources Files. Although GSA/PPFM–4 is not a government-wide system, it does describe the payroll- and personnel-related data processing services which GSA performs for CPSC and many other agencies. Accordingly, the new CPSC–13 notice more accurately describes a largely automated record system which is essentially the same as that maintained by other agencies.

SYSTEM NAME:

CPSC–18 Job Applicant File

System location: Amended to reflect fact that records are no longer kept outside of the Division of Personnel Management.

Most of the changes made are non-substantive and are being made immediately. However, the system deletions and the revisions to systems CPSC 2, 3, 4, 7, 11, and 13 will not be put into effect for 60 days to permit comments by the Office of Management and Budget, the President of the Senate, the Speaker of the House of Representatives, and the public. OMB and the Congress have been sent a copy of this **Federal Register** notice.

Sadye E. Dunn,

Secretary.

December 28, 1981.

CONSUMER PRODUCT SAFETY COMMISSION

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Appendix I Regional Office Addresses
Appendix II Pertinent Record Systems of Other Agencies

CPSC–1

SYSTEM NAME:

Accident Reports (In-Depth)—CPSC–1

SYSTEM LOCATION:

Consumer Product Safety Commission, Directorate for Epidemiology, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Victims of Consumer product-related injuries on which specific epidemiologic data is needed in order to analyze and correct product hazards.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains demographic data on an injured person, location of accident, data on injury, product and manufacturer identification, and a narrative description of the accident.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Consumer Product Safety Act, section 5 (15 U.S.C. 2054).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used as a compilation of statistical information on product-related injuries to support CPSC staff work in analysing the incidence and severity of product related injuries and to respond to Congressional inquiries and requests for information from private individuals and private and public organizations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Records may be provided to another Federal, State or local agency or authority engaged in activities relating to health, safety or consumer protection in accordance with section 29(e) of the Consumer Product Safety Act, as amended (Pub. L. 92-573), as amended by Pub. L. 92-284, 15 U.S.C. 2078(e)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic data bank disk. The original hard copy of the investigation report is maintained by the National Injury Information Clearinghouse, Directorate for Epidemiology in file folders.

RETRIEVABILITY:

Records are retrievable by a coded number which indicates the date of assignment of the investigation, the Commission unit requesting the report, the product involved and a sequential number assigned to the investigation.

SAFEGUARDS:

Confidentiality of the name of the accident victim and attending physician are guaranteed by the Consumer Product Safety Act, section 25(c) (15 U.S.C. 2074(c)) and, therefore, names do not appear in the record and are not used for retrieval.

RETENTION AND DISPOSAL:

Records are maintained for a period of 10 years subject to change in Commission policy. Disposal is by normal methods.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Associate Executive Director for Epidemiology, 5401 Westbard Avenue, Washington, D.C. 20207.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system of records is subject to the specific exemption provided for in 5 U.S.C. 552a(k)(4) and is therefore exempt from subsections (c)(3), (d) (2) and (3), (e)(1), (e)(4) (G), (H) and (I) of section 552a. The data is required to be maintained by 15 U.S.C. 2054 and is used solely as statistical records.

CPSC-2

SYSTEM NAME:

Advisory Committee Records—CPSC-2

SYSTEM LOCATION:

Consumer Product Safety Commission, Office of Public Affairs, 1111 18th Street, N.W., Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals seeking or nominated for or selected for membership on CPSC Advisory Committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of applicants contain an individual's name, address, personal history and qualifications, any correspondence with the individual and any Commission memoranda relating to the selection of the individual. Records of members additionally contain information about the member's financial compensation and Commission documents relating to the individual's service as a member.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 2077, 2079(a) and 2079(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used to select candidates for filling vacancies on advisory committes and to administer the operation of the committees.

Disclosure may be made to a congressional office from the record of an individual in response to an injury from the congressional office made at the request of that individual. Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

STORAGE:

Records are maintained in hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name of committee and then by name of applicant or member.

SAFEGUARDS:

Records are maintained in file cabinets in a secured area.

RETENTION AND DISPOSAL:

Applicants' and nominees' records are retained until new applications are solicited or committee is terminated and then destroyed. Members' records are retained for 2 years after termination of membership and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Committee Management Officer, Office of Public Affairs, Consumer Product Safety Commission, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director of Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information is provided by applicants, nominees for, and members of Advisory Committees and by Commission staff.

CPSC-3

SYSTEM NAME:

Claims—CPSC-3

SYSTEM LOCATION:

Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

CPSC employees sustaining personal property damage or loss incident to service; CPSC employees involved in situations where personal injury or property damage to others results from wrongful or negligent act or omission of employee acting within scope of employment; claimants sustaining injury or property damage due to activities of CPSC or its employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain claims for money damages, accident and investigative reports, and correspondence and other documents concerning claims.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 240-243; 28 U.S.C. 1346(b), 2672. Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) For processing claims and litigation under the Federal Tort Claims Act or the Military Personnel and Civilian Employee's Claims Act; (b) For preparation of reports.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Information from a record in this system of records may be disclosed to a person or entity having a legal interest in the claim.

Information may be disclosed to Federal, state, or local law authorities, court authorities, administrative authorities, for use in connection with civil, criminal, administrative, and regulatory proceedings and actions relating to the claim. Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Records are maintained in hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name of individual claimant.

SAFEGUARDS:

Records are maintained in combination lock metal file cabinet in a secured area. Access to such area is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

Records are retained up to six years after case is closed. Disposal is by normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Labor and Employee Relations Branch, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information is provided by (1) the individual to whom the record pertains (2) CPSC and/or its employees (3) affidavits, statements, or testimony of witnesses (4) official documents relating to claim (5) correspondence from organizations or persons involved.

CPSC-4

SYSTEM NAME:

Consumer Volunteer Roster—CPSC-4

SYSTEM LOCATION:

Consumer Product Safety Commission, Office of the Secretary, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consumers who wish to volunteer their services in the development of safety standards as members of development committees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains consumer's name, address, and qualification for serving in the Standards development process.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 7, Consumer Product Safety Act (15 U.S.C. 2056).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information is made available to organizations developing safety standards for consumer products in order to obtain consumer participation.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on hard copy and on computer magnetic media.

RETRIEVABILITY:

Records are indexed by state and name of consumer. Computer records are retrieved by any one or any combination of data elements.

SAFEGUARDS:

Hard copy records are maintained in secure file cabinets. Access to computer records is restricted to the staff of the Office of the Secretary by use of computer passwords.

RETENTION AND DISPOSAL:

Records are retained until new set of volunteer's names are solicited by the Commission; e.g., each 12 months. Hard copy records are destroyed. Computer records are made available for reuse.

SYSTEM MANAGER(S) AND ADDRESS:

Secretary, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Consumer Product Safety Commission, Office of the Secretary, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information is provided by individuals on whom the record is maintained.

CPSC-5

SYSTEM NAME:

Employee Biographies—CPSC-5.

SYSTEM LOCATION:

Consumer Product Safety Commission, Office of Public Affairs, 1111 18th Street, N.W., Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

CPSC employees who have submitted biographical information.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains a brief statement of information relating to educational and professional background and present position and responsibilities within the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Consumer Product Safety Act (15 U.S.C. 2051-81).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

This information is furnished to the public media in connection with employee activities and employee participation in conferences, meetings and other functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name of employee.

SAFEGUARDS:

Records are maintained in locked file cabinets in secured areas.

RETENTION AND DISPOSAL:

Records are maintained until employee terminates employment at agency. Disposal is by normal methods.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Public Affairs, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Consumer Product Safety Commission, Associate Executive Director for Administration, 5401 Westbard Avenue, Wahington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in this record is furnished by the employee to whom it pertains.

CPSC-7

SYSTEM NAME:

Employee Discrimination Complaint and Investigation File—CPSC-7.

SYSTEM LOCATION:

Consumer Product Safety Commission, Office of Equal Employment Opportunity and Minority Enterprise (OEEOME), 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commission employees and applicants for employment who have filed complaints of discrimination based on race, color, religion, sex, national origin or age.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains information pertaining to the complainant, any alleged discriminatory official, and others having a relationship to the complaint.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM Part 713.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records is used or a record may be used for: (1) review by the assigned EEO Investigator (2) review by the Director, Office of Equal Employment Opportunity and Minority Enterprise (3) referral to Office of General Counsel for legal analysis and action.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in hard copy.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in locked file cabinets in secured areas.

RETENTION AND DISPOSAL:

Records are retained indefinitely. Disposal is by normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, OEEOME, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in this file is furnished by supervisors, co-workers and others who are involved in the complaint or have information pertaining thereto.

CPSC-8

SYSTEM NAME:

Employee Executive Development Program Records—CPSC-8.

SYSTEM LOCATION:

Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commission employees in grade GS-13 and above.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information relating to the education training; employment history and earnings; appraisals of 1st and 2nd line supervisors; honors, awards or fellowships; military service; birthplace, birthdate, social security number, home address of applicants for the various executive development programs which are offered on an open Commission competitive basis. Also, records contain panel evaluations and selection rating information on successful and unsuccessful nominees; correspondence to training facilities and employees pertaining to the various executive developmental programs; statistical compilation reports submitted to OMB and OPM covering reporting requirements on CPSC employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11348, 5 U.S.C. 4103, 4104, 4108, 4109, 4110, 4113, 4118.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records is used or a record may be used:

(a) To facilitate career development of employees.

(b) To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

(c) To provide information or disclose to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(d) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information concerning the hiring or retention of an employee.

(e) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rules, regulation, or order issued pursuant thereto.

(f) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions of manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions.

(g) To provide data for the automated Central Personnel Data File (CPDF).

(h) By the Office of Personnel Management for purpose of making a decision when a Federal employee or former Federal employee is questioning the validity of a specific document in an individual file.

(i) To any agency of the Federal Government having oversight or review authority with regard to Office of Personnel Management activities.

(j) To provide data to update the Federal Automated Career Systems (FACS).

(k) To provide data to the Executive Inventory Files.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by combination of names or subject matter.

SAFEGUARDS:

Records are located in metal file cabinets with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

Records are maintained indefinitely. Disposal is by normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Policy and Evaluation Branch, Consumer Product Safety Commission, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by the individual to whom it applies or is derived from information he/she supplied, and information provided by other agency officials.

CPSC-10

SYSTEM NAME:

Employee Merit Promotion Program—CPSC-10.

SYSTEM LOCATION:

Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants, current and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents relating to promotions subject to the merit promotion plan. The records consist of employment applications and performance appraisals, rating sheets and material placed into the records to support the rating.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM Chapter 335.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used:

(1) To respond to requests from employees regarding the status of their merit promotion case.

(2) To provide information to the Office of Equal Employment Opportunity when an individual files a discrimination complaint.

(3) To respond to a court subpoena and/or refer to a court in connection with a civil suit.

(4) To adjudicate an appeal, complaint, or grievance.

(5) To effectuate promotion of employees concerned.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are indexed by the names of the individuals on whom they are maintained and by Merit Promotion case numbers.

SAFEGUARDS:

Records are located in a metal file cabinet and access is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

The records are maintained up to two years after a selection has been made.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Employment Branch, Consumer Product Safety Commission, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in this record is provided by:

(1) Individual to whom the record pertains,

(2) Agency and/or Commission officials,

(3) Affidavits or statements from employee,

(4) Official documents relating to appeal, grievance, or complaint,

(5) Correspondence from specific organization or persons.

CPSC-11

SYSTEM NAME:

Employee Motor Vehicle Operators and Accident Report Records—CPSC-11

SYSTEM LOCATION:

Consumer Product Safety Commission, Division of Management Services, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Commission who (1) hold Government motor vehicle operator's permit and who regularly operate vehicles (2) are involved in automobile accidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains data on employees issued a Government motor vehicle operator's permit, and reports, correspondence and fiscal documents concerning employees involved in automobile accidents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Consumer Product Safety Act (15 U.S.C. 2051–2081) and 28 U.S.C. Chap. 171.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used as indicated below:

(1) To identify those CPSC employees authorized to operate Government-owned or Government-leased vehicles.

(2) For use by the Office of General Counsel in connection with claims litigation.

(3) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency whether Federal, State, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(4) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the issuance of a license, grant, or other benefit.

(5) To provide information or disclose to a Federal Agency, in response to its request, in connection with the hiring or retention of an employee, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in hard copy.

RETRIEVABILITY:

Records are indexed by employee name.

SAGEGUARDS:

Records are maintained in a secured area.

RETENTION AND DISPOSAL:

Records on driver's permits are retained for one year after employee is terminated. Records on automobile accidents are retained for two years after accident. Disposal is by normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Management Services, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

The information in this record is furnished by the employee. Information on accidents is furnished by the employee and witnesses to the accident.

CPSC-12

SYSTEM NAME:

Employee Outside Activity Notices—CPSC-12

SYSTEM LOCATION:

Consumer Product Safety Commission, Ethics Counselor, Deputy General Counsel for Regulatory Development and General Law, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commission employees carrying on outside activities such as consultative services, practice of law, or teaching.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information concerning the employee's position, nature of outside activity, relation of official duties to activity, and method of compensation for outside activity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11222.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM; INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records is used by the Ethics Counselor in making a determination as to whether an employee's outside activity constitutes a real or apparent conflict of interest.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in this system:

STORAGE:

Records are maintained on hard copy.

RETRIEVABILITY:

Records are indexed by employee name.

SAFEGUARDS:

Records are maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Records are maintained until employee terminates with agency. Disposal is by normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Ethics Counselor, Deputy General Counsel for Regulatory Development and General Law, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ASSESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

The information in these records is furnished by the employees to whom they pertain.

CPSC 13

SYSTEM NAME:

Personnel Data System—CPSC-13

SYSTEM LOCATION:

Consumer Product Safety Commission, Associate Executive Director for Administration 5401 Westbard Avenue, Washington, D.C. 20207 and the Headquarters unit or Regional Office to which and employee is assigned. Regional Office addresses are listed in Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees of CPSC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of payroll records, personnel security records, safety records. EEO records, and personnel records. In addition, the system contains data necessary to update the Central Personnel Data File at the Office of Personnel Management, to process personnel actions, to perform detailed accounting distributions, to automatically provide for such tasks as mailing checks and bonds, and to

prepare and mail tax returns and reports. Records include, but are not limited to the following categories of records:

1. Employee indentification and status data such as name, social security number, date of birth, sex, work schedule, type of appointment, education, veterans' preference, military service, and race/national origin.

2. Relevant data such as service computation date for leave, date probationary period began, and date of performance rating.

3. Position and pay data such as pay plan, occupational series, grade, step, salary, merit pay, organization location.

4. Employment data such as merit pool identifier, position description, special employment program, and target occupational series and grade.

5. Payroll data such as time; attendance; leave; Federal, State, and local tax; allotments; savings bonds; and other pay allowances and deductions.

6. Personnel security data such as security clearance level and basis with dates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C., Part III, is the authority for the overall system. Specific authority for use of Social Security numbers is contained in Executive Order 9397, 26 CFR 31.6011(b)(2), and 26 CFR 31.6109–1. The authority for the personnel security clearance and statistical records is contained in Executive Order 19450, April 27, 1953, as amended; Executive Order 12065, June 28, 1978; 31 U.S.C. 686; and 40 U.S.C. 318(a) through (d).

PURPOSE(S):

This system supports the day to day operating requirements associated with personnel oriented program areas from hiring employees and paying employees to calculating estimated retirement annuities. Payroll-related outputs include a comprehensive payroll; detailed accounting distribution of costs; leave data summary reports; an employee's statement of earnings, deductions and leave every payday for each employee; State, city, and local unemployment compensation reports; Federal, State, and local tax reports; W–2 wage and tax statements; and reports of withholdings and contributions. Personnel-related reports include automated personnel actions as well as organization rosters, retention registers, retirement calculations, reports of the Federal civilian employment, employee master record printouts, length of service lists, and listings of within-grade increases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses of records maintained in the system include:

a. Providing data to the Office of Personnel Management's Central Personnel Data File (CPDF).

b. Providing a copy of an employee's Department of the Treasury Form W–2, Wage and Tax Statement, to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520.

c. Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Assistant Administrator for Plans, Programs, and Financial Management, General Services Administration (B), Washington, D.C. 20405.

d. To the extent necessary, records are available to Commission and outside government agencies to monitor and document grievance proceedings, EEO complaints, and adverse actions; and to provide reference to other agencies and persons for employees seeking employment elsewhere.

e. Some records or data elements in this system of records may also be in the Office of Personnel Management's government-wide system OPM/GOVT–1 and are subject to that system's routine uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on paper in file folders and on computer magnetic media.

RETRIEVABILITY:

Paper records are filed by name. Computer records are retrievable by any data element or combination of data elements.

SAFEGUARDS:

Paper records are stored in lockable metal cabinets or in secured rooms. Password system protects access to the computerized records. Information is released only to authorized officials on a need-to-know basis.

RETENTION AND DISPOSAL:

Payroll-related records are sent to storage 2 years after the end of the fiscal year to which they pertain.

Personnel-related records are disposed of 2 years after termination of employment.

SYSTEM MANAGER(S) AND ADDRESS:

For payroll-related records: Director, Division of Financial and Management Services, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

For personnel-related records: Chief, Employment Branch, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

The individuals themselves, other employees, supervisors, other agencies' management officials, non-Federal sources such as private firms, and data from the systems of records OPM/GOVT–1 and EEOC/GOVT–1.

CPSC–15

SYSTEM NAME:

Employee Relations Files—CPSC–15

SYSTEM LOCATION:

Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Consumer Product Safety Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information or documents relating to: (1) Disciplinary actions, complaints, grievances, potential adverse actions, and proposals, decisions, or determinations made by management relative to the foregoing; (2) retirement records.

The records consist of the notices to the individuals, records of resolutions of complaints, materials placed into the record to support the decision or determination, affidavits or statements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 4308, 5115, 5338, 7151, 7301, 7701, 8347, Executive Orders 9830, 10987, 11222, 11478.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (1) To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance. (2) To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act. (3) To respond to a court subpoena and/or refer to a district court in connection with a civil suit. (4) To adjudicate or resolve an appeal, complaint, or grievance. (5) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions. (6) To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. (7) To request information from a federal, state or local agency maintaining Civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the issuance of a license, grant, or other benefit. (8) To provide information or disclose to a Federal agency, in response to its requests in connection with the hiring or retention of an employee, or issuance of a license, grant or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision of that matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are indexed by the names of the individuals on whom they are maintained.

SAFEGUARDS:

Records are located in a combination lock metal file cabinet and access is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

The records are maintained up to 2 years after an employee has left the Consumer Product Safety Commission. Disposal is by normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Labor and Employee Relations Branch, Consumer Product Safety Commission, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in these records is furnished by: (1) Individual to whom the record pertains (2) Agency and/or Commission officials (3) Affidavits or statements from employee (4) Testimonies of witnesses (5) Official documents relating to appeal, grievance, or complaints (6) Correspondence from specific organization or persons.

CPSC-16

SYSTEM NAME:

Employee Upward Mobility Counseling Files—CPSC-16

SYSTEM LOCATION:

Office of Equal Employment Opportunity and Minority Enterprise, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All persons participating in the Upward Mobility Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains information regarding the counseling of employees to assist them in enhancing their career in the Federal system; contains personal data on employees seeking advancement or Upward Mobility assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM Chapter 713.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records is reviewed by the Upward Mobility Counselor and Director, OEEOME, in counseling and placing employees.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in hard copy.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in locked files in a secured area.

RETENTION AND DISPOSAL:

Records are retained until employee reaches goal. Disposal is by normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Equal Employment Opportunity and Minority Enterprise, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in this record is furnished by the employee to whom it pertains and by employee's supervisors.

CPSC-17

SYSTEM NAME:

Commissioned Officers Personal Data File—CPSC-17

SYSTEM LOCATION:

A complete record on every commissioned officer is maintained in the office of the Directorate for Compliance and Enforcement Litigation, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207. Records concerning the commissioned officer's activities and performance are maintained by the CPSC Regional Office to which the individual is assigned. Regional Office addresses are listed in Appendix I.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

State employees commissioned as officers of CPSC.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains documents related to the commissioning of the individual and personal data including name, social security number, date of birth, educational background, employment history, security clearance information, medical information, fingerprints, home address and phone number, duty station, service computation date and benefits information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 29(a)(2), Consumer Product Safety Act (15 U.S.C. 2078(a)(2)); E.O. 10450, sections 8(c), 9(a), 9(b); E.O. 10561.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) By agency officials for purposes of review in connection with appointments, reassignments, and determination of qualificaitons for reappointment of an individual.

(2) To provide statistical reports to Congress, agencies and the public on characteristics of the Commissioned officer program.

(3) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personal management functions.

(4) To provide information or disclose to a Federal or state agency, in response to its request, in connection with the hiring or retention of an employee, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(5) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a license, grant, or other benefit.

(6) Disclosure to a congressional office in response to an inquiry from the congressional office made at the request of the individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are located in lockable metal file cabinets or metal file cabinets in secured rooms with access limited to those whose official duties require access.

RETENTION AND DISPOSAL:

The records are maintained and disposed of in accordance with Commission records management policies and procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Regulatory Management, Directorate for Compliance and Administrative Litigation, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in these records comes either from the individual to whom it pertains or from agency officials, CPSC supervisors, or state officials.

CPSC-18

SYSTEM NAME:

Job Applicant Files—CPSC-18

SYSTEM LOCATION:

Consumer Product Safety Commission, Division of Personnel Management, 56401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment who have forwarded resumes or Standard Form 171's to the Commission.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain personal data and job history in the form of a resume or Standard Form 171.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM Chapters 333 and 713.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these files is reviewed as vacancies occur for the purpose of placement.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name of applicant within general job categories.

SAFEGUARDS:

Records are maintained in locked file cabinets.

RETENTION AND DISPOSAL:

Records are maintained up to two years and disposal is by normal procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Employment Branch, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in this record is furnished by the person to whom it pertains.

CPSC-19.

SYSTEM NAME:

Labor Management Relations Files—CPSC-19

SYSTEM LOCATION:

Consumer Product Safety Commission, Division of Personnel Management, 5401 Westbard Avenue, Washington, D.C. 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

CPSC employees involved in union activity, whether in the capacity of an officer or a rank and file employee.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain data relating to (1) employees involved in the maintenance of the labor-management program (2) employees presenting grievances under the collective bargaining agreement (3) employees involved in unfair labor practice charges pursuant to statute (4) employees whose grievances are presented to arbitration.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 71.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Materials in these records are used primarily for reference except in the case of grievances, unfair labor practice charges, and arbitration where information may be essential to prepare for a hearing.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are indexed by the names of the individuals on whom they are maintained.

SAFEGUARDS:

Records are located in a combination lock metal file cabinet and access is limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

The records are maintained up to two years after an employee has left the Consumer Product Safety Commission.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Labor and Employee Relations Branch, Consumer Product Safety Commission, Washington, D.C. 20207.

NOTIFICATION PROCEDURE:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Washington, D.C. 20207.

RECORD ACCESS PROCEDURES:

Same as notification.

CONTESTING RECORD PROCEDURES:

Same as notification.

RECORD SOURCE CATEGORIES:

Information in this record is furnished by:

(1) Individual to whom the records pertain,

(2) Agency and/or Commission official,

(3) Documents from union representatives,

(4) Testimony of witnesses,

(5) Official documents relating to labor matters,

(6) Correspondence from specific organization or persons.

CPSC-22

SYSTEM NAME:

CPSC Management Information System—CPSC-22.

SYSTEM LOCATION:

Consumer Product Safety Commission, Associate Executive Director for Administration, 5401 Westbard Avenue, Bethesda, Maryland 20207.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All CPSC employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain information on work and leave hours charged by individual employees against CPSC programs, projects, and organization categories. The data included are: Program Codes, Project Codes, Organization Codes, Reporting Period, Employee Name and CPSC Employee Number, and hours charged.

AUTHORITY FOR MAINATENANCE OF THE SYSTEM:

15 U.S.C. 2051 et seq.; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records are used to produce periodic printed reports which show total employee time and costs allocated to commission programs and projects by organizational elements. The cost information includes information derived from the Commission's accounting system. Some of the reports will display the time charged by individual employees by programs and projects within organizational elements.

These reports are distributed to CPSC managers and staff at all levels as a management tool to:

(a) Inform project managers of time worked by individuals on specified program and project activities;

(b) Assure accurate reporting and recording of time worked on Agency programs and projects;

(c) Track the agency's work in terms of programs and projects;

(d) Assist in the preparation of the CPSC Fiscal Year Operating Plan;

(e) Assess achievement of planned goals established in the CPSC Fiscal Year Operating Plan;

(f) Identify resource allocation deficiencies;

(g) Provide an historical record of Agency program, project, and organization resource expenditures;

(h) Assure effective distribution of staff skills for planned workloads;

(i) Provide reports to top level management on Agency accomplishment.

Printed reports produced by the system are distributed to project leaders, management, and supervisory personnel within the Commission.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM;

STORAGE:

Records are maintained in hard copy, on computer punch cards, and on computer magnetic media.

RETRIEVABILITY:

Records are retrievable by any of the data items on the records.

SAFEGUARDS:

Access to individual computer records is restricted to staff of the Associate Executive Director for Administration through the use of special computer identification codes. Hard copy individual records and punch cards are kept in locked file cabinets with access

also restricted to the staff of the Associate Executive Director for Administration. Management Information System data will not be used as evidence against the supplying employee in employee performance evaluations or adverse actions.

RETENTION AND DISPOSAL:

Individual hard copy employee records, punch cards, and computer records, other than time and cost totals, are retained for not more than one year. Disposal is accomplished through magnetic disc or magnetic tape erasure for computer-stored records, and direct disposal into trash for hard copy individual records and punch cards.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Executive Director for Administration, Consumer Product Safety Commission, 5401 Westbard Avenue, Bethesda, Maryland 20207.

NOTIFICATION PROCEDURE:

Same as System Manager.

RECORD ACCESS PROCEDURES:

Same as System Manager.

CONTESTING RECORD PROCEDURES:

Same as System Manager.

RECORD SOURCE CATEGORIES:

Information in these records is furnished by the employees to whom it pertains.

Appendix I—Regional Office Addresses

Southeastern Regional Office, 800 Peachtree Street, N.E., Suite 210, Atlanta, Georgia 30308.

Midwestern Regional Office, 230 S. Dearborn Street, Room 2945, Chicago, Illinois 60604.

Southwestern Regional Office, 1100 Commerce Street, Room 1C10, Dallas, Texas 75242.

Northeastern Regional Office, 6 World Trade Center, Vesey Street, 6th Floor, New York, New York 10048.

Western Regional Office, 555 Battery Street, Room 416, San Francisco, California 94111.

Appendix II—Pertinent Record Systems of Other Agencies

Other Federal agencies maintain government-wide systems of records which may contain information about CPSC employees.

Some of these records may be physically located at CPSC. These systems include:

1. Office of Personnel Management, OPM/GOVT-1, General Personnel Records (includes official personnel folders).

2. Office of Personnel Management, OPM/GOVT-2 (proposed), Performance Appraisal Records.

3. Office of Personnel Management, OPM/GOVT-3, Adverse Action Records.

4. Office of Personnel Management, OPM/GOVT-4, Executive Branch Public Financial Disclosure Records (includes financial interest disclosure forms of CPSC employees subject to the Ethics in Government Act).

5. Office of Personnel Management, OPM/GOVT-5, Recruiting, Examining, and Placement Records.

6. Office of Personnel Management, OPM/GOVT-6, Personnel Research and Test Validation Records.

7. Office of Personnel Management, OPM/GOVT-7, Applicant Race, Sex, National Origin, and Disability Status Records.

8. Office of Personnel Management, OPM/GOVT-8, Confidential Statements of Employment and Financial Interests (contains CPSC employees' Form 219).

9. Office of Personnel Management, OPM/GOVT-9, File on Position Classification Review Requests (Appeals) and Grade and Pay Retention Appeals.

10. Federal Emergency Management Agency, FEMA/GOVT-1, Uniform Identification System for Federal Employees Performing Essential Duties During Emergencies.

11. Equal Employment Opportunity Commission, EEOC/GOVT-1, Equal Employment Opportunity Complaint Records and Appeal Records.

12. Merit System Protection Board, MSPB/GOVT-1, Appeal and Case Records.

[FR Doc. 81-37361 Filed 12-30-81; 9:31 am]

BILLING CODE 6355-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Women's Educational Programs; Meeting

AGENCY: National Advisory Council on Women's Educational Programs.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Women's Educational Programs and its Executive Committee. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: January 21, 1982, 9:00 a.m. to 6:00 p.m. and January 22, 1982, 9:00 a.m. to 4:00 p.m.

ADDRESS: January 21, 1982 the meeting will be held in the Holiday Inn, 550 C Street, S.W., Washington, D.C. and on January 22, 1982 the meeting will be held in the Council offices at 1832 M Street, N.W., Suite 821, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Kathleen Dauito, Administrative Officer, National Advisory Council on Women's Educational Programs, 1832 M Street, N.W., Suite 821, Washington, D.C., 20036, (202) 653-5846.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 95-561. The Council is mandated to (a) advise the Secretary on matters relating to equal educational opportunities for women and policy matters relating to the administration of the Women's Educational Equity Act of 1978; (b) make recommendations to the Secretary with respect to the allocation of any funds pursuant to the Act, including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; (c) recommend criteria for the establishment of program priorities; (c) make such reports as the Council determines appropriate to the President and Congress on the activities of the Council; and (e) disseminate information concerning the activities of the Council

The meeting of the Executive Committee will take place on January 21, 1982 from 5:00 p.m. to 6:00 p.m. at the Holiday Inn, 550 C Street, S.W., Washington, D.C. The agenda will include consideration of the Council's Annual Report, budget, and future plans and activities.

On January 21, 1982, the meeting of the National Advisory Council on Women's Educational Programs will take place from 9:00 a.m. to 5:00 p.m. at the Holiday Inn, 550 C Street, S.W., Washington, D.C. On that day, the Council will participate in the conference of current and former grantees of the Women's Educational Equity Act Program which will include workshops on the status, needs, and future of the programs and other sex equity efforts in the context of the changing Federal role in education. On Janury 22, 1982 the Council meeting will be held from 9:00 a.m. to 4:00 p.m. in the Council offices at 1832 M Street, N.W., Suite 821, Washington, D.C. The agenda will include development of policy and program recommendations to the Department of Education and discussion

of the future structure, activities, and plans of the Council. There will be reports on legislation and budget.

The meeting of the Council will be open to the public. Records will be kept of the proceedings and will be available for public inspection at the office of the National Advisory Council on Women's Educational Programs, 1832 M Street, N.W., Suite 821, Washington, D.C., 20036.

Signed at Washington, D.C. on December 21, 1981.

Joy R. Simonson,

Executive Director.

[FR Doc. 81-37358 Filed 12-31-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 81-34-NG]

Michigan Wisconsin Pipe Line Co.; Application for Authorization To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Application To Import Natural Gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an application from Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) for authorization to import 100,000 Mcf per day of natural gas to be purchased from TransCanada PipeLines Limited (TransCanada) beginning November 1, 1982, or as soon thereafter as feasible, and extending for a period of ten years from the date of first delivery. The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204-54. Protests or petitions to intervene are invited.

DATES: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on February 3, 1982.

FOR FURTHER INFORMATION CONTACT:

Robert M. Stronach (Division of Natural Gas), Economic Regulatory Administration, 2000 M Street, NW., Room 6304, RG-13, Washington, D.C. 20461, (202) 653-3626

Patricia J. Neel (Office of General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Avenue, SW., Forrestal Building, Room 6E-042, Washington, D.C. 20585, (202) 252-6667.

SUPPLEMENTARY INFORMATION: On November 2, 1981, Michigan Wisconsin filed an application to import 100,000 Mcf of natural gas per day for a period of ten years, beginning on the date deliveries begin. The gas is to be purchased from TransCanada under a proposed "Gas Purchase Contract" pursuant to a "Precedent Agreement" between the two companies, dated January 29, 1981. The gas is to be delivered for the account of Michigan Wisconsin by TransCanada to Great Lakes Gas Transmission Company (Great Lakes) at the existing interconnection of these two companies on the Minnesota-Manitoba border near Emerson, Manitoba. Great Lakes presently delivers Canadian gas received at this interconnection to Michigan Wisconsin at existing interconnections between the two companies. TransCanada has applied to the National Energy Board of Canada for authority to export the gas, and to the Energy Resources Conservation Board of the Province of Alberta, Canada, for authorization to remove such gas from that Province. No decision has been made by either agency.

The proposed "Gas Purchase Contract" is to become effective on November 1, 1982, or as soon thereafter as practicable, pursuant to requisite authorizations and completion of any necessary facilities. The price of the gas to be imported will be the authorized international border price, currently $4.94 per MMBtu. The proposed contract also contains a provision whereby Michigan Wisconsin will take or pay for a minimum annual quantity of 75 percent of the daily contract quantity times the number of days in the contract year, less the difference between the daily amounts requested and the actual amounts delivered.

In support of its application, Michigan Wisconsin states that the proposed additional import of natural gas at the "border price" is in the public interest. Michigan Wisconsin states that it faces the problem of declining supplies of gas from existing sources and must replace such gas from a variety of sources to enable it to serve adequately the gas consumers in the areas it supplies. In addition to the proposed expansion of gas purchases from Canada, Michigan Wisconsin states that it is making extensive efforts to secure replacement gas from other sources and to expand its own production, and that these efforts must be pursued in order to serve adequately existing markets which rely upon the company.

Other Information

Any person wishing to become a party to the proceeding, and thus to participate in any conference or hearing which might be convened, must file a petition to intervene. Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed with the Division of Natural Gas, Economic Regulatory Administration, Room 6304, RG-13, 2000 M Street, N.W., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 p.m., February 3, 1982.

A hearing will not be held unless a motion for a hearing is made by a party or person seeking intervention and granted by ERA, or if ERA on its own motion believes that a hearing is necessary or required. A person filing a motion for a hearing should demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Michigan Wisconsin's application is available for inspection and copying in the Division of Natural Gas Docket Room, located in Room 6013, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on December 21, 1981.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 81-37411 Filed 12-31-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER81-736-000]

Central Illinois Public Service Co.; Order Clarifying Prior Order and Denying Application for Rehearing

Issued: December 28, 1981.

On November 25, 1981, Central Illinois Public Service Compay (CIPSCO) filed an application for rehearing of our order of October 30, 1981, in this proceeding. In that order the Commission, *inter alia*, suspended a wheeling tariff filed by CIPSCO for one day and directed the company to eliminate from the tariff a provision allowing it to discontinue service after 10 days notice if a bill remains delinquent for 15 days or more. CIPSCO contends that: (1) The

Commission erred in failing to determine that its filing constituted an initial rate; and (2) the Commission has improperly applied §35.15 of its regulations in ordering the company to revise its tariff.

Although not expressly stated in our prior order, we treated CIPSCO's filing, by suspending it for one day and permittting it to go into effect subject to refund, as a change in rates and not as an initial rate.

CIPSCO contends that the tariff which it filed has the attributes of an initial rate schedule particularly in that it is a tariff which was not previously filed with the Commission and which is available to any taker who meets the conditions set forth therein, including customers not previously served by the company. CIPSCO also contends that the policy of maintaining the *status quo*, which underlies our authority to suspend rate filings, is inapplicable in the instant case.

We disagree with CIPSCO's view of its filing. Under the Commission's regulations,[1] a rate schedule which purports

> to supersede, *supplement*, cancel, or *otherwise change* any of the provisions of a rate schedule required to be on file with this Commission (*such as providing for other or additional rates, charges, classifications or services, or rules, regulations, practices or contracts for a particular customer or customers*) shall be filed as a change in rates * * * (Emphasis added).

In the instant case, CIPSCO is currently providing full and partial requirements service to various Illinois municipalities. This service includes transmission of electric power. Thus, insofar as the wheeling tariff filed by CIPSCO is applicable to these municipalities, it constitutes a supplemental filing, a change in service and rates under section 205 of the Federal Power Act and under the Commission's regulations. *Florida Power & Light Co.* v. *F.E.R.C.*, 617 F.2d 809 (D.C. Cir 1980), *affirming Florida Power & Light Co.*, Docket No. ER77-175 (April 12, 1977).[2]

CIPSCO contends that *Florida Power & Light Co.* is distinguishable in that the wheeling agreements filed in that case were executed only by prior customers of the utility, whereas the tariff that has been filed in this docket is one of general applicability. It is unnecessary to determine, at this time, the status of CIPSCO's filing as it would apply to prospective, but as yet unidentified customers. We need not address this question until such time as CIPSCO submits an appropriate service agreement under the filed tariff. However, as *Florida Power & Light Co.* establishes, the Commission may classify the instant filing, at least with respect to CIPSCO's existing wholesale requirements customers, as a change in rates. Accordingly, we shall deny CIPSCO's application for rehearing on this issue.

As to the second issue raised by CIPSCO's application for rehearing, we stated in our October 30, 1981 order that the discontinuation provision contravened section 35.15 of the regulations, CIPSCO, however, contends that this regulation applies to outright termination of a rate schedule, and not to discontinuation of service. We find no effective difference between the two; §35.15 implements, in part, section 205 of the Federal Power Act which, in the absence of Commission action, precludes any change in existing service (including cessation of same) without 60 days notice to the Commission and the public. *See Missouri Utilities Co.*, Docket Nos. ER79-642, *et al.* (February 6, 1981).[3] This statutory notice requirement not only provides the Commission with an opportunity to evaluate an anticipated interruption in service, but also preserves the reliability of electric service by avoiding the possibility of cancellation as a result of customer oversight or omission. Because we find that CIPSCO's argument is unsupportable, we shall deny the application for rehearing on this issue as well.

The Commission orders

(A) CIPSCO's application for rehearing of the Commission's order of October 30, 1981, is hereby denied.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission. Commissioner Hughes concurred with a separate statement attached.

Kenneth F. Plumb,

Secretary.

HUGHES, COMMISSIONER, *concurring:*

Again we are confronted with a rate filing which is argued by its proponent to be an initial rate filing, but which the Commission finds to be a change of rate. The Commission's finding is made to avoid the problems caused by the Commission's historic view that an initial rate filing is immune from our suspension power. It is my view that the only barriers to suspension of an initial rate are of the Commission's own making, and we should set about unmaking them without delay. For the completeness of this record, I here immodestly, but for the last time, quote the explanation of this view contained in my concurring statement issued December 17, 1981 in *Puget Sound Power & Light Co.*, Docket Nos. ER81-778-000, 17 FERC ¶ 61,185.

The view that initial rates cannot be suspended under sectin 205(e) of the Federal Power Act has been a part of our lore for many years.[5] I believe that view was erroneous, albeit arguable, when it was first espoused, but that judicial interpretations of cognate statutes over the last few years have made it perfectly clear that the Power Act should be read to give equal authority to suspend rates for new services and changed rates for existing services.

The most compelling argument is the unequivocal holding of the Supreme Court in the *Trans Alaska Pipeline Rate Cases*, 436 U.S. 631 (1977). The Court there reviewed orders of the Interstate Commerce Commission suspending the initial rates for the Trans Alaska Pipeline System and permitting the filing of interim rates subject to refund.[6] The ICC acted under section 15(7) of the Interstate Commerce Act, 49 U.S.C. 15(7). The language of that section was adopted, almost verbatim, as section 205(e) of the Federal Power Act.

The Court's opinion retraced the development of the tariff filing and suspension provisions of the Interstate Commerce Act in both textual and practical terms. The analysis led squarely to the conclusion that the power to suspend initial rates was not only permissible, but was an essential part of the statutory scheme. The Court went on to sustain and commend the ICC's interim rate provisions under what the Court described as an ancillary power. 436 U.S. at 654.

One point that weighed in the Court's opinion is that the same result clearly obtains under Parts II, III and IV of the Interstate Commerce Act, which were adopted during the 1930s to extend the ICC's coverage to motor carrier, inland water carrier and freight forwarder operations. 436 U.S. at 650 and footnote 32.

To gild the lily, two other rate statutes of the 1930s adopted the language of section 15(7) and permit suspension of initial rates. See *MCI Communications, Inc.* v. *FCC*, 561 F.2d 365 (D.C. Cir. 1976), *cert. denied* 434 U.S. 1040, involving sections 203-205 of the Communications Act of 1934, 47 U.S.C. 203-205.[7] Also, see Section 3 of the Intercoastal

[1] 18 CFR 35.1.

[2] CIPSCO cites *Otter Tail Power Co.* v. *FERC*, 583 F.2d 399 (8th Cir. 1978), as dictating a contrary conclusion. However, the *Otter Tail* decision preceded *Florida Power & Light Co., supra*, in which the reviewing court both acknowledged and affirmed a subsequent change in Commission interpretation.

[3] CIPSCO attempts to distinguish *Missouri Utilities Co.*, in which the Commission rejected a similar termination provision, on the grounds that the tariff filed in that proceeding would have allowed for discontinuation of service without notice to the affected customer; in contrast, CIPSCO's tariff provides for 10 days notice. CIPSCO's argument, however, fails to account for the statutory requirement of notice *to the Commission*, apart from any notice given to the untility's customer.

[5] It is recited in our Statements of Policy at 18 CFR 2.4(d) and applies to Natural Gas Act filings through 18 CFR 252.

[6] And thereby triggering the investigation now before us in Docket No. OR78-1

[7] Section 204, which contains the suspension provisions, has since been amended to provide an

Continued

Shipping Act, 46 U.S.C. 845,[8] which was enacted with a proviso clause exempting a limited class of initial rates from suspension.

I find it unmistakable that section 205(e) of the Federal Power Act, modelled after section 15(7) of the Interstate Commerce Act, and passed contemporaneously with five other principal ratemaking statutes, has the same meaning as those statutes with respect to interim rate suspensions.

Yet the Federal Power Commission in 1945 adopted the opposite view. Reviewing courts have uncritically accepted the Commission's position, and within that framework have affirmed Commission findings that filings were rate changes rather than initial rates. But their analysis of the underlying proposition, that initial rates cannot be suspended, has been very thin.

In *Otter Tail Power Company* v. *FERC*, 583 F.2d 399 (8th Cir. 1978), the Court regarded that purpose of the suspension power as preservation of the status quo: "This supplemental suspension power is not available when considering initial rates since there exists no service status quo to maintain." 583 F.2d at 406. But there is more at stake than just the status quo. The power to suspend and to investigate under suspension importantly affects the availability of refunds and the allocation of the burden of proof. Since the Power Act lacks a reparations procedure comparable to that of the Interstate Commerce Act,[9] the practical case for initial rate suspensions is even stronger under the Power Act.

In *Florida Power & Light Co.* v. *FERC*, 617 F.2d 809 (D.C. Cir. 1980), the Court took the view that the word "such" in the opening phrase of section 205(e) finds its antecedent in the references to rate increase filings in section 205(d), rather than the references to "schedule" in section 205(c). 617 F.2d at 812. That discussion is plainly labelled as dictum, and did not consider the most obvious meaning of the phrase, which was to avoid suspensions of the first filing with the FPC of "old" rate schedules, i.e., preexisting rate schedules in effect before the passage of the Power Act, but which the Act required to be filed with the FPC. The *Florida Power* decision also relies on *United Gas Pipeline Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956) as similarly construing the Natural Gas Act's parallel section 4. My reading of *Mobile* finds no discussion, analysis or holding to support that reliance, but only truncated paraphrasing of the statute to highlight the issue there at bar. The *TAPS* case analysis, with the foregoing amplification, persuades me that a reviewing court presented squarely with this issue would sustain a suspension of an initial rate.

A further practical argument that has been advanced against initial rate suspensions is that they prevent customers from using new services during the period of suspension. That argument, if not answered by our frequent use of a minimum or one-day suspension, has been put to rest by the Supreme Court's approval in TAPS of refundable interim rates under circumstances where a longer suspension is indicated. In the Court's view, this arrangement permits service to be rendered while customers interests are protected.

There is no statutory, practical or logical reason why we must struggle to engage in the fiction of labelling initial rate filings as changes in existing rates. It simply should not affect our powers whether they are or not. I urge my colleagues to consider changing the Commission's Policy Statement § 2.4(d).[10] That Policy Statement perpetuates an ill-founded opinion from the Devonian period of the FPC's history that has become an anachronism.

[FR Doc. 81-37426 Filed 12-31-81; 8:45 am]

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interim ratemaking provisions, which is now section 204(b).

[8]Also recently amended to add new regulatory powers.

[9]See *TAPS*, 436 U.S. at 639-646

[10]If we undertakle such a review, it should also include 19 CFR 35.12, which governs filing requirements for initial rates. If an initial rate filing is subject to suspension, the required filing package should give us enough information to make a reasoned suspension decision, but we have to recognize that pertinent historic operating results will not usually be available for service.

[Docket No. ER82-155-000]

Central Maine Power Co.; Filing

December 28, 1981.

The filing Company submits the following:

Take notice that Central Maine Power Company, (CMP) on December 15, 1981, tendered for filing proposed changes in its FERC Wholesale Electric Tariffs. The proposed changes would increase revenues from jurisdictional sales and service by $420,174 based on the 12 months period ending December 31, 1980. The changes would also establish a plan for future wholesale transactions.

CMP filed these changes in its FERC Electric Tariff in order to raise the rate of return from this class of customer to a level that is just and reasonable and to establish a program for future wholesale planning. CMP proposes an effective date of February 13, 1982.

According to CMP copies of this filing were served upon the public utility's three jurisdictional customers and the Maine Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37427 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-159-000]

Central Power and Light Co.; Filing

December 28, 1981.

The filing Company submits the following:

Take notice that Central Power and Light Company (CP&L), on December 18, 1981, tendered for filing a Transmission Services Agreement (Agreement) between CP&L and Houston Lighting and Power (HL&P). Accompanying the Agreement is the Rate Schedule (designated TS No. 64) and a cost of service study. Depending upon capacity use, CP&L anticipates the transmission rate will be less than one mill. Under the agreement the transmission service charge will be in effect for a calendar year. A cost of service study and impact study will be updated annually with a new charge to be effective with the ensuing January billing period.

CP&L requests that February 14, 1981 be assigned as the filing date of the Agreement and effective date of rates for transmission services.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37428 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-160-000]

Central Telephone & Utilities Corp., Western Power Division; Filing

December 28, 1981.

The filing Company submits the following:

Take notice that on December 18, 1981, Western Power Division, Central Telephone & Utilities Corporation (Western Power) tendered for filing proposed changes to its present rate schedules for service to its REA Cooperative customers as follows:

Substitute Rate Schedule 82-CWh-2 for Rate Schedule 81-CWh-2

for service to its Municipal Wholesale customers as follows:

Substitute Rate Schedule 82-MWh-5 for Rate Schedule 81-MWh-5

for service to Midwest Energy, Inc. (an interconnected transmission and distribution cooperative) as follows:

Substitute Schedule 82-A for firm power service for present Schedule 81-A.

and for service to interconnected municipal utilities (the cities of Anthony, Attica, Beloit, Hoisington, Kingman, Pratt, Osborne, Stockton, Russell, and Washington, Kansas) as follows:

Substitute Schedule 82-A-1 for firm power service for present Schedule 81-A-1.

for Transmission Service to Kansas Electric Power Cooperative Inc. as follows:

Substitute Schedule 82-TSv-1 for Transmission Service for present Schedule 81-TSv-1.

Western Power proposed February 16, 1982, as the effective date of these new rate schedules and states that copies of this filing were served upon each of its wholesale customers affected by this filing and the Kansas State Corporation Commission.

The proposed rate schedules, according to Western Power, will produce in the case of its REA Cooperative customers a 4.97% increase in revenue, in the case of its Municipal Wholesale customers an 11.23% increase in revenue, in the case of Midwest Energy, Inc., a 14.41% increase in revenue, in the case of the Interconnected Municipal Utilities a 13.92% increase in revenue, and in the case of KEPCo a 19.34% increase in revenue over projected unadjusted test period revenue, the test period being the 12 months ending December 31, 1982. The rates under which the Company presently provides service to its REA Cooperatives and Municipal Wholesale customers are prohibitively low and confiscatory. The rates proposed for these customers will provide an adequate rate of return on the Company's investment.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protesters should be filed on or before *January 15, 1982.* Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37429 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP81-117-002, et al.]

Columbia Gas Transmission Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

December 28, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 11, 1982. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
Dec. 15, 1981	Columbia Gas Transmission Corporation	RP81-117-002	LFUT Report.
Dec. 15, 1981	Columbia Gas Transmission Corporation	RP81-117-003	LFUT Report.
Dec. 15, 1981	East Tennessee Natural Gas Company	RP82-22-000	LFUT Report.
Dec. 15, 1981	Mid-Louisiana Gas Company	RP81-106-001	LFUT Report.
Dec. 15, 1981	Midwestern Gas Transmission Company	RP82-23-000	LFUT Report.
Dec. 15, 1981	Northern Natural Gas Company	RP81-110-001	LFUT Report.
Dec. 15, 1981	Texas Eastern Transmission Corporation	RP81-121-001	LFUT Report.
Dec. 15, 1981	Transwestern Pipeline Company	RP82-24-000	LFUT Report.

[FR Doc. 81-37430 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-157-000]

Florida Power Corp.; Filing

December 28, 1981.

The filing company submits the following:

Take notice that on December 17, 1981, Florida Power Corporation ("Florida Power") tendered for filing a revision to its contract with the city of Wauchula, Florida, for wholesale electric service. The revision reflects a change in electric service from 12kV to 69kV as of September 1, 1981, and results in a net rate reduction to Wauchula.

Florida Power requests waiver of the Commission's 60-day notice requirement to allow an effective date of September 1, 1981, for the contract amendment.

Copies of this filing have been served on Wauchula and the Florida Public Service Commission.

Any person wishing to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.18, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kennth F. Plumb,

Secretary.

[FR Doc. 81-37431 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EC82-4-000]

Illinois Power Co.; Application for Merger

December 28, 1981.

Take notice that Illinois Power Company ("the Company") on December 14, 1981, tendered for filing an application for the merger of its wholly-owned subsidiary, I.P., Inc., into Mt. Carmel Public Utility Co. ("Mt. Carmel").

Under the terms of the proposed merger, I.P., Inc. will exchange stock with Illinois Power and then I.P., Inc. will merge into Mt. Carmel. The aggregate value of Illinois Power stock distributed to Mt. Carmel shareholders is approximately $3,559,219. All property of Mt. Carmel, including the electric generation, transmission, distriubution and street lighting systems and related materials, supplies and equipment, the gas distribution system and other property, will be consolidated with the facilities of Illinois Power. Mt. Carmel is a public utility engaged in the generation, transmission, distribution and sale of natural gas in the eastern two-thirds of Wabash County and in one community in southern Lawrence County, Illinois. I.P., Inc. was incorporated on October 8, 1981 to aid in the consummation of the merger into Mt. Carmel, and is presently a corporation under the laws of the State of California.

The facts relied upon by Illinois Power and Mt. Carmel to show that the proposed transaction is consistent with the public interest include the following:

(a) Decreases in billing for Mt. Carmel's customers;

(b) Illinois Power will establish a district office at Mt. Carmel;

(c) Illinois Power will upgrade the existing electric facilities to the standards of Illinois Power and thus will increase service reliability;

(d) With its various sources of gas supply, Illinois Power may be able to connect new customers in the Mt. Carmel area; and

(e) The acquisition of additional service territory will benefit Illinois Power's existing customers and stockholders by increasing the market area for sales of electric and gas energy.

Illinois Power requests approval of its application pursuant to section 203 of the Federal Power Act and § 33.2 of the Commission's regulations.

Copies of this filing were served upon Mt. Carmel Public Utility Co., Central Illinois Public Service Company, and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37432 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER81-457-000 and EL81-13-000]

Louisiana Power & Light Co.; Compliance Filing

Issued: December 28, 1981.

Take notice that Louisiana Power & Light Company (LP&L), on December 14, 1981, tendered for filing a revised Electric Service Agreement and attached rate schedule for Resale Service to the City of Winnfield. This filing was made pursuant to an Initial Decision issued November 2, 1981, which was modified and affirmed by Commission Order issued December 11, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 15, 1982. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37433 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-153-000]

Public Service Co. of Colorado; Filing

December 28, 1981.

The filing Company submits the following:

Take notice that Public Service Company of Colorado (PSCo) on December 15, 1981, tendered for filing the Western Systems Coordinating Council (WSCC) Broker Identified Energy Agreement and the WSCC Broker Transmission Service Agreement (Agreements).

PSCo states that the Agreements provide, *inter alia*, for sales and/or transmission of Broker identified economy energy between the electric systems of PSCo and other participating WSCC members either directly or through the systems of other parties. The Agreements provide for establishing terms and conditions of such Broker arranged economy energy sales. Certain individual WSCC Economy Energy "Broker" Letter Agreements will be replaced by the above-mentioned Energy Agreement and Transmission Agreement.

PSCo states that copies of the filing were served upon all parties and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 11, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37434 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-156-000]

Southern California Edison Co.; Filing

December 28, 1981.

The filing Company submits the following:

Take notice that on December 17, 1981, Southern California Edison Company (Edison) tendered for filing an agreement entitled "Capacity Exchange Agreement Between Southern California Edison Company and State of California, Department of Water Resources" which has been executed by Edison and State of California, Department of Water Resources (CDWR).

Edison states that under the terms and conditions of the agreement, Edison will make available to CDWR off-peak capacity and associated energy in exchange for on-peak capacity and associated energy made available to Edison by CDWR at either Midway

Substation near Bakersfield, California, or the 500 kV bus at Vincent Substation, located near Palmdale, California.

Edison further states that the agreement is proposed to become effective when executed by the Parties and accepted for filing by the Commission, with service to be made initially available between December 31, 1984, and April 2, 1987.

According to Edison copies of this filing were served upon the Public Utilities Commission of the State of California, and State of California, Department of Water Resources.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37435 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-16-000]

United Gas Pipe Line Co.; Proposed Changes in FERC Gas Tariff

December 23, 1981.

Take notice that United Gas Pipe Line Company (United), on December 2, 1981, tendered for filing the following proposed tariff sheets for inclusion in its FERC Gas Tariff, First Revised Volume No. 1:

Twenty-First Revised Sheet No. 21
Seventh Revised Sheet No. 22
Fourteenth Revised Sheet No. 23.

United states that the purpose of such filing is to revise the minimum bill provision applicable to pipeline service under its Rate Schedule PL-N. United has requested that the revised tariff sheets be made effective as of January 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 7, 1982. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-37436 Filed 12-31-81; 8:45 am]

BILLING CODE 6717-01-M

Western Area Power Administration

Proposed Power Marketing Plan for Excess Capacity and Public Information and Public Comment Forums Loveland-Fort Collins Area Office

AGENCY: Western Area Power Administration, DOE.

ACTION: Proposed power marketing plan and public information and public comment forums—Loveland-Fort Collins Area Office.

SUMMARY: Approximately 80 MW of previously unallocated firm capacity without energy is available through 1989 from power plants of the Pick-Sloan Missouri Basin Program—Western Division (P-SMPB—WD). Western Area Power Administration (Western) proposes to market this capacity and wishes to explore, with its customers, various alternative methods.

A public information forum will be held at which representatives of Western will explain and answer questions concerning the various alternatives. A public comment forum will be held at which comments will be received.

DATES: The public information forum will be held January 19, 1982, beginning at 9:30 a.m. and ending no later than 4 p.m.

The public comment forum will be held February 3, 1982, beginning at 9:30 a.m. and ending no later than 4 p.m.

Written comments on the alternatives must be received by the Area Manager of Western's Loveland-Fort Collins Area Office (LFCAO) at the address given below, by February 5, 1982, to be assured of consideration.

After review of the comments on the various alternatives, Western will develop a plan to market the capacity.

ADDRESSES: The public information and public comment forums will be held at the Holiday Inn Thorton, located north of Denver at the intersection of 120th Avenue and I-25 (Exit 223), in Thornton, Colorado.

FOR FURTHER INFORMATION CONTACT:

Mr. Peter G. Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, 201 South College, P.O. Box 2650, Fort Collins, CO 80522, Phone: (303) 224-7201

Mr. Harold E. Hood, Director, Division of Marketing and Rates, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, Phone: (303) 231-1545.

SUPPLEMENTARY INFORMATION:

A. Regulatory Procedural Requirements

1. *Determination Under Executive Order 12291:*

The Department of Energy has determined that this is not a major rule because it does not meet the criteria of Section 1(b) of Executive Order 12291 published in the **Federal Register** on February 19, 1981 (46 FR 13193). This rule was submitted to the Director of the Office of Management and Budget prior to publication in the **Federal Register.**

2. *Environmental Evaluation:*

Western will conduct an environmental evaluation of the proposed marketing plan when developed. It appears that implementation of the alternatives would have no significant effect on the quality of the human environment.

3. *Statutory Basis:*

The Western Area Power Administration was established on December 21, 1977, under the Department of Energy Organization Act (DOE Act). The DOE Act transferred to the Secretary of Energy all the functions of the Secretary of the Interior with respect to the power marketing functions of the Bureau of Reclamation. Western was established to administer those functions trasferred from the Bureau of Reclamation.

The marketing plan for the excess capacity is being developed by Western pursuant to the Department of Energy Organization Act (Pub. L. 95-91, 91 Stat. 565, 42 U.S.C. 7101 *et seq.*), and the Reclamation Act of 1900 (32 Stat. 388, 43 U.S.C. 372 *et seq.*), as amended and supplemented by subsequent enactments, particularly by section 9c of the Reclamation Project Act of 1939 (53 Stat. 1194, 43 U.S.C. 485h(c)).

B. Description of Resource To Be Marketed

Western's Loveland-Fort Collins Area Office markets power generated at 16 hydroelectric powerplants in Colorado and Wyoming to 56 customers in a

200,000-square-mile service area. Fifteen of these powerplants comprise the Pick-Sloan Missouri Basin Program—Western Division power system. They have a combined nameplate capacity of 518 MW.

The adverse water year peaking capability of these plants is 515 MW in the summer season and 465 MW in the winter season. Allowing 52 MW and 47 MW, respectively, for reserves, the marketable capacity at load is 463 MW in the summer season and 418 MW in the winter season.

The amount of capacity committed to firm power contracts through 1989 by the 1961 allocation procedure is 384 MW in the summer season and 346 MW in the winter season. This is the amount of capacity supportable with 1,860 million kWh of energy available in an average water year.

The resource available is this excess firm capacity (79 MW in summer and 72 MW in winter), plus seasonal capacity in excess of the 515 MW in the summer season and 465 MW in the winter season.

Prior to the 1980 winter season, the excess firm capacity together with excess seasonal capacity was diverted through the Yellowtail Powerplant, combined with P-SMBP Eastern Division resources, and marketed by Western's Billings Area Office. Beginning in 1979, operational limitations began to restrain transfers between the Eastern and Western Divisions at Yellowtail. It became necessary to develop other means to market LFCAO excess capacity. During the 1980 winter season and the 1981 summer season, excess capacity was marketed through a LFCAO coordinated marketing program to Western's Colorado River Storage Project (CRSP) power system for their firming and oil conservation use. This program will through the 1981 winter season.

C. Marketing Alternatives

Western has considered four alternatives for marketing the excess firm capacity and seasonal excess capacity. First, Western could offer to sell the excess capacity without energy to existing customers. This would result in an incease in contract rate of delivery with no additional energy entitlement.

The second alternative considered would require Western to puchase energy to integrate with the excess capacity, and to sell the resulting product—firm capacity with energy. Implementing this alternative could require the appropriation of about $5 million per year to finance the purchase of firming energy.

A third alternative would be to market the capacity with return of energy.

The fourth alternative considered is to use the excess capacity to expand the scope of the LFCAO coordinated marketing program which has been operating since October 1980. This program is called the Resource Coordination Program and is described briefly in subsection D.

The amount of energy available under the second and fourth alternatives will depend upon the availability of energy and the extent to which P-SMBP—WD can store energy, which is a function of offpeak load requirements. The amount of energy available under the third alternative would also depend upon the extent to which energy can be stored.

D. The Resource Coordination Program Description

The Resource Coordination Program (Program) is a power pooling arrangement managed by a steering committee in which the Program participants commit their individual generation resources to shape surplus energy to maximize its availability and value in the displacement of oil-fired and more costly thermal generation. The resulting benefits are split among Program participants in accordance with split-saving principles. The participants in the Program include Western and non-Federal preference utilities that own thermal-generation facilities and that have loads in Western's Loveland-Fort Collins load control area.

The major benefits of resource coordination are achieved through integration of Federal hydroelectric generation with thermal generation owned by preference entities. Surplus energy generated during offpeak hours of low demand is converted to onpeak use by reducing hydroelectric generation associated with Federal nighttime load obligations and serving that entitlement with surplus thermal-generated energy. Backing-off Federal hydrogeneration keeps in the reservoirs the water which would otherwise have been used for generation. This stored water is subsequently used to generate and sell surplus energy during daily and seasonal high-load periods when the energy is most valuable.

Issued at Golden, Colorado, December 24, 1981.

Robert L. McPhail,

Administrator.

[FR Doc. 81-37442 Filed 12-31-81; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Meeting

Meeting

Thursday, January 28, 1982, 9:30 a.m.–3:00 p.m., COMSAT Theater, Off the Lobby, 940 L'Enfant Plaza, SW., Washington, D.C.

Agenda

(1) Approval of Agenda.

(2) Presentation of Draft Reports by Subcommittee Chairmen.

(A) Service Requirements—S. Doyle.

(B) Technical Parameters—E. Reinhart.

(C) Inter-Service Sharing—J. Kelleher.

(3) Preview of Remaining Committee Tasks.

(4) Other Business.

(5) Adjournment.

Dated: December 23, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-37395 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Subgroup 1; Meeting

Subgroup 1

Service Requirements.

Meeting

Tuesday, January 26, 1982, 9:30 a.m.–4:30 p.m., Federal Communications Commission, 1229 20th Street, NW., Room A-106, Washington, D.C.

Agenda

(1) Approval of Agenda.

(2) Presentation of Overview of Subcommittee Report.

(3) Consideration of Revision of Amendments to Subcommittee Report.

(4) Planning of Subsequent Work.

(5) Other Business.

(6) Adjournment.

Dated: December 22, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-37393 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Subgroup 2; Meeting

Subgroup 2

Technical Parameters.

Meeting

Monday, January 25, 1982, 9:30 a.m.–4:30 p.m., Federal Communications Commission, 1229 20th Street, NW., Room A–110, Washington, D.C.

Agenda

(1) Approval of Agenda.
(2) Approval of Minutes of last meeting.
(3) Announcements.
(4) Progress Report of Working Group 2A—J. Ramasastry.
(5) Progress Report of Working Group 2B—E. Martin.
(6) Inputs from Subcommittee 1.
(7) Inputs from Subcommittee 3.
(8) Final Subcommittee Report.
(9) Other Business.
(10) Date for Next Meeting and Adjournment.

Dated: December 22, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-37394 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-902; File No. BP-801205AA]

Bott Broadcasting Co.; Memorandum Opinion and Order Designating Applications for Hearing on Stated Issues

Adopted: December 14, 1981.

Released: December 29, 1981.

In re application of Bott Broadcasting Company, KCCV, Independence, Missouri, Has: 1510 kHz, 1 kW, Day, Req: 1510 kHz, 1 kW, 10 kW–LS, DA–2, U, BC Docket No. 81–902, File No. BP–801205AA, for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, now considers (i) the above-captioned application of Bott Broadcasting Company to modify the facilities of KCCV, (ii) a petition to deny it filed by Sudbrink Broadcasting of Tennessee, Inc., licensee of cochannel class I–B station WLAC, Nashville, Tennessee, (iii) Bott's opposition to the petition, (iv) Sudbrink's supplement to the petition, (v) Bott's opposition to the supplement, and (vi) Sudbrink's reply to that.

2. Because Sudbrink alleges that the proposed nighttime operation may cause objectionable interference to the secondary service area of its station, WLAC, Nashville, Tennessee, it has standing to object to the Bott proposal. Federal Communications Commission v. National Broadcasting Co., 319 U.S. 239 (1943); see also Thunderbird Broadcasting Co., 61 FCC 2d 1190 (1976).

3. *Sudbrink's petition.* Sudbrink's interference argument is based on assertions that the terrain of the proposed nighttime site is unsuitable, that the site is near several sources of potential reradiation, and that a stability study it conducted shows that the proposed directional antenna is inherently sensitive to minor parameter variations, with the result that the antenna cannot be adjusted and maintained within the proposed standard-pattern values of radiation. Therefore, it concludes that there is a risk of interference to WLAC.[1] Sudbrink also alleges that Bott failed to broadcast notice of the retender of its application, that Bott has not complied with local zoning restrictions for its proposed nighttime site, that that site is unavailable, and that the proposed daytime power increase would create substantial problems of blanketing interference within the 1 V/m blanket contour.

4. In opposition, Bott argues that the nighttime site is suitable; that Sudbrink has not shown anything likely to present a serious reradiation problem; and that Sudbrink has not shown that the alleged site and antenna defects would result in interference to WLAC, since interference would not occur unless radiation substantially exceeded standard-pattern values. Further, Bott contends that publication was not required for its retendered application, that the nighttime site and necessary zoning approval can be acquired, and that its daytime proposal does not violate the Commission's blanketing rules.

5. With respect to Sudbrink's principal argument, a determination of array stability involves consideration of factors both internal and external to an array. Using our computerized stability study and the one adopted in Home Service Broadcasting Corp., 68 FCC 2d 1135 (1978), we find that with parameter variations as small as 0.5-percent current-ratio deviation and 0.5° phase deviation, nighttime radiation in the direction of WLAC would exceed the specified standard radiation values. (Our benchmarks are 1%/1° for generally stable arrays and 0.1%/0.1° for highly unstable arrays; between these extremes we consider arrays on a case-by-case basis.) Further, a high RSS/RMS ratio of 3.002 also indicates instability. In light of these factors, we are unable to determine that the proposed array can be adjusted and maintained within the proposed standard pattern.[2] Therefore, exploration of the proposed nighttime operation at hearing is required, at which time Sudbrink's reradiation and site-suitability arguments can be considered.

6. Turning to the other matters raised, the retendered application was accompanied by a timely petition for reconsideration of an earlier Bureau action returning the application, and a minor technical amendment. Since the retender represented continued prosecution of the application for which local notice had already been given and the amendment did not affect a major change, no further notice was required. See § 73.3571(b) of the Commission's rules.

7. Bott has satisfactorily rebutted Sudbrink's assertion that the owner of the proposed nighttime transmitter site is not willing to sell or lease it to Bott. Petitioner's remaining argument as to site availability reduces to the mere fact that Bott has not yet secured the required special use permit. Therefore, no substantial question of site availability is presented. See San Francisco Wireless Talking Machine Co., Inc., FCC 80–160, Mimeo No. 27330, 47 RR 2d 889 (1980).

8. Finally, as Bott correctly points out, its daytime proposal complies with § 73.24(g) of our rules in that the population within the 1V/m contour (4,192) is less than one percent of that within the 25 mV/m contour (570,450). Further, Bott recognizes its obligation under § 73.88 of the rules to satisfy any reasonable complaints of blanketing interference that may develop. Therefore we find no basis to Sudbrink's allegation of potentially serious blanketing interference problems. See generally Mariner Communications, Inc., FCC 80–760, Mimeo No. 28570, 48 RR 2d 1218 (1980).

9. *Other matters.* Applicant has requested waiver of § 73.24(j) of the rules because its proposed 5 mV/m nighttime contour would not serve all residential areas of Independence.[3] In

[1] We note that Sudbrink does not assert that the proposed standard pattern would cause interference to WLAC, only that the antenna cannot be adjusted and maintained within the standard pattern values of radiation.

[2] Since we are unable to determine that the nighttime array can be adjusted and maintained within the proposed standard pattern, we need not reach the question of whether there would be interference to WLAC.

[3] In pertinent part, § 73.24(j) requires "that the 5 mV/m contour (or, at night, the interference-free

Continued

support of its request, Bott says it would provide service to over 97 percent of the residential area and 99 percent of the population of the city. However, it has not said what part of the city's total area would not receive service or described that unserved area in more than general terms. Such information is critical to a determination of whether waiver is warranted. Further, internal inconsistencies in Bott's submissions supporting its waiver request raise questions as to the validity of the data submitted. There is an unexplained substitution of units of area (square miles versus acres), with no corresponding change in the associated numerical values; Bott does not recognize any difference in the area covered by the 5 and the 4.26 mV/m (interference-free) contours (though Bott's own maps show some, as we would expect); and part of one planning district which appears not to receive 5 mV/m service was apparently not taken into account. We will therefore specify an appropriate issue.

10. Except as indicated by the issues specified below, the applicant is qualified to construct and operate as proposed. However, in view of the foregoing, the Commission is unable to conclude that grant of this application would serve the public interest, convenience, and necessity, and is of the opinion that it must be designated for hearing.

11. Accordingly, it is ordered, that pursuant to Section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at at time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the proposed nighttime antenna system can be adjusted and maintained within the proosed limits of radiation.

2. To determine whether the nighttime proposal would provide coverage of Independence, Missouri, as required by § 73.24(j) of the Commission's rules, and if not whether circumstances exist which warrant waiver of that rule.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest, convenience, and necessity.

12. It is further ordered, that the petition to deny filed by sudbrink Broadcasting of Tennessee, Inc. is granted to the extent indicated, and is denied otherwise, and that Sudbrink is made party to the proceeding.

13. It is further ordered, That in the event of a grant of the application, the construction permit shall contain the following conditions:

An antenna monitor of sufficient accuracy and repeatability, and having a minimum resolution of 0.1 degree phase deviation and 0.1 percent sample-current deviation, shall be installed and continuously available to indicate the relative phase and magnitude of the sample currents of each element in the array, to insure maintenance of the radiated fields within the authorized values of radiation.

Upon receipt of operating specifications and before issuance of a license, permittee shall submit the results of daily observations of the base currents and their ratios, relative phases, sample currents and their ratios, and sample current ratio deviations for each element of the array, along with the final amplifier plate voltage and current, the common point current, and field strengths of each monitoring point for both nondirectional and directional operations for a period of at least 30 days to demonstrate that the array will be maintained within the specified tolerances.

14. It is further ordered, that to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's rule, the parties shall within 20 days of the mailing of the order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

15. It is further ordered, that pursuant to Section 311(a)(2) of the Communicatons Act of 1934, as amended, and § 73.3594 of the Commission's rules, Bott shall give notice of the hearing and shall advise the Commission of the publication of the notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-37385 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-887—81-889; File Nos. BPH-800923AD, etc.]

Limestone Broadcasting, Inc., et al.; Hearing Designation Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 11, 1981.

Released: December 28, 1981.

In re applications of Limestone Broadcasting, Inc., Mexia, Texas, Req: 104.9 MHz, Channel 285 3 kW (H&V), 292 feet, BC Docket No. 81-887, File No. BPH-800923AD; Summit Broadcasting Associates, Inc., Mexia, Texas, Req: 104.99 MHz, Channel 285 2.3 kW (H&V), 335 feet, BC Docket No. 81-888, File No. BPH-810112AE; BI-Stone Radio Company, Inc., Mexia, Texas, Req: 104.9 MHz, Channel 285 3 kW (H&V), 300 feet, BC Docket No. 81-889, File No. BPH-810205AA; for construction permit for a new FM station.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (i) The above-captioned mutually exclusive applications filed by Limestone Broadcasting, Inc. (Limestone), Summit Broadcasting Associates, Inc. (Summit), and Bi-Stone Radio Company, Inc. (Bi-Stone), and (ii) a petition to dismiss filed by Limestone against Bi-Stone and related attachments.

2. Since no determination has been reached that the antennas proposed by Limestone, Summit, and Bi-Stone would not constitute a menace to air navigation, an issue regarding this matter is required.

3. *Other Matters.* Limestone has filed a petition to dismiss Bi-Stone's application on the ground that Bi-Stone's application is unacceptable for filing since it was received February 5, 1981, one day after the February 4, 1981 cut-off listed on the Public Notice (Mimeo No. 05235) released December 22, 1980. However, as noted in the Public Notice (Mimeo No. 07123) released February 18, 1981:

Since the intervening holidays delayed publication of the report in the **Federal Register** until January 16, 1981, applications and/or petitions which were required to be on file by February 4, 1981 will be considered to have met that deadline if they were filed by February 17, 1981.

Accordingly, Limestone's petition is denied.

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that a hazard to air navigation would occur as a result of the tower heights and locations proposed by Limestone Broadcasting, Inc., Summit Broadcasting Associates, Inc., and Bi-Stone Radio Company, Inc.

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contour, if of a higher value) [encompass] all residential areas of such community."

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

6. It is further ordered, that the Federal Aviation Administration is made a party to the proceeding.

7. It is further ordered, that in the event the application of Limestone Broadcasting, Inc. is granted, it is subject to the condition that if the Commission ultimately adopts a rule prohibiting commonly-owned AM and FM stations in the same market, Limestone Broadcasting, Inc. will divest itself of either KBUS(AM) or its FM station in accordance with the requirements established in such rulemaking proceeding.

8. It is further ordered, that the petition to dismiss filed by Limestone Broadcasting, Inc. is denied.

9. It is further ordered, that to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

10. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing (either individually or, if feasible and consistent with the rules, jointly) within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.359(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division.

[FR Doc. 81-37387 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-885, 81-886; File Nos. BPCT-810716KF; BPCT-810908KI]

Robert Paul Owens and O. L. Turner; Hearing Designation Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 11, 1981.

Released: December 28, 1981.

In re applications of Robert Paul Owens, Sikeston, Missouri, BC Docket No. 81-885, File No. BPCT-810716KF; O. L. Turner, Sikeston, Missouri, BC Docket No. 81-886, File No. BPCT-810908KI; for construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 45, Sikeston, Missouri.

2. Since no determination has been reached that the tower heights and locations proposed by Robert Paul Owens and O. L. Turner would not constitute a hazard to air navigation, an issue regarding this matter is required.

Robert Paul Owens

3. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's rules to give local notice of the filing of their applications. They must then file with the Commission the statement described in § 73.3580(h) of the rules. We have no evidence that Robert Paul Owens published the required notice. To remedy this deficiency, Robert Paul Owens will be required to publish local notice of his application, if he has not already done so, and to file a statement of publication with the presiding Administrative Law Judge.

4. The proposed antenna and tower is to be located 1.67 miles from the existing AM station KSIM tower. Therefore, in order to insure that the AM pattern will not be adversely affected, a grant of this application will be appropriately conditioned.

5. Applicant estimates that $183,576 will be required to construct and operate for three months. Applicant has demonstrated that $179,750 is available to finance the proposal. So, there is a $3,826 short-fall. In light of the strong financial condition of Robert Paul Owens, it is reasonable to assume he will be able to obtain the additional $3,826. Therefore, no financial issue will be specified.

O. L. Turner

6. Applicant did not submit Section II, FCC Form 301, but submitted a Statement In Lieu of Section II, which contains some ownership information and seeks to incorporate by reference information from other applications filed by him. He has not indicated whether there have been any changes since the date of filing. In light of the above, applicant will be required to submit to the Commission, within 30 days of the mailing of this Order, all the requisite FCC Form 301, Section II information.

7. Applicant estimates that $582,970 will be required to construct and operate for three months as proposed. To finance its proposal, applicant relies upon: (1) A net loan of $221,600 from The Bank of Harrisburg, and; (2) existing capital of $600,000. With respect to (2) above, Turner has $100,000 in cash and $105,293 in certificates of deposit as a liquid assets. Substracting the $22,500 current portion of Real Estates Mortagages liabilities, net liquid assets are $182,793. Net liquid assets added to the $221,600 net loan, gives total funds available of $404,393. Since $582,970 is required to finance the proposal, there is a $178,576 short-fall. Therefore, an appropriate financial issue will be specified.

Conclusion and Order

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, that, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Robert Paul Owens and O. L. Turner whether there is a reasonable possibility that the tower height and location proposed by each would constitute a hazard to air navigation.

2. To determine with respect to O. L. Turner:

(a) The source and availability of an additional $178,576;

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

10. It is further ordered, that, Robert Paul Owens file a statement of publication of local notice of its application with the presiding Administrative Law Judge in accordance with § 73.3580(f) of the Commission's rules.

11. It is further ordered, That the Federal Aviation Administration is made a party to the proceeding with respect to issue 1.

12. It is further ordered, that should a construction permit be granted to Robert

Paul Owens, such grant will be subject to the following condition:

Prior to construction of the TV tower authorized herein, permittee shall notify AM station KSIM so that that station may determine operating power by the indirect method. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the radiation pattern of the aforementioned AM station. Subsequent to construction of the TV tower and installation of all appurtenances thereon, antenna impedance measurements of the AM antenna shall be made and sufficient field strength measurements, obtained at at least 10 locations along each of eight equally spaced radials, shall be made to establish that the AM radiation pattern is essentially omnidirectional and the results submitted to the Commission in application for the AM station to return to the direct method of power determination. Thereafter, the TV station may commence Limited Program Tests.

13. It is further ordered, that O. L. Turner shall, within 30 days of the mailing of this Order, file with the presiding Administrative Law Judge, an amendment containing F.C.C. Form 301, Section II information which was omitted from the original application.

14. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

15. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division, Broadcast Bureau.

[FR Doc. 81-37386 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1325]

Petitions for Reconsideration of Actions in Rule Making Proceedings

December 28, 1981.

The following listing of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed on or before January 15, 1982. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Coxsackie and Rotterdam, New York) (BC Docket No. 81-322, RM's 3722 & 3935)

Filed by: Scott H. Robb, Attorney for Catskill Communications, Inc., (WCKL) on 12-21-81.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-37392 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-900, 81-901; File Nos. 22286-CG-P-(3)-81, 20118-CG-P-(3)-81]

Radiocall Corp. and Skyphone, Inc.; Order Designating Applications for Hearing Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 16, 1981.
Released: December 22, 1981.

In re applications of Radiocall Corporation, for authority to construct a new air-ground radiotelephone station on working frequencies 454.725 and 454.850 and on signalling frequency 454.675 in the Domestic Public Land Mobile Radio Service at Honolulu, Hawaii, CC Docket No. 81-900, File No. 22286-CG-P-(3)-81; Skyphone, Inc., for authority to constuct a new air-ground radiotelephone station on working frequencies 454.750 and 454.950 MHz and on signalling frequency 454.675 in the Domestic Public Land Mobile Radio Service at Honolulu, Hawaii, CC Docket No. 81-901, File No. 20118-CG-P-(3)-81.

1. Presently before the Chief, Mobile Services Division, acting pursuant to delegated authority, are the captioned applications of Radiocall Corporation (Radiocall) and Skyphone, Inc. (Skyphone) for air-ground radiotelephone stations at Honolulu, Hawaii. In its Report and Order in Docket 16073, which estabished the public air-ground radiotelephone service, the Commission listed Honolulu as one of the locations where air-ground radiotelephone service would be available.[1] In each of these locations, the Commission set aside from one to four working frequencies, but only one signalling frequency. Thus, even though Radiocall and Skyphone requested different working frequencies, their applications for the signalling frequency at Honolulu are electrically mutually exclusive. It is not the Commission's policy at this time to allow sharing of the signalling frequency. Also in Docket 16073, the Commission stated that it would authorize only one carrier to provide air-ground service in each of the locations where frequencies were made available. Therefore, a comparative hearing will be held to determine which of these applicants would better serve the pubic interest. We find both Radiocall and Skyphone to be legally, technically and otherwise qualified to construct and operate the proposed facilities.

2. Accordingly, it is ordered pursuant to section 309 of the Communications Act of 1934, as amended, that the applications of Radiocall Corporation, File No. 22286-CG-P-(3)-81 and Skyphone, Inc., File No. 20118-CG-P-(3)-81, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the maintenance, personnel, and facilities pertaining thereto; and

(b) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

3. It is further ordered that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

4. It is further ordered that the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Order.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

William F. Adler,

Acting Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-37384 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Report and Order in Docket No. 16073, 22 FCC 2d 716, released January 7, 1970.

[CC Docket Nos. 81-879, 81-880; File Nos. 22144-CD-P-(1)-81, 21258-CD-P-(1)-81]

Rockford Communications Company, Inc. and Answer Iowa, Inc.; Order Designating Applications for Hearing Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 14, 1981.
Released: December 22, 1981.

In re applications of Rockford Communications Company, Inc., for a construction permit to establish an additional location for Station KSJ610 to operate in the Domestic Public Land Mobile Radio Service on frequency 152.15 MHz at Grand Detour, Illinois, CC Docket No. 81-879, File No. 22144-CD-P-(1)-81; Answer Iowa, Inc., for a construction permit to establish a new two-way station to operate in the Domestic Public Land Mobile Radio Service on frequency 152.15 MHz near Sterling, Illinois, CC Docket No. 81-880, File No. 21258-CD-P-(1)-81.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications. These applications are electrically mutually exclusive;[1] therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.[2]

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Rockford Communications Company, Inc., File No. 22144-CD-P-(1)-81, and Answer Iowa, Inc. File No. 21258-CD-P-(1)-81, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto:

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within 37 dBu contours,[3] based upon the standards set forth in § 22.504(a) of the Commission's rules,[4] and services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience, an necessity.

3. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commisison pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Order.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

William F. Adler,

Acting Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-37382 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[1] We note that while Rockford is applying to add an additional location for Station KSJ610, Answer is seeking a new station. A grant of either application would preclude a grant of the other.

[2] By MO&O released July 31, 1981, The Common Carrier Bureau, pursuant to delegated authority, denied a "Petition to Dismiss or Deny" filed by Rockford and granted the application of Answer Iowa, Inc. This grant was set aside and the Answer Iowa, Inc. application was returned to pending status by MO&O released August 6, 1981. In its order setting aside the grant, the Bureau stated that the matters raised in Rockford's petition were properly disposed of and would not be revisited.

[3] For the purpose of this proceeding, the interference-free area is defined as the area within the 37 dBu contour as calculated from Section 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R-6406, equation 8.

[4] Section 22.504(a) of the Commission's rules and regulations describes a field strength contour of 37 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in twoway communications service in frequencies in the 150 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicant should consult with the Bureau counsel with the goal of reaching joint technical exhibits.)

[CC Docket No. 81-875, 81-876; File Nos. 22216-CD-P-(1)-81, 23043-CD-P-(1)-81]

Salisbury Mobile Telephone, Inc. and Airsignal International of Philadelphia, Inc.; Order Designating Applications for Hearing Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 14, 1981.
Released: December 22, 1981.

In re applications of Salisbury Mobile Telephone, Inc., for construction permit to modify its facilities operating on frequency 152.24 MHz for Station WXR994 in the Domestic Public Land Mobile Radio Service at Ocean City, Maryland, CC Docket No. 81-875, File No. 22216-CD-P-(1)-81, Airsignal International of Philadelphia, Inc., for construction permit to add a new location for Station KWU287 on frequency 152.24 MHz in the Domestic Public Land Mobile Radio Service at Wildwood, New Jersey, CC Docket No. 81-876, File No. 23043-CD-P-(1)-81.

1. Presently before the Chief, Common Carrier Bureau, pursuant to delegated authority, are the captioned applications of Salisbury Mobile Telephone, Inc. and Airsignal International of Philadelphia, Inc. These applications are electrically mutually exclusive;[1] therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the application of Salisbury Mobil Telephone, Inc., File No. 22216-CD-P-(1)-81 and Airsignal International of Philadelphia, Inc., File No. 23043-CD-P-(1)-81, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance, personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within the 43 dBu contours,[2] based upon the standards set forth in § 22.504(a) of the Commission's rules,[3] and compare the need for the proposed service in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience, and necessity.

3. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

[1] We note that while Salisbury is applying to modify its existing facilities, Airsignal is seeking to add an additional location for its existing Station KWU287. A grant of either application would preclude a grant of the other.

[2] For the purpose of this proceeding, the interference-free area is defined as the area within the 43 dBu contour as calculated from Section 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R-6406, equation 8.

[3] Section 22.504(a) of the Commission's rules and regulations describes a field strength contour of 43 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in one-way communications service on frequencies in the 150 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicant should consult with the Bureau counsel with the goal of reaching joint technical exhibits.)

5. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Order.

6. The Secretary shall cause a copy of this Order to be published in the Federal Register.

William F. Adler,

Chief, Mobil Services Division, Common Carrier Bureau.

[FR Doc. 81-37389 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[CC Docket Nos. 81-898, 81-899; File Nos. 20189-C6-P-2-81, 22321-CG-P-2-81]

Williams Metro Communications Corp. and Porta-Phone, Inc.; Order Designating Applications for Hearing; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 16, 1981.

Released: December 28, 1981.

In re applications of Williams Metro Communications Corporation, for authority to construct a new airground radiotelephone station on frequencies 454.675 and 454.700 MHz in the Domestic Public Land Mobile Radio Service at Tallahassee, Florida, CC Docket No. 81-898, File No. 20189-CG-P-2-81; Porta-Phone, Inc., for authority to construct a new airground radiotelephone station on frequencies 454.675 and 454.700 MHz in the Domestic Public Land Mobile Radio Service at Tallahassee, Florida, CC Docket No. 81-899, File No. 22321-CG-P-2-81.

1. Presently before the Chief, Mobile Services Division, acting pursuant to delegated authority, are the above-captioned applications of Williams Metro Communications Corporation (WMCC) and Porta-Phone, Inc. (Porta-Phone) for airground radiotelephone stations at Tallahassee, Florida. An informal objection to WMCC's application was filed by Porta-Phone. Responsive pleadings have been filed. These applications are electrically mutually exclusive; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest.

2. The issue we have before us is whether allegations relating to an application filed by Williams & Williams Radio Telephone (Williams & Williams) for a new two-way facility at Tallahassee, Florida, raise substantial questions about WMCC's basic qualifications to be a licensee in the Domestic Public Land Mobile Radio Service. The objector in that proceeding alleges that Williams & Williams failed to disclose family relationships among principals of Williams & Williams and WMCC.[1] WMCC is already licensed to operate a two-way facility at Tallahassee. The objector in that proceeding also alleges that the principals of Williams & Williams and WMCC filed the two-way application at Tallahassee with a strike motive.

3. In a separate proceeding, we have reviewed the allegations raised against Williams & Williams and conclude that Porta-Phone has not raised a substantial question about the basic character qualifications of either Williams & Williams or WMCC. Therefore, we will not designate for hearing a character issue.[2]

4. We find both WMCC and Porta-Phone to be legally, technically and otherwise qualified to construct and operate the proposed facilities. Accordingly, it is ordered, that the informal objection filed by Porta-Phone is denied. It is further ordered pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Williams Metro Communications Corporation, File No. 20189-CG-P-2-81 and Porta-Phone, File No. 22321-CG-P-2-81 are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the maintenance, personnel, and facilities pertaining thereto; and

(b) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience and necessity.

5. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent order.

6. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

7. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Order.

8. The Secretary shall cause a copy of this Order to be published in the Federal Register.

William F. Adler,

Acting Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-37388 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[1] Williams & Williams is a partnership comprised of A. Suzanne Williams and Betty J. Williams. A. Suzanne Williams is the wife of WMCC's President, Kenneth L. Williams, and Betty J. Williams is the mother of two of WMCC's three stockholders, Kenneth L. Williams and Karen W. Dunlap.

[2] By a separate order adopted on November 12, 1981, we denied the informal objection which raised the disclosure and strike allegations and found Williams & Williams to be qualified to construct and operate its proposed facility. Williams & Williams Radio Telephone, Mimeo 865, adopted November 12, 1981.

[CC Docket Nos. 81-877, 81-878; File Nos. 21160-CD-P-(1)-81, 21853-CD-P-(1)-81]

Henry M. Zachs, et al; Order Designating Applications for Hearing; Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 14, 1981.

Released: December 22, 1981.

In re applications of Henry M. Zachs d.b.a. Massachusetts-Connecticut Mobile Telephone Company, for a construction permit to add an additional location on frequency 152.2 MHz for Station KCC803 in the Domestic Public Land Mobile Radio Service at New Haven, Connecticut, CC Docket No. 81-877, File No. 21160-CD-P-(1)-81; Beep Communications Systems, Inc., for a construction permit to modify the facility of Station KEC739 on frequency 152.12 MHz in the Domestic Public Land Mobile Radio Service at Coram, New York, CC Docket No. 81-878, File No. 21853-CD-P-(1)-81.

1. Presently before the Chief, Mobile Services Division, pursuant to delegated authority, are the captioned applications of Henry M. Zachs d.b.a. Massachusetts-Connecticut Mobile Telephone Company and Beep Communications Systems, Inc. These applications are electrically mutually exclusive; therefore, a comparative hearing will be held to determine which applicant would better serve the public interest. We find the applicants to be otherwise qualified.

2. Accordingly, it is ordered, pursuant to Section 309 of the Communications Act of 1934, as amended, that the applications of Henry M. Zachs d.b.a. Massachusetts-Connecticut Mobile Telephone Company, File No. 21160-CD-P-(1)-81, and Beep Communications Systems, Inc., File No. 21853-CD-P-(1)-81, are designated for hearing in a consolidated proceeding upon the following issues:

(a) To determine on a comparative basis, the nature and extent of service proposed by each applicant, including the rates, charges, maintenance,

personnel, practices, classifications, regulations, and facilities pertaining thereto;

(b) To determine on a comparative basis, the areas and populations that each applicant will serve within the prospective interference-free area within the 37 dBu contours, [1] based upon the standards set forth in § 22.504(a) of the Commission's rules, [2] and services in said areas; and

(c) To determine, in light of the evidence adduced pursuant to the foregoing issues, what disposition of the referenced applications would best serve the public interest, convenience, and necessity.

3. It is further ordered, that the hearing shall be held at a time and place and before an Administrative Law Judge to be specified in a subsequent Order.

4. It is further ordered, that the Chief, Common Carrier Bureau, is made a party to the proceeding.

5. It is further ordered, that the applicants may avail themselves of an opportunity to be heard by filing with the Commission pursuant to § 1.221(c) of the rules within 20 days of the release date hereof, a written notice stating an intention to appear on the date for the hearing and present evidence on the issues specified in this Order.

6. The Secretary shall cause a copy of this Order to be published in the **Federal Register.**

William F. Adler,

Acting Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 81-37383 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

[1] For the purpose of this proceeding, the interference-free area is defined as the area within the 37 dBu contour as calculated from Section 22.504, in which the ratio of desired-to-undesired signal is equal to or greater than R in FCC Report No. R-6404, equation 8.

[2] Section 22.504(a) of the Commission's rules and regulations describes a field strength contour of 37 decibels above one microvolt per meter as the limits of the reliable service area for base stations engaged in two-way communications service on frequencies in the 150 MHz band. Propagation data set forth in § 22.504(b) are the proper bases for establishing the location of service contours F(50,50) for the facilities involved in this proceeding. (The applicants should consult with the Bureau counsel with the goal of reaching joint technical exhibits.)

Radio Technical Commission for Marine Services; Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

Special Committee No. 76
"Maritime Advisory Committee in Preparation for the 1983 Mobile Services World Administrative Radio Conference (1983 Mobile Services WARC)"
Notice of 11th Meeting
Wednesday, January 13, 1982—9:30 a.m.
1st Floor Auditorium
Comsat Building, 940 L'Enfant Plaza, SW, Washington, D.C.

Agenda

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Discussion of FCC Fourth Notice of Inquiry.
4. Establishment of future meeting schedule.

Charles Dorian, Chairman, SC-76, Comsat Corporation, Washington, D.C., Phone: (202) 554-6756

Executive Committee Meeting
Notice of January Meeting
Thursday, January 21, 1982—9:30 a.m.
Conference Room A-110, 1229 20th Street, NW, Washington, DC

Agenda

1. Administrative Matters.
2. Consideration of proposal to modify RTCM Radar Specifications.

Special Committee No. 80
"FCC Rules Review as Required by Regulatory Flexibility Act of 1980"
Notice of 2nd Meeting
Thursday, January 21, 1982—1:30 p.m.
Conference Room A-110, FCC Annex, 1229 20th Street, NW, Washington, DC

Agenda

1. Administrative Matters.
2. Discussion concerning tasks, organization and schedule.
3. Working group assignments.

Charles S. Carney, Chairman SC-80, Nav-Com, Inc., 711 Grand Blvd., Deer Park, NY 11729, Phone: (516) 667-7710

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement, oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632-6490).

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-37391 Filed 12-31-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 81-836]

Publication of Recordkeeping and Reporting Requirements

Dated: December 29, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The Paperwork Reduction Act of 1980 requires agencies to obtain and display a control number upon any information collection request. The Board has obtained a control number from the Office of Management and Budget for all information collection requests in effect on November 5, 1981. By this action, the Board is publishing the control number and the information collection requests to which it applies for the benefit of those subject to those requests.

SUPPLEMENTARY INFORMATION: Section 3507 of the Paperwork Reduction Act of 1980 (the "Act") [Pub. L. No. 96-511, 94 Stat. 2812 (1980) (to be codified at 44 U.S.C. 3501 *et seq.*)] requires any federal agency to obtain a control number from the Director of the Office of Management and Budget ("OMB") and to display that number on any information collection request. After December 31, 1981, no person may be penalized for failing to maintain or provide information unless the information collection request displays a current control number.

The Board has submitted all of its information collection requirements to the Director of OMB and received a control number for recordkeeping requirements on November 5, 1981. This number will be in effect until December 31, 1982. In order to notify members of the public affected by these requirements, the Board is taking this opportunity to publish the control number and the recordkeeping requirements to which it applies. Accordingly, the following recordkeeping requirements have been approved by the Office of Management and Budget under the Act and have been assigned OMB #3068-0031:

12 CFR 523.13(b)
12 CFR 523.29(c)
12 CFR 545.1-1(f)
12 CFR 545.6(b)
12 CFR 545.6-2(d)
12 CFR 545.6-13(c)
12 CFR 545.16
12 CFR 545.20
12 CFR 545.24a(e)
12 CFR 545.29
12 CFR 552.11
12 CFR 563.9(b)
12 CFR 563.9-3(c)
12 CFR 563.13(d)
12 CFR 563.17-2(a)
12 CFR 563.17-3(e)
12 CFR 563.23-1(f)
12 CFR 563.23-2(d)
12 CFR 563.23-3(b)
12 CFR 563.8(j)(2)

12 CFR 563.8(k)
12 CFR 563.25(c)
12 CFR 563.25(f)
12 CFR 563.39-1(f)
12 CFR 563b.4(a)(3)(ii)
12 CFR 563c.10(c)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-37415 Filed 12-31-81; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Totem Ocean Trailer Express, Inc.; Petition for Declaratory Order; Order on Remand

On November 23, 1981, the United States Court of Appeals for the Ninth Circuit issued an opinion in *Totem Ocean Trailer Exp. v. FMC*, No. 80-7721, in which it upheld certain determinations set forth in our October 22, 1980 Report and Order in this proceeding denying the petition for declaratory order sought by Totem Ocean Trailer Express, Inc. (TOTE). The Court affirmed our conclusions that joint rates could exist between water carriers and motor carriers for the transportation of non-Interstate Commerce Commission (ICC) regulated commodities in the domestic offshore trades in the absence of specific statutory authority, and that, if they did, the Commission would have no jurisdiction over all or any part of them. The Court remanded the case to us for consideration of the question of whether the Commission ought, because of regulatory problems, to prohibit water carriers from establishing joint rates in the domestic offshore trades with motor carriers providing transportation not regulated by the ICC.

We will therefore reopen this proceeding for the limited purpose of considering the issue formulated by the Ninth Circuit in remanding this matter to us:

> Does effective implementation of the Shipping Acts require that the joint through rates between motor carriers of non-ICC regulated commodities and water carriers in the domestic offshore trades be prohibited?

Although we recognize the problems which may arise if the Commission does not prohibit the establishment of joint rates of the type here in issue, we have substantial reservations as to our power to create such a prohibition. Where, as here, the literal language and legislative history of section 2, Intercoastal Shipping Act, 1933, 46 U.S.C. 844, and case law construing that statutory provision all indicate that the Commission was not intended to regulate joint motor-water rates in the domestic offshore trade,[1] the prohibition of the establishment of such rates would seem to be an attempt to do indirectly what Congress desired the agency not do. Analogies present themselves which make such prohibition very problematical. Thus, for example, in *Austasia Intermodal Lines v. FMC*, 580 F. 2d 642 (D.C. Cir. 1978) (*Austasia*), where the court held that the Commission lacked jurisdiction over rates for transportation between interior United States points and foreign countries where the water transportation utilized Canadian rather than United States ports, could the Commission have ordered the water carrier there involved to use only United States ports? Similarly, in *FMC v. Seatrain Lines, Inc.*, 411 U.S. 726 (1973), where the Supreme Court held that the Commission had no jurisdiction over mergers or acquisitions of its regulated carriers, could the Commission have ordered the carriers there involved not to engage in such activities so that Commission jurisdiction would be preserved? On the contrary, it would seem that, as the court observed in *Austasia*, "It is not * * * the prerogative of a court or an administrative agency to expand the scope of legislation beyond what was originally intended by Congress." See 580 F. 2d, *supra*, at 647.

It would also seem, moreover, that the type of problem which led the ICC to prohibit its regulated carriers from establishing joint rates for through transportation with ocean carriers in *Cosmopolitan Shipping Co. v. Hamburg-American Packet Co.*, 13 I.C.C. 266, 279-281 (1908) (*Cosmopolitan*) is far removed from the type of problem here under consideration. In *Cosmopolitan* the ICC prohibited the filing of joint rates between regulated rail and the then unregulated ocean carriers because such joint rates would, since the ICC could not control the activities of the rail carriers with respect to the water portion of those rates, enable the rail carriers to utilize the water portion to give rebates and engage in discreminatory activities. See 13 I.C.C., *supra*, at 280. Here, however, the problem is not the inability effectively to control activities which were meant to be regulated, but the inability to regulate activities which it would seem were not meant to be regulated in the first place.

Therefore, it is ordered, that this proceeding is reopened for the limited purpose of examing the question posed by the Ninth Circuit as set forth on page 2 of this order; and

It is further ordered, that copies of this Order shall be served upon TOTE and all carriers served with copies of TOTE's petition for declaratory order as listed in the Appendix hereto, and a copy thereof shall be published in the Federal Register; and

It is further ordered, that all persons desiring to file comments in this proceeding shall do so and serve a copy thereof on each of the carriers listed in the appendix to this order on or before Janurary 27, 1982; and

It is further ordered, that any person desiring to respond to comments so filed shall file such responses and serve copies thereof upon all of the carriers listed in the appendix hereto on or before March 1, 1982; and

It is further ordered, that all persons commenting or responding to comments herein should address the question of legal authority to prohibit such rates as well as questions of "policy" which they feel may be applicable.

By the Commission.

Francis C. Hurney,

Secretary.

Appendix

Boyer Alaska Barge Lines, Inc., 7318 Fourth Avenue South, Seattle, Washington 98108
Coastal Barge Lines, Inc., 834 Nickerson Street, Seattle, Washington 98111
Foss Alaska Line, Inc., Terminal 115, Seattle, Washington 98106
Husky Barge Lines, 3115 Mountain View Drive, Anchorage, Alaska 99503
Northland Services, Inc., 6425 N. E. 175th Street, Seattle, Washington 98155
Pacific Western Lines, 5225 E. Marginal Way, Seattle, Washington 98134
Sea-Land Service, Inc., P.O. Box 900, Edison, N.J. 08817
Totem Ocean Trailer Express, Inc., P.O. Box 24908, Seattle, Washington 98124

[FR Doc. 81-37416 Filed 12-31-81; 8:45 am]

BILLING CODE 6730-01-M

[1] See *e.g.*, *Trailer Marine Transport Corp. v. FMC*, 602 F. 2d 379, 393-397 (D.C. Cir. 1979); *Puerto Rico Maritime Shipping Authority v. ICC*, 645 F. 2d 1102, 1112-1113 (D.C. Cir. 1981).

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefore at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto

Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before January 14, 1982, in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No.: T-4012.

Filing Party: Mr. E. A. Shaw, General Traffic Manager, Jacksonville Port Authority, P.O. Box 3005, 2701 Talleyrand Avenue, Jacksonville, Florida 32206.

Summary: Agreement No. T-4012 between the Jacksonville Port Authority (Authority) and Trans Freight Lines (TFL) provides for the lease by the Authority to TFL of five acres on Blount Island, in the Port of Jacksonville, Florida for use as a container marshalling yard. The agreement provides that a guaranteed berth with container crane will be provided to TFL upon 48 hours' advance notice, subject to the Authority prior berthing guarantee commitments by the Japanese Charter Group and the Puerto Rico Maritime Shipping Authority. The term of the lease shall be for one year with option to renew for two additional one-year periods. As rental TFL shall pay to the Authority $47,500 during the term of the agreement. The agreement will become effective upon approval by the Commission.

Date: December 29, 1981.

By order of the Federal Maritime Commission.

Francies C. Hurney,

Secretary.

[FR Doc. 81-37376 File 12-31-81; 8:45 am]

BILLING CODE 6730-01-M

GOLD COMMISSION

Meeting

Notice is hereby given that the Commission established pursuant to Pub. L. 96-389 to review the role of gold in the domestic and international monetary systems and report its findings and recommendations to the Congress, will meet in the Treasury Department Cash Room on Friday, January 8, 1982, beginning at 10:00 a.m. The meeting is open to the public.

Any comment or inquiry with respect to this notice can be addressed to Ralph V. Korp, Director, Office of International Monetary Affairs, U.S. Department of Treasury, Washington, D.C. 20220, (202) 566-5365.

Dated: December 29, 1981.

Robert C. Fauver,

Acting Director, Office of International Monetary Affairs, Department of Treasury.

[FR Doc. 81-37398 Filed 12-31-81; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W-72270]

Realty Action; Sale of Public Lands in Sublette County, Wyoming

January 4, 1982.

The following described lands have been determined to be suitable for disposal by sale pursuant to section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713, at no less than the fair market value.

Sixth Principal Meridian, Wyoming

T. 30 N., R. 103 W.,
Sec. 34: E½NE¼SW¼NE¼.
Containing 5 acres.
Fair Market Value: $3,500.00.

The above-described land is being offered as a direct, noncompetitive sale to the White Acorn Sheep Company.

The lands are not required for any Federal purpose. The sale is consistent with the Bureau's planning for the land involved. The land will not be offered for sale until 60 days after the date of this notice. The public interest would be served by offering these lands for sale. The terms and conditions applicable to the sale are:

1. All minerals in the land will be reserved to the United States in accordance with sec. 209(a) of the Federal Land Policy and Management Act of 1976.

2. A right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

3. The right of Robert E. Skinner, his successors and assigns under oil and gas lease W-67870 issued July 1, 1979 through June 30, 1989 pursuant to the Act of February 25, 1920 (30 U.S.C. 181 et seq.).

Detailed information concerning the sale, including the planning documents and environmental assessments, is available for review at the Rock Springs District Office, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyoming 82901.

On or before February 18, 1982, interested parties may submit comments to the State Director, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-37263 Filed 12-30-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Amfac Hotels & Resorts, Inc.; Intent To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Amfac Hotels and Resorts, Inc., d/b/a Fred Harvey, authorizing it to continue to provide food and beverage, general merchandise, and gasoline station facilities and services for the public at the Painted Desert area of Petrified Forest National Park for a period of five (5) years from January 1, 1982 through December 31, 1986.

This contract renewal has been determined to be a categorical exclusion under the National Park Service regulations implementing the National Environmental Policy Act and no environmental document will be prepared.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on December 31, 1981 and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision in effect grants Fred Harvey, as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of

Fred Harvey is substantially equal to others received. In the event a responsive proposal superior to that of Fred Harvey (as determined by the Secretary) is submitted, Fred Harvey will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with Fred Harvey. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be postmarked or hand delivered on or before February 3, 1982, to be considered and evaluated.

Interested parties should contact the Regional Director, Western Region, National Park Service, 450 Golden Gate Ave., Box 36063, San Francisco, CA 94102, for information as to the requirements of the proposed contract.

Dated: December 11, 1981.

W. Lowell White,

Acting Regional Director, Western Region.

[FR Doc. 81-37452 Filed 12-31-81; 8:45 am]

BILLING CODE 4310-70-M

Cuyahoga Valley National Recreation Area Advisory Commission; Meeting

Notice is hereby given, in accordance with the Federal Advisory Committee Act, 86 Stat. 770, 5 U.S.C. App. 1, as amended by the Act of September 13, 1976, 90 Stat. 1247, that a meeting of the Cuyahoga Valley National Recreation Area Advisory Commission will be held beginning 8:30 a.m. (EST), on Thursday, January 28, 1982, at the Canal Visitor Center located at 6699 Canal Road, 1 mile south of Rockside Road in Valley View, Ohio.

The Commission was established by the Act of December 27, 1974, 88 Stat. 1788, 16 U.S.C. 460ff-4, to meet and consult with the Secretary of the Interior on matters relating to the administration and development of the Cuyahoga Valley National Recreation Area.

The members of the Commission are as follows:

Mrs. Tommie Patty (Chairperson)
Mr. John Craig
Mr. Norman A. Godwin
Mrs. William Hutchison
Mr. James S. Jackson
Mrs. George Klein
Mr. Stanley Mottershead
Mr. C. W. Eliot Paine
Mr. Melvin J. Rebholz
Mr. F. Eugene Smith
Ms. Robbie Stillman
Mr. Barry K. Sugden
Dr. Robert W. Teater

Matters to be discussed at this meeting include:

1. Discussion of non-National Park Service owned public lands within the Cuyahoga Valley National Recreation Area and their relationship.
2. Presentation on Historical Resource Management at Cuyahoga Valley National Recreation Area.
3. Update on Park operations.

The meeting will be open to the public. It is expected that about 100 persons, in addition to members of the Commission, will be able to attend this meeting. Interested persons may submit written statements. Such statements should be submitted to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Lewis S. Albert, Superintendent, Cuyahoga Valley National Recreation Area, P.O. Box 158, Peninsula, Ohio 44264, telephone (216) 650-4414. Minutes of the meeting will be available for public inspection 3 weeks after the meeting, at the office of Cuyahoga Valley National Recreation Area, located at 501 West Streetsboro Road (State Route 303), 2 miles east of Peninsula, Ohio.

Dated: December 22, 1981.

J. L. Dunning,

Regional Director, Midwest Region.

[FR Doc. 81-37456 Filed 12-31-81; 8:45 am]

BILLING CODE 4310-70-M

General Management Plan and Wilderness Proposal, Canaveral National Seashore, Florida; Availability of Finding of No Significant Impact and Extension of Availability Date

We are extending the availability of the Finding of No Significant Impact and General Management Plan for Canaveral National Seashore, Florida, as announced in the **Federal Register**, Volume 46, No. 229, Monday, November 30, 1981, page 58199, FR Doc. 81-34295, from December 28, 1981, to January 31, 1982.

All other information contained in this announcement remains the same.

Dated December 23, 1981.

Neal G. Guse, Jr.,

Regional Director, Southeast Region.

[FR Doc. 81-37454 Filed 12-31-81; 8:45 am]

BILLING CODE 4310-70-M

North Cascades National Park Service Complex, Lake Chelan National Recreation Area; Public Meetings

Notice is hereby given that public meetings will be held concerning Compatibility Standards for Stehekin Valley, Lake Chelan National Recreation Area. The purpose of the meeting is to discuss alternatives for enabling the National Park Service to carry out its responsibility to protect the area's cultural and natural values and provide public recreation while allowing continued private use of the Stehekin Valley.

The meetings will be held at the following times and places:

1. Stehekin, Washington—February 5, 1982, 7 p.m., Community Hall.
2. Chelan, Washington—February 6, 1982, 7 p.m., Masonic Hall, 216 North Emerson.
3. Seattle, Washington—February 9, 1982, 7:30 p.m., Seattle Center Conference Center, Room G.

Anyone interested in obtaining a copy of the environmental assessment for the Compatibility Standards should contact the Regional Director, Pacific Northwest Region, Westin Building, Room 1920, 2001 Sixth Avenue, Seattle, Washington 98121. Written comments may be submitted up to 30 days following the meetings.

Dated: December 22, 1981.

Daniel J. Tobin, Jr.,

Regional Director, Pacific Northwest Region.

[FR Doc. 81-37455 Filed 12-31-81; 8:45 am]

BILLING CODE 4310-70-M

Overmountain Victory National Historic Trail Advisory Council; Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Overmountain Victory National Historic Trail Advisory Council will be held at 9:00 a.m. on Wednesday, February 17, 1982 at Sheraton Center, 555 S. McDowell Street, Charlotte, North Carolina 28204.

The purpose of the Overmountain Victory National Historic Trail Advisory Council is to consult and advise the Secretary of the Interior on all matters of planning, management and trail development of the Overmountain Victory National Historic Trail. The agenda will include a discussion of the draft comprehensive management plan and the organization and responsibilities of the Advisory Council.

The members of the Advisory Council are as follows:

Mr. Robert M. Baker, Chairman, Atlanta, Georgia
Mr. James A. Cannaday, Eden, North Carolina
Mr. E. Ervin Dargan, Darlington, South Carolina
Mr. Randall Ray Gregory, Raleigh, North Carolina
Mrs. Jean Hawkins, Hilton Head, South Carolina
Mr. Dennis Kline, Rogersville, Tennessee

Mr. Tommy G. Reed, Isle of Palms, South Carolina
Mr. Sydnor M. White, Raleigh, North Carolina
Mr. Roy A. Taylor, Black Mountain, North Carolina
Mr. Walter H. Schroder, Rock Hill, South Carolina
Mr. Frank Robinson, Elizabethton, Tennessee
Mr. W. Blair Keller, Jr., Abingdon Virginia
Mr. Terry Chilcoat, Norris, Tennessee
Mr. George Olson, Asheville, North Carolina
Mr. Andrew Duncan, Jr., Wilkesboro, North Carolina
Mr. Hayes Cantrell Martin, Asheville, North Carolina

The meeting will be open to the public; however, facilities and space for accommodating members of the public are limited. Any member of the public may file with the council a written statement concerning the matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements may contact Paul Swartz, Chief, Planning and Compliance Division, National Park Service, Southeast Region, 75 Spring Street, SW., Atlanta, Georgia 30303, Telephone 404/221-5465. Minutes of the meeting will be available for public inspection at the above address approximately 4 weeks after the meeting.

Dated: December 21, 1981.

Neal G. Guse,

Acting Regional Director, Southeast Region.

[FR Doc. 37453 Filed 12-31-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note:—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-178

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St. Rm. 620, Philadelphia, PA 19106.

MC 146676 (Sub-II-9TA), filed December 18, 1981. Applicant: BURKS TRUCKING, INC., P.O. Box 235, Green Springs, OH 44836. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017. *Aluminum beverage cans*, from Fremont, OH to Fogelsville and Belfast, PA. An underlying ETA seeks 120 days authority. Supporting Shipper: Stroh Container, Inc., 415 Cedar St., Fremont, OH 43420.

MC 149043 (Sub-II-11TA), filed December 21, 1981. Applicant: EASTERN TANK LINES, INC., 5536 Brentlinger Dr., Dayton, OH 45414. Representative: H. Neil Garson, 3251 Old Lee Hwy. Fairfax, VA 22030. *Liquid Sweeteners*, in bulk, intank vehicles, from St. Louis, MO to points in IN, IL, KY and OH, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Cargill, Inc., Box 1400-A, 3201 Needmore Rd., Dayton, OH 45414.

MC 140889 (Sub-II-23TA), filed December 21, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, One Public Square Bldg. #1001, Cleveland, OH 44113. Contract, irregular: *Chemical, plastic, rubber and related products* between facilities of B. F. Goodrich Co. located in Lorain, Cuyahoga, Summit, Franklin counties, OH; Jefferson County, KY; Jefferson County, TX; Salem County, NJ; Chester County, PA; Allen County, IN; Ottawa County, OK; Tuscaloosa County, AL, on the one hand, and, on the other, points in CA, NV, TX, IL, OK, LA, NJ, CO, OH, PA, IN and MI, for 270 days, under continuing contract(s) with B. F. Goodrich Co. of Akron, OH. An underlying ETA seeks 120 days authority. Supporting shipper(s): B.F. Goodrich Co., 500 S. Main St., Akron, OH 44318.

MC 143308 (Sub-II-1TA), filed December 21, 1981. Applicant: GENERAL TRUCKING SERVICE, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: Thomas B. Hill, c/o Leaseway Transportation Corp., 1010 Jorie Blvd., Ste. 200, Oak Brook, IL 60521. *Contract*, irregular: *General Commodities* (except Classes A and B explosives), between Seattle and Spokane, WA; Portland, OR; San Leandro and Los Angeles, CA; Salt Lake City, UT; and El Paso, TX, on the one hand, and, on the other, points in AZ, CA, ID, MT, NM, NV, OR, UT, WA, WY and points in TX on and west of Hgwy. US 83. Supporting shipper: The Goodyear Tire & Rubber Co., 1144 E. Market St., Akron, OH 44316.

MC 82007 (Sub-II-1TA), filed December 21, 1981. Applicant: GREGG BUS SERVICE, INC., P.O. Box 125, Yorklyn, DE 19736. Representative: Thomas N. Willess, 1000 Sixteeth Street, NW, Suite 502, Solar Building, Washington, DC 20036. *Passengers and their baggage*, in the same vehicle with passengers, in charter operations beginning and ending at West Grove, Kennett Square, Oxford, and Avondale, PA, and Wilmington and Newark, DE, and extending to pts. in NC and TN for 180 days. Supporting shipper: There are 13 supporting shippers. Their statements may be examined at the ICC Regional Office, Philadelphia, PA.

MC 143210 (Sub-II-7TA), filed December 21, 1981. Applicant: W. C. HALL GENERAL HAULING, INC., P.O. Box 102, Callao, VA 22435. Representative: Paul D. Collins, 7761 Lakeforest Dr., Richmond, VA 23235. *Malt liquor, materials, supplies and equipment used in the manufacture, sale and distribution of malt liquor*, between Winston-Salem, NC, on the one hand, and, on the other, Fredericksburg and Warsaw, VA for 270 days. Restricted to the transportation of traffic originating at or destined to the facilities of Fredericksburg Distributing Co., Inc. An underlying ETA seeks 120 days authority. Supporting shipper(s): Fredericksburg Distributing Co., Inc., 1315 Lafayette Blvd., Fredericksburg, VA 22401.

MC 73533 (Sub-II-11TA), filed December 21, 1981. Applicant: KEY

WAY TRANSPORT, INC., 820 South Oldham St., Baltimore, MD 21224. Representative: W. F. Lamperelli, (same as applicant). *Foodstuff: olives and olive oil (except in bulk); alcoholic beverages: wine (except in bulk)* from the facilities of Pompeian, Inc., Baltimore, MD to Phoenix, AZ; Portland, OR; Denver, CO; Houston and Dallas, TX; Kansas City, MO; Detroit, MI; Cleveland, OH; Chicago, IL; Memphis, TN; New Orleans, LA; Jacksonville, Miami and Tampa, FL; Atlanta, GA; Greenville, SC; and Boston, MA for 270 days, under continuing contract(s) with Pompeian, Inc., Baltimore, MD. Supporting shipper(s): Pompeian, Inc., 4201 Pulaski Hwy., Baltimore, MD 21224.

MC 149163 (Sub-II–1TA), filed December 21, 1981. Applicant: PAGERLY DETECTIVE AND SECURITY AGENCY, INC., Hill Road, Wernersville, PA 19565. Representative: Calvin Leiberman, 635 Walnut St., Reading, PA 19601. *Contract carrier:* irregular routes: *Cash letters and non-negotiable bank documents,* between points in Reading and King of Prussia, PA on the one hand, and, on the other, points in Newark, NJ, under a continuing contract(s) with American Bank and Trust Co. of PA, Reading, PA. for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: American Bank and Trust Co. of PA, Reading, PA.

MC 150724 (Sub-II–6TA), filed December 21, 1981. Applicant: DONALD SANTISI TRUCKING COMPANY, 340 Victoria Rd., Youngstown, OH 44515. Representative: Norman A. Cooper, 145 W. Wisconsin Ave. Neenah, WI 54956. *Transporting drugs, toilet articles and materials and supplies used in their manufacture, sale and distribution* between the facilities of Pennex Products Co., Inc. at Verona, PA and its subsidiaries, Pennex Products International, Inc. at Verona, PA and Bonoplast, USA, Inc. at Verona, PA on the one hand, and on the other, points in FL, GA, and in and west of MN, IA, MO, AR, & LA for 270 days. Supporting shipper, Pennex Products Co., Inc., Eastern Avenue at Pennex Drive, Verona, PA 15147.

MC 20916 (Sub-2–3TA), filed December 23, 1981. Applicant: JOHN T. SISK, Route 2, Box 182–B, Culpeper, VA 22701. Representative: Frank B. Hand, Jr., 523 South Cameron St. Winchester, VA 22601. *Clay brick and masonry materials,* from Bigler, Clearfield, New Oxford, Reading, Shoemaker, Watsontown and York, PA to Brooklyn, NY, for 270 days. Supporting shipper Kings Material Co., Inc., 3707 15th Ave., Brooklyn, NY 11218.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 159845 (Sub-3–1TA), filed December 24, 1981. Applicant: TRANSPORT SOUTH, INC., 2625 Cumberland Parkway, Suite 100, Atlanta, GA 30339. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. *Contract,* irregular, *Gasoline and diesel fuel,* between points in AL, GA and FL, under continuing contract(s) with Racetrac Petroleum, Inc. Supporting shipper: Racetrac Petroleum, Inc., P.O. Box 105035, Atlanta, GA, 30348.

MC 146451 (Sub-3–33TA), filed December 23, 1981. Applicant: WHATLEY-WHITE, INC., 211 Murray Road, Dothan, Alabama 36302. Representative: W. Larry White (same as above). *Sugar, except in bulk, in tank vehicles,* from Mathews, LA to points in AL, FL, and GA for the account of Albany Brokerage Company, Inc. Supporting shipper, Albany Brokerage Company, Inc., 1107 4th Avenue, Albany, GA, 31702.

MC 119917 (Sub-3–4TA), filed December 18, 1981. Applicant: DUDLEY TRUCKING COMPANY, INC., 736 Memorial Drive S.E., Atlanta, Ga. 30316. Representative: Tom Gramling (same address as above). *Pulp, Paper, Printed Matter and Related Items* between Atlanta, Ga. (including commercial zone) and all points in the U.S. except Ak. and Hi. Supporting shipper: Dittler Brothers, Inc., 1375 Seaboard Ind. Blvd. N.W., Atlanta, Ga. 30325.

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Complaint and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 135410 (Sub-4–45TA), filed December 18, 1981. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, North 6th Street Road, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200–A, 205 West Touhy Avenue, Park Ridge, IL 60068. *Meat, meat products, meat by-products and articles distibuted by meat-packing houses (except commodities in bulk),* from the facilities of Dubuque Packing Co. at or near Denison and Dubuque, IA, Rochelle, IL and Milwaukee, WI to points in CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, OH, PA, RI, TN, VT, VA, WV, WI and DC. Supporting shipper: Dubuque Packing Company, Genesco, IL 61254.

MC 149308 (Sub-4–9TA), filed December 22, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., Post Office P., Sellersburg, IN 47172. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Contrct,* irregular: *Silicone products and materials, equipment and supplies utilized in the manufacture and distribution of silicone products (except in bulk),* between the facilities of, or utilized by, Dow Corning Corp., at or near Midland and Hemlock, MI; Greensboro, and Charlotte, NC; Elizabethtown and Carrollton, KY; Cleveland, OH; Melrose Park, IL; Trumbull, CT; Edison, NJ; Costa Mesa and Carson, CA; and Dallas, TX, for 270 days. Restricted to the transportation of shipments handled under a continuing contract(s) with Dow Corning Corp. Supporting Shipper: Dow Corning Corp., So. Saginaw Rd., Midland, MI 48640.

MC 144121 (Sub-4–11TA), filed December 21, 1981. Applicant: LARRY'S EXPRESS, INC., 720 Lake St., Tomah, WI 54660. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719. *Contract;* irregular; *foodstuffs* between points in MI, MN and WI, on the one hand and, on the other hand, points in the New York, NY, Commercial Zone and the Boston, MA, Commercial Zone, and points in PA. Restriction: restricted to transportation performed under continuing contract(s) with Hunter, Walton & Co., Inc., and Valley Lea Dairies, Inc. An underlying ETA seeks 120 days authority. Supporting shippers: Hunter, Walton & Co., Inc., 310 12th Street, Jersey City, NJ 07302; and Valley Lea Dairies, Inc., Box 6369, South Bend, IN 46660.

MC 144369 (Sub-4–1TA), filed December 21, 1981. Applicant: GERARDO & SON MOTOR SERVICE, INC., 9850 Balmoral Ave., Rosemont, IL 60018. Representative: Donald S. Mullins & T. M. Schlechter, 1033 Graceland Ave., Des Plaines, IL 60016. *Contract:* Irregular: *Merchandise as is sold or dealt in by a retail department store,* between Alsip, IL, on the one hand, and, on the other, Zayre stores in the states of IL, IN, IA, KY, MI, OH, and WI, under continuing contract(s) with Zayre Corp., Framingham, MA. Supporting shipper: Zayre Corp., Framington, MA 01701.

MC 146184 (Sub-4–2TA), filed December 21, 1981. Applicant: RUSS TAYLOR TRUCKING, INC., Route 6, Box 161, Watertown, WI 53094. Representative: James A. Spiegel, Attorney, Olde Towne Office Pk., 6333 Odana Rd., Madison, WI 53719. *Contract;* irregular; *malt beverages* between Stearns County, MN, and points in WI, IL, and IN. Restriction:

restricted to transportation performed under continuing contract(s) with Cold Spring Brewing Co. An underlying ETA seeks 120 days authority. Supporting shipper: Cold Spring Brewing Co., 219 North Red River, Cold Spring, MN 56320.

MC 146329 (Sub-4–4TA), filed December 18, 1981. Applicant: W-H TRANSPORTATION CO., INC., P.O. Box 1222, Wausau, WI 54401. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Prefabricated fireplaces, gas and oil space heaters, stoves, chimneys, and parts and accessories* between points in Portage and Wood Counties, WI on the one hand, and, on the other, points in AL, AR, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, and TX. Supporting shipper: Preway, Inc., 1430 2nd St., N., Wisconsin Rapids, WI 54494.

MC 148538 (Sub-4–1TA), filed December 22, 1981. Applicant: JOMAR TRUCK LINE, INC., 7547 W. Ponderosa Court, Orland Park, IL 60462. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Metal products* between Hammond, IN, on the one hand, and, on the other, Wilton, IA. Supporting shipper: Jones & Laughlin Steel Co., 141 W. 141st St., Hammond, IN 46320.

MC 149308 (Sub-4–8TA), filed December 17, 1981. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., Post Office Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Contract*, irregular: *Such commodities as are dealt in, used or distributed by a manufacturer of water beds*, from the facilities of Horizon Manufacturing, Inc., at or near Lubbock, TX, to points in the US and east of ND, SD, NE, KS, OK, and TX. Restricted to the transportation of shipments handled under a continuing contract(s) with Horizon Mfg., Inc. Supporting shipper: Horizon Mfg., Inc., 221 26th Street, Building 4C, Lubbock, TX 79404.

MC 150187 (Sub-4–7TA), filed December 21, 1981. Applicant: D & L TRUCKING SERVICES, INC., 1419 South Clark Boulevard, Clarksville, IN 47130. Representative: John M. Nader, 1600 Citizens Plaza, Louisville, KY 40202. (1) *paint, stain, and varnish*, from the facilities of Olympic Stain Div. of The Clorox Company, at Louisville, KY, to points in the U.S. east of the Mississippi river, except WI, IL and MI, and (2) *packaged cleaning compounds*, between the facilities of the Pluto Corp., French Lick, IN, Accra Pac, Inc., Elkhart, IN, Peterson/Puritan, Inc., Danville, IL, and ATI, Inc., Towtowa, NJ, on the one hand, and, on the other, the facilities of The Clorox Company at Atlanta, GA, Boston, MA, Charlotte, NC, Chicago, IL, Cleveland, OH, Frederick, MD, Houston, TX, Jersey City, NJ, Kansas City, MO and Tampa, FL. Restriction: Restricted to the transportation of traffic originating at or destined to the facilities of The Clorox Company or Olympic Stain Division of The Clorox Company. Supporting shipper: The Clorox Company, 1221 Broadway, CA 94612.

MC 152005 (Sub-4–3TA), filed December 21, 1981. Applicant: TRANSCONTINENTAL FREIGHT SYSTEMS, INC., 2559 South Archer Ave., Chicago, IL 60608. Representative: Rex Eames, 900 Guardian Bldg., Detroit, MI 48226. *General commodities*, except classes A and B explosives, household goods and commodities in bulk from to and between all points in the U.S., under a continuing contract with Federal Mogul Corporation, Detroit, MI. Supporting shipper: Federal Mogul Corporation, P.O. Box 1966, Detroit, MI 48235.

MC 155409 (Sub-4–2TA), filed December 18, 1981. Applicant: MICHALETZ TRUCKING, INC., 3302 Park Drive, Owatonna, MN 55060. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Edina, MN 55424. *Malt beverages* between points in Memphis, TN, and its commercial zone, on the one hand, and, on the other, points in MN, ND, SD, and IA. Supporting shipper: Joseph Schlitz Brewing Co., 235 West Galena St., Milwaukee, WI 53212.

MC 159650 (Sub-4–1TA), filed December 21, 1981. Applicant: GEYSER TRUCKING, INC., P.O. Box 295, Greenville, IN 47124. Representative: Jerry G. Tush, P.O. Box 295, Greenville, IN 47124. *Contract* irregular: *Industrial boilers and materials, equipment, supplies, parts and accessories* related thereto, between points in the U.S. restricted to traffic moving under continuing contract with Ivan Ware & Son, Inc. Supporting shipper: Ivan Ware & Son, Inc., P.O. Box 16045, Louisville, KY 40216.

MC 159793 (Sub-4–1TA), filed December 21, 1981. Applicant: DAVID B. STEVENSON d/b/a. STEVENSON EXPRESS, 13722 Lowe Ave., Riverdale, IL 60627. Representative: T. M. Schlechter & D. S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. *Recyclable Materials and Products*, between points in the Chicago, IL, Commercial Zone, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, NY, OH, PA, and WI. Supporting shippers: Dallis Recycling Corp., 1338 W. 21st, Chicago, IL 60608; Evanstons Paper & Paper Shredding Co., 640 Pitner, Evanston, IL 60202; M. Ruben Metal Co., 2416 Archer Ave., Chicago, IL 60616.

MC 141459 (Sub-4–7TA), filed December 23, 1981. Applicant: AGS ENTERPRISES, INC., #1 Clyde Avenue, Litchfield, IL 62056. Representative: Michael R. Solomon (same address as applicant). *Rubber and plastic products; metal products and (2) commodities used in the manufacture, sale and distribution of commodities listed in (1)*, between points in Marion and Jefferson counties, IL, on the one hand, and, on the other, points in CA, and points in the U.S. in and east of MN, IA, NE, KS, OK, and TX. Supporting shippers: Midwest Stoves, Inc., 1 Old Timer Dr., P.O. Box 1704, R.R. 5, Mt. Vernon, IL 62864; Plastiflex Company, 823 North Brooks Dr., P.O. Box 1040, Centralia, IL 62801; and Jiffy Packaging Corp., P.O. Box 469, Salem, IL 62881. And underlying 120 days ETA filed.

MC 143280 (Sub-4–35TA), filed December 23, 1981. Applicant: SAFE TRANSPORTATION CO., 6834 Washington Ave. So., Eden Prairie, MN 55344. Representative: ROBERT P. SACK, P.O. Box 6010, West St. Paul, MN 55118. *Non-alcoholic beverages*, between Sunman, IN on the one hand, and, on the other, points in IL, MI, OH, OK, TN, PA, VA, and WV. Supporting shipper: Pri-Pak, Inc., P.O. Box 450, Sunman, IN 47041.

MC 143500 (Sub-4–9TA), filed December 22, 1981. Applicant: R. B. CARRIERS, INC., P.O. Box 92, Jeffersonville, IN 47130. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. *Alcoholic beverages*, from points in CA to points in IN and KY. Supporting shippers: National Liquor Corp., 1102 E. 16th St., Indianapolis, IN 46202 and Southern Liquors, Inc., P.O. Box 1379, Louisville, KY 40201.

MC 145485 (Sub-4–4TA), filed December 23, 1981. Applicant: DAVIS CARTAGE COMPANY, 230 Sleeseman Drive, Corunna, MI 48817. Representative: John R. Sims, Jr., Dennis Dean Kirk, 915 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004. *Food and food products* between the facilities of I.A.M. Company at Perrysburg, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: I.A.M. (International Automated Machines, Inc.), P.O. Box 346, 30600 Oregon Rd., Perrysburg, OH 43551.

MC 146886 (Sub-4–6TA), filed December 23, 1981. Applicant: CONLAN TRUCK LINES, INC., 6160 South 116th St., Hales Corners, WI 53130. Representative: Richard A. Westley,

4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086. *Such commodities as are dealt in by wholesale drug business houses and retail drug stores and pharmacies,* from Aberdeen, SD to points in ND and points in MN on and west of U.S. Highway 71. An underlying ETA seeks 120 days authority. Supporting shipper: Jewett Drug Co., Inc., 217 East Railroad Ave., Aberdeen, SD 57401.

MC 149492 (Sub-No. 4–4), filed December 23, 1981. Applicant: CHICAGOLAND QUAD CITIES EXPRESS, INC., 817 W. 21st St., Chicago, IL 60608. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602. *Titanium oxide,* from Glouster City, NJ to the Chicago, IL commercial zone. Supporting shipper: American Thermoplastics, 142nd and Paxton Ave., Calumet City, IL 60409.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 24583 (Sub-5–5TA), filed December 21, 1981. Applicant: FRED STEWART COMPANY, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. Contract; Irregular. *Chemicals, plastics, plastic products, metal products, material, equipment and supplies,* between points in the U.S. (except AK and HI), under continuing contracts with The Dow Chemical Company. Supporting shipper: The Dow Chemical Company, P.O. Box 36000, Strongsville, OH 44136.

MC 60157 (Sub-5–2TA), filed December 21, 1981. Applicant: C. A. WHITE TRUCKING COMPANY, 5327 N. Central Expressway, Suite 316, Dallas, TX 75205. Representative: Pernard H. English, 6270 Firth Road, Fort Worth, TX 76116. *Metal products, and related materials and supplies used in the manufacture thereof,* between points in St. John The Baptist Parish, LA, and the New Orleans, LA Commercial Zone, on the one hand, and, on the other, points in AL, AR, FL, GA, KS, LA, MS, MO, OK, TN, and TX, restricted to shipments originating at or destined to the facilities of Bayou Steel Corporation. Supporting shipper: Bayou Steel Corporation, P.O. Box 5000, La Place, LA 70068.

MC 115669 (Sub-5–15TA), filed December 22, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, NE 68933. Representative: Vayle Hayes (same address as applicant). *General commodities (with usual exceptions),* between Hamilton County, NE, on the one hand, and, on the other, points in CO, IA, KS, and MO. Supporting shipper: Suppliers Warehouse of NE., 1st & Railroad Ave., Aurora, NE 68818.

MC 124174 (Sub-5–55TA), filed December 22, 1981. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same as above). *Iron and steel articles—floor and roof deckings,* from Wilmington, NC to Hartford, CT. Supporting shipper(s): Roll Form Products, Inc., 140 Federal Street, Boston, MA 02110.

MC 124511 (Sub-5–8TA), filed December 21, 1981. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223, Mexico, MO 65265. Representative: Leonard R. Kofkin, 29 South La Salle Street, Chicago, IL 60603. *Pipe, casing, and tubular products,* from Houston, Lone Star, and Wichita Falls, TX and Tulsa and Cushing, OK to points in TX, LA, OK, KS, NE, AR, and IL, for 270 days. Supporting shipper: Trident Steel, 10097 Manchester Road, St. Louis, MO 63122.

MC 139973 (Sub-5–12TA), filed December 21, 1981. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. *Food and related products,* from the facilities of Hereford BI-Products, Inc. at or near Hereford and Plainveiw, TX, to points in KS, MO, IA, and IL. Supporting shipper: Hereford BI-Products, Inc., Rt. 1, P.O. Box 339, Hereford, Texas 79045.

MC 145040 (Sub-5–1TA), filed December 22, 1981. Applicant: RAMSEY'S TRAILWAYS, INC., 825 Hudson Avenue, Jonesboro, LA 71251. Representative: Lawrence E. Lindeman, 4660 Kenmore Ave., Suite 1203, Alexandria, VA 22304. Common, regular, *passengers and their baggage, and express and newspapers in the same vehicle with passengers* (1) between El Dorado, AR and Shreveport, LA as follows: from El Dorado over U.S. Highway 82 to Magnolia, then over Arkansas Highway 132 to Spring Hill, LA, then over Louisiana Highway 7 to junction U.S. Highway 80, then over U.S. Highway 80 to Shreveport, and return over the same route, serving all intermediate points; (2) between Shreveport, LA and Monroe, LA as follows: from Shreveport over U.S. Highway 71 to Elm Grove, then over Louisiana Highway 154 to Ringgold, then over Louisiana Highway 4 to Chatham, then over Louisiana Highway 34 to Monroe, and return over the same route, serving all intermediate points; and (3) between Jonesboro, LA and Winfield, LA as follows: from Jonesboro over U.S. Highway 167 to Winfield, and return over the same route, serving all intermediate points. Supporting shipper(s): 8.

Note.—Applicant intends to interline.

MC 146457 (Sub-5–5TA), filed December 21, 1981. Applicant: PAISLEY TRUCKING, INC., P.O. Box 208, Durango, IA 52309. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Fertilizer, in bags,* from Madison, WI to points in Dubuque, Jackson, Clayton, and Delaware Counties, IA. Supporting shipper(s): Hendricks Feed Company, 880 Central Avenue, Dubuque, IA 52001.

MC 146553 (Sub-5–19TA), filed December 21, 1981. Applicant: ADRIAN CARRIERS, INC., 1822 Rockingham Road, Davenport, IA 52808. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Lumber, lumber products and millwork,* from points in AR, ID, LA, MS, MT, OR and WA to the facilities of Mueller Lumber Co. at Davenport, IA and Moline, IL. Supporting shipper(s): Mueller Lumber Co., 501 West Second Street, Davenport, IA 52801.

MC 148107 (Sub-5–8TA), filed December 22, 1981. Applicant: JESSE J. MESA d.b.a. J. J. MESA TRUCKING COMPANY, 1500 S. Zarzamora Street, San Antonio, TX 78207. Representative: Ronald E. Mercier (same as applicant). *Food and related products including frozen items except items in bulk* between points in TX, on the one hand, and points in NM, AZ, CO and CA, on the other. Supporting shipper: (1) Calavo Growers Of California, Terminal Annex, Box 3486, Los Angeles, CA 90054.

MC 150783 (Sub-5–35TA), filed December 21, 1981. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: James H. Berry, P.O. Box 32, Wesley, AR 72773. *Aluminum products,* between points in Washington County, AR on the one hand, and, on the other, points in the U.S. Supporting shipper: Kawneer Company, Inc., Niles MI 49120.

MC 152959 (Sub-5–9TA), filed December 21, 1981. Applicant: MOBILE EXPRESS, INC., P.O. Box 8167, Longview, TX 75067. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062. Contract: Irregular, *Trailer or Trailer Chasis and/or Parts Thereof* between points in the United States. Under continuous contract with Kraft Tank Co. of Kansas City, MO; Great Dane Trailers-Tennessee of Memphis, TN; Alamo Truck Centers, Inc. of San Antonio, TX; Polar-America

of Oklahoma City, OK; Timpte of Oklahoma City, OK.

MC 155178 (Sub-5–2TA), filed December 22, 1981. Applicant: SPECIALIZED SERVICE EXPRESS, INC., 15 Court Street, Fort Smith, AR 72901. Representative: Troy R. Douglas, 400 North 6th Street, Fort Smith, AR 72901. *General commodities, except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment* (1) between points in States of AR, OK, MO, and MS; (2) from points in AR, OK, MO, and MS on the one hand, and, on the other, points in the U.S. Supporting shippers: Allen Canning Company, Siloam Springs, AR 72761, Baldor Electric Company, 5711 South 7th Street, Fort Smith, AR 72901.

MC 158938 (Sub-5–3TA), filed December 21, 1981. Applicant: BOSWELL FARMS, INC., 403 South State Street, Lamoni, IA 50140. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Metal fencing and wire products,* from the facilities of Oklahoma Steel & Wire, Inc. at or near Madill, OK to points in AR, CO, IA, KS, LA, MN, MO, ND, NE, SD, TN, and TX. Supporting shipper(s): Oklahoma Steel & Wire Co., Inc., P.O. Box 220, Madill, OK 73446.

MC 159451 (Sub-5–1TA), filed December 22, 1981. Applicant: GOLDEN WEST EXPRESS, INC. 4902 So. 61st Street, Omaha, NE 68117. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B Omaha, NE 68114. *Food and related products,* from points in IA and NE on the one hand, and, on the other, points in the U.S. (except AK and HI). An underlying ETA seeks 120 day authority. Supporting shipper: Farmland Foods, Inc., P.O. Box 403, Denison, IA 51442.

MC 159576 (Sub-5–1TA), filed December 21, 1981. Applicant: CONSTANTINE VAINALIS, d/b/a/ DINO'S TRUCKING, 5072 Mardel Avenue, St. Louis, MO 63109. Representative: Constantine Vainalis (same address as applicant). Contract: Irregular: *snack foods* between points in MO, TN, IL, KS, WI, MS, KY, OH, and AL under continuing contract with So-Good Potato Chip Company, 4190 Hoffmeister, St. Louis, MO 63125.

MC 159744 (Sub-5–1TA), filed December 22, 1981. Applicant: W. J. WHITE d/b/a W. J. WHITE, TRUCKING, 133 East Parker, Houstion TX 77076. Representative: James M. Doherty, P.O. Box 1945, Austin, TX 78767. *Contract* irregular *Metal products* between points in Harris County, TX, on the one hand, and, on the other, points in CA, PA, LA, OK, NM, MO, AZ, and TX, under a continuing contract(s) with Gulf Forge Company of Houston, TX.

MC 159787 (Sub-5–1TA), filed December 21, 1981. Applicant: NEWGEN TRANSPORTATION COMPANY, 1101 East Capitol Avenue, Jefferson City, MO 65101. Representative: James C. Swearengen, Hawkins, Brydon & Swearengen P. C., P.O. Box 456, Jefferson City, MO 65102. Contract, irregular; *metal products, building materials, and iron and steel articles, as well as materials, equipment, and supplies used in the manufacture, sale or distribution of said commodities,* between points in the U.S. pursuant to a contract, or continuing contracts, with DeLong's, Inc., of Jefferson City, MO. Supporting shipper: DeLong's, Inc., 301 Dix Road, Jefferson City, MO 65101.

MC 159813 (Sub-5–1TA), filed December 22, 1981. Applicant: CEDAR FALLS MOTOR SPORTS, INC., 325 Roosevelt, Cedar Falls, IA 50613. Representative: John Fellmer (same address as applicant). *Vehicles, in driveway or towaway service,* between points in IA, on the one hand, and, on the other points in the U.S. Supporting shipper: GMAC Cedar Rapids, P.O. Box 548, Cedar Rapids, IA 52406.

MC 159782 (Sub-6–1TA), filed December 14, 1981. Applicant: ANZAC CALIFORNIA TOURS & LIMOUSINE SERVICE, INC., 6861 La Tijera Blvd., Los Angeles, CA 90045. Representative: Richard A. Lintz (same address as applicant). *Passengers and their baggage, in the same vehicle with passengers* in charter operations between points in CA on the one hand, and, on the other hand points in AZ, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY, for 180 days. Supporting shipper(s): Air New Zealand, Auckland, New Zealand; Investment Travel Ltd, Wellington, New Zealand; Variety Travel Service, Wellington, New Zealand.

MC 157068 (Sub-6–2TA), filed December 11, 1981. Applicant: BLUE RIVER BUS LEASING, INC., 4649 N.E. 115th Ave., Portland, OR 97220. Representative: Orville J. Luther, (same as above). *Passengers and their baggage in special and charter operations* beginning and ending at points in OR and WA and extending to points in CA, OR, WA, NV, AZ, VT, NM, CO, and ID for 180 days. Supporting shippers: There are 9 shippers. Their statements may be examined at the regional office listed above.

MC 153958 (Sub-6–1TA), filed December 15, 1981. Applicant: CALGARY GOOSENECK SERVICE, LTD., 936 Abbeydale Drive, NE., Calgary, Alberta, CD T2A6H2. Representative: Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502. *Mercer Commodities,* not to exceed 21,000 pounds, between points of entry on the International Boundary Line between Canada and the US located in ND, MT, ID, WA and MN, on the one hand, and on the other, points in the US (except AK and HI), for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 5 shippers. Their statements may be examined at the regional office listed above.

MC 152096 (Sub-6–2TA), filed December 17, 1981. Applicant: TERRANCE E. CARLSON and KENNETH d.b.a. CARLSON BROS., P.O. Box 1401, Lewiston, ID 83501. Representative: Darwin D. Grewe, 708 Old National Bank Bldg., Spokane, WA 99201. *Contract Carrier,* Irregular routes: *lumber, wood and forest products, and building materials* between points in the United States under continuing contract with Hodge Forest Industries, Inc., Idaho Timber Corporation, Hodge Lumber Wholesale & Supply, Inc., Idaho Pacific Lumber, Inc. and Intermountain-Orient, Inc., all of Boise, ID, for 270 days. Supporting shippers: There are 5 shippers. Their statements may be examined at the regional office listed above.

MC 159739 (Sub-6–1TA), filed December 11, 1981. Applicant: D & H TRANSPORTATION, INC., 17081 E. 59th Ave., Denver, CO 80239. Applicant's representative: Merle A. Roberts, (same as applicant). *Contract Carrier;* Irregular routes: *Such commodities dealt in by wholesale and retail food businesses* between Denver, CO and Albuquerque, NM for the account of Nobel, Inc. for 270 days. Supporting shipper: Nobel, Inc., 1101 W. 48th Ave., Denver, CO 80217.

MC 159798 (Sub-6–1TA), filed December 17, 1981. Applicant: M. F. DAVALOS TRUCKING, INC., 13906 Valley Blvd., La Puente, CA 91746. Representative: Raymond Davalos, (same address as applicant). *Contract Carrier,* Irregular routes: (1) *Corrugated boxes, pallets, and related machinery* (2) *Glass bottles; pallets; materials, equipment and supplies used in the manufacturing and distributing of glass containers* (3) *Air compressors and pumps* (4) *Wire products* (5) *Paper and paper products; materials, equipment and operating supplies used in the manufacture of paper and paper products,* between points in CA on the one hand and points in AZ, ID, NV, NM,

OR, UT and WA on the other hand for 270 days. Supporting shipper(s): Western Kraft Paper Gp, 19615 S. Susana Rd, Compton, CA. (2) Latchford Glass Co, 7507 Roseberry Ave., Los Angeles, CA (3) Teglen-Airdraulic Div. 2043 Saybrook Ave, Commerce, CA (5) Boise Cascade Corp. 555 Maple Ave, Torrance, CA.

MC 159398 (Sub-6–1TA), filed December 16, 1981. Applicant: TALOREM LTD., d.b.a. FLEETLINE EXPRESS, 155 Sansome St., Suite 800, San Francisco, CA 94104. Representative: William E. Gore, 155 Sansome St., Suite 800, San Francisco, CA 94104. *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk, between points in WA, OR, CA, ID, NV, UT, and AZ, for 270 days. An underlying ETA seeks 120 days authority. There are 12 supporting shippers. Their statements may be examined at the Regional office listed above.

MC 147590 (Sub-6–1TA), filed November 30, 1981. Applicant: GOLD STREAK FREIGHT LINES, INC., 1855 E. 3rd Ave., Anchorage, AK 99501. Representative: Dalton B. Coor (same as applicant). *General Commodities*, (except Class A and B explosives and household goods as defined by the commission), between all points in AK for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Environmental Support Services Co., 601 W. 41st St. Suite 103, Anchorage, AK 99503; Peninsula Shippers Assoc., Inc., 1907 Post Rd., Anchorage, AK 99501; Busby Alaska, 6927 Old Seward Hwy., Anchorage, AK 99502.

MC 159304 (Sub-6–1TA), filed November 16, 1981. Applicant: INTERMOUNTAIN TRANSIT HOMES, INC., Box 104–C, Inkom, ID 82345. Representative: Eldon E. Bresee, 2881 East 3400 South, Salt Lake City, UT 84109. *Mobile Homes, Buildings, Building Sections, Modules, and parts and accessories thereto* in initial and secondary movements, between points in CO, ID, NV, UT, and WY, for 270 days. There are 7 supporting shippers. Their statements may be examined at the regional office listed above.

MC 158880 (Sub-6–1TA), filed December 18, 1981. Applicant: JACK FRICKEY AND PAUL FRICKEY d.b.a. J & P TRUCK SERVICE, 802 1st St., So, Nampa, ID 83651. Representative: David E. Wishney, P.O.B. 837, Boise, ID 83701. *Hides*, (1) From Boise and Nampa, ID, and the commercial zones thereof, to Portland, OR, Seattle, WA and the commercial zones thereof and points in CA; (2) from Portland, OR and its commerical zone to points in CA, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Pacific Hide and Fur Depot, Inc., P.O.B. 849, Nampa, ID 83651; Southwest Hide Co., Inc., P.O.B. 7946, Boise, ID 83707.

MC 159769 (Sub-6–1TA), filed December 15, 1981. Applicant: LARRY L. DARLINGTON, d.b.a. L & F TRUCKING, P.O.B. 116, Mills, WY 82644. Representative: Larry L. Darlington (same as applicant). (1) *Oilfield commodities, machinery, material, equipment and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, and (2) *machinery, materials, equipment and supplies* used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, between points and places in WY, CO, UT, ID, MT, ND, NE, SD, NM, restricted against the transportation of complete oil drilling rigs "fopr 270 days". Supporting shippers: "There are (9) shippers." Their statements may be examined at the Regional Offices listed above.

MC 156032 (Sub-6–3TA), filed December 14, 1981. Applicant: ROY LEATHAM TRANSPORT, INC., 5217 S. E. Aldercrest Drive, Milwaukie, OR 97222. Representative: David R. Benson, 3170 N.W. Parkview Drive, Beaverton, OR 97006. *Contract Carrier*, Irregular Routes: *GENERAL COMMODITIES, except Class A and Class B Explosives*, between points in the U.S., for the account of Deseret Transportation for 270 days. Supporting shipper: Deseret Transportation, 1600 South Wallace Road, Salt Lake City, UT 84104.

MC 144953 (Sub-6–5TA), filed December 11, 1981. Applicant: MULLEN TRUCKING LTD., P.O.B. 8009, Station F, Calgary, Alberta, CD T2J 4B4. Representative: John T. Wirth 717—17th St., Ste. 2600, Denver, CO 80202. *Mercer commodities* between ports of entry on the International Boundary between the U.S. and Canada located in WA, ID, MT, and ND on the one hand, and on the other, points in OH, IL, PA, and MO; restricted to traffic moving in foreign commerce, for 270 days. Supporting shipper: SRL Metals, Inc., 35 Brook Hollow Dr., Santa Ana, CA 92705; Comco Distributors Ltd., Box 5558, Station L, Edmonton, Alberta, CD T6C 4E9.

MC 146965 (Sub-6–4TA), filed December 17, 1981. Applicant: REDDING LUMBER TRANSPORT, INC., P.O.B. 3306, Redding, CA 9649. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055. *Plasterboard*, between Redding, CA and points in or near Empire, NV for 270 days. Supporting shipper: Evans & Co. Material and Supply, 3671 Charlanne, Redding, CA 96003.

MC 159092 (Sub-6–1TA), filed December 17, 1981. Applicant: ROLLERS VAN AND STORAGE CO., INC., 3170 East 36th Street, Tucson, AZ 85713. Representative: Lewis P. Ames, 8201 North 7th Street, NO. 3, Phoenix, AZ 85020. *General Commodities* between Los Angeles County, CA; Pima County, AZ, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are 5 shippers. Their statements may be examined at the Regional Office listed above.

MC 155812 (Sub-6–2TA), filed December 21, 1981. Applicant: SEA–PAC FREIGHT LINES, INC., P.O. Box 3763, Seattle, WA 98124. Representative: Russell A. Evans, 410 Maynard Bldg., 119 First Ave. S., Seattle, WA 98104. *Contract Carrier*, Irregular routes: *General commodities (except classes A and B explosives and except household goods)*, between points in WA, OR, CA, ID, MT, AZ, CO, UT, WY, AK, NV, NM, for the accounts of Certified Grocers, Rogers Walla Walla, Inc., Consolidated Dairy Products Co., Treetop, Inc., United Grocers, for 270 days. Supporting shippers: There are five (5) shippers. Their statements may be examined at the regional office listed.

MC 145513 (Sub-6–1TA), filed December 14, 1981. Applicant: SERVICE TRANSPORTATION, INC., P.O.B. 732, Payette, ID 83661. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701. *Contract Carrier*, Irregular routes: *Salt, in bulk [liquid calcium chloride]*, from Newark and Amboy, CA, to points in ID, OR, UT, WA, and WY, for the account of Leslie Salt Company, for 270 days. Supporting shipper: Leslie Salt Company, P.O.B. 364, Newark, CA 94560.

MC 147375 (Sub-6–1TA), filed December 18, 1981. Applicant: G. H. SINGH & SONS TRUCKING CO., LTD., 8742 S. Broadway, Chilliwack, B.C., CD V2P5V6. Representative: Patricia M. Schnegg, 707 Wilshire Blvd., Ste. 1800, Los Angeles, CA 90017. *Salt, in bulk*, from the international border line located at or near Douglas, WA to all points in WA. An underlying ETA seeks up to 120 days authority. For 270 days. Supporting shipper: Canadian Occidental Petroleum, Ltd., 100 Amherst Ave., No. Vancouver, B.C., CD V7H1F4.

MC 144631 (Sub-6-7TA), filed December 14, 1981. Applicant: HVH TRANSPORTATION, INC., d.b.a. THACKER TRANSPORTATION, 4201 E. 52nd Ave., Commerce City, CO 80022. Representative: Dale E. Isley, 330 Steele Park Bldg., 50 S. Steele St., Denver, CO 80209. *Common Carrier;* Regular routes: *General Commodities* (except classes A and B explosives) between Pueblo, CO and the plant site and warehouse facilities of Atlantic Richfield Company at or near Gardner, CO, via Interstate 25, CO Hwy. 69, and County Rd. 565, for 270 days. Supporting shipper: Daniel Construction Co., 520 S. Albert St., Walsenburg, CO 81089.

MC 156509 (Sub-6-2TA), filed December 17, 1981. Applicant: W. M. M. COMPANY, INC., P.O.B. 80, Goshen, OR 97401-1043. Representative: Wilford L. Main, 2299 Willona Dr., Eugene, OR 97401. (1) *Roofing, wallboard, plaster, tape, shakes, lumber, laminated beams, particle board, plywood, forest by-products, decorative tile, brick, all building materials* from points in OR to points in CA, WA, and NV; from points in WA to points in OR, CA and NV; from points in CA to points in WA, OR and NV; from points in NV to points in OR, WA and CA for 270 days. Supporting shippers: U.S. Lumber Sales, 2080 Vista, Salem, OR 97302; Bohemia Inc., 2280 Oakmont Way, Eugene, OR 97401; Simulated Brick, 85357 Hwy. 99S., Eugene, OR 97405; and Oregon-McKenzie Lumber Products Co., Inc., P.O.B. 2743, Eugene, OR 97402.

MC 148692 (Sub-6-2TA), filed December 15, 1981. Applicant: ZABEN TRANSIT, INC., 5320 Wadsworth Blvd., Arvada, CO 80002. Representative: Jerry L. Mutchie (same as applicant). *Baby knapsacks, baby backpacks, strollers, swings, gates, plastic articles, and other materials and supplies related to the care and safety of infants and children. Materials, supplies, and equipment used in the manufacture and distribution of the above.* Between Denver, CO and points in its commecial zone on the one hand and points in the U.S. (except AK and HI) on the other, for 270 days. Supporting shipper: Gerico, Inc., 12520 Grant Drive, Thornton, CO 80241.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-37370 Filed 12-31-81; 8:45 am]

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[Vol. No. 215]

Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: December 29, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of an application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich

Secretary.

MC 621 (Sub-7)X, filed December 9, 1981. Applicant: PAUL ARPIN VAN LINES, INC., 150 Manton Avenue, Providence, RI, 02909. Representative: Alan F. Wohlstetter, 1700 K Street, N.W., Washington, DC 20006. Lead and Sub-No. 4, broaden: (1) in both authorities, household goods, as defined by the Commission, to "household goods and furniture and fixtures," and (2) lead, from Winfield, KS, and points within 50 miles of Winfield to points in Butler, Chautaugua, Cowley, Elk, Greenwood, Harper, Harvey, Kingman, Sedgwick, and Sumner Counties, KS.

MC 47791 (Sub-9)X, filed December 11, 1981. Applicant: HAMILTON TRUCKING COMPANY, INC., 106 Carpenter St., Blossburg, PA 16912. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Subs 1, 3, 5, 6 and 7: (1) broaden commodity description: coal to "coal and coal products" in Subs 1, 3 and 6; scrap metal to "waste or scrap materials not identified by industry producing" in Sub 1; sand and gravel to "ores and minerals" in Sub 5; and such commodities as are transported in dump vehicles to "dry bulk commodities" in Sub 7; (2) broaden territorial description: Cortland to Cortland County, NY: Binghamton to Broome County, NY; Syracuse to Onondage County, NY; Blossburg to Tioga County, PA; McConnellsville to Oneida County, NY; and Barton to Tioga County, NY; (3) change one-way to radial authority, and (4) remove "originating at" named facilities restriction in Sub 5.

MC 65419 (Sub-8)X, filed December 10, 1981. Applicant: ARMORED CAR COMPANY, INC., P.O. Box 32930, Louisville, KY 40232. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. Lead and Subs 1, 3, 4, and 6 permits, broaden (A) from money, bullion, securities, and bonds, lead and Sub 3; and coin, Sub 4, to "money, bullion, securities, bonds and other commodities and articles of unusual value", and (B) to between points in the U.S. under continuing contract(s) with unnamed shippers! lead and Subs 1, 3 and 4; and named shippers, Sub 6.

MC 80443 (Sub-51)X, filed December 16, 1981. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, ND 58126. Lead in part, and Subs 8, 10, 18F, 29F, 31F, 32F, 36, 38F, 39F, and 44F (A) remove (1) all exceptions, except classes A and B explosives, and (2) the restriction against serving intermediate points, in its general commodity authority in a part of its lead (B) broaden (1) polypropylene agricultural baler twine to "rubber and plastic products" in Subs 8 and 32; (2) foodstuffs to "food and related products" in Sub 10; (3) plastic articles to "rubber and plastic products" in Sub 18; (4) furniture and furniture parts to "furniture and fixtures" in Sub 29; (5) outerwear and flotation devices to "apparel, or other finished textile products or knit wear" in Sub 31; (6) iron and steel articles to "metal products" in Sub 36; (7) such commodities as are dealt in or used by manufacturers or distributors of electric ranges and microwave ovens to "such commodities as are dealt in or used by manufacturers or distributors of electrical machinery, equipment or supplies" in Sub 38; and (8) material handling equipment and parts for material handling equipment to "transportation equipment" in Sub 39; (C) broaden irregular route points and plant sites to county-wide: In Subs 8 and 32, Albert Lean, MN, to Freeborn County, MN; Sub 10, Arlington, MN, to Sibley County, MN; Sub 18 (plant site) Mora, MN to Kanabec County, MN; Sub

29 (plant site) Wadena, MN, to Wadena County, MN; Sub 31, St. Cloud and Sauk Rapids, MN, to Stearns, Sherburn and Benton Counties, MN; Sub 38, Sioux Falls, SD, to Minnehaha County, SD; Sub 39 (plant site) Hopkins, MN, to Hennepin County, MN: (D) delete (1) restriction against transportation of traffice to points less than county-wide: Kansas City, KS, and Kansas City and St. Joseph, MO, in Sub 8; (2) restriction to traffic having a subsequent movement by rail, in Sub 10; (3) restriction against transportation of commodities in bulk, in tank vehicles, in Sub 39; and (4) "originating at and destined to" restriction, in Subs 18 and 44; (E) broaden to radial authority in Subs 8, 10, 29, 31, 32 and 36.

MC 126927 (Sub-6)X, filed December 18, 1981. Applicant: PANTHER TRANSPORTATION, INC., 7301 West 15th Avenue, Gary, IN 46406. Representative: Stephen H. Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. Lead (1) part 1, change lead to "metal products", and allow service to all intermeidate points, (2) part 2, change scrap metals to "waste materials", and allow service to all intermediate points, and remove delivery only limitation, (3) part 3, change fertilizer to "chemicals and related products", (4) part 4, change sugar to "foods and related products", (5) parts 5 through 9, change glass containers, stoppers, and caps, and knocked-down paper cartons and parts thereof to "containers and related products", (6) part 8 delete poundage restriction, (7) part 11, change reclaimed lead to "metal and metal products", (8) part 12, change scrap metals to waste materials", and Whiting, IN to Lake County, IN; (9) parts 13 and 14, change chemicals and soda ash to "chemicals and related products," (10) part 15, change loose brass borings to "metals and metal products", (11) part 16, change cheese to "food and related products", (12) part 17, change fertilizer to "chemicals and related products", (13) part 18, change feeds to "farm products", (14) parts 19 and 20, change canned goods and sugar to "foods and related products", (15) authorize radial service in all but parts 23, and 25, (16) part 22, change containers, manufactured from paper or paper products to "containers", (17) part 23, change butter to "food and related products"; (18) part 24, change pallets, platforms and skids to "shipping devices", (19) part 25, change corrugated paper boxes, corrugated paper sheets, and machines and supplies to "paper and paper products, and machinery", and delete the originating at and destined to restriction; and (20) part 26, delete (except feed and feed ingredients and (21) change one way authorities to two way authorities.

MC 144212 (Sub-5)X, filed December 14, 1981. Applicant: SLACK TRANSPORT LIMITED, Box 579, Caledonia, Ontario, CD N0A 1A0. Representative: Willaim J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Subs 2F, 3F and 4F permits broaden: (1) and Sub 2F and 3F from gypsum products and roofing materials to "building materials, and clay, concrete, glass or stone products"; Sub 4F, from marble chips, decorative stone, kitty litter to "clay, concrete, glass or stone products," soil to "ores and minerals," processed manure to "chemicals and related products," and from horticultural commodities to "farm products"; (2) remove originating at or destined to named Canadian points restriction, Sub 2F, (3) remove in bulk, in tank vehicles restrictions, Sub 3F, (4) to between all points in the U.S., under continuing contract(s) with named shippers.

[FR Doc. 81-37367 Filed 12-31-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; 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 becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-328

Decided: December 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 143710 (Sub-3), filed December 14, 1981. Applicant: KAL-AUTO TRANSPORT, INC., Pier 70, 22nd Street & Illinois Ave., San Francisco, CA 94107. Representative: David J. Marchant, One Maritime Plaza, Suite 300, San Francisco, CA 94111 (415) 954-0200. Transporting, for or on behalf of the United States Government, *general*

commodities (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC–159580, filed December 7, 1981. Applicant: AIR-RIDE MOVING & STORAGE, INC., 6139 Southwest Park Ave., Lawton, OK 73505. Representative: Charles J. Kimball, 1600 Sherman St., #665, Denver, CO 80203, (303) 839–5856. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), 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–159601, filed December 7, 1981. Applicant: JOHN W. ARMSTRONG, d.b.a. JOHN ARMSTRONG & ASSOCIATES, 2442–B Stone Mountain Lithonia Rd., Lithonia, GA 30058. Representative: John W. Armstrong, (same address as applicant), (404) 482–4897. As a *broker of general commodities* (except household goods), between points in the U.S.

MC–159611, filed December 8, 1981. Applicant: INTERCITY LINES, INC., P.O. Box 153, Hardwick, MA 01037. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC–159701, filed December 14, 1981. Applicant: TRU–MORE TRUCKING CO., INC., P.O. Box 365, Roosevelt, NY 11575. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415, (212) 263–2078. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle between points in the U.S.

MC–159730, filed December 16, 1981. Applicant: OPERATIONAL COURIER SERVICE, INC., 3 North Bentz Street, Frederick, MD 21701. Representative: David Arnold Shaw, (same address as applicant), (301) 662–4154. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle on which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY–2–249

Decided: December 22, 1981.

By the Commission, Review Board No. 1, Members Parker, Chankler, and Fortier. (Member Chandler not participating.)

MC–150602, (Sub-4), filed December 7, 1981. Applicant: CHARLES A. McCAULEY, INC., 100 Industrial Way, Hawthorn, PA 16230. Representative: Larry D. McCauley, (same address as applicant), (814) 365–5714. Transporting *general commodities* (except classes A and B explosives), between Bradford, Broughton, Castleton, Dales, Equality, Havoline, Junction, Lombardville, Shawneetown, and Sherwood, IL, Abbeville, Benoit, Beulah, College Hill, Greenville Air Force Base, Holly Springs, Hudsonville, Lake Vista, Lamont, Lamar, McClary, Metcalfe, Michigan City, Oxford, Rosedale, Scott, Spraggins, Taylor, Waterford, Water Valley, and Winterville, MS. Burton, Chardon, Concord, East Claridon, Middlefield, and West Farmington, OH, Bolivar, Conger, Hickory Valley, Malesus, Medon, Middleburg, and Toone, TN, and Barton, Bergoo, Hylow Mines, and Webster Springs, WV, on the one hand, and, on the other, points in the U.S.

Note—The purpose of this application is to substitute motor carrier service for abandoned rail carrier service.

Volume No. OPY–4–495

Decided: December 28, 1981.

By the Commission, Review Board No. 2, Members Carleton, Werner, and Williams.

MC–159716, filed December 14, 1981. Applicant: EUGENE LARRIMORE, Route 3, Box 66, Loris, SC 29569. Representative: Susan Nichols, P.O. Drawer 17308, Pensacola, FL 32522. (904) 438–1493. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC–159737, filed December 16, 1981. Applicant: RUDY VINES, d.b.a. RUDY VINES TRUCKING, 602 Pennsylvania Ave., Hamptom, VA 23661. Representative: Blair P. Wakefield, Suite 1001, first and Merchants National Bank Bldg., Norfolk, VA 23510. Transporting, for or on behalf of the United States Government, *general commodities* (except household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC–159727, filed December 14, 1981. Applicant: JAY R. KINGERY, d.b.a. Greenwich Couriers, 1 Liberty Way, Greenwich, CT 06830. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. 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.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37368 Filed 12–31–81; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier; 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. OPI–327

Decided: December 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 13300 Sub 95, filed August 25, 1981, previously noted in the FR issue of September 17, 1981.

Applicant: CAROLINA COACH COMPANY, d.b.a. CAROLINA TRAILWAYS, 1201 S. Blount Street, Raleigh, NC 27611. Representative: Lawrence E. Lindeman, 425 13th Street, N.W., Suite 1032, Washington, D.C. 20004, (202) 628–4600. Transporting *passengers and their baggage,* in spcial and charter operations, beginning and ending at Chesapeake, Colonial Heights, Danville, Emporia, Franklin, Hopewell, Norfolk, Petersburg, Portsmouth, Richmond, Suffolk, and Virginia Beach, VA, Baltimore, MD and its commercial zone, Philadelphia, PA and its commercial zone, and the District of Columbia and its commercial zone, and points in Alamance, Beaufort, Bertie, Cabarrus, Camden, Caswell, Chatham, Chowan, Cumberland, Currituck, Dare, Davidson, Durham, Edgecombe, Franklin, Gates, Greene, Guilford, Halifax, Harnett, Hertford, Hyde, Johnston, Lee, Lenoir, Martin, Mecklenburg, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pasquotank, Pender, Person, Perquimans, Pitt, Randolph, Rockingham, Rowan, Stanley, Tyrrell, Wake, Warren, Washington, and Wilson Counties, NC, Accomack, Chesterfield, Greensville, Henrico, Isle of Wight, Northampton, Prince George, Southampton, Surry, and Sussex Counties, VA, Caroline, Cecil, Dorchester, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester Counties, MD, Kent, New Castle, and Sussex Counties, DE, and Delaware County, PA, and extending to points in the U.S. NOTE: The purpose of this republication is to reflect service to and from the commercial zones of Baltimore, MD, Philadelphia, PA and the District of Columbia.

MC 57311 (Sub-17), filed December 7, 1981. Applicant: PUTNAM TRANSFER & STORAGE CO., 1705 Moxahala Ave., Zanesville, OH 43701. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives, commodities in bulk and household goods), between points in Muskingum and Perry Counties, OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 61620 (Sub-20), filed December 14, 1981. Applicant: M & G TRANSPORTATION CO., INC., Route 3, Box 234, Gloucester, VA 23061. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629–2818. Transporting (1) *such commodities* as are dealt in by wholesale, retail and chain grocery and food business houses, between points in MD, NC, NJ, NY, PA, and VA, and (2) *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between Baltimore, MD, on the one hand, and, on the other, points in NC and VA.

MC 87451 (Sub-16), filed December 7, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 31—Sterling Road, N. Billerica, MA 01862–0031. Representative: Samuel A. Bithoney, Jr. (same address as applicant), (617) 663–4300. Transporting *such commodities* as are dealt in or used by (1) packing and crating services, and (2) manufacturers and distributors of containers and packaging products, between points in CT, MA, ME, NH, RI, and VT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 87451 (Sub-17), filed December 14, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 31, N. Billerica, MA 01862. Representative: Samuel A. Bithoney, Jr. (same address as applicant), (617) 663–4300. Transporting *plastic film and sheeting,* between the facilities of Borden Chemical Co., Division of Borden, Inc., at points in the U.S. (except AK and HI), on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 116300 (Sub-90), filed July 30, 1981. Applicant: NANCE AND COLLUMS, INC., P.O. Drawer J, Fernwood, MS 39635. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, (601) 948–5711. Transporting *lumber and wood products,* (1) between points in AL, AR, LA, MS, and TX; and (2) between points in AL, AR, LA, MS, and TX, on the one hand, and, on the other, points in AZ, CO, FL, GA, IL, IN, KS, KY, MI, MO, MT, NE, NM, NC, ND, OH, OK, SC, SD, TN, UT, VA, WV, and WY.

MC 116621 (Sub-3), filed December 4, 1981. Applicant: J. GRADY RANDOLPH, INC., P.O. Box 712, Blacksburg, SC 29702. Representative: John H. Lumpkin, Jr., 1200 SCN Center, Columbia, SC 29201, (803) 779–3080. Transporting *ores and minerals, and clay, concrete, glass or stone products,* between points in GA, NC, SC, TN, and VA, on the one hand, and, on the other, points in the U.S.

MC 119090 (Sub-13), filed December 7, 1981. Applicant: THRUWAY FREIGHT LINES, INC., P.O. Box 567, White Lake Road, Sparta, NJ 07871. Representative: Barry Finkle (same address as applicant), (201) 383–8800. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MA, MD, ME, NJ, NH, NY, OH, PA, RI, VA, VT, WV, and DC.

MC 124170 (Sub-192), filed December 7, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521 (312) 629–2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contact(s) with Swift Independent Packing Company of Chicago, IL.

MC 128220 (Sub-36), filed December 11, 1981. Applicant: RALPH LATHAM, d.b.a., LATHAM TRUCKING COMPANY, P.O. Box 596, Burnside, KY 42519. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602, (502) 223–8244. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the facilities used by Somerset Foods, Inc. at those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX.

MC 135231 (Sub-68), filed December 7, 1981. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1 Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transporting *furniture and fixtures, electric equipment and machinery,* between points in Douglas County, NE, on the one hand, and, on the other, points in the U.S.

MC 135530 (Sub-7), filed December 7, 1981. Applicant: LAKE CENTER INDUSTRIES TRANSPORTATION, INC., 5676 Industrial Park Road, Winona, MN 55987. Representative: John G. Grote (same address as applicant), (507) 454-4947. Transporting *automotive parts, marterials, equipment, and supplies,* between points in the U.S., under continuing contract(s) with Ford Motor Company, of Dearborn, MI.

MC 135611 (Sub-13), filed December 10, 1981. Applicant: WALKER & WHITTED TRANSPORTATION CO., INC., 320 North Eighth St., Brawley, CA 92227. Representative: Thomas M. Loughran, 100 Bush—21st Floor, San Francisco, CA 94104, (415) 986-5778. Transporting *petroleum, natural gas and their products,* between points in CA, on the one hand, and, on the other, points in AZ, CA, NV, NM, OR, UT, and WA.

MC 138701 (Sub-8), filed December 8, 1981. Applicant: G. D. & K., INC., 500 West Main St., Wyckoff, NJ 07481. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting *textile mill products,* between points in the U.S., under continuing contract(s) with Hoechst Fibers Industries, of Spartanburg, SC.

MC 140101 (Sub-13), filed December 11, 1981. Applicant: I.T.A. TRUCKING, INC., P.O. Box 219, Amherst, WI 54406. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Alliance Shippers, Inc., of Willow Springs, IL.

MC 146140 (Sub-8), filed December 7, 1981. Applicant: MELVIN SALES COMPANY, 901 North Vermillion St., Streator, IL 61364. Representative: Paul J. Maton, Ten South LaSalle St., Suite 1620, Chicago, IL 60603, (312) 332-0905. Transporting *alcoholic beverages,* between Plainfield, IL, on the one hand, and, on the other, points in the U.S.

MC 146380 (Sub-5), filed December 8, 1981. Applicant: WILLIAM PIERCE, d.b.a. PIERCE TRUCKING, 205 First St., Ludington, MI 49431. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482-2400. Transporting (1) *metal products,* between points in Weber County, UT, Lincoln County, NC, Cook County, IL, Jefferson County, KY, and Worcester County, MA, and (2) *chemicals, chemical products, and petroleum-based products,* between points in IL, OH, IN, NJ, CT, AR, MD, MO, TX, CA, GA, and LA.

MC 147911 (Sub-9), filed December 15, 1981. Applicant: TILFORD TRUCKING, INC., P.O. Box 34, Readyville, TN 37149. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, D.C. 20004. Transporting *such commodities* as are dealt in by wholesale and retail grocery houses, between points in TN, AL, GA, and Outagamie County, WI, on the one hand, and, on the other, points in the U.S.

MC 148600 (Sub-15), filed December 10, 1981. Applicant: TRANSHIELD TRUCKING, INC., 1000 North Harvester Road, W. Chicago, IL 60185. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW, Washington, D.C. 20001, (202) 628-9243. Transporting *lumber and wood products, pulp, paper and related products, printed matter, rubber and plastic products, metal products and building materials* (except commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Master Shield, Inc., of Weatherford, TX.

MC 149100 (Sub-15), filed December 15, 1981. Applicant: JIM PALMER TRUCKING, 9730 Derby Drive, Missoula, MT 59801. Representative: John T. Wirth, 717-17th Street, Suite 2600, Denver, CO 80202, (303) 892-6700. Transporting (1) *such commodities* as are dealt in or used by a manufacturer and distributor of feed and farm supplies and (2) *food and related products,* between points in the U.S., under continuing contract(s) with Con Agra, Inc., of Great Falls, MT.

MC 149561 (Sub-1), filed December 11, 1981. Applicant: EDWARD P. CASTERLINE, d.b.a. CASTERLINE TRUCKING, 444 Roosevelt St., Exeter, PA 18643. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *metal products,* between points in Luzerne County, PA, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, PA, NJ, DE, MD, VA, WV, NC, SC, GA, FL, AL, TN, KY, OH, MI, IN, WI, IL, MS, LA, AR, MO, IA, MN, KS, OK and TX.

MC 150080 (Sub-11), filed December 7, 1981. Applicant: CONTROLLED CARRIERS, INC., PO Box 367, Exton, PA 19341. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739-4860. Transporting *chemicals and related products,* between Los Angeles, CA, and Chicago, IL, and points in Union County, NJ, Clinton County, PA, Worcester County, MA, and Greenville County, SC, on the one hand, and, on the other, points in the U.S.

MC 150261 (Sub-1), filed December 8, 1981. Applicant: WALVATNE TRUCKING, INC., 717 21st Street North, Fargo, ND 58102. Representative: Todd W. Foss, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235-4487. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in ND, SD, and MN, on the one hand, and, on the other, points in the U.S.

MC 150301 (Sub-14), filed December 14, 1981. Applicant: EQUITY TRANSPORTATION COMPANY, INC., 9744 E. Fulton Rd., Ada, MI 49301. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459-6121. Transporting *general commodities* (except household goods as defined by the Commission, classes A and B explosives, and commodities in bulk), between points in the U.S., under continuing contract(s) with Root-Lowell Manufacturing Company, of Lowell, MI.

MC 150391 (Sub-2), filed December 7, 1981. Applicant: WEST TEXAS EXPRESS, 9717 Carnegie Avenue, El Paso, TX 79925. Representative: Joe Washington Roberts, 1468 Backus, El Paso, TX 79925, (915) 598-9715. Over *regular routes,* transporting *general commodities* (except classes A and B explosives), (1) between El Paso, TX and Alamogordo, NM, over Hwy 54, serving all intermediate points, and (2) between Alamogordo and Las Cruces, NM, over U.S. Hwys 70/82, serving all intermediate points and serving Holloman Air Force Base, White Sands Missile Range and Johnson Space Center as off-route points.

MC 151531 (Sub-1), filed December 10, 1981. Applicant: NATURAL TRUCK LEASING CORP., R.D. 1, Box 381, Monticello, NY 12701. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10123, (212) 239-4610. Transporting *textile mill products,* between points in NY, NJ, CT, PA, and MA.

MC 151741 (Sub-4), filed December 15, 1981. Applicant: D. E. WILLOUGHBY TRUCKING, 2058W Carr Hill Road, Columbus, IN 47201. Representative: Sue Willoughby (same address as applicant), 1-812-372-8493. Transporting *general*

commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Cissell Manufacturing Company, of Louisville, KY.

MC 153201 (Sub-2), filed December 8, 1981. Applicant: GTL TRANSPORT COMPANY, 110 Dill Road, Suffolk, VA 23434. Representative: Blair P. Wakefield, Suite 1001, First and Merchants National Bank Bldg., Norfolk, VA 23510, (804) 627–0070. Transporting *meats, meat products, meats byproducts, and articles distributed by meat-packing houses,* between Norfolk, VA, and points in Isle of Wight and Southampton Counties, VA, on the one hand, and, on the other, points in DE, FL, GA, MD, NC, NJ, NY, PA, SC, VA, WV, and DC.

MC 153601 (Sub-6), filed December 8, 1981. Applicant: ITO LTD., 121 West Doty Street, Madison, WI 53703. Representative: Melvin M. Freese, P.O. Box 43355, St. Paul, MN 55164, (612) 633–2661. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with (1) The Scott & Fetzer Company, of Lakewood, OH, (2) Conklin Company, Inc., of Shakopee, MN, (3) Leslie Paper Company, of Minneapolis, MN, and (4) National Poly Products, of Mankato, MN.

MC 154121 (Sub-17), filed December 3, 1981. Applicant: TRAILINER CORP., 5367 West 86th St., Indianapolis, IN 46268. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *food and related products, and store displays,* between the facilities used by Wm. Wrigley Jr. Company, its subsidiaries, divisions, and vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 156390 (Sub-1), filed November 18, 1981, previously noticed in **Federal Register** issue of December 10, 1981. Applicant: PROGRESSIVE PIER DELIVERY, INC., 1 Freeman St., Newark, NJ 07105. Representative: Harold L. Reckson, 33–28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791–2270. Transporting (1) *food and related products,* between Markham, WA, and points in CA, and those in Burlington County, NJ, Kenosha County, WI, and Plymouth County, MA, on the one hand, and, on the other, points in the U.S., (2) *chemicals and related products and rubber and plastic products,* between Los Angeles, CA, and Chicago, IL, and points in NJ, PA, and TX, on the one hand, and, on the other, points in the U.S., and (3) *such commodities* as are dealt in by retail department stores, between points in Hudson and Middlesex Counties, NJ, on the one hand, and, on the other, points in the U.S.

Note.—This republication clarifies the territorial description.

MC 158020, filed December 7, 1981. Applicant: FRY TRANSPORT, 2831 Barton Beach Rd., Lafayette, IN 47905. Representative: Robert L. Fry (same address as applicant), 317–429–9756. Transporting *malt beverages,* between points in the U.S., under continuing contract(s) with Lafayette Beverage Distributors, Inc., of Lafayette, IN.

MC 158251 (Sub-1), filed December 9, 1981. Applicant: E & P DAY TRIPS, LTD., Shore Road, Westerly, RI 02891. Representative: Charles J. Moore, 43 Broad Street, Westerly, RI 02891, (401) 596–0151. As a *broker* at Westerly, RI, in arranging for the transportation of *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, beginning and ending at Pawcatuck, CT, and extending to Providence, Newport and Warwick, RI; Boston, Sturbridge, The Cape Cod National Seashore, Hingham, Fall River and New Bedford, MA; Hartford and Stamford, CT; West Point, Hyde Park and New York, NY; Concord, Rindge and Keane, NH; and Brattleboro, Bennington and Rutland, VT.

MC 158511 (Sub-3), filed December 14, 1981. Applicant: WISCONSIN GENERAL CARTAGE AND WAREHOUSE, INC., 4080 North Port Washington Road, Milwaukee, WI 53212. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273–1003. Transporting *transportation equipment,* between Milwaukee, WI, on the one hand, and, on the other, Chicago, IL.

MC 159031 (Sub-1), filed December 9, 1981. Applicant: SMOKY MOUNTAIN TRANSPORTATION, INC., 61½ Craven St., Asheville, NC 28806. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828–0731. Transporting *cosmetics, toilet preparations, and toiled articles,* between points in Carter County, TN, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, KS, LA, MI, MN, MO, NE, NJ, NY, OH, PA, TX, VA, and WI.

MC 159211, filed December 14, 1981. Applicant: CAMPUS LINK, INC., P.O. Box 8536, Moscow, ID 83843. Representative: J. S. Overstreet, 858 Harold Ave., Moscow, ID 83843, (208) 882–8349. Transporting *passengers and their baggage,* in the same vehicle with passengers, between points in Nezperce and Latah Counties, ID and Whitman and Spokane Counties, WA.

MC 159520, filed December 1, 1981. Applicant: GUARANTEED EXPRESS, INC., 2306 Bushwick Drive, Dayton, OH 45439. Representative: Gale Kenneth Long, (same address as applicant), (513) 299-4041. Transporting *such commodities* as are dealt in or used by manufacturer and distributor of appliances, between points in the U.S., under continuing contract(s) with Hobart Corporation, Inc., of Troy OH.

MC 159551, filed December 7, 1981. Applicant: FLAMINGO TOURS, INC., 327 Wilshire Blvd., Suite 220, Santa Monica, CA 90401. Representative: Nelly G. Toomaru, 12120 Texas Ave., Apt 203, Los Angeles, CA 90025, (213) 820–0420. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Los Angeles County, CA, and extending to points in NV and AZ, and the port of entry on the international boundary line between the U.S. and Mexico at San Ysidro, CA.

MC 159571, filed December 4, 1981. Applicant: FRED W. GRAVES, STAN W. GRAVES, STEVEN R. GRAVES, d.b.a. GRAVES & SONS, P.O. Box 366, Huntington, OR 97907. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 97258. Transporting *building materials,* between points in OR, WA, ID, NV, CA, MT, CO, AZ, NM, UT, and WY.

MC 159591, filed December 8, 1981. Applicant: CORNELL CARTAGE COMPANY, P.O. Box 4331, Denver, CO 80204. Representative: Charles J. Kimball, #665, 1600 Sherman St., Denver, Co 80203, (303) 839–5856. Transporting *such commodities* as are dealt in or used by department, auto service, and lawn and garden stores, between points in the U.S. under continuing contract(s) with Sears Roebuck and Co., of Alhambra, CA.

MC 159621, filed December 9, 1981. Applicant: CAROLINA ENTERPRISES, INC., Box 427, Daniel Street Extension, Tarboro, NC 27886. Representative: David H. Permar, Box 527, Raleigh, NC 27602, (919) 828–5952. Transporting *general commodities* (except classes A and B explosives, hazardous materials and materials requiring special equipment), between points in ME, NH, VT, MA, CT, NY, PA, DE, NJ, MD, VA, WV, OH, IN, IL, MI, WI, KY, TN, NC, SC, GA, MS, AL, FL, LA, AR, MO, IA, MN, NE, KS, OK, TX, NV, UT, CO, and RI.

MC 159630, filed December 10, 1981. Applicant: TUCKER TOURS, INC., 4306 Vine Street, Capitol Heights, MD 20743. Representative: William P. Tucker, Jr., (same address as applicant), (301) 735-3595. Transporting *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, between points in MD, VA, and DC, on the one hand, and, on the other, points in the U.S.

MC 159671, filed December 10, 1981. Applicant: AMERICAN FREEZER TRANSPORT, INC., 1303 N. McClellan, Portland, OR 97217. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd. Ave., Portland, OR 97210, (503) 226-3755. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Mrs. Smith's Frozen Foods, Inc., of Pottstown, PA.

MC 159690, filed December 14, 1981. Applicant: THOMAS TRAVEL OF SPRINGFIELD, INC., 1615 S. Glenstone, Suite A, Springfield, MO 65804. Representative: Walter A. Thomas, (same address as applicant), (417) 883-9122. As a *broker* at Springfield, MO, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, beginning and ending at points in Greene, Webster, Laclede, Polk, Christian, Lawrence, Barry, Taney, Douglas, Howell, Scott, Jasper, Butler, Vernon and Pulaski Counties, MO, and extending to points in the U.S.

MC 159710, filed December 14, 1981. Applicant: SWAN TRAVEL AGENCY, 54 East Baltimore Ave., Clifton Heights, PA 19018. Representative: Marguerite F. Bruton, 102 Mildred Ave., Collingdale, PA 19023, (215) 586-2614. As a *broker* at Clifton Heights, PA, in arranging for the transportation of *passengers and their baggage*, in the same vehicle with passengers, between points in PA, on the one hand, and, on the other, points in the U.S.

Volume No. OPY-4-498

Decided: December 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 136596 (Sub-5), filed December 17, 1981. Applicant: APACHE TOURS, INC., Rts. 206 & 70, Vincentown, NJ 08088. Representative: James H. Sweeney, 468 Kentucky Ave., Williamstown, NJ 08094, (609) 629-2354. Transporting *passengers and their baggage*, in charter and special operations, beginning and ending at points in Bucks and Philadelphia Counties, PA and extending to those points in the U.S. in and east MN, IA, KS, MO, AR, and LA.

MC 140116 (Sub-1), filed December 10, 1981. Applicant: ATLAS TRUCKING CO., LTD., 5005 Irwin Ave., LaSalle, Quebec, Canada H8N 2G9. Representative: Thomas E. Acey, Jr., 1660 L St. N.W., Suite 1100, Washington, DC 20036, (202) 452-8732. Transporting those *commodities* which because of their size and weight require the use of special handling or equipment between ports of entry on the International Boundary line between the U.S. and Canada, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, RI, NY, NJ, PA, MD, VA, OH, MI, IL, IN, WI, MN, and DC.

MC 146817 (Sub 14), filed November 6, 1981, and previously noticed in the FR issue of December 1, 1981, and republished this issue. Applicant: GEORGE CAVES, d.b.a. CAVES TRUCKING, P.O. Box 29357, Lincoln, NE 68529. Representative: Max H. Johnston, P.O. Box 6597, Lincoln, NE 68506, (402) 488-4841. Transporting *such commodities* as are dealt in and used by automotive tire supply stores, between points in Johnson County KS, on the one hand, and, on the other, points in Adams, Christian, Fulton, Hancock, Henry, Rock Island, Schuyler, and Whiteside Counties, IL, and points in IA.

Note. The purpose of this republication is to correct the territorial description.

MC 147536 (Sub-37), filed November 16, 1981, previously noticed in the FR of December 1, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64802. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848-7946. Transporting *clay, concrete, glass or stone products*, between points in Wayne County, MI, Davidson County, TN, and Tulsa County, OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note. The purpose of this republication is to show Tulsa County in OK. The previous notice inadvertently reflected Tulsa County as in TX.

MC 147066 (Sub-5), filed December 14, 1981. Applicant: LUCKY THIRTEEN TRUCKING CO., INC., 1617-B Whipple Rd., Hayward, CA 94544. Representative: William D. Taylor, 100 Pine St. #2550, San Francisco CA 94111, (415) 986-1414. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Sun-Diamond Growers of California, of San Ramon, CA.

MC 147196 (Sub-20), filed December 11, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70439, (504) 643-1700. Transporting *plastic products*, between points in the U.S. under continuing contract(s) with Rubbermaid, Inc., of Greenville, TX.

MC 147196 (Sub-21), filed December 11, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70459, (504) 643-1700. Transporting *petroleum and related products*, between points in the U.S. under continuing contract(s) with Burmah-Castrol, Inc., of Hackensack, NJ.

MC 14796 (Sub-22), filed December 14, 1981. Applicant: ECONOMY TRANSPORT, INC., P.O. Box 50262, New Orleans, LA 70150. Representative: Fletcher W. Cochran, P.O. Box 741, Slidell, LA 70459, (504) 643-1700. Transporting *paper and related products and printed matter* between points in the U.S., under continuing contract(s) with Bowater Computer Forms, Inc.

MC 158956, filed December 14, 1981. Applicant: JOSEPH CALLAVINI, P.O. Box 256, Back St., Lattimer, PA 18234. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. Transporting *paper and paper products* between points in Columbia County, PA and Gregg County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159116, filed December 14, 1981. Applicant: FRONTIER TRAILS, INC., 18701 S. Wolf Rd., Mokena, IL 60448. Representative: James R. Madler, 120 W. Madison St., Chicago, IL 60602, (312) 726-6525. Transporting *passengers and their baggage*, in special or charter operations, beginning and ending at points in IL, IN, IA, KA, KY, MO, MI, MN, OH, and WI, and extending to points in the U.S.

MC 159736, filed December 16, 1981. Applicant: DTC, INC., 500 Hogsback Rd., Mason, MI 48854. Representative: John R. Frederick (same address as applicant), (517) 676-3800. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Dart Container Corp., of Mason, MI, Leola, PA, Lithonia, GA, North Aurora, IL, Corona, CA, Waxahachie, TX, Horse Cave, KY, and Plant City, FL, and Formed Products, Inc., of Leola, PA, and North Aurora, IL.

MC 159746, filed December 17, 1981. Applicant: A.M.G. DELIVERIES, INC., 64-05 34th Avenue, Woodside, NY 11377. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048-0640, (212) 466-0220. Transporting such

commodities as are dealt in or used by manufacturers and distributors of copy machines and copy machines supplies, between points in the U.S. under continuing contract(s) with A. B. Dick Co., Inc., of Chicago, IL.

MC 159766, filed December 17, 1981. Applicant: G & G DRAYAGE, INC., 22 Mill Race Dr., St. Peters, MO 63376. Representative: J. Michael Alexander, 5801 Marvin D. Love Freeway, No. 301, Dallas, TX 75237–2385, (214) 339–4108. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Valley Industries, Inc., of St. Louis, MO.

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Decided: December 28, 1981.

By the Commission; Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 121457 (Sub-6), filed December 16, 1981. Applicant: MERCURY TRANSPORTATION, INC., 8502 Miller Rd. No. 3, Houston, TX 77049. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701, (601) 335–3576. Transporting (1) *oilfield equipment and supplies,* and (2) *pipe,* between points in AL, AR, CO, FL, IA, KS, LA, MS, MT, ND, NE, NM, OK, SD, TX, UT, and WY.

MC 146447 (Sub-20), filed December 14, 1981. Applicant: TANBAC, INC., 2941 SW 1st Terr., Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *furniture and fixtures,* between points in the U.S., under continuing contract(s) with Artco-Bell Corporation, of Temple, TX.

MC 148647 (Sub-32), filed December 14, 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 Clairol, Inc., of Stamford, CT, The Mead Johnson Co., of Evansville, IN, Monarch Crown Co., of New York, NY, Pelton & Crane Company, of Charlotte, NC, Synder Laboratories, Inc., of New Philadelphia, OH, Unitek Corp., of Monrovia, CA, and Zimmer USA, Inc., of Warsaw, IN.

MC 152277, filed December 17, 1981, Applicant: LONG MILE RUBBER COMPANY, P.O. Box 45228, Exchange Park, Dallas, TX 75245. Representative: James Petty (same address as applicant), (214) 350–7851. Transporting *food and related products,* between points in the U.S. under continuing contract(s) with Stevens Food Company of Dallas, TX, and Quality Import Company of Alberqurque, NM.

MC 153717, filed December 14, 1981. Applicant: CCC TRUCKING CO., 1108 W. Hartford, Ponca City, OK 74601. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154, (405) 424–3301. Transporting *food and related products,* between points in CA, on the one hand, and, on the other, points in AR, CT, FL, IL, KY, LA, MI, MO, NY, OK, and TN.

MC 154127 (Sub-2), filed December 16, 1981. Applicant: A. LUURTSEMA PRODUCE, INC., 5367 School St., P.O. Box 67, Hudsonville, MI 49426. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting (1) *food and related products,* between points in the U.S., under continuing contract(s) with Bunge Edible Oil Corporation, of Kankakee, IL, and (2) *such commodities* as are dealt in or used by food services distributors, between points in the U.S., under continuing contract(s) with Grant-Sysco Food Services, Inc., of Saginaw, MI.

MC 154667 (Sub-5), filed: December 14, 1981. Applicant: B. I. TRANSPORTATION, INC., P.O. Box 691, Burlington, NC 27215. Representative: J. Franklin Fricks, Jr. (same address applicant), (919) 228–2239. Transporting *general commodities (except classes A and B explosives and household goods),* between points in the U.S., under continuing contract(s) with Dillard Paper Company, of Greensboro, NC.

MC 157457 (Sub-5), filed: December 11, 1981. Applicant: CONGOLEUM CARTAGE CORPORATION, 2323 S. 17th St., Elkhart, IN 46514. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *pulp paper or allied products, chemicals, building materials, and rubber plastic articles,* between points in AL, CO, CT, FL, GA, IL, IA, KY, ME, MA, MI, MO, NJ, NC, OH, PA, RI, SC, TN, TX, VA, and WI on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158287, filed: December 14, 1981. Applicant: W. G. LLOYD d.b.a. JET DOG ERRAND & DELIVERY SERVICE, 5207 Mumm Lane, El Paso, Texas 79924. Representative: W. G. LLOYD (same as applicant), (915) 755–4097. Transporting *general commodities, (except classes A and B explosives and commodities in bulk)* between El Paso County, TX, on the one hand, and, on the other, points in Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero, and Sierra Counties, NM.

MC 158687 filed: December 14, 1981. Applicant: EXEC LINE, INC., 2920 Summerfield Dr., Louisville, KY 40220. Representative: Robert C. Bryant (same address as applicant), (502) 491–1081. Transporting *passengers and their baggage, in special and charter operations,* between points in IN and KY, on the one hand, and, on the other, points in and east of MN, LA, MO, KS, OK, and TX, and the State of NV.

MC 158887, filed: December 11, 1981. Applicant: THE VALLEY FERTILIZER & CHEMICAL CO., INC., Valley Rd. P.O. Box 443, Mt. Jackson, VA 22842. Representative: Brian L. Troiano, 918–16th Street NW., Washington, DC 20006, (202) 785–3700. Transporting *commodities in bulk,* between points in the U.S. (except AK and HI), under continuing contract(s) with CIBA–GEIGY CORPORATION, of Ardsley, NY.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–37369 Filed 12–31–81; 8:45 am]

BILLING CODE 7035–01–M

[Ex Parte No. 311] [1]

Expedited Procedures for Recovery of Fuel Costs

Decided: December 28, 1981.

In our recent decisions an 18.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.0-percent. Accordingly, we are authorizing that the surcharge for this traffic remain at 18.0 percent. All owner-operators are to receive compensation at this level.

No change is authorized in the 2.0 percent surcharge for United Parcel Service, the 6.7 percent surcharge for bus carriers, or the 3.1 percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having

[1] Because of an inadvertent delay, this decision, originally designated to be served the week of December 21, 1981, is being served the week of December 28, 1981. As all surcharges are being maintained at the same level, no one will be adversely affected by the delay.

jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. for public inspection and by depositing a copy to the Director, Office of the Federal Register, for publication therein.

The next decision will be issued the week of January 3, 1982.

It is ordered:

This decision shall become effective Friday, 12:01 a.m. December 25, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam. Commissioner Gilliam was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix.]—*Fuel Surcharge*

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5¢

Date of current price measurement and price per gallon (including tax)

December 21, 1981 ..... 131.1¢

	Transportation performed by—			
	Owner operator	Other[2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.0	3.1	6.7	[3]2.8
Percent surcharge allowed	18.0	3.1	6.7	[4]2.0

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-37365 Filed 12-31-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Additions to Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce additions to the annual list of labor surplus areas.

FOR FURTHER INFORMATION: Contact James W. Higgins, Assistant Chief, Division of Labor Market Information, 601 D Street, NW., (Attn: TPPL), Washington, D.C. 20213 (202)-376-7192.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurement set-asides in labor surplus areas. The Secretary of Labor is responsible under this Order for classifying and designating areas which are labor surplus areas. Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by FPR Temporary Regulation 57 which was issued by the General Services Administration on January 15, 1981, 46 FR 3519.

Executive agencies should refer to this regulation in procurements involving foreign businesses or products in order to assess its impact on the particular procurement.

The Department's regulations implementing Executive Order Nos. 12073 and 10582 are set forth at 20 CFR Part 654. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to these provisions the Assistant Secretary of Labor published the annual list of labor surplus areas on June 9, 1981, 46 FR 30594-30599.

Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order No. 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order No. 12073 are also areas of substantial unemployment under Executive Order No. 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(c). The purpose of this notice is to publish at one time for the convenience of Federal agencies a semi-annual update of the areas that have been added since the publication of the annual list. Accordingly, the following additions to the annual list of labor surplus areas are published for the use of all Federal agencies in directing procurement activity and locating new plants or facilities.

Signed at Washington, D.C. on December 23, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

ADDITIONS TO ANNUAL LIST OF LABOR SURPLUS AREAS

Labor surplus area	Civil jurisdiction included
July 1, 1981	
Alabama: Blount County	Blount County.
District of Columbia: Washington, D.C.	Washington City in the District of Columbia.
Illinois:	
Boone County	Boone County.
Ogle County	Ogle County.
Indiana:	
Balance of Lake County	Lake County less Gary City and Hammond City.
Balance of St. Joseph County.	St. Joseph County less South Bend City.
White County	White County.
Michigan:	
Dickinson County	Dickinson County.
Kalkaska County	Kalkaska County.
Puerto Rico:	
Aguadilla Municipio	Aguadilla Municipio.
Arecibo Municipio	Arecibo Municipio.
Bayamon Municipio	Bayamon Municipio.
Caguas Municipio	Caguas Municipio.
Mayaguez Municipio	Mayaguez Municipio.
Ponce Municipio	Ponce Municipio.
Balance of Puerto Rico	Puerto Rico less Aguadilla Municipio, Arecibo Municipio, Bayamon Municipio, Caguas Municipio, Carolina Municipio, Guaynabo Municipio, Mayaguez Municipio, Ponce Municipio, San Juan Municipio, Toa Baja Municipio.
South Dakota:	
Buffalo County	Buffalo County.
Corson County	Corson County.
Mellette County	Mellette County.
Shannon County	Shannon County.
Todd County	Todd County.
Wisconsin:	
Kenosha City	Kenosha City in Kenosha County.
Racine City	Racine City in Racine County.
Aug. 1, 1981	
Georgia: Cherokee County	Cherokee County.
Massachusetts: Haverhill City	Haverhill City in Essex County.
Rhode Island: Providence City.	Providence City.
Tennessee: Henry County	Henry County.
Sept. 1, 1981	
Massachusetts:	
Acushnet Town	Acushnet Town in Bristol County.
Adams Town	Adams Town in Berkshire County.
Ashby Town	Ashby Town in Middlesex County.
Ashfield Town	Ashfield Town in Franklin County.
Ayer Town	Ayer Town in Middlesex County.
Berkley Town	Berkley Town in Bristol County.
Bourne Town	Bourne Town in Barnstable County.
Boylston Town	Boylston Town in Worcester County.
Brimfield Town	Brimfield Town in Hampden County.
Brockton City	Brockton City in Plymouth County.
Dighton Town	Dighton Town in Bristol County.
Falmouth Town	Falmouth Town in Barnstable County.
Gloucester City	Gloucester City in Essex County.

ADDITIONS TO ANNUAL LIST OF LABOR SURPLUS AREAS—Continued

Labor surplus area	Civil jurisdiction included
Montague Town	Montague Town in Franklin County.
Plainfield Town	Plainfield Town in Hampshire County.
Rehoboth Town	Rehoboth Town in Bristol County.
Shirley Town	Shirley Town in Middlesex County.
Taunton City	Taunton City in Bristol County.
Ware Town	Ware Town in Hampshire County.
Westport Town	Westport Town in Bristol County.
New Jersey:	
Balance of Atlantic County	Atlantic County less Atlantic City.
Bayonne City	Bayonne City in Hudson County.
East Orange City	East Orange City in Essex County.
Sussex County	Sussex County.
New York: Utica City	Utica City in Oneida County.
Wisconsin:	
Milwaukee City	Milwaukee City in Milwaukee County.
Waupaca County	Waupaca County.
Florida: Miami City	Miami City in Dade County.
Maryland: Queen Annes County.	Queen Annes County.
Ohio: Athens County	Athens County.
Nov. 1, 1981	
Alabama:	
Elmore County	Elmore County.
Tallapoosa County	Tallapoosa County.
California: Ontario City	Ontario City in San Bernardino County.
Maine: Androscoggin County	Androscoggin County.
Missouri: Howell County	Howell County.
Wisconsin: Clark County	Clark County.
Dec. 1, 1981.	
Connecticut:	
Bridgeport City	Bridgeport City.
Seymour Town	Seymour Town.

[FR Doc. 81-37443 Filed 12-31-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-221-C]

Associated Producers and Miners, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Associated Producers and Miners, Inc., 508 Adams Street, Sturgis, Kentucky 42459 has filed a petition to modify the application of 30 CFR 75.1710 (cabs or canopies) to its Rough Creek Mine located in Webster County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs and canopies be installed on the mine's electric face equipment.

2. The coal seam is averaging 41.5 inches in height.

3. Installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because the operators would have to hang out from the canopy to see properly, exposing their body parts to potential injury.

4. For this reason, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 3, 1982. Copies of the petition are available for inspection at that address.

Dated: December 22, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-37450 Filed 12-31-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-238-C]

Kentland-Elkhorn Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Kentland-Elkhorn Coal Corporation, P.O. Box 500, Mouthcard, Kentucky 41548 has filed a petition to modify the application of 30 CFR 75.1708 (surface structures; fireproofing) to its Cain Branch Mine located in Pike County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that all structures erected on the surface within 100 feet of any mine opening be of fireproof construction.

2. The mine office, located eleven feet from the No. 1 Drift Portal, is a metal trailer set on concrete blocks with its wheels removed and it is underpinned. The office cannot be placed greater than one hundred feet from the portal because of limited space surrounding the portal. Personnel are on duty in or around the mine office building at all times when miners are underground.

3. The mine has a blowing type ventilation system, and air from the No. 1 Drift Portal exhausts from the inside of the mine to the surface. Any flames or smoke would be blown away from the portal and would not endanger any miners underground. The mine has no history of excess methane liberation.

4. As an alternative method, petitioner proposes to equip the office building with two ten-pound fire extinguishers mounted on the outside of the trailer at each end. In addition, an automatic sprinkler system will be installed inside the mine office building to protect the interior of the trailer.

5. Petitioner states that the proposed alternative method will at all times provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 3, 1982. Copies of the petition are available for inspection at that address.

Dated: December 22, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-37444 Filed 12-31-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-245-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1700 (barriers around oil and gas wells) to its Arkwright Mine located in Monongalia County, West Virginia. The petition if filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that barriers be established and maintained around oil and gas wells penetrating coal beds.

2. As an alternative to establishing and maintaining barriers, petitioner proposes to:

(a) Plug the affected wells using a technique developed by the U.S. Bureau of Mines, U.S. Department of Energy, and the coal industry which involves the placing of plugs in the wellbore below the base of the Pittsburgh coalbed which will prevent any natural gas from entering the mines after the well is mined through;

(b) Perform various tests and surveys to determine the location of the wellbore in the coalbed;

(c) Plug the wells back to the base of the Pittsburgh coalbed using an expandable cement and fly-ash-gel water slurry;

(d) Mine through and remove that segment of the plug existing between the mine pavement and the roof;

(e) Instruct all personnel in the affected areas to proceed with caution when mining into and through the well support pillar, with diligent efforts made at all times to assure a gas-free atmosphere in the affected areas. The petitioner will cooperate with MSHA in sampling for gas immediately before, during and after mining through the well;

(f) Make methane examinations by qualified personnel using approved methane detection equipment at least once during each shift during development and/or retreat mining and record results on a fireboss dateboard placed in the area.

4. Petitioner states that the proposed alternative method will guarantee at all times the miners no less than the same measure of protection as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 3, 1982. Copies of the petition are available for inspection at that address.

Dated: December 22, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-37445 Filed 12-31-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-242-C]

Bethlehem Mines Corp.; Petition for Modification of Application of Mandatory Safety Standard

Bethlehem Mines Corporation, Ellsworth Division, Eighty-Four, Pennsylvania 15330 has filed a petition to modify the application of 30 CFR 75.303 (preshift examinations) to its Mine No. 60 located in Washington County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that within three hours immediately preceding the beginning of any shift, and before any miner in such shift enters the active workings of a coal mine, certified persons designated by the operator of the mine shall examine such workings.

2. Access to the mine from the surface is through two ventilating portal shafts with elevators, one ventilating coal and material slope, two dual ventilating shafts, one fan shaft and one intake air shaft. All sections are ventilated by two separate splits of air.

3. Petitioner proposes that the application of the standard be modified with respect to pre-shift examination of main haulage roads as follows:

(a) Apply eight hours instead of three hours as the time frame for pre-shift examinations of main haulage roads, outby the working section;

(b) All portal-bus haulages used to transport employees to the working sections will continue to be pre-shift examined within three hours prior to the beginning of a shift;

(c) After idle periods, all haulage roads will be pre-shift examined within three hours immediately preceding the beginning of a shift.

4. Petitioner states that the procedures outlined above will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 3, 1982. Copies of the petition are available for inspection at that address.

Dated: December 22, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-37446 Filed 12-31-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-229-C]

Island Creek Coal Co., Petition for Modification of Application of Mandatory Safety Standard

Island Creek Coal Company, P.O. Box 11430, Lexington, Kentucky 40575 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions), to its Hamilton No. 1 South Mine located in Union County, Kentucky. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The return air passes across seals numbered 1 thorough 7 and is exhausted from the mine through airshaft No. 1.

2. To comply with the requirement of the standard that seals No. 1-7 be inspected once each week, the person making such inspection must crawl through old mine workings where the roof is considered unstable and the height generally less than 36".

3. As an alternative method, petitioner proposes to install two methane monitors at specified points in the vicinity of airshaft No. 1. If the methane in the return air exceeds 1%, the monitors will flash red lights and sound an alarm which will result in an immediate investigation and corrective action.

4. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 3, 1982. Copies of the petition are available for inspection at that address.

Dated: December 22, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-37447 Filed 12-31-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-62-M]

Ozark Lead Co.; Petition for Modification of Application of Mandatory Safety Standard

Ozark Lead Company, Rural Branch, Sweetwater, Missouri 63680 has filed a petition to modify the application of 30 CFR 57.19-3 (belts, rope and chains; requirements) to its Frank R. Millikan Mine and Mill located in Reynolds County, Missouri. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that belt, rope or chains not be used to connect driving mechanisms to man hoists.

2. Petitioner operates two shafts designated as escapeways. If mechanical problems should cause hoisting to cease in one of these shafts, miners cannot be sent to work until hoisting problems are corrected.

3. As an alternative method, petitioner proposed to use a chain driven hoist with a torque converter in its No. 1 Shaft for emergency purposes only. By designating the No. 1 Shaft as an escape shaft, petitioner states that the shaft will also qualify as a secondary escapeway as required by 30 CFR 57.11-50.

4. In support of the proposed alternative method, petitioner states that the drive chain mechanism is a four chain assembly and each chain is independent of the other three, but drives the same mechanism. Because of the chain assembly configuration, no hoist failure would occur if one chain broke while in use.

5. Because the hoist is designated as an escape hoist, the hoist will not be used as a regular means to lower miners into the mine, but used only to take miners out in emergency situations.

6. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 3, 1982. Copies of the petition are available for inspection at that address.

Dated: December 2, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-37448 Filed 12-31-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-215-C]

Valley Camp Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

The Valley Camp Coal Company, 2971 East Dupont Avenue, Shrewsbury, West Virginia 25184 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps) to its No. 9 Tunnel located in Kanawha County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the mine's pumps be housed in fireproof structures and that air currents used to ventilate structures or areas enclosing these pumps be coursed directly into the return.

2. Ventilation in the tunnel is provided by an exhaust fan at the southern opening pulling air through the main entries for the entire length of the tunnel.

3. There is no feasible way to examine or test the air in the returns due to the massive amount of rock falls and debris. The fresh air that passes the pumps is not used to ventilate a working section. These pumps are located in lower areas of the mine and must be operated regularly to prevent flooding of the belt line.

4. Rehabilitation of these returns would expose miners to hazardous conditions and result in a diminution of safety.

5. As an alternative method, petitioner proposes to locate three pumps in the tunnel without requiring the air currents to be coursed directly into the return, providing the following safeguards for its pumps and transformer station:

a. The pumps and transformer station will be housed in a fireproof enclosure;

b. Doors of the enclosure will be fireproof and integrally connected with the fire suppression device to close automatically if a fire should occur;

c. A fire suppression device that meets the requirements of 30 CFR 75.1107-4(a)(1) will be installed over the pump;

d. No combustible material will be stored within the pump enclosure;

e. Electrical circuits will comply with applicable standards;

f. Inspections of these pump stations will be made as required by the standards.

6. Petitioner states that the proposed alternative method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before February 3, 1982. Copies of the petition are available for inspection at that address.

Dated: December 22, 1981.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-37499 Filed 12-31-81; 8:45 am]

BILLING CODE 4510-43-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-329 and 50-330]

Consumers Power Co., Midland Plant, Units 1 and 2; Order Extending Construction Completion Dates

Consumers Power Company is the current holder of Construction Permit Nos. CPPR-81 and CPPR-82 issued by the Atomic Energy Commission [1] on December 15, 1972, for the Midland Plant, Units 1 and 2. These facilities are presently under construction at the applicant's site on the south shore of the Tittabawassee River in Midland County, Michigan. By letter dated July 22, 1981, Consumers Power Company filed a request for an extension of the latest construction completion dates for the facilities to December 1, 1984, for Unit 1 and to July 1, 1984, for Unit 2. This extension was requested due to (1) a significant increase in the quantities of projected bulk commodities, and (2) a labor strike which occurred in May 1978 and lasted for 44 days.

This action involves no significant hazards consideration, good cause has been shown for the delay, and the requested extension is for a reasonable period, the bases for which are set forth in the staff evaluation. The preparation of an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the Order other than that which has already been predicted and described in the Commission's Final Environmental Statement-Construction Permit Stage for the Midland Plant, Units 1 and 2, published in March 1972. A Negative Declaration and an

[1] Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that date continued under the authority of the Nuclear Regulatory Commission.

Environmental Impact Appraisal have been prepared and are available, as are the above stated documents, for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the local public document room established for the Midland Plant, Units 1 and 2, at the Grace Dow Memorial Library, 1710 W St. Andrews Road, Midland, Michigan 48640.

It is hereby ordered that the latest completion date for CPPR-81 be extended from October 1, 1982, to December 1, 1984, and the latest date for CPPR-82 be extended from October 1, 1981, to July 1, 1984.

Date of Issuance: December 28, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

Negative Declaration Supporting: Extension of Construction Permit Nos. CPPR-81 and CPPR-82 Expiration Dates for Midland Plant, Unit Nos. 1 and 2, Consumers Power Co., Docket Nos. 50-329 and 50-330

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the request from Consumers Power Company for an extension of the expiration dates of the construction permits for the Midland Plant, Unit Nos. 1 and 2 (CPPR-81 and CPPR-82) which are located in Midland County in the State of Michigan. The request is for an extension of the permits through December 1, 1984, for CPPR-81 and through July 1, 1984, for CPPR-82, to allow for completion of construction of the facilities.

The Commission's Division of Licensing has prepared an environmental impact appraisal relative to these changes to CPPR-81 and CPPR-82. Based on this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the proposed action other than that which has already been described in the Commission's Final Environmental Statement-Construction Permit Stage or evaluated in the environmental impact appraisal.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Grace Dow Memorial Library, 1710 W St. Andrews Road, Midland, Michigan 48640.

Dated at Bethesda, Maryland, this 23rd day of December, 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-33473 Filed 12-31-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-322A]

Long Island Lighting Co.; Finding of No Significant Antitrust Changes and Time for Filing of Requests for Reevaluation

The Director of Nuclear Reactor Regulation has made an initial finding in accordance with Section 150c(2) of the Atomic Energy Act of 1954, as amended, that no significant (antitrust) changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review of the Shoreham Nuclear Power Station by the Attorney General and the Commission. The finding is as follows:

Section 105(c) of the Atomic Energy Act of 1954, as amended, provides for an antitrust review of an application for an operating license if the Commission determines that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review. The Commission has delegated the authority to make the 'significant change' determination with respect to nuclear reactors to the Director, Office of Nuclear Reactor Regulation. Based upon examination of events that have transpired since issuance of the Shoreham Nuclear Power Station construction permit to the Long Island Lighting Company, the staffs of the Office of Nuclear Reactor Regulation and the Office of the Executive Legal Director, hereafter referred to as the 'staff,' have jointly concluded, after consulting with the Department of Justice, that the changes that have occurred since the antitrust construction permit review are not 'significant' in an antitrust context to require a second formal antitrust review at the operating license stage of the application for licenses; i.e., the changes which have occurred either are not reasonably attributable to the licensee or do not have antitrust implications that would likely warrant some Commission remedy. In reaching this conclusion, the staff considered the structure of the electric utility industry in New York state, the events relevant to the Shoreham construction permit antitrust review, and the events that have occurred subsequent to that permit review.

The Conclusion of the staff's analysis is as follows:

Applicant's activities subsequent to the Shoreham CP antitrust review have been evaluated on several occasions. The staff's review of the operating license application in 1976 found no significant antitrust changes at that time. Subsequent antitrust reviews of the Long Island Lighting Company with respect to the Jamesport, Nine Mile Point No. 2 and New York State Electric and Gas nuclear plants were conducted by the Attorney General. Each of these reviews indicated no actual or potential violation of the antitrust laws on the part of LILCO. These previous reviews have described changes in the Applicant's activities, occurring since the Shoreham CP antitrust review, which have had either no apparent effect on competition or have enhanced the competitive posture of smaller systems in LILCO's service area.

Interconnection agreements have been negotiated between Applicant and the Cities of Freeport and Rockville Center. These agreements call for various coordination services, including LILCO's wheeling of power and energy from the Power Authority of the State of N.Y. The City of Greenport has entered into a more limited interconnection agreement with the Applicant which calls for wheeling services only.

Based on the findings of this current review, the October, 1976 review, and the Attorney General's advice letters with respect to other nuclear facilities, staff has concluded that the changes in the Applicant's activities since the completion of the Shoreham CP antitrust review do not have any antitrust implications that would likely warrant some Commission remedy. As a result, these changes do not meet the 'significant change' criteria and therefore do not require a further, formal antitrust review at the operating license stage. The Department of Justice has concurred in this Analysis.

Based on the Staff's analysis, it is my finding that a formal operating license antitrust review of the Long Island Lighting Company with respect to the Shoreham Nuclear Power Station is not required.

Signed on December 17, 1981 by Harold R. Denton, Director, Office of Nuclear Reactor Regulation.

Any person whose interest may be affected pursuant to this initial determination may file with full particulars a request for reevaluation with the Director of Nuclear Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555 by March 2, 1982.

For the Nuclear Regulatory Commission.

Stephen Skjie,

Chief, Antitrust and Economic Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 81-37424 Filed 12-31-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Station; Granting of Relief From ASME Code Section XI Inservice Inspection Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear

Power Plant Components," to Maine Yankee Atomic Power Company (the licensee), which revised the inservice inspection program for the Maine Yankee Atomic Power Station, located in Lincoln County, Maine. The ASME Code requirements are incorporated by Technical Specification 4.7. The relief is effective as of its date of issuance.

The relief consists of exemption from performing hydrostatic pressure tests of modification weld repairs to piping and components which are 1 inch nominal pipe size and smaller. In lieu of this the licensee will perform a visual, liquid penetrant inspection and an inservice leak check after the modification weld repair and the welds will not be performed using a half bead welding technique in lieu of post weld heat treatment.

The request for relief 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 finding as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief and related Safety Evaluation.

The Commission has determined that the granting of this relief 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 this action.

For further details with respect to this action, see (1) the request for relief dated November 4, 1981, (2) the letter to the licensee dated November 4, 1981, and (3) the Commission's related Safety Evaluation. All of these available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Wiscasset Public Library, High Street, Wiscasset, Maine 04578. 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 17th day of December 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 81-37425 Filed 12-31-81; 8:45 am]

BILLING CODE 7590-01-M

Reporting, Recordkeeping, and Application Requirements

AGENCY: Nuclear Regulatory Commission.

ACTION: List of approved information collection requirements.

SUMMARY: The Nuclear Regulatory Commission is publishing a list of its regulations that contain information collection requirements that have been approved by the Office of Management and Budget. The list identifies the parts in 10 CFR Chapter I containing approved information collection requirements and the OMB control number under which the part is approved. This action is necessary to meet the procedural requirements of the Paperwork Reduction Act of 1980.

FOR FURTHER INFORMATION CONTACT: Steve Scott, Chief, Document Management Branch, Division of Technical Information and Document Control, Office of Administration, Telephone: (301) 492-8585.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1980 (Pub. L. 96-511; 44 U.S.C. Chapter 35) transferred the responsibility for approving the information collection requirements imposed by the Nuclear Regulatory Commission (NRC) on the public from the General Accounting Office (GAO) to the Office of Management and Budget (OMB). The Act requires that each existing information collection requirements be reapproved by OMB as existing GAO clearances expire. This requirement applies to the application, recordkeeping, and reporting requirements contained in NRC regulations.

In a memorandum dated November 23, 1981, OMB directed that each agency subject to the Paperwork Reduction Act publish a list of approved information collection requirements by December 31, 1981.

The Nuclear Regulatory Commission is publishing a list of its regulations that contain information collection requirements that have been approved by OMB. The list identifies each part within 10 CFR Chapter I containing approved information collection requirements and the OMB control number under which the part is approved.

Within the next year, NRC intends to amend the Code of Federal Regulations to add a section to the General Provisions of each part containing approved information collection requirements. That section will present the OMB control number and a list of sections within the part that contain approved information collection requirements.

The authority citation for this document is:

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201))

These parts contain information collection requirements that have been approved by OMB.

CFR part	OMB control number
4	3150-0053
9	3150-0043
11	3150-0062
19	3150-0044
20	3150-0014
21	3150-0035
25	3150-0046
30	3150-0017
31	3150-0016
32	3150-0001
33	3150-0015
34	3150-0007
35	3150-0010
40	3150-0020
50	3150-0011
51	3150-0021
55	3150-0018
70	3150-0009
71	3150-0008
73	3150-0002
75	3150-0055
95	3150-0047
110	3150-0036
140	3150-0039
150	3150-0032

Dated at Bethesda, Maryland, this 28th day of December, 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-34646 Filed 12-31-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Patents—Small Business Firms and Non-Profit Organizations

December 29, 1981.

Memorandum to the Heads of Executive Departments and Establishments

Subject: Extension of OMB Bulletin No. 81-22.

Pending issuance of a final Circular, the sunset date set forth in Part 10 of OMB Bulletin No. 81-22 "Patents—Small Firms and Non-Profit Organizations," (46 FR 34776, July 2, 1981) is revised to January 31, 1982.

Donald E. Sowle,

Administrator, Office of Federal Procurement Policy.

David A. Stockman,

Director, Office of Management and Budget.

[FR Doc. 81-37474 Filed 12-31-81; 8:45 am]

BILLING CODE 3110-01-M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From Bond/Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan; Manley Truck Line Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from the Manley Truck Line, Inc. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974 in connection with Manley's purchase of assets of Chicago Kansas City Freight Line, Inc. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. The PBGC is authorized to grant exemptions from this requirement. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATES: Comments must be submitted on or before February 18, 1982.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (Mail Stop 140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. The request for an exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James Graham, Office of the Executive Director, Policy and Planning, Suite 7300, 2020 K Street, NW., Washington, D.C. 20006; (202) 254-4862. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96-364, 94 Stat. 1208 (the "Multiemployer Act") became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974 ("ERISA"). As a result of the Multiemployer Act, an employer that withdraws, or partially withdraws, from a multiemployer pension plan covered under Title IV of ERISA may be liable to the plan for a portion of the plan's unfunded vested benefits. The withdrawal liability rules generally apply to withdrawals occurring after April 28, 1980.

Section 4204 of ERISA, 29 U.S.C. 1384, provides that the sale of assets of a contributing employer in a bona fide arm's-length transaction to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)-(C), are that—

(A) The purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204. The bond or escrowed amount described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) and the contract-provision requirement of section 4204(a)(1)(C) if the variance would "more effectively or equitably carry out the purposes of (Title IV)." The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1)(B) or (C) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1).

Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets (46 FR 46127, September 17, 1981), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a request from Manley Truck Lines, Inc. ("Manley") to waive the bond/escrow requirement of section 4204(a)(1)(B) of ERISA. In the request, Manley represents among other things, that:

1. On March 13, 1981, Manley purchased the operating assets of Chicago Kansas City Freight Line, Inc. ("CKC").

2. CKC contributed to the following multiemployer plans: Central States, Southeast and Southwest Areas Pension Fund ("Central States Fund") Local 710 of the International Brotherhood of Teamsters Pension Fund ("Local 710 Fund"), and Chicago Independent Truck Drivers, Helpers and Warehouse Workers Union Pension Fund ("Chicago Independent Fund").

Under the sales agreement, Manley agreed to contribute to each of these plans for substantially the same number of contribution base units for which CKC had an obligation to contribute.

3. For each plan, the estimated amount of CKC's withdrawal liability, absent section 4204, and the estimated amount of the bond or escrow that Manley would be required to post or deposit, absent a waiver from PBGC, are as follows:

Fund	Withdrawal liability	Bond/escrow
Central States	$1,400,000	$167,062
Local 710	200,000	57,501
Chicago Independent	408,950	47,584

4. Manley was a contributor to the Central States Fund before its acquisition of CKC's assets. Manley contributed $349,806 to the Fund in 1980.

5. According to its financial statements, Manley has net assets of

$2.7 million as of December 31, 1980. Manley had net assets of $2.87 million in 1979 and $3.4 million in 1978.

6. Manley's net income (after taxes) was $133,782 for 1980 and $229,025 for 1978. Manley suffered a loss of $44,987 in 1979. Manley's income for the nine months ending September 30, 1981 was $363,337 before taxes.

7. CKC's financial statements for the fiscal year ending December 31, 1980 show net assets of $1.7 million and net income (after taxes) of $23,944.

8. Pro forma financial statements for the combined Manley-CKC operation after one year project net assets of $3.36 million and net income before taxes of $773,273.

9. Manley has sent a copy of this request to the plans listed above and collective bargaining representatives of the seller's employees.

Comments

All interested persons are invited to submit written comments on the pending exemption to the above address, on or before February 16, 1982. All comments will be made a part of the record. Comments received, as well as the application for exemption, will be available for public inspection at the address set forth above.

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

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-37243 Filed 12-31-81; 8:45 am]

BILLING CODE 7708-01-M

Pendency of Request for Exemption From Bond Escrow Requirement Relating to Sale of Assets by an Employer That Contributes to a Multiemployer Plan; Tri/Valley Growers, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from Tri/Valley Growers, Inc. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974 in connection with Tri/Valley Growers' purchase of assets of Glorietta Foods. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for five plan years beginning after the sale. The PBGC is authorized to grant exemptions from this requirement. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advise interested persons of this exemption request and to solicit their views on it.

DATES: Comments must be submitted on or before February 18, 1982.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (Mail Stop 140), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006. The request for an exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: David Weingarten, Office of the Executive Director, Policy and Planning, Suite 7300, 2020 K Street, NW., Washington, D.C. 20006; (202) 254-4860. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

The Multiemployer Pension Plan Amendments Act of 1980, Pub. L. 96-364, 94 Stat. 1208 (the "Multiemployer Act") became law on September 26, 1980 and amended the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. 1001 *et seq.* As a result of the Multiemployer Act, an employer that withdraws, or partially withdraws, from a multiemployer pension plan covered under Title IV of ERISA may be liable to the plan for a portion of the plan's unfunded vested benefits. The withdrawal liability rules generally apply to withdrawals occurring after April 28, 1980.

Section 4204 of ERISA, 29 U.S.C. 1384, provides that the sale of assets of a contributing employer in a bona fide arm's-length transaction to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1)(A)-(C), are that—

(A) The purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204. The bond or escrowed amount described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) and the contract-provision requirement of section 4204(a)(1)(C) if the variance would "more effectively or equitably carry out the purposes of (Title IV)." The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1) (B) or (C) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1).

Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets (46 FR 46127, September 17, 1981), the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a request from Tri/Valley Growers, Inc. ("Tri/Valley") to waive the bond/escrow requirement of section 4204(a)(1)(B) of ERISA. In the

request, Tri/Valley represents among other things, that:

1. Under an agreement dated February 25, 1981, Tri/Valley purchased the operating assets of Glorietta Foods ("Glorietta").

2. Glorietta contributed to two multiemployer plans: Western Conference of Teamsters Pension Fund ("Western Conference Fund") and Western States Food Processing Industry Employee Pension Trust ("Western States Trust"). Following the sale, Tri/Valley had an obligation to contribute to these plans with respect to the acquired operations for substantially the same number of contribution base units for which Glorietta had an obligation to contribute.

3. For each plan the estimated maximum amount of Glorietta's withdrawal liability, absent section 4204, and the estimated amount of Tri/Valley's bond or escrow, absent an exemption from PBGC, are as follows:

Plan	Withdrawal liability	Bond/escrow
Western Conference	$2,000,000	$350,000
Western States	1,600,000	450,000

4. Tri/Valley was one of the three largest contributors to the Western States Trust before its acquisition of Glorietta's assets.

5. According to its audited financial statements, Tri/Valley had net assets of $48.4 million as of January 31, 1981, $43.46 million as of January 31, 1980, and $38.86 million as of January 31, 1979.

6. Tri/Valley suffered a net loss of $5,099,019 for the fiscal year ending January 31, 1981 (a loss of $7,066,019 before extraordinary gains resulting from casualty losses). Tri/Valley had net income of $4,941,969 for the preceding fiscal year ($1,515,501 before extraordinary gains from casualty losses).

7. Tri/Valley has sent a copy of this request to the plans listed above and to the collective bargaining representatives of the seller's employees by certified mail.

Comments

All interested persons are invited to submit written comments on the pending exemption to the above address, on or before February 16, 1982. All comments will be made a part of the record. Comments received, as well as the application for exemption, will be available for public inspection at the address set forth above.

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

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-37357 Filed 12-31-81; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 2-52854 (22-11443)]

International Harvester Credit Corp.; Application and Opportunity for Hearing

December 23, 1981.

Notice is hereby given that International Harvester Credit Corporation (the "Company") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission that the successor trusteeship of Commerce Union Bank, One Commerce Place, Nashville, Tennessee 37219, under eight existing indentures of the Company which are qualified under the Act is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Commerce Union Bank from acting as trustee under any of such indentures.

I

The Company alleges that the Company has outstanding on the date hereof the following described securities issued under the following indenture between the Company and American National Bank and Trust Company of Chicago ("American National"), which was qualified under the Act in connection with the registration under the Securities Act of 1933 of the securities issued thereunder, the file number of such Registration Statement being set forth in parentheses below:

$75,000,000 9.15% Notes Due 1982, under Indenture dated as of March 1, 1975 between the Company and American National, Trustee (File No. 2-52854).

II

By order dated June 23, 1981, the Commission granted the application of the Company for Commerce Union Bank to succeed as trustee to five existing indentures of the Company each of which was qualified under the Trust Indenture Act of 1939 in connection with the registration under the Securities Act of 1933 of the securities issued thereunder, the file number of each Registration Statement being set forth in parentheses below:

1. $50,000,000 4¾% Debentures Series B Due 1981, under Indenture dates as of November 1, 1958 between the Company and Continental Illinois National Bank and Trust Company of Chicago, Trustee, as supplemented by Supplemental Indenture dated August 1, 1960 (File No. 2-16795);

2. $50,000,000 8⅝% Debentures Due 1991, under Indenture dated as of August 1, 1971 between the Company and The Chase Manhattan Bank (National Association), Trustee (File No. 2-41096);

3. $60,000,000 7⅝% Debentures Due 1993, under Indenture dated as of February 1, 1972 between the Company the The Northern Trust Company, Trustee (File No. 2-42830);

4. $75,000,000 9% Notes Due April 1, 1984, under Indenture dated April 1, 1976 between the Company and Bank of America National Trust and Savings Association, Trustee (File No. 2-55565); and

5. $100,000,000 8.35% Notes Due December 15, 1986, under Indenture dated as of December 15, 1976 between the Company and Continental Illinois National Bank and Trust Company of Chicago, Trustee (File No. 2-57773).

By order dated November 17, 1981, the Commission granted the application of the Company for Commerce Union to succeed as trustee to two additional existing indentures of the Company, each of which was qualified under the Trust Indenture Act of 1939 in connection with the registration under Securities Act of 1933 of the securities issued thereunder, the file number of each Registration Statement being set forth in parentheses below:

6. $75,000,000 7½% Debentures Due 1994, under Indenture dated as of January 15, 1973 between the Company and Manufacturers Hanover, Trustee (File No. 2-46636); and

7. $100,000,000 13½% Notes Due August 1, 1988 under Indenture dated as of August 1, 1980 between the Company and Manufacturers Hanover, Trustee (File No. 2-68588).

III

1. As has been publicly reported, the Company and its parent, International Harvester Company ("IH"), are each negotiating for a new loan agreement to replace current short-term borrowings of the Company and IH. The indebtedness of the Company under its now loan agreement will be secured. As a result of its anticipated role in the restructuring of the indebtedness of the Company or for other reasons, American National

has notified the Company of its resignation as trustee under the indenture under which it serves as trustee, such resignation to become effective upon acceptance by the successor trustee of appointment under such indenture. The Company therefore intends to appoint Commerce Union Bank as successor trustee under such indenture.

2. Each of the indentures referred to in Parts I and II above contains the provisions required by Section 310(b) of the Trust Indenture Act of 1939.

3. The securities issued under each of the indentures listed in Parts I and II above are wholly unsecured. All of such securities constitute senior indebtedness of the Company; the securities issued under each such indenture rank equally with the securities issued under each other such indenture.

4. Each of the indentures referred to in Parts I and II above provides that, with certain exceptions, the Company will not subject to lien any of its property or assets without securing the payment of the principal of and premium, if any, and the interest on the securities issued under such indenture equally and ratably with any and all other obligations and indebtedness secured by such lien, so long as any such other obligations and indebtedness are so secured. Because the indebtedness of the Company under its new loan agreement referred to in Paragraph 1 above will be secured, the securities outstanding under each of the indentures referred to in Parts I and II will, when the Company enters into the new loan agreement, become equally and ratably secured, and will remain so secured so long as any indebtedness of the Company under its new loan agreement is secured; thereafter such securities will again become wholly unsecured.

5. At such time as the indebtedness of the Company under its new loan agreement becomes secured, the issue of securities outstanding under each of the indentures referred to in Parts I and II above will become and be secured by the same pool of collateral, equally and ratably with the indebtedness of the Company under the new loan agreement and with the issue of securities outstanding under each other such indenture, as well as with all other indebtedness of the Company to be secured by such collateral.

6. In order to secure the indebtedness referred to in Paragraph 5 above (the "Secured Obligations"), the Company expects to enter into certain agreements (the "Security and Trust Agreements") with Wilmington Trust Company to be appointed trustee with respect to the collateral (the "Trustee"). The Security and Trust Agreement will provide, *inter alia*, that if circumstances occur under which the Trustee takes action to realize on the collateral, all amounts so realized will be held in trust by the Trustee and distributed equally and ratably, to all holders of Secured Obligations (including for the purposes of any such distribution the trustee under each indenture of the Company under which Secured Obligations are outstanding). If the indebtedness outstanding under any of the indentures referred to in Parts I and II above is not paid when due, or if such indebtedness has been declared payable prior to its stated maturity pursuant to the terms of any such indenture, the trustee under any such indenture will be entitled to give notice to the Trustee requiring the Trustee to take action to realize on the Collateral.

7. The effect of the Security and Trust Agreement will be to insure that if any holder or group of holders of Secured Obligations becomes entitled to cause the Trustee to realize on the collateral, all holders of Secured Obligations, including the indebtedness outstanding under each of the indentures listed in Parts I and II above, will benefit ratably.

8. For the foregoing reasons, the Company believes that serving as trustee under any one of the indentures listed in Parts I and II above, and continung such trusteeship during such time as the indebtedness outstanding under each such indenture is secured and thereafter, when such indebtedness again becomes whlly unsecured, should in no way inhibit, discourage or otherwise influence Commerce Union Bank's actions as trustee under any one or more of such other indentures. Consequently, its trusteeship under all of such indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Commerce Union Bank from acting as trustee under any of such indentures.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's rules of practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to the application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, NW., Washington, D.C.

Notice is further given that any interested person may, not later than January 17, 1982, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Dvision of Corporation Finance, pursuant to delegated authority.

Shirley F. Hollis,

Assistant Secretary.

[FR Doc. 37396 Filed 12-31-81 8:45 am]

BILLING CODE 8010-01-M

The Montana Power Co.; Application and Opportunity for Hearing

December 29, 1981.

In the Matter of the Montana Power Company, File No. 22-11471, Trust Indenture Act of 1939, as amended Section 310(b)(1)(ii).

Notice is hereby given that The Montana Power Company (the "Company") has filed an application under Clause (ii) of Section 310(b)(1) of The Trust Indenture Act of 1939, as amended ("The Act") for a finding that the trusteeship of Citibank, N.A. ("Citibank") under an indenture heretofore qualified under the Act, and a new indenture not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as trustee under both indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under

which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Company alleges that:

(1) The Company has outstanding on the date hereof $23,500,000 aggregate principal amount of its 7½% Sinking Fund Debentures due 1998 (the "Debentures") issued under the 1973 Indenture executed by the Company and Citibank, as Trustee. The Debentures were registered under the Securities Act of 1933, as amended (File No. 2-46553), and the Indenture was qualified under the Trust Indenture Act of 1939, as amended (File No. 22-7420). Citibank is currently acting as trustee under the 1973 Indenture.

(2) Pursuant to the 1981 Indenture, there have been issued $50,000,000 aggregate principal amount of the 15⅜% Guaranteed Notes due 1987 of Montana Power International Finance, N.V. ("Finance"), which are guaranteed by the Company (the "Guaranteed Notes"). Inasmuch as the Guaranteed Notes are being offered and sold outside the United States, its territories and possessions to persons who are not nationals or residents thereof, the Guaranteed Notes are not being registered under the Securities Act of 1933 and the 1981 Indenture is not being qualified under the Act.

(3) Execution of the 1981 Indenture could involve Citibank in a conflict of interest within the meaning of Section 10.09 of the 1973 Indenture since the 1981 Indenture is not being qualified under the Act and is not the subject of any other proceeding of the Commission.

(4) Section 10.09 of the 1973 Indenture provides in part as follows:

"(IV) The Trustee shall be deemed to have a conflicting interest if:

(1) The Trustee is trustee under another indenture under which any other Securities, or certificates of interest or participation in any other Securities, of the Obligor are Outstanding unless such other indenture is a collateral trust indenture under which the only collateral consists of Debentures issued under this Indenture; provided, however, that there shall be excluded from the operation of this paragraph another indenture or indentures under which other Securities or certificates of interest or participation in other Securities of the Obligor are Outstanding if (i) this Indenture and such other indenture or indentures are wholly unsecured and such other indenture or indentures are hereafter qualified under the Trust Indenture Act of 1939, unless the Securities and Exchange Commission shall have found and declared by order pursuant to subsection (b) of Section 305 or subsection (c) of Section 307 of the Trust Indenture Act of 1939 that differences exist between the provisions of this Indenture and the provisions of such other indenture or indentures which are so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under one of such indentures, or (ii) the Obligor shall have sustained the burden of proving, on application to the Securities and Exchange Commission and after opportunity for hearing thereon, that the trusteeship under this Indenture and such other indenture is not so likely as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from acting as such under one of such indentures; and provided further, that there shall be excluded from the operation of this paragraph the Agreement, dated as of May 1, 1954, between the Company and City Bank Farmers Trust Company (now First National City Bank), Trustee, under which the Company's 3¼% Sinking Fund Debentures due 1979 are outstanding;"

(5) The 1973 and 1981 Indentures are wholly unsecured. The guaranty of the Guaranteed Notes by the Company under the 1981 Indenture ranks equally with the Company's other unsecured and unsubordinated indebtedness, including the Debentures. The primary differences between the 1973 Indenture and the 1981 Indenture, and between the rights of the holders of the Debentures and the holders of the Guaranteed Notes, relate to aggregate principal amounts, dates of issue, denominations, events of default, maturity and interest payment dates, interest rates, places of payment of interest and principal, form of registration, redemption or prepayment procedures, Trustee's reports, restrictions on transferability, provisions for conflicting interest of the Trustee, special provisions relating to the non-United States offering of the Guaranteed Notes and other provisions of a similar nature. Any such difference and any other difference in the provisions of the 1973 and the 1981 Indentures is not so likely to involve any material conflict of interest between the respective trusteeships of Citibank under these Indentures so as to make it necessary in the public interest or for the protection of investors to disqualify Citibank from acting as trustee under the 1973 Indenture.

(6) The Company is not in default under the 1973 or the 1981 Indenture.

The Company has waived notice of hearing, and hearing, in connection with the matter referred to in this application.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application, which is a public document on file in the office of the Commission at 500 North Capitol Street, NW., Washington, D.C. 20549.

Notice is further given that any interested persons may, not later than January 28, 1982, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission by the Division of Corporation Finance, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-37465 Filed 12-31-81; 8:45 am]

BILLING CODE 5010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-0220]

Livingston Capital, Ltd.; Filing of Application for Transfer of Control of a Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR 107.701 (1981)), to transfer effective control of Livingston

Capital, Ltd. (Livingston), 5701 Woodway, Houston, Texas 77057, a Federal Licensee under the Small Business Investment Act of 1958, as amended (Act).

Livingston was licensed on January 7, 1980, and has private capital of $1,000,000.

The present structure is:

Corporate General Partner:
Livingston Capital Corporation (1%)
Limited Partners:
J. Livingston Kosberg, 15 Buffalo Ridge Circle, Houston, Texas 77001 (79%)
Mark J. Brookner, 7615 Rollingbrook, Houston, Texas 77071 (20%)

The proposed structure is:

Individual General Partners:
J. Livingston Kosberg (79%)
Mark J. Brookner (20%)
Limited Partner:
Glory S. Green, 716 A Bering Drive, Houston, Texas 77057 (1%)

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new management, and the probability of successful operation of Livingston under their management, including adequate profitability and financial soundness, in accordance with the Act and SBA rules and regulations.

Any person may, on or before February 3, 1982, submit to SBA written comments on the proposed transfer of control. Any such communications should be addressed to the Acting Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this Notice shall be published in newspapers of general circulation in Houston, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: December 23, 1981.

Edwin T. Holloway,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 81-37451 Filed 12-31-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/473]

Advisory Committee to the United States National Section of the International Commission for the Conservation of Atlantic Tunas; Meeting

Notice is hereby given, pursuant to the provisions of Pub. L. 92-463, that a meeting of the Advisory Committee to the United States National Section of the International Commission for the Conservation of Atlantic Tunas will be held on January 19, 1982, from 10:00 a.m. to 5:00 p.m., in Room 1105 of the Department of State, Washington, D.C.

The meeting will be open to the public and the public may participate in the discussions subject to instructions of the Committee Chairman. The subject of the meeting is the recommendations pertaining to bluefin tuna of the International Commission for the Conservation of Atlantic Tunas and implementation of these recommendations.

Requests for further information should be directed to Barbara Rothschild, Office of International Fisheries Affairs, National Marine Fisheries Service, Department of Commerce, tel. No. (202) 634-7257.

Dated: December 17, 1981.

Norman A. Wulf,

Acting Deputy Assistant Secretary, Oceans and Fisheries Affairs.

[FR Doc 81-37371 Filed 12-31-81; 8:45 am]

BILLING CODE 4710-10-M

[Public Notice CM-3/476]

Shipping/Coordinating Committee, Committee on Ocean Dumping; Meeting

The Advisory Committee on Ocean Dumping, a Subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Tuesday, January 26, 1982, in Room 1101, West Tower, Waterside Mall, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C.

The purpose of the meeting is to review the outcome of the Sixth Consultative Meeting of the London Dumping Convention and to discuss the preliminary agenda for the next meeting of the Ad Hoc Scientific Group.

Requests for further information should be addressed to Ms. Norma A. Hughes, Executive Secretary, Committee on Ocean Dumping (WH-585), U.S. Environmental Protection Agency, Washington, D.C. 20460. Ms. Hughes may be reached by telephone (202) 755-2927. The Chair will entertain comments from the public as time permits.

December 15, 1981.

John T. Stewart,

Chairman, Shipping Coordinating Committee.

[FR Doc 81-37374 Filed 12-31-81; 8:45 am]

BILLING CODE 4710-09-M

[Public Notice CM-8/474]

Study Groups A and B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Groups A and B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on January 14, 1982 at 10:00 a.m. in Room 856 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. These Study Groups deal with the issues of developing a U.S. position relating to international interactive videotex services which would be proposed at upcoming meetings of CCITT Study Groups I and VIII.

The meeting will examine certain proposals that were discussed at the previous meeting held on December 10 and the formation of a panel of experts announced at the meeting to examine the technical aspects of a U.S. position on videotex.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. Requests for further information should be directed to Earl S. Barbely, Conference Staff; Federal Communications Commission, Washington, D.C., telephone (202) 632-3214.

December 16, 1981

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 81-37372 Filed 12-31-81; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/475]

Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Group A of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on January 14, 1982 at 2:00 p.m., in Room 856 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. This Study Group deals with U.S. Government aspects of international telegram and telephone operations and tariffs.

The Study Group will discuss international telecommunications questions relating to telegraph, telex, new record services, data transmission

and leased channel services in order to develop U.S. positions to be taken at upcoming international CCITT Study Group I and III meetings.

Members of the general public may attend the meeting and join in the discussion subject to instruction of the Chairman. Admittance of public members will be limited to the seating available. Requests for further information should be directed to Earl S. Barbely, Conference Staff, Federal Communications Commission, Washington, D.C., telephone (202) 632-3214.

Dated: December 16, 1981.

Richard H. Howarth,

Chairman, U.S. CCITT National Committee.

[FR Doc. 81-37373 Filed 12-31-81; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Societe Nationale Industrielle Aerospatiale Model AS 332C Helicopter—Type Certification and Decision Basis

The formal certification for Aerospatiale Model AS 332C helicopter initiated in May 1979 was completed October 14, 1981.

The Acting Director of the FAA, Europe, Africa and Middle East Office has reviewed a document entitled "Decision Basis for the Type Certification of the Aerospatiale Model AS 332C helicopter.

Based on this summary of the certification process, the Acting Director has approved issuance of Type Certificate H4UE, dated October 14, 1981.

A copy of the "Decision Basis for the Type Certification of the Aerospatiale Model AS 332C helicopter is on file in the FAA Rules Dockets. The "Decision Basis" includes a copy of the Type Certificate H4EU. The report is available for examination and copying at the FAA Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. Copies of the report may be obtained from the Director, FAA Europe, Africa and Middle East Office, Federal Aviation Administration, c/o American Embassy, APO New York 09667.

Issued in Burlington, Massachusetts, on December 18, 1981.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 82-37408 Filed 12-31-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954]. The list is the same as the prior quarterly list published in the **Federal Register.**

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954].

Bahrain; Iraq; Jordan; Kuwait; Lebanon; Libya; Oman; Qatar; Saudi Arabia; Syria; United Arab Emirates; Yemen, Arab Republic; Yemen, Peoples Democratic Republic of

John E. Chapoton,

Assistant Secretary for Tax Policy.

[FR Doc. 81-37245 Filed 12-31-81; 8:45 am]

BILLING CODE 4810-25-M

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to Section 10 of Pub. L. 92-463, that a meeting will be held at the U.S. Treasury Department in Washington, D.C. on January 26 and 27, 1982, of the following debt management advisory committee:

Public Securities Association, U.S. Government and Federal Agencies Securities Committee

The agenda for the Public Securities Association, U.S. Government and Federal Agencies Securities Committee meeting provides for a working session on January 26 and the preparation of a written report to the Secretary of the Treasury on January 27, 1982.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 101-5 (January 7, 1981), I hereby determine that this meeting is concerned with information exempt from disclosure under section 552b(c) (4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees have been utilized by the Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: December 29, 1981.

Roger W. Mehle,

Assistant Secretary (Domestic Finance).

[FR Doc. 81-37440 Filed 12-31-81; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Performance Review Boards; List of Members

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: Under the provisions of 5 U.S.C. 4314(c)(4), notice is hereby given of the names of the members of the Performance Review Boards in the Veterans Administration. This notice

revises the entire list of members published in the **Federal Register**, 46 FR 24365, dated April 30, 1981.

EFFECTIVE DATE: November 30, 1981.

FOR FURTHER INFORMATION CONTACT: K. Joyce Edwards, Office of Personnel (05A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420, (202-389-3423).

The Members of the VA's Performance Review Boards are:

VA Performance Review Board

Francis D. DeGeorge—Associate Deputy Administrator for Administration
James F. Hoobler—Associate Deputy Administrator for Planning and Finance
Fielding Cochran—Associate Deputy Administrator for Congressional and Public Affairs
Elizabeth F. Burkhart—Associate Deputy Administrator for Information Resources Management
William F. Sullivan—Associate Deputy Administrator for Logistics
Donald L. Custis, M.D.—Chief Medical Director
Dorothy L. Starbuck—Chief Benefits Director
John P. Murphy—General Counsel
Sydney J. Shuman—Chairman, Board of Veterans Appeals
Jack J. Sharkey—Assistant Deputy Administrator for Data Management and Telecommunications
Conrad R. Hoffman—Assistant Deputy Administrator for Budget and Finance
Joseph Mancias, Jr.—Assistant Deputy Administrator for Public and Consumer Affairs
Raymond S. Blunt—Assistant Deputy Administrator for Program Planning and Evaluation
William A. Salmond—Assistant Deputy Administrator for Construction
Michael Rudd—Assistant Deputy Administrator for Personnel and Labor Relations
Clyde C. Cook—Assistant Deputy Administrator for Procurement and Supply
Robert W. Shultz—Assistant Deputy Administrator for Reports and Statistics

Department of Medicine & Surgery Performance Review Board

Turner Camp, M.D.—Associate Deputy Chief Medical Director
James A. Christian—Executive Assistant to Deputy Chief Medical Director
Stanley Kahane, M.D.—Deputy Associate Deputy Chief Medical Director for Operations
Philip T. White, M.D.—Deputy Associate Deputy Chief Medical Director for Program Management
Charles V. Yarbrough—Director, Management Support Staff
Carlton M. Smith—Director, Northeastern Region
Charles R. Paulk—Director, Mid-Atlantic Region
Donald B. Thompson—Director, Southeastern Region
Albert Zamberlan—Director, Great Lakes Region
Thomas P. Mullon—Director, Mid-Western Region
John J. Peters, Jr.—Director, Western Region

Department of Veterans Benefits Performance Review Board

John W. Hagan, Jr.—Deputy Chief Benefits Director
John P. Travers—Field Director, Western Region
John W. Rue—Field Director, Central Region
David M. Walls—Field Director, Eastern Region
Max R. Woodall—Director, Compensation and Pension Service
James J. Cox—Director, Veterans Assistance Service
Albert W. Glass—Director, Loan Guaranty Service
Stephen L. Lemons—Director, Vocational Rehabilitation and Counseling Service
Charles L. Dollarhide—Director, Education Service
Alex S. Kraut—Director, Budget Staff

Dated: December 28, 1981.

John P. Murphy,
Acting Administrator.

[FR Doc. 81-37421 Filed 12-31-81; 8:45 am]

BILLING CODE 8320-01-M

Schedule of Cost Reviews

AGENCY: Veterans Administration.

ACTION: Notice.

SUMMARY: Under OMB Circular A-76, Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government, the Veterans Administration will be conducting cost comparison reviews at various cemeteries within the Department of Memorial Affairs to determine the feasibility of contracting out specific tasks to private contractors. The following list of cemeteries and functions, with review dates, is published for the notification of all interested parties.

FOR FURTHER INFORMATION CONTACT: Charles W. Eyman, Director, Plans and Programs Staff (40D), Department of Memorial Affairs, VA Central Office, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202) 389-5235.

Dated: December 24, 1981.

Francis D. DeGeorge,
Acting Administrator.

Functional Area: Maintenance of Grounds

Cemetery and date of review

Arkansas: Little Rock National Cemetery, Little Rock, AR; March 31, 1983
California:
Fort Rosecrans National Cemetery, San Diego, CA; May 31, 1983
Golden Gate National Cemetery, San Bruno, CA; June 30, 1982
Los Angeles National Cemetery, Los Angeles, CA; May 31, 1983
San Francisco National Cemetery, San Francisco, CA; June 30, 1982
Hawaii: National Memorial Cemetery of the Pacific, Honolulu, HI; February 28, 1983
Illinois:
Camp Butler National Cemetery, Springfield, IL; April 30, 1983
Rock Island National Cemetery, Rock Island, IL; June 30, 1983
Indiana: Marion National Cemetery, Marion, IN; August 31, 1983
Kansas:
Fort Leavenworth National Cemetery, Leavenworth, KS; June 30, 1983
Leavenworth National Cemetery, Leavenworth, KS; June 30, 1983
Maryland: Baltimore National Cemetery, Baltimore, MD; April 30, 1982
Minnesota: Fort Snelling National Cemetery, St. Paul, MN; July 31, 1983
New Mexico: Sante Fe National Cemetery, Santa Fe, NM; March 30, 1983
New Jersey: Beverly National Cemetery, Beverly, NJ; May 31, 1982
New York: Long Island National Cemetery, Farmingdale, NY; May 31, 1982
Ohio: Dayton National Cemetery, Dayton, OH; August 31, 1983
South Carolina: Beaufort National Cemetery, Beaufort, SC; November 30, 1982
South Dakota: Black Hills National Cemetery, Sturgis, SD; September 30, 1982
Tennessee:
Chattanooga National Cemetery, Chattanooga, TN; July 31, 1982
Memphis National Cemetery, Memphis, TN; June 30, 1983
Mountain Home National Cemetery, Mountain Home, TN; March 31, 1983
Nashville National Cemetery, Nashville, TN; June 30, 1983
Texas:
Fort Bliss National Cemetery, Fort Bliss, TX; May 31, 1983
Fort Sam Houston National Cemetery, San Antonio, TX; April 30, 1983
Wisconsin: Wood National Cemetery, Wood, WI; July 31, 1983

Functional Area: Maintenance of Buildings and Structures

Cemetery and date of review

Arkansas: Little Rock National Cemetery, Little Rock, AR; March 31, 1983
Illinois:
Camp Butler National Cemetery, Springfield, IL; April 30, 1983
Rock Island National Cemetery, Rock Island, IL; June 30, 1983
Kansas: Leavenworth National Cemetery, Leavenworth, KS; June 30, 1983
Minnesota: Fort Snelling National Cemetery, St. Paul, MN; July 31, 1983
New Mexico: Santa Fe National Cemetery, Santa Fe, NM; March 31, 1983
Tennessee:
Mountain Home National Cemetery, Mountain Home, TN; March 31, 1983
Nashville National Cemetery, Nashville, TN; June 30, 1983
South Dakota: Black Hills National Cemetery, Sturgis, SD; September 30, 1982

Functional Area: Maintenance of Vehicles and Equipment

Cemetery and date of review

Arkansas: Little Rock National Cemetery, Little Rock, AR; March 31, 1982

Illinois:
Camp Butler National Cemetery, Springfield, IL; April 30, 1983
Rock Island National Cemetery, Rock Island, IL; June 30, 1983

Indiana: Marion National Cemetery, Marion, IN; August 31, 1983

Kansas: Leavenworth National Cemetery, Leavenworth, KS; June 30, 1983

New Mexico: Santa Fe National Cemetery, Santa Fe, NM; March 31, 1983

New York: Long Island National Cemetery, Farmingdale, NY; May 31, 1982

Tennessee:
Mountain Home National Cemetery, Mountain Home, TN; March 31, 1983
Nashville National Cemetery, Nashville, TN; June 30, 1983

South Dakota: Black Hills National Cemetery, Sturgis, SD; September 30, 1982

[FR Doc. 81-37422 Filed 12-31-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 1
Monday, January 4, 1982

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, January 12, 1982.

PLACE: Commission Conference Room No. 5240, fifth floor, Colunbia Plaza Office Building, 2401 E Street, N.W., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the public:

1. Freedon of Information Act Appeal No. 81-9-FOIA-16-BI, concerning a request for documents from a file concerning a race discrimination charge.
2. Freedon of Information Act Appeal No. 81-10-FOIA-61-ME, concerning a request for materials pertaining to deferral referral of an ADEA open file.
3. Proposed Section 602 of the Compliance Manual, How to Investigate.
4. Ratification of EEOC's Final Rule Regarding Display of OMB Control Numbers for Recordkeeping Requirements.
5. Report on Commission Operations by the Acting Executive Director.

Closed

1. Litigation Authorization; GC Recommendations.
2. Ratification of Notation Vote.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:
Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This Notice Issued December 29, 1981.

[S-1951-81 Filed 12-30-81; 1:09 pm]

BILLING CODE 6570-06-M

2

FEDERAL ELECTION COMMISSION

DATE AND TIME: Thursday, January 7, 1982 at 10 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: Election of officers.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; telephone 202-523-4065.

Majorie W. Emmons,
Secretary of the Commission.

[S-1950-81 Filed 12-30-81; 1:06 pm]

BILLING CODE 6715-01-M

3

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Friday, January 8, 1982.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:

Request for Further Extension of Time to Establish a Branch Office—Farmers and Mechanics Federal Savings and Loan Association, Bloomfield, Indiana
Charter Amendment—Change of Name—Home Federal Savings and Loan Association of San Diego, San Diego, California
Application to Exercise Trust Powers—First Federal Savings and Loan Association of Toledo, Toledo, Ohio
Merger; Increase of Accounts of an Insurable Type—The County Savings and Loan Company, Ravenna, Ohio INTO Transohio Savings and Association, Cleveland, Ohio
Merger; Maintenance of Branch Offices; Cancellation of Membership and Insurance; and Transfer of Stock—First Federal Savings and Loan Association, Gainsville, Georgia INTO First Federal Savings and Loan Association, Savannah, Georgia (Now known as Great Southern FS&LA)
Amortization Periods for Premiums, Charges and Credits; Treatment of Gains and Losses on Sale of Real Estate for Years Ending on or After December 31, 1981

No. 580, December 31, 1981.

[S-1949-81 Filed 12-30-81; 9:55 am]

BILLING CODE 6720-01-M

4

FEDERAL RESERVE SYSTEM
Board of Governors

TIME AND DATE: 10 a.m., Wednesday, January 6, 1982.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed 1982 revision to the fee schedule for Wire Transfer and Net Settlement Services.
2. Proposals regarding the 1982 Private Sector Adjustment Factor.
3. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassetts will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling, (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: December 29, 1981.

James McAfee,
Assistant Secretary of the Board.

[S-1948-81 Filed 12-30-81; 9:55 am]

BILLING CODE 6210-01-M

5

INTERNATIONAL TRADE COMMISSION

[USITC SE-81-41B]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 62998, December 29, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Monday, January 4, 1982.

CHANGES IN THE MEETING: Emergency Notice of Additional Agenda Item for the Meeting on Monday, January 4, 1982:

In deliberations held Tuesday, December 22, 1981, the United States International Trade Commission approved the following agenda item which was inadvertently omitted from the notice of December 29, 1981, as follows:

7. Investigation 337-TA-105 (Certain Audio-Visual Games II)—briefing and vote on request for temporary exclusion order.

Item No. 7 [Any items left over from previous agenda] should be listed as item No. 8.

CONTRACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-1947-81 Filed 12-29-81; 5:13 pm]

BILLING CODE 7020-02-M

6

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-82-1]

TIME AND DATE: 9 a.m., Tuesday, January 12, 1982.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report:* World Airways, McDonnell Douglas DC-10-30, N112WA, Over North Atlantic Ocean, September 20, 1981.

2. *Recommendation* to the Federal Aviation Administration Concerning Food and Liquor Cart Retention in DC-10 Lifts and Lift Command and Interlock Switch Circuitry on DC-10 Aircraft.

3. *Marine Accident Report:* Collison of Norwegian Cargo Vessel M/V *Hoegh Orchid* and New York Ferry *American Legion*, Upper New York Bay, May 6, 1981, and *Recommendations* to the U.S. Coast Guard and the City of New York.

4. *Letter* to the Federal Aviation Administration regarding Safety Recommendations A-78-82 and A-78-83.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-382-6525.

December 30, 1982.

[S-1952-81 Filed 12-30-81; 3:47 pm]

BILLING CODE 4910-58-M

7

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1281]

TIME AND DATE: 10:15 a.m. (e.s.t.), Wednesday, January 6, 1982.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

ACTION ITEMS:

B—Purchase Awards

1. Req. No. B2-188027—Requirement contract for crushed limestone for Widows Creek Fossil Plant.

C—Power Items

1. Deed covering conveyance from TVA of easement Tract PHBP-36 in the Phipps Bend-Pocket 500-kV Transmission Line to Old Dominion Power Company.

2. Deed and bill of sale conveying to city of Morristown, Tennessee, certain 69-kV transmission lines.

3. Lease and amendatory agreement with Murfreesboro, Tennessee, covering arrangements for 161-kV service at TVA's East Murfreesboro and Murfreesboro 161-kV Substations.

4. Proposed service schedule E providing for term energy exchanges under interchange agreement between TVA and Carolina Power and Light Company, and related arrangements (including Project Authorization No. 3599—Conversion of the Douglas-Walters 115-kV Transmission Line to 161-kV).

5. New ten-year term (replacement) power contract with Cities Service Company covering arrangements for supply of firm power for operation of its Copperhill, Tennessee, plant.

D—Personnel Items

*1. Compensation adjustments for TVA's management and physician schedules.

2. Supplement to personal services contract with Pickard, Lowe and Garrick, Inc., Irvine, California, for assistance to TVA in the performance of a probabilistic risk assessment of the Browns Ferry Nuclear Plant, unit 1, requested by the Office of Engineering Design and Construction.

3. Renewal of consulting contract with Sheppard T. Powell Associates, Baltimore, Maryland, for advice and assistance in the field of Chemical Engineering and other related work associated with power generating plants, requested by the Office of Engineering Design and Construction.

4. Renewal of consulting contract with Jack E. Gilleland, Signal Mountain, Tennessee, for advice and assistance in connection with TVA's power and energy-related programs, requested by the Office of Power.

E—Real Property Transactions

1. Conveyance of rights of way to Winston County, Alabama, for highway adjustments due to the construction and operation of Upper Bear Creek Dam and Reservoir.

2. Grant of permanent easement for a roadway to city of Maryville, Tennessee, affecting 0.27-acre of the Alcoa Substation site, in exchange for fee title to a 0.31-acre parcel of nearby land.

3. Grant of term easement to a competitively selected developer for construction of a multiple-purpose building, to be made available to TVA under a 70-year lease-purchase agreement, affecting approximately 8.05-acres of Muscle Shoals Reservation land.

F—Unclassified

1. Cost-of-living increase for TVA Retirement System retirees.

*2. Contract with Tennessee Valley Center for Minority Economic Development, Inc., for the formation of a Small Business Investment Company in the Memphis area.

*3. Agreement with Eastern Band of Cherokee Indians covering arrangements for development of historical and cultural resources of Tellico project area.

4. Construction of a fire exit to the Evans Building located on Union Avenue in Knoxville, Tennessee.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632-3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: December 30, 1981.

[S-1953-81 Filed 12-30-81; 3:52 pm]

BILLING CODE 8120-01-M

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*Items approved by individual Board members. This would give formal ratification to the Board's action.

Reader Aids

Federal Register
Vol. 47, No. 1
Monday, January 4, 1982

INFORMATION AND ASSISTANCE

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FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128.....4

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

TABLE OF EFFECTIVE DATES AND TIME PERIODS—JANUARY 1982

This table is for determining dates in documents which give advance notice of compliance, impose time limits on public response, or announce meetings.

Agencies using this table in planning publication of their documents must allow sufficient time for printing production.

In computing these dates, the day after publication is counted as the first day. When a date falls on a weekend or a holiday, the next Federal business day is used (see 1 CFR 18.17).

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
January 4	January 19	February 3	February 18	March 5	April 5
January 5	January 20	February 4	February 19	March 8	April 5
January 6	January 21	February 5	February 22	March 8	April 6
January 7	January 22	February 8	February 22	March 8	April 7
January 8	January 25	February 8	February 22	March 9	April 8
January 11	January 26	February 10	February 25	March 12	April 12
January 12	January 27	February 11	February 26	March 15	April 12
January 13	January 28	February 12	March 1	March 15	April 13
January 14	January 29	February 16	March 1	March 15	April 14
January 15	February 1	February 16	March 1	March 16	April 15
January 18	February 2	February 17	March 4	March 19	April 19
January 19	February 3	February 18	March 5	March 22	April 19
January 20	February 4	February 19	March 8	March 22	April 20
January 21	February 5	February 22	March 8	March 22	April 21
January 22	February 8	February 22	March 8	March 23	April 22
January 25	February 9	February 24	March 11	March 26	April 26
January 26	February 10	February 25	March 12	March 29	April 26
January 27	February 11	February 26	March 15	March 29	April 27
January 28	February 12	March 1	March 15	March 29	April 28
January 29	February 16	March 1	March 15	March 30	April 29

CFR CHECKLIST; 1981 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1981. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $525 domestic, $131.25 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1981):

Title	Price
1-2	$5.00
3	7.50
4	7.50
5	14.00
6	4.00
7 Parts:	
0-52	8.50
53-209	7.50
210-299	8.00
300-399	7.00
400-699	7.50
700-899	8.00
900-944	8.00
945-980	6.50
981-999	6.50
1000-1059	7.50
1060-1119	7.50
1120-1199	12.00
1200-1499	8.50
1500-1899	7.00
1900-2799	11.00
2800-2851	8.00
2853-end	9.00
8	6.50
9 Parts:	
1-199	8.50
200-end	7.50
10 Parts:	
0-199	12.00
200-399	8.50
400-499	8.00
500-end	8.50
11	6.50
12 Parts:	
1-199	7.00
200-299	9.00
300-499	7.00
500-end	17.00
13	8.00
14 Parts:	
1-59	8.50
60-199	9.50
200-1199	8.50
1200-end	7.00
15 Parts:	
0-299	6.50
300-end	9.50
16 Parts:	
0-149	7.50
150-999	7.50
1000-end	8.00

CFR Unit (Rev. as of Apr. 1, 1981):

17 Parts:	
1-239	8.50
240-end	8.00
18 Parts:	
1-149	8.00
150-399	8.00
400-end	7.00
19	13.00
20 Parts:	
1-399	7.00
400-499	8.50
500-end	9.00
21 Parts:	
1-99	7.00
100-169	7.50
170-199	7.50
200-299	5.50
300-499	9.00
500-599	8.50
600-799	6.50
800-1299	7.00
1300-end	5.50
22	9.50
23	8.50
24 Parts:	
0-199	7.00
200-499	9.00
500-799	7.00
800-1699	8.00
1700-end	7.00
25	9.00
26 Parts:	
1 (§§ 1.0-1.169)	9.00
1 (§§ 1.170-1.300)	7.50
1 (§§ 1.301-1.400)	6.50
1 (§§ 1.401-1.500)	8.00
1 (§§ 1.501-1.640)	8.50
1 (§§ 1.641-1.850)	7.50
1 (§§ 1.851-1.1200)	9.00
1 (§§ 1.1201-end)	9.50
2-29	8.00
30-39	7.00
40-299	8.50
300-499	7.00
27 Parts:	
1-199	8.50
200-end	8.00

CFR Unit (Rev. as of July 1, 1981):

29 Parts:	
0-99	9.50
100-499	6.50
500-899	9.00
900-1899	6.50
1900-1910	9.00
1911-1919	6.00
1920-end	8.50
30 Parts:	
0-199	8.50
200-end	9.00
31 Parts:	
0-199	7.00
200-end	8.00
32 Parts:	
40-399	13.00
400-699	10.00
700-799	8.50
1000-end	7.00
33 Parts:	
1-199	9.50
200-end	8.50
36 Parts:	
1-199	6.50
200-end	7.50
37	7.00
38 Parts:	
18-end	7.00
39	6.50
40 Parts:	
0-51	8.50
52	9.50
53-80	9.00
81-99	9.50
100-149	7.50
150-189	7.50
190-399	8.00
400-424	8.00
425-end	8.00
41 Chapters:	
1 (1-1 to 1-10)	8.00
1 (1-11 to App.)-2	7.50
3-6	8.50
7	5.25
8	5.00
10-17	7.50
18 (Volume I)	8.00
18 (Volume II)	9.50
18 (Volume III)	8.00
102-end	7.00
CFR Index	9.50

CFR Unit (Rev. as of Oct. 1, 1981):

45 Parts:	
500-1199	7.50
46 Parts:	
30-40	5.50
70-89	6.00

NOTE: ABOVE PRICES REFLECT RECENT GPO INCREASE.

MICROFICHE EDITION OF THE CFR:

The CFR is now available on microfiche from the Superintendent of documents, Government Printing Office, Washington, D.C. 20402, at the following prices:

1980

Complete set (one-time mailing):
$150.00 (domestic).
Individual copies—$2.25 each (domestic).

1981

Subscription (mailed as issued):
$250.00 (domestic).
Individual copies—$2.25 each (domestic).

CFR ISSUANCES
Complete Listing of 1981 Editions and Projected January 1982 Editions

This list restates the complete publication plans for the 1981 editions and projects the publication plans for the January, 1982 quarter. A projected schedule that will include the April, 1982 quarter will appear in the first **Federal Register** issue of April, 1982, immediately after the CFR checklist.

The 1981 edition of the CFR consists of 180 volumes. Titles in the January and April 1981 quarters are presently available at the Government Printing Office. All titles in the July and October 1981 quarters are not available at this time. In the July and October list appearing below, the asterisk (*) indicates the 1981 issuances that are not available.

For pricing information on available 1981 volumes consult the CFR checklist in this **Federal Register**.

Pricing information is not available on projected issuances. Individual announcements of the actual release of volumes will continue to be printed in the **Federal Register** and will provide the price and ordering information. The monthly CFR checklist and the Annual Cumulative LSA will continue to provide a cumulative list of CFR volumes actually printed.

Normally, CFR volumes are revised according to the following schedule:

Titles 1-16—January 1
Titles 17-27—April 1
Titles 28-41—July 1
Titles 42-50—October 1

All volumes listed below will adhere to these scheduled revision dates unless a notation in the listing indicates a different revision date for a particular volume.

Titles revised as of January 1, 1981:

Title

CFR Index
1-2
3 Compilation
4
5
6
7 Parts:
0-52
53-209
210-299
300-399
400-699
700-899
900-944
945-980
981-999
1000-1059
1060-1119
1120-1199
1200-1499
1500-1899
1900-2799
2800-2851
2852 (Revised as of July 1, 1981)
2853-end
8

Title

9 Parts:
1-199
200-end
10 Parts:
0-199
200-399
400-499
500-end
11
12 Parts:
1-199
200-299
300-499
500-end
13
14 Parts:
1-59
60-199
200-1199
1200-end
15 Parts:
0-299
300-end
16 Parts:
0-149
150-999
1000-end

Titles revised as of April 1, 1981:

Title

17 Parts:
0-239
240-end
18 Parts:
1-149
150-399
400-end
19
20 Parts:
1-399
400-499
500-end
21 Parts:
1-99
100-169
170-199
200-299
300-499
500-599
600-799
800-1299
1300-end
1308 Table (Cover only)
22
23
24 Parts:
0-199
200-499
500-799
800-1699
1700-end
25
26 Parts:
1(§§ 1.0-1-1.169)
1(§§ 1.170-1.300)
1(§§ 1.301-1.400)
1(§§ 1.401-1.500)
1(§§ 1.501-1.640)
1(§§ 1.641-1.850)
1(§§ 1.851-1.1200)
1(§§ 1.1201-end)
2-29
30-39
40-299
300-499
500-599 (Cover only)
600-end (Cover only)
27 Parts:
1-199
200-end

Titles revised as of July 1, 1981:

Title

CFR Index
28 (Revised as of November 1, 1981)
29 Parts:
0–99
100–499
500–899
900–1899
1900–1910
1911–1919
1920–end
30 Parts:
0–199
200–end
31 Parts:
0–199
200–end*
32 Parts:
1–39, Vol. I (Revised as of August 1, 1981)*
1–39, Vol. II (Revised as of August 1, 1981)*
1–39, Vol. III (Revised as of August 1, 1981)*
40–399*
400–699
700–799
800–999*
1000–end
33 Parts:
1–199
200–end
34 Parts:
1–399*
400–end*
35 (Revised as of December 31, 1981)*
36 Parts:
1–199
200–end
37*
38 Parts:
0–17*
18–end
39
40 Parts:
0–51
52
53–80
81–99
100–149
150–189
190–399
400–424
425–end
41 Parts:
Chap. 1 (1–1 to 1–10)
Chap. 1 (1–11 to App.)–2
Chap. 3–6
Chap. 7
Chap. 8
Chap. 9*
Chap. 10–17
Chap. 18 Vol. I
Chap. 18 Vol. II
Chap. 18 Vol. III
Chap. 19–100*
Chap. 101*
Chap. 102–end

Titles revised as of October 1, 1981:

Title

42 Parts:
1–60*
61–399*
400–end*
43 Parts:
1–999*
1000–3999*
4000–end*
44*
45 Parts:
1–199*
200–499*
500–1199
1200–end*
46 Parts:
1–29*
30–40
41–69*
70–89*
90–109*
110–139 (Cover only)*
140–155*
156–165*
166–199*
200–399*
400–end*
47 Parts:
0–19*
20–69*
70–79*
80–end*
48*
49 Parts:
1–99*
100–177*
178–199*
200–399*
400–999*
1000–1199*
1200–1299*
1300–end*
50 Parts:
1–199*
200–end*

Projected January 1, 1981 editions:

Title

CFR Index
1–2
3 (Compilation)
4
5 Parts:
1–1199
1200–end
6
7 Parts:
0–45
46–51
52
53–209
210–299
300–399
400–699
700–899
900–999
1000–1059
1060–1119
1120–1199
1200–1499
1500–1899
1900–1944
1945–end
8

Title

9 Parts:
1–199
200–end
10 Parts:
0–199
200–399
400–499
500–end
11
12 Parts:
1–199
200–299
300–499
500–end
13
14 Parts:
1–59
60–139
140–199
200–1199
1200–end
15 Parts:
0–299
300–399
400–end
16 Parts:
0–149
150–999
1000–end

*Indicates volume is still in production and not ready for distribution.

AGENCY ABBREVIATIONS
Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
CSRS Cooperative State Research Service
EOA Energy Office, Agriculture Department
EQOA Environmental Quality Office, Agriculture Department
ERS Economic Research Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FGIS Federal Grain Inspection Service
FNS Food and Nutrition Service
FS Forest Service
FSIS Food Safety and Inspection Service
FSQS Food Safety and Quality Service
IGO Inspector General Office
PSA Packers and Stockyards Administration
REA Rural Electrification Administration
SCS Soil Conservation Service
SEA Science and Education Administration
SRS Statistical Reporting Service
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
BIE Bureau of Industrial Economics
Census Census Bureau
EDA Economic Development Administration
FSPSO Federal Statistical Policy and Standards Office
FTZB Foreign-Trade Zones Board
ITA International Trade Administration
MBDA Minority Business Development Agency
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department

AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

ED Education Department

NCH National Council for the Handicapped

DOE Energy Department

APA Alaska Power Administration
BPA Bonneville Power Administration
CRE Conservation and Renewable Energy, Office of Assistant Secretary
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHA Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HHS Health and Human Services Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Centers for Disease Control
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
NIH National Institutes of Health
NIOSH National Institute for Occupational Safety and Health
PHS Public Health Service
SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
E&EO Environment and Energy Office, Housing and Urban Development Department
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary
SEECB Solar Energy and Energy Conservation Bank

INTERIOR Interior Department

BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
RB Reclamation Bureau
SMREO Surface Mining Reclamation and Enforcement Office

JUSTICE Justice Department

ANTITRUST Antitrust Division
BJS Bureau of Justice Statistics
DEA Drug Enforcement Administration
FCSC Foreign Claims Settlement Commission
INS Immigration and Naturalization Service
JJDPO Juvenile Justice and Delinquency Prevention Office
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections
NIJ National Institute of Justice
OJARS Justice Assistance, Research and Statistics Office
PARCOM Parole Commission
PB Prisons Bureau

LABOR Labor Department

BLS Bureau of Labor Statistics
ESA Employment Standards Administration

ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration
OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs Office
W&H Wage and Hour Division

STATE State Department

FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
MA Maritime Administration
NHTSA National Highway Traffic Safety Administration
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
FACO Foreign Assets Control Office
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

ACHP Historic Preservation, Advisory Council
ANGTS Alaska Natural Gas Transportation System, Office of Federal Inspector
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
DIDC Depository Institutions Deregulation Committee
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FFIEC Federal Financial Institutions Examination Council
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRAC Federal Register Administrative Committee
FRS Federal Reserve System
FSIDP Foreign Service Impasse Disputes Panel
FSLRB Foreign Service Labor Relations Board
FTC Federal Trade Commission
GAO General Accounting Office
GOLD Gold Commission
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Service
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
GSA/TPUS Transportation and Public Utilities Service
ICA International Communication Agency
ICC Interstate Commerce Commission
IDCA International Development Cooperation Agency
IDCA/AID Agency for International Development
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MSPB Merit Systems Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCCB National Consumer Cooperative Bank
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
SFC Synthetic Fuels Corporation
SSS Selective Service System
Trade Representative Trade Representative, Office of United States
TVA Tennessee Valley Authority
VA Veterans Administration
WRC Water Resources Council

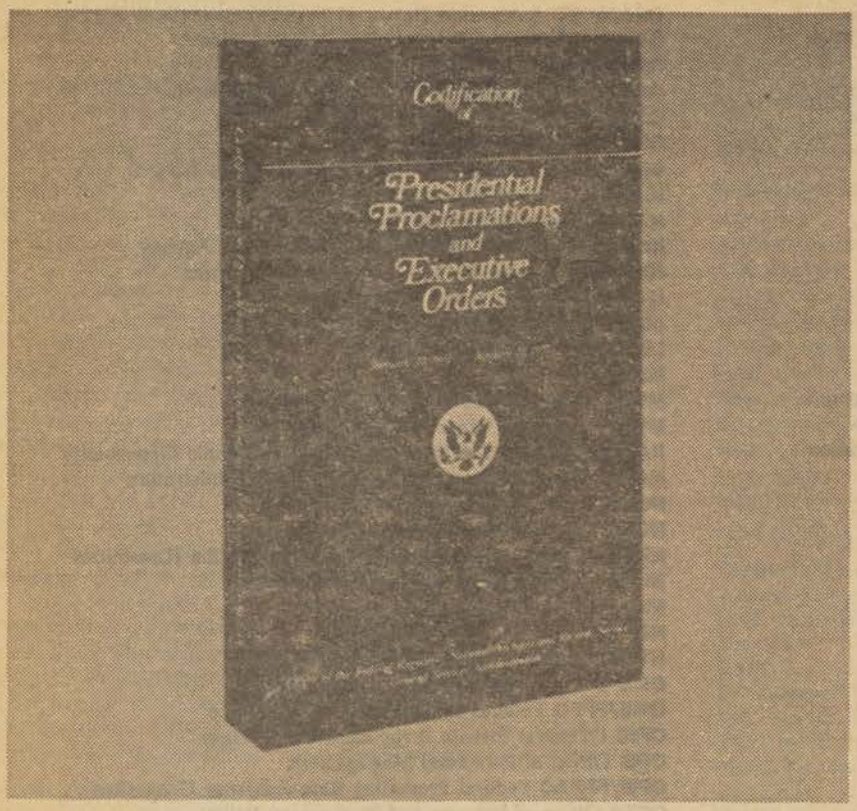
REMINDERS

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing December 30, 1981

NEW PUBLICATION NOW AVAILABLE



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