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Wednesday
September 16, 1981

Highlights

CONTINUED INSIDE

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Highlights

Contents

Federal Register
Vol. 46, No. 179
Wednesday, September 16, 1981

CONSUMER SUBJECT LISTING

The following items have been identified by the issuing agency as documents of particular consumer interest. This listing highlights the broad subject area of consumer interest followed by the specific subject matter of the document, issuing agency, and document category.

MEETINGS ANNOUNCED IN THIS ISSUE

CHANGED MEETING

HEARINGS

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Federal Register
Vol. 46, No. 179
Wednesday, September 16, 1981

Presidential Documents

Title 3—

The President

Proclamation 4857 of September 14, 1981

Yorktown Bicentennial

By the President of the United States of America

A Proclamation

On October 19, 1781, the British forces under Lord Cornwallis surrendered at Yorktown, Virginia, to General Washington and our French allies. That surrender signified the practical end of the struggle by our forefathers for liberty and independence. The impossible dream of those patriots was about to be transformed into the reality of a bright new Nation.

As the King's troops came slowly down the road to the surrender field, legend has it that they struck up the tune, "The World Turned Upside Down." And, indeed, the old order was to be turned upside down, for the creative powers of democracy were about to be released on an unsuspecting world.

This year marks the two hundredth anniversary of the surrender. October 19, 1781, was a major date in the development of America and her freedoms; and today, two centuries later, it remains an important reminder of our identity as a nation. The anniversary is also an appropriate time to recall the assistance France gave to America's revolutionary struggle. We, as Americans, are the product of many victories, many sacrifices, and many hopes. The campaign at Yorktown is a historic example.

The Congress has enacted a joint resolution (Public Law 96–414) designating October 19, 1981, as a "Day of National Observance of the Two Hundredth Anniversary of the Surrender of Lord Cornwallis to General George Washington at Yorktown, Virginia." It is fitting that we reflect upon our victory at Yorktown and commemorate it in such a manner as to inspire love of country and devotion to ideals by recalling to this generation the struggles of the past. We can do this at the same time as we give thanks for the great bond of friendship which exists between ourselves and Great Britain.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim Monday, October 19, 1981, as a day of national observance to remember and to honor the sacrifice of our ancestors in their quest for the political freedom that we enjoy today. I urge all Americans to celebrate again the joyous victory of our forefathers and I urge appropriate officials of the Federal, State, and local governments, as well as private organizations, to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 14th day of Sept., in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

[FR Doc. 81-27104
Filed 9-14-81; 3:45 pm]
Billing code 3195-01-M

Presidential Documents

Presidential Determination No. 81-12 of September 4, 1981

Determination Under Section 2(b)(2) of the Export-Import Bank Act of 1945, as amended—People's Republic of China

Memorandum for the Secretary of State

Pursuant to Section 2(b)(2) of the Export-Import Bank Act of 1945, as amended, I determine that it is in the national interest for the Export-Import Bank of the United States to extend two credits in the amount of $57,105,000 to the People's Republic of China in connection with the purchase of turbine generator components, boiler components, air preheaters and related technology.

On my behalf, please transmit this determination to the Speaker of the House and the President of the Senate.

This determination shall be published in the **Federal Register**.

Ronald Reagan

THE WHITE HOUSE,
Washington, September 4, 1981.

[FR Doc. 81-27107
Filed 9-14-81; 4:20 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 46, No. 179
Wednesday, September 16, 1981

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1980

Business and Industrial Loan Program

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations pertaining to the administration of the Business and Industry (B&I) Loan Programs. The changes involve revisions and additions to the administrative parts and some minor clarifications of the regulations. These changes are related to the functions for monitoring of the lender's servicing activities and FmHA's overall responsibilities for the B&I loans once they are closed and in operation. These actions are being taken in response to agency recommendations and to correct certain deficiencies in the program for servicing loans as suggested by the Department's Office of Inspector General. The intended effect of the changes are to strengthen for the most part FmHA's internal management operating procedures, identified as "Administrative." The changes will not have any major impact upon the public.

EFFECTIVE DATE: Effective on September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Charles P. Hickey, Deputy Director, Business and Industry, Loan Servicing Division, USDA, FmHA, Washington, DC, Telephone (202) 447–7001.

The final Impact Statement describing the changes is available on request from the Chief, Directives Management Branch, USDA, FmHA, 14th and Independence Avenue, SW, Room 6346–S, Washington, DC 20250, Telephone (202) 447–4057.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512–1 and Executive Order 12291, and has been determined to be exempt from such requirements. The reasons for this decision are: (1) Such changes as set forth in this amendment involve only internal management practices which have no effect upon the public, and (2) No additional burden or costs to the public will result from the changes. It is the policy of this Department to publish all regulations for public comment, however, since the changes only involve internal Administrative procedures, it is unnecessary to publish the amendment for public comment.

The FmHA program and projects which are affected by this action are subject to state and local clearinghouse review in the manner delineated in FmHA Instruction 1901–H, CFDA number 10.422, Business and Industrial Loan. FmHA amends various sections of Subpart E of Part 1980, Chapter XVIII, Title 7, Code of Federal 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, P.L. 91–190, an Environmental Impact Statement is not required.

Discussion of Rule

The basic objective of the Business and Industrial (B&I) program is to provide economic benefit and employment in rural America, primarily through loans and loan guarantees to local lenders. Once a loan is closed by the lender and the business is in operation, the lender has the overall responsibility to service the loan until it is either paid off, liquidated or the lender no longer desires the guarantee. FmHA's responsibility is one of monitoring the lender's servicing actions to assure the project meets the requirements established by FmHA and the conditions set forth in the lender's loan agreement with the borrower. The lender's responsibilities for the loan are set forth in FmHA Form 449–35, "Lender's Agreement" executed between FmHA and the lender at time of FmHA's issuance of the Loan Note Guarantee. Throughout the FmHA Regulations Part 1980 Subpart E, there are numerous administrative provisions identified as "Administrative" which set forth FmHA's internal operating procedures for administering the program and interpreting regulation sections.

Since the B&I program regulations were published in 1975, no significant administrative changes have been made to the internal processing and servicing instructions. FmHA's experience over these past 6 years has brought to our attention the need to revise and strengthen these administrative provisions. In addition, the Department's Office of Inspector General in its audit of the B&I program also recommended that FmHA clarify and revise some of its administrative procedures to correct noted deficiencies in the program.

FmHA has made an exhaustive review of the regulations and has classified the needed changes into two categories: (1) Those which will involve various internal "Administrative" revisions, and additions and clarifications to the regulations but will not change the actual intent or burden upon the public and (2) those changes that are more significant which will require a proposed rule and public participation before they are implemented. This rule deals only with the first set of changes as noted above. Since the changes do not affect the public, the agency is publishing the changes as a final rule. Those that do affect the public will be published at a later date as a proposed rule with 60-day public comment period.

Since there are a considerable number of administrative changes involved in this final rule, FmHA will not discuss each and every change.

PART 1980—GENERAL

Accordingly, Subpart E of Part 1980 is amended as follows:

§1980.412 Ineligible loan purposes.

1. In §1980.412 the first sentences in paragraphs (c) and (d) are amended by removing the word "or" between "$1,000,000" and "direct" and inserting in place the words "and when."

2. In §1980.412 a new "administrative" paragraph is added at the end of the section and reads as follows:

* * * * *

Administrative

Par. (c) and (d) the FmHA State Director will review the criteria in §1980.412 (c) and (d) and make a written determination with supporting data and reasons as to these determinations. Such review must be independent of the D.O.L. certification. The State Director will make sure the loan file contains these determinations as part of the loan analyses prior to the issuance of the Conditional Commitment for Guarantee.

* * * * *

3. Section 1980.451, Administrative B.8. is revised and reads as follows:

§ 1980.451 Filing and processing applications.

* * * * *

Administrative

B. * * *

8. Applications will be organized in a loan file in accordance with FmHA Instruction 2033–A, Exhibit A. An 8-position folder will be utilized. The State Director may supplement the Position Guides to include specific legal requirements within their State. If the applicant prepares a complete application package, it may accompany the loan file provided the file is organized in a binder, indexed, tabled, and feasibility studies are kept separate.

It is the responsibility of FmHA employee who works on an application or any servicing action to add to the correspondence section of the loan file (also known as the running record) a written report of any field visits, meetings, telephone conversations of any importance and memorandums covering decisions or reasons for FmHA actions on the case. Particular attention must be given to this requirement on cases that become delinquent or problems in order that FmHA's position will be defendable in event of an adverse action.

* * * * *

4. Section 1980.452, Administrative paragraph C.1. is revised to add paragraphs (d) and (e) to read as follows, and in paragraph D.5. all references to Form FmHA 440–1 throughout paragraph D.5. are changed to read "Form FmHA 1940–1", and in paragraph D.5.b. the reference to "section 37" is changed to "section 40".

§ 1980.452 FmHA evaluation of application.

* * * * *

Administrative

* * * * *

C. * * *

1. * * *

(d) The percentage of guarantee should be adjusted to assure that the lender does not bring its previously existing unguaranteed exposure under the guarantee.

(e) Any special servicing requirements should be identified and included in the Conditional Commitment for Guarantee.

* * * * *

5. In § 1980.453, the Administrative Section is revised and reads as follows:

§ 1980.453 Review of requirements.

* * * * *

Administrative

A. The State Director will negotiate with the lender and proposed borrower any changes made to the initially issued or proposed Form FmHA 449–14, "Conditional Commitment for Guarantee." A copy of Form FmHA 449–14 and any amendments thereto will be included when the loan file is submitted to the National Office for review. When the National Office recommends modifications or additions to Form FmHA 449–14, the State Director will further negotiate these recommendations with the lender and proposed borrower. If, as a result of these further negotiations, the lender, proposed borrower or State Director presents alternate conditions which would modify recommendations of the National Office, the State Director will submit these conditions by memorandum to the National Office for consideration with a copy of the revised Form FmHA 449–14 and any amendments thereto.

B. On loan applications within the State Director's loan approval authority, the State Director will submit to the National Office, B&I Loan Servicing Division within 30 days after the Form FmHA 449–14 has been accepted:

1. A copy of Form FmHA 449–29, "Project Summary Business Industrial Loan Division."

2. A copy of Form FmHA 449–14 as accepted by the lender and borrower.

3. A copy of FmHA State Loan Review Board Minutes.

4. Notification of required financial and other reports, their frequency, due dates, and fiscal year-end.

5. A copy of the proposed loan agreement between the lender and the borrower.

6. When debt refinancing is involved, a copy of the justification for the refinancing.

7. Indicate in your cover memorandum whether the Form FmHA 449–34, "Loan Note Guarantee" has been issued. If the Loan Note Guarantee has been issued enclose a copy of the Lender Certification required by Subpart A, §1980.60(a) and if not, a proposed date for issuance of the Form FmHA 449–34.

6. Section 1980.454, Administrative A.2. and B. are revised and read as follows:

§ 1980.454 Conditions precedent to issuance of the Loan Note Guarantee.

* * * * *

Administrative

A. * * *

2. Plans for inspection made on construction projects. These should be coordinated with the Lender and Borrower. Form FmHA 424–12, "Inspection Report," may be used by the District Director who will usually make the inspections. However, Engineers, the B&I Chief or B&I specialists may also make inspections.

* * * * *

B. In all cases, the B&I Chief or the B&I Loan Specialist will conduct a preguarantee audit before issuance of the Loan Note Guarantee to assure that all requirements of the application, Conditional Commitment for Guarantee, and Loan Agreement have been met and will provide such verification in the loan file. In the conduct of this audit, all requirements of § 1980.60(a) will be reviewed and special attention should be paid to reviewing current financial statements of the borrower to assure that no adverse change has taken place. The District Director may participate in the audit.

* * * * *

7. Section 1980.461, Administrative A and B are revised and read as follows:

§ 1980.461 Issuance of lender's agreement, loan note guarantee, and assignment guarantee agreement. (See Subpart A, § 1980.61.)

Administrative

A. *Par. (a) of Subpart A, § 1980.61.* The original Form FmHA 449–35 will be kept in the District Office. A copy may be retained in the State Office.

B. *Par. (b)(1) of Subpart A, § 1980.61.* Copy(s) of the Loan Note Guarantee(s) will be kept in the District Office. Additional copy(s) may be retained in the State Office. Copies of all issued Loan Note Guarantees will be kept in the loan file.

* * * * *

8. In § 1980.469 the introductory paragraph and the entire Administrative provision are revised and read as follows:

§ 1980.469 Loan servicing.

The Lender is responsible for loan servicing and for notifying FmHA of any violations in the Lender's Loan Agreement. See paragraph XI of Form FmHA 449–35.

Administrative

A. While the Lender has the primary responsibility for loan servicing and protecting the collateral, the State Director is responsible for seeing that servicing as required by the Lender's Agreement and regulations are properly accomplished. Loan servicing is intended to be a preventive rather than a curative action. Prompt followup on delinquent accounts and early recognition of potential problems and pursuing a solution to them are keys to resolving many problem loan cases.

B. *The State Director will assure that:*

1. The Lender understands upon initial contact during loan application and in particular at loan closing that the Lender is responsible for loan servicing and that annual audited Financial Statements are required.

2. A timetable for routine site, Borrower and Lender visitations by FmHA personnel is esatablished before the Loan Note Guarantee is issued. As a guide, visits to newly

established Borrowers with the Lender represented should be scheduled monthly. Visits to established, nonproblem Borrowers must be made at least annually. Special attention problem accounts should be visited as frequently as the need demands. If possible, these visitations should be coordinated with the Lender's visits.

3. During or in preparation for field visits, the following functions are to be performed:

(a) Current financial information is obtained in advance and analyzed for trends.

(b) Any issues revealed or problems not resolved since the last visitation are included in the agenda.

(c) Collateral is observed and its condition, maintenance, protection and utilization by the borrower appear satisfactory.

(d) A report of the visit is made on Form FmHA 449–39, or otherwise documented and included in the loan file. The report should include an opinion of the Borrower's status based upon observations made during the visit.

(e) Any instructions or directions made to the Lender should be confirmed by letter.

4. The B&I Chief or Loan Specialist will conduct an annual meeting with each Lender or its agent with whom a Loan Note Guarantee(s) or Contract of Guarantee(s) is outstanding. This may not be redelegated. The District Director should also attend. These meetings may be scheduled at the time FmHA makes periodic field inspections to the Borrower's place of business. At the meeting, a review will be made of the Lender's performance in loan servicing, including enforcement of conditions and convenants in the loan agreements. The observations and results of the meeting will be documented. Form FmHA 449–39, may be used for this purpose. Servicing exceptions on the part of the Lender which are noted by FmHA will be confirmed by letter to the Lender.

5. The Lender performs an adequate analysis of Borrower financial statements for FmHA. FmHA in turn will evaluate the Lender's analysis and followup with the Lender on servicing action required or negative observations not detected through the Lender's analysis. The financial statement analysis of the Lender, the financial statement and a memorandum reflecting FmHA's analysis including a comparison to previous and projected performance of the Borrower will be forwarded to the National Office, ATTN: Business and Industry Loan Servicing Division only for the following loans:

(a) All loans within the first year of loan closing.

(b) Loans over one year old as determined by the State Director or a National Office assigned loan reviewer who is participating in a field review. In the event of a disagreement between the State Director and an assigned loan reviewer as to which loans should be included, the assigned loan reviewer's decision will take precedence.

(c) All problem and delinquent loans.

(d) Loans that the State Director would like reviewed by the National Office.

6. A proper followup with the District Director and County Supervisor is made if reports and financial statements are not being transmitted on time or if there are servicing actions needed.

7. Meetings are arranged between the Lender, Borrower and FmHA to resolve any problems of late payment, etc.

C. *State Director Authorities:*

1. The State Director may delegate authority for the conduct of all functions listed in § 1980.469 Administrative B., except item B.4.

2. The State Director may approve the following servicing actions for projects for which the outstanding principal balance does not exceed his/her loan approval authority on the aggregate of all loans to the same or related Borrowers.

(a) Alterations in the Loan Agreement with the Borrower which will not increase the Government's exposure to loss on the guarantee and are not inconsistent with FmHA regulations.

(b) Collateral subordinations.

(c) Replacement of collateral.

(d) Release of collateral provided the loan remains adequately secured.

(e) Transfers and assumptions.

(f) Any payment deferment or reamortization of the loan in concurrence with holder(s).

3. Servicing actions on loans which exceed the State Director's loan approval authority are to be referred together with the State Director's recommendations to the Director, Loan Servicing Division for prior review and concurrence.

* * * * *

9. Section 1980.470, "Administrative" is revised and reads as follows:

§ 1980.470 Defaults by borrower. (See § 1980.63.)

Administrative

A. In case of any monetary or significant non-monetary default under the loan agreement, the Lender is responsible for arranging a meeting with the State Director or its designee and Borrower to resolve the problem. A memorandum of the meeting, individuals who attend, a summary of the problem, and proposed solutions will be prepared by the FmHA representative and retained in the loan file. When the State Director receives a notice of default on a loan, he/she will immediately notify the National Office in writing of the details and will subsequently report the problem loan to the National Office on the quarterly status report. The State Director will notify the Lender and Borrower of any decision reached by FmHA.

B. In considering servicing options, some of which are identified in paragraph XI A of Form FmHA 449–35, "Lender's Agreement," the prospects for providing a permanent cure without adversely affecting the risks of the FmHA and the Lender must become the paramount objective. Within the State Director's authority, temporary curative actions such as payment deferments, moratoriums on payments or collateral subordination, if approved, must strengthen the loan and be in the best interests of the Lender and Farmers Home Administration. Some of these actions may require concurrence of the holder(s).

C. Subsequent loan guarantee requests will be processed in accordance with provisions of Subpart E, § 1980.473.

D. When the loan was closed with the multi-note option, the Lender may need to possess all notes to take some servicing actions. In these situations when FmHA is holder of some of the notes, the State Director may endorse the notes back to the Lender after the State Director has sought the advice and guidance of OGC provided a proper receipt is received from the Lender which defines the reason for the transfer. Under no circumstances will FmHA endorse the original Form FmHA 449–34 to the Lender.

E. The State Director's authority to approve servicing actions is defined in § 1980.469, Administrative C.2.

F. Consultant services may be recommended by the State Director to assist FmHA in determining which servicing action is appropriate. Requests for consultant services should be made by the State Director and addressed to the Administrator, ATTN: Business and Industry Loan Servicing Division. A full explanation of the loan history, an evaluation and scope of the proposed study and the current need should be included in the request.

G. When the National Office determines it is necessary on individual cases, due to some special servicing requirements, the National Office may at its option assume the servicing responsibility on individual cases from the State Office.

H. The State Director will report all delinquent and problem loans quarterly to the Director, Business and Industry Loan Servicing Division, by the 10th day of January, April, July, and October.

J. The State Director will notify the Finance Office by memorandum of any change in payment terms such as reamortizations or interest rate adjustments and effective dates of any change resulting from servicing actions.

* * * * *

10. Section 1980.471, "Administrative:" is revised and reads as follows:

§ 1980.471 Liquidation. (See § 1980.64.)

Administrative

A. State Director determines which FmHA personnel will attend meetings with the Lender.

B. *Paragraph XII B of the Lender's Agreement.* FmHA will exercise the option to liquidate only when there is reason to believe the Lender's liquidation plan is not likely to result in maximum recovery. When there is unresolved disagreement between FmHA and the Lender on the means to maximize recovery through liquidation, the State Director will forward the Lender's liquidation plan with appropriate recommendations, along with the State Director's exceptions to the plan to the Director, Business and Industry Loan Servicing Division for evaluation. Only when compromise cannot be reached on disputed liquidation plan will FmHA consider conducting the liquidation. When FmHA liquidates, reasonable liquidation expenses will be assessed against the proceeds derived from the sale of the collateral. In such instances the State Director will send to the Finance Office Form

FmHA 1980–45, "Notice of Liquidation Responsibility."

C. State Directors are authorized to approve Lender liquidation plans after they have been submitted with the State's recommendations to Director, Business and Industry Loan Servicing Division for review prior to approval.

D. *Paragraph XII D.* State Directors are responsible for review and acceptance of accounting reports as submitted by Lenders and for submission of such reports to Lenders when FmHA is conducting liquidation, after they have been submitted with the State's recommendations to Director, Business and Industry Loan Servicing Division prior review.

E. *Paragraph XII E 2.* State Directors are authorized to approve Reports of Loss from the Lender after they have been submitted with the audit review, supporting documentation and State's recommendations to Director, Business and Industry Loan Servicing Division for review prior to approval. The State Director will submit to the Finance Office for payment any loss claims of the Lender on Form FmHA 449–30, "Loan Note Guarantee Report of Loss." The Finance Office forwards loss payment checks to the State Director for delivery to Lender. When a loss claim is involved on a particular loan guarantee, ordinarily one Estimated Loss Report will be authorized. Only one final Report of loss will be authorized. A final Form FmHA 449–30 must be filed with the Finance Office at the completion of all liquidations even though the lender may not be entitled to a settlement. Finance Office will use this form to close out the account.

F. *Paragraph XII E 3.* Final loss payments will be made within the 60 days required but only after an audit by FmHA to assure that all collateral for the loan has been properly accounted for and liquidation expenses are reasonable and within approved limits. State Directors are responsible to see that such audits are accomplished in time to be reviewed by the State within 30 days and forwarded to be accepted or otherwise resolved by review of the Director, Business and Industry Loan Servicing Division within the 60-day period. B&I Chiefs or Loan Specialists will conduct such audits. All audits of final loss claims will be submitted to the National Office, Loan Servicing Division, for review prior to the State Director's approval of the claim. Close scrutiny of liquidation proceeds and their application in accordance with lien priorities is required.

Before final loss payments are approved and to assist in the required audit, the B&I Chief will prepare a narrative history of the guarantee transaction which will serve as the summary of occurrences which led to failure of the borrower and actions taken to maximize loan recovery. The original of this report will be filed in the loan case file. A copy of this report together with the audit of the final loss claim will be included in the material sent to the Director, Loan Servicing Division for review prior to approval of final loss payments.

G. *Paragraph XIII.* Liquidation expenses must be reasonable and customary for the Lender when compared to the anticipated recovery value of collateral. The State Director will assure that the liquidation expenses set forth in the liquidation plan are reviewed by the B&I Chief or Loan Specialist. These expenses must be approved by the State Director in writing prior to the incurrence of the expense. No in-house expense of the Lender such as employee wages, attorney fees, routine travel costs or accounting expenses will be covered under the Loan Note Guarantee. Only those reasonable liquidation expenses and protective advances that were previously approved by FmHA will be accepted.

* * * * *

11. Section 1980.472, "Administrative" is revised and reads as follows:

§ 1980.472 Protective advances. (See § 1980.65.)

Administrative

A. Protective advances will not be made in lieu of additional loans, in particular working capital loans. Protective advances are advances made by the Lender for the purpose of preserving and protecting the collateral where the debtor has failed to and will not or cannot meet its obligations. Ordinarily, protective advances are made when liquidation is contemplated or in process. A precise rule of when a protective advance should be made is impossible to state. A common, but by no means the only period when protective advances might be needed, is during liquidation. At this point, the borrower and success of the project are no longer of paramount importance but preserving collateral for maximum recovery is of vital importance. Elements which should always be considered include how close the project is to liquidation or default, how much control the borroer would have over the funds, what anger is there that collateral may be destroyed and whether there will be a good chance of saving the collateral later if a protective advance in contemplation of liquidation is made immediately.

B. The State Director must approve in writing all protective advances on loans within his/her loan approval authority which exceed a total cumulative advance of $500 to the same borrower. Protective advances must be reasonable when associated with the value of collateral being preserved.

C. When considering protective advances, sound judgment must be exercised in determining that the additional funds advanced will actually preserve collateral interests and recovery is actually enhanced by making the advance.

12. In § 1980.476, paragraphs (d) (3) and (4) are revised and "Administrative," Paragraphs A.1., C. and D. are revised and read as follows:

§ 1980.476 Transfer and assumptions.

* * * * *

(d) * * *

(3) Less than the total indebtedness may be transferred to another borrower on the same terms.

(4) Less than the total indebtedness may be transferred to another borrower on different terms.

* * * * *

Administrative

A. * * *

1. Release in writing of the transferor and guarantors from liability.

* * * * *

C. Any transfer and assumption of less than the total indebtedness must be submitted to Director, Loan Servicing Division for review and concurrence.

D. If the guaranteed loan debt balance is in excess of the State Director's loan approval authority, the State Director will forward the file, together with his/her recommendations, to the National Office for approval ATTN: Business and Industry Loan Servicing Division.

* * * * *

13. The General Administrative Section following §§ 1980.496–1980.500 [Reserved] is revised and reads as follows:

General Administrative

A. *Office of the General Counsel (OGC).* In performing the FmHA functions with respect to B&I loans, the advice and assistance of OGC may be sought and followed on any legal matter. However, it is the responsibility of the Lender to ascertain that all requirements for making, securing, and servicing the loan are duly met. If FmHA has any questions concerning the Lender's resolution of these matters, OGC should be consulted. Assistance of OGC will be requested in all major liquidations and workouts.

B. Initial informal contact with OGC should be made as soon as practicable. FmHA State Director's should use the following format in formally requesting legal assistance.

1. *Origination:* All written requests should come from State Director.

2. *Method:* Request should be made by referral memorandum to the Regional Attorney setting forth a brief statement of the pertinent facts, the reason assistance is requested, the extent of legal assistance sought, the date when FmHA's response to the Lender's liquidation or workout plan (if any) is due, and a statement on whether you think this is a "major" case.

3. *Materials to submit:* Referral memorandums will be accompanied by a copy of Lender's liquidation plan together with copy of FmHA's planned response. If Lender refuses to prepare a plan, the State Director should so state. DO NOT SEND DOCKETS unless specifically requested by OGC.

4. *Additional materials for major cases:* In "major" cases, also send principal loan papers, conditional commitment for guarantee, guarantee documents and any comments from the National Office.

5. FmHA will consider the following factors in deciding whether a liquidation or workout is "major."

(a) *Projected losses on collateral: e.g.*, projected losses on collateral are expected to be significant.

(b) *Unusual or complex nature of primary collateral: e.g.*, multi-state foreclosures or foreclosures of leases or general intangibles.

(c) *Presence of other major creditors or of senior creditors: e.g.*, guaranteed loan collateral may be subject to a prior lien or other creditors may have rights in other assets of borrower, such as inventory and accounts receivable.

(d) *Litigation is pending or threatened: e.g.*, bankruptcy, other foreclosure suits.

C. *Delegation of Authority:* The State Director may delegate those administrative duties and responsiblities as authorized in the Administrative sections of this subpart except those specifically reserved to the State Director.

* * * * *

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

Note.—The reporting and/or recordkeeping requirement contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Dated: August 19, 1981.

Charles W. Shuman,

Administrator, Farmers Home Administration.

[FR Doc. 81-26978 Filed 9-15-81; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Nonimmigrant Classes; Special Requirements for Admission, Extension and Maintenance of Status

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule codifies the Service's instructions, as expressed in a published administrative decision, requiring that, where the petitioner for an intra-company transferee does not have an existing branch, subsidiary or affiliate in current operation in the United States, the petitioner must submit evidence of the acquisition of physical premises for the new establishment before the petition may be approved.

Although the instructions relating to this documentary requirement are printed on the back of the visa petition form, the Service believes that codifying the requirements under the appropriate section is of greater benefit to the public and clarifies that particular section.

EFFECTIVE DATE: October 15, 1981.

FOR FURTHER INFORMATION CONTACT:
For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536 Telephone: (202) 633-3048

For specific information: Bert C. Rizzo, Immigration Examiner, Immigration and Naturalization Service, 425 Eye Street, NW., Washington, DC 20536 Telephone: (202) 633-3946

SUPPLEMENTARY INFORMATION: Section 101(a)(15)(L) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1101(a)(15)(L), describes an intra-company transferee as an alien who, prior to applying for admission into the United States, has been employed continuously for one year by a firm or corporation or other related legal entity, and who seeks to enter the United States temporarily to render services to the same employer or subsidiary or affiliate in a capacity that is managerial, executive or involves specialized knowledge. In the administrative decision, *Matter of LeBlanc*, 13 I. & N. Dec. 816, it was held that the statute does not require that the beneficiary (employee) be coming to an existing office, branch or other establishment of the petitioner (employer) in order that the petition may be approved; provided, the petitioner has acquired the physical premises necessary to its function in the United States, and submits evidence of such acquisition.

Thus, a pre-existing office of the petitioner (employer) is not needed within the United States in order to transfer an intra-company transferee (beneficiary) to the United States. Where the evidence of record establishes that physical premises for a proposed branch, subsidiary or affiliate have been acquired, a petition seeking to accord the beneficiary status as an L-1 nonimmigrant may be approved. The evidence in *LeBlanc*, supra, consisted of a lease agreement for premises to house the proposed operation.

Current guidelines issued by the Service to its adjudicating personnel require the submission of evidence that physical premises have been secured through purchase or rental agreement. The instructions printed on the back of the visa petition, Form I-129B (Petition to Classify Nonimmigrant as Temporary Worker or Trainee.) under "L-1 Petition for intra-company transferee", also require the submission of this evidence. The instructions on the back of Form I-129B are incorporated by reference and have the effect of a regulation per 8 CFR 103.2(a). This rule codifies the instructions under § 214.2(l)(2) for further clarity.

Compliance with 5 U.S.C. 553 as to notice of proposed rule making is unnecessary because this rule merely codifies an existing rule and is solely clarifying in nature.

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

This rule is not a major rule as defined in subsection 1(b) of E.O. 12291 and is not subject to a regulatory impact analysis.

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

PART 214—NONIMMIGRANT CLASSES: SPECIAL REQUIREMENTS FOR ADMISSION, EXTENSION AND MAINTENANCE OF STATUS

In § 214.2, paragraph (l)(2) is revised to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(l) *Intra-company transferees.* * * *

(2) *Supporting evidence.* A petitioner seeking to accord an alien classification under section 101(a)(15)(L) of the Act shall attach to the petition a statement describing the capacity in which the beneficiary has been employed abroad and the capacity in which he/she is to be employed in the United States. If the services to be rendered by the beneficiary are not managerial or executive in nature but involve specialized knowledge, the statement must describe the nature of the specialized knowledge possessed by the beneficiary which makes his/her presence in the United States necessary. If the petition indicates that the beneficiary is coming to open or to be employed in an establishment being newly opened in the United States by his/her employer, parent company, subsidiary or affiliate of the employer, the petition must be accompanied by evidence that sufficient physical premises to house the United States operation have been secured by purchase, lease, or rental. A copy of a document submitted in support of a visa petition filed under section 214(c) of the Act and § 214.2(1) of this part may be accepted, without an accompanying original if the copy bears a certification by an attorney, typed or rubber-stamped in the language set forth in section 204.2(f) of this chapter. However, the

original document must be submitted if requested by the Service.

* * * * *

(Secs. 103 and 214; 66 Stat. 163. [8 U.S.C. 1103 and 1184])

Dated: August 31, 1981.

Doris M. Meissner,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-26941 Filed 9-15-81; 8:45 am]

BILLING CODE 4410-10-M

CIVIL AERONAUTICS BOARD

14 CFR Part 252

[Reg. ER-1245; Dockets 29044, 38048, 39355]

Smoking Aboard Aircraft

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB revises its smoking rule. The new rule applies to certificated and commuter airlines in their operations with larger than 30-seat aircraft. It requires these airlines to separate smokers and nonsmokers and to provide a seat in the no-smoking section for all nonsmokers who arrive by the airline's check-in deadline. This action is taken after a general review of the smoking issue.

DATES: Adopted: September 2, 1981. Effective: October 16, 1981.

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

SUPPLEMENTARY INFORMATION:

Background

On November 26, 1980, the Board, in a public meeting, decided to hold an oral argument on and conduct a thorough review of its smoking rule, 14 CFR Part 252, *Smoking Aboard Aircraft.* The Board has issued four proposals, EDR-306, 41 FR 44424, October 8, 1976, EDR-377, 44 FR 29486, May 21, 1979, EDR-377A, 44 FR 33410, June 11, 1979, and EDR-399, 45 FR 26976, April 22, 1980, in which it has proposed several specific changes to Part 252. The review was instituted by EDR-420, 46 FR 11827, February 11, 1981, where the Board raised the possiblity of prohibiting all in-flight smoking and, on the other hand, abolishing all CAB regulation of smoking aboard aircraft. Oral argument was held on May 13, 1981. After considering the oral presentations, dozens of formal written comments, and thousands of letters from individuals, we have decided to retain a smoking rule, with some modifications to simplify it and ease the burden of compliance by airlines.

Although the proposals cited above raised a large number of options for consideration, most of those who commented in this proceeding chose to address the two ultimate issues raised by EDR-420: whether the Board should eliminate its smoking rules, or whether it should ban all smoking aboard aircraft. Those opposing the regulation of smoking attacked the rule on both legal and policy grounds.

Revocation

In adopting Part 252, the Board relied primarily on section 404(a) of the Federal Aviation Act. That section requires air carriers to provide "adequate service" (404(a)(1)) and to establish "just and reasonable practices" (404(a)(2)). Airlines, tobacco organizations, and many individuals argued that the adequate-service provision cannot be relied on as authority for this rule because that provision applies only to aircraft operations, *i.e.*, number of flights scheduled, rather than to issues of passenger preference that are removed from any valid economic considerations. Neither, in their view, can the Board turn to the "just and reasonable practices" provision as that, in their view, relates solely to rates and fares. Furthermore, they argued that Board regulation of smoking is specifically forbidden by section 401(e)(4) of the Act, which prohibits the Board from restricting an air carrier from changing its equipment, accommodations, or facilities.

In Order 80-8-80, the Board denied a petition to revoke Part 252 that raised a similar challenge to the smoking rule. In that order, the Board cited *National Association of Motor Bus Owners v. United States,* 370 F. Supp. 408 (D.D.C. 1974), as justification for its reliance on seciton 404(a) as authority for the smoking rule. That case affirmed actions by the Interstate Commerce Commission (ICC) restricting smoking on interstate buses. Although the statutory authority for the ICC's rule, section 204 of the Interstate Commerce Act (49 U.S.C. 304), is similar to section 404(a) of the Federal Aviation Act, several opponents of Part 252 argued that they are distinguishable. They claimed that section 404(a) places duties on the air carrier, while the statutory provision in the *Motor Bus* case placed the duty to ensure adequate service on the ICC itself. They considered this distinction important when viewed in light of the pro-competitive policies in the Federal Aviation Act and the specific limitation of section 401(e)(4). Rather than relying on the *Motor Bus* case, they contended that the Board should be guided by the case of *Continental Air Lines v. CAB,* 522 F.2d 107 (D.C. Cir. 1974), where the court found that air carriers' ability to provide service competition through various seating configurations could not be interfered with by the Board. They also claimed that the Board's situation was distinguishable from that of the ICC, in that the regulations themselves were vastly different and the enforcement responsibilities placed on the regulated operators were not parallel in scope.

Opponents of Part 252 also argued that continued regulation of smoking was inconsistent with airline deregulation and the movement toward reducing government regulation in general. Smoking, in their view, was just another aspect of in-flight service over which airlines compete. Airlines would have to satisfy these passengers or risk losing them to a competitor. Several carriers complained that the rule is impossible to enforce because there is no legal duty on passengers to comply, and that the existence of the rule causes some nonsmokers to behave obnoxiously. Smokers complained that the rule discriminates against them, drawing analogies with civil rights cases. Other smokers viewed the issue as one of passenger comfort, and argued that their comfort was just as important as that of the nonsmokers. Some suggested that reasonable persons can work out their differences on this issue through courtesy and common sense without a government rule.

Supporters of the rule pointed out that most people are nonsmokers. Many considered airlines to be insensitive to the needs of nonsmokers and expressed concern that nonsmokers would not receive the same consideration if Part 252 were revoked. In support of this argument, they cited the large number of complaints that the Board received prior to the adoption of the rule.

Many nonsmokers were not convinced that their interests would be protected by market forces. They noted that there is no competition on many routes and, even in markets where more than one carrier is serving, passengers are often forced to choose an airline on the basis of schedules or other factors unrelated to an airline's smoking policy. They did not consider a guaranteed no-smoking seat to be a passenger amenity, but a health matter. In their view, nonsmokers had a right to be protected from being exposed to tobacco smoke.

We do not agree with the restrictive reading of the Act by the airlines and

the tobacco interests. While section 404(a) has been invoked in cases where a carrier was not operating enough flights at a point, it has also been the basis for other Board actions. See, for example, *Capital Airlines v. Civil Aeronautics Board*, 281 F.2d 48, (D.C. Cir. 1960) where the court upheld the Board's reliance on section 404(a) as grounds for requiring carriers to provide coach, rather than first class, service in a market and SPDR-70, 44 FR 32401, June 6, 1979, where section 404(a) was one authority cited by the Board in proposing rules to require carriage of handicapped travelers. Congress had an opportunity to reject the Board's interpretations of section 404(a) with respect to smoking when it was considering the Airline Deregulation Act of 1978 (Pub. L. 95-504), but did not do so. In fact, Congress explicitly retained the adequate-service provision at the same time that it established a schedule for phasing out the other requirements of section 404(a). (Section 1601 of the Federal Aviation Act). The requirement to provide adequate service remains in force at least until Board sunset in 1985 even under the current law.

The Board considers the *Motor Bus* case as supporting its reading of section 404(a). The fact that the obligation to provide adequate service is on the carriers, not the Board, is not a relevant distinction between the situation of the ICC and the CAB. The Federal Aviation Act contains other provisions that impose obligations on carriers to which the Board, under section 204 of that Act, may give substance by rule or order. The prohibition of section 401(e)(4) must be balanced against the adequate service requirement, as the court did in *Capital Airlines v. CAB*. Part 252 will have, at most, a minimal impact on carriers' accommodations and facilities. To the extent that it does have an impact, the rule is justified by the other statutory goals of adequate service and just and reasonable practices. The distinctions based on the differences between the Board's rule and that of the ICC are, moreover, further weakened by today's action to simplify Part 252.

The Board has decided to retain a rule on smoking aboard aircraft. It is true that the commercial need to satisfy their passengers would provide an incentive for carriers to make arrangements that are satisfactory to most, and also that the Board cannot accurately project what course each carrier would take. On balance, however, the following factors have been found more persuasive.

(1) From the information available, it appears that a substantial majority of the traveling population favors the retention of either the present separation rule or stronger measures to protect nonsmokers. This conclusion is borne out both by the comments received and by surveys conducted by the Airline Passengers Association and by the Roper Organization for the Tobacco Institute. This does not end the matter, of course, since it could be argued that an unregulated marketplace might arrive at an equally satisfactory solution. Nevertheless, considering that smoking arrangements relate especially to the feelings and preferences of individual travelers, it must be counted heavily in the rule's favor that, as against total revocation, it has strong public support.

(2) A small but significant minority of the traveling public suffer disproportionate discomfort and health problems from ambient tobacco smoke. Because this group is a minority, it is possible that economic incentives would not be sufficient to make their needs consistently noticed by the carriers. Furthermore, this group is understandably and often vocally sensitive in situations where they feel that carriers have not given nonsmokers sufficient protection. The existence of a government-enforced rule, and a central agency to which any complainants can appeal, therefore helps to keep order and promote civility between the different groups of passengers—especially important in the enclosed environment of an aircraft.

(3) The economic impact of the rule, especially as modified today, is negligible, and the rule has little bearing on the ability of carriers to compete with each other. It therefore does not conflict with the economic deregulation policy mandated by Congress.

Some comments on behalf of smokers characterized the Board's rule as "discriminating" against smokers or regulating purely "personal habits," but the Board finds these arguments without merit. Smoking is not a personal characteristic in the same way as race or physical handicap, which are largely unalterable characteristics. Smoking, in contrast, is an activity, not a personal attribute. It is one that impinges on the senses and the bodies of others in a way that cannot be easily avoided in a closed environment and has traditionally been regulated like many other activities that may have a negative effect on the surrounding public.

Smoking Ban

Anti-smoking, public interest and public health groups, and many individuals sought a complete prohibition of in-flight smoking. They claimed that smoke drifts into the no-smoking section despite separate seating arrangements. Several studies were cited showing that this drifting smoke damages the health of nonsmokers, particularly Hirayama, *Non-smoking Wives of Heavy Smokers Have a Higher Risk of Lung Cancer: A Study From Japan*, British Medical Journal (January 17, 1981), Repace and Lowry, *Indoor Air Pollution, Tobacco Smoke, and Public Health*, Science (May 2, 1980), and White and Froeb, *Small-Airways Dysfunction in Nonsmokers Chronically Exposed to Tobacco Smoke*, the New England Journal of Medicine (March 27, 1980). Most of the flight attendants who commented expressed concern that breathing second-hand smoke damages their health, and called for a total ban. The Association of Flight Attendants, however, did not support this view.

Many nonsmokers argued that smoking on aircraft was a denial of a right to clean air and good health. Some expressed concern about the possibility of fire from a dropped cigarette.

Smokers tended to view the issue as one of passenger comfort, and argued that they had a right to adequate service that would be abridged by a smoking ban. They asserted that the discomfort of nonsmokers was only equivalent to that caused by crying babies or heavy perfume. Some stated that if smoking were banned, it would be done surreptitiously in aircraft lavatories.

Airlines and tobacco industry groups opposed a ban on smoking on grounds that they considered it a health issue that should not be decided by an economic regulatory agency. They considered the studies of passive smoking to be inapplicable to aircraft, because their air is recirculated more frequently than in buildings, and people spend less time in aircraft than in the types of buildings that were involved in those studies. Carriers and the Association of Flight Attendants also expressed concern that a smoking ban would place a heavier enforcement burden on flight attendants.

The Board has decided that a universal, government-imposed ban on smoking aboard aircraft is too extreme an action to be justified by the evidence and arguments that have been presented. It is true that such bans have been imposed for years by local authorities in public places such as auditoriums and theaters. Aircraft differ from such environments, however, in two important respects: (1) The relatively careful allocation of seats and supervision by flight attendants make separation into smoking and no-smoking sections a feasible alternative to a total

ban; and (2) the air in modern aircraft is filtered and circulated more rapidly and thoroughly than it is in many public buildings. Again, the evidence is that the majority of the flying public favors the present separation rule as against a total ban on smoking.

The only finding that would, in the Board's judgment, justify a total ban would be that smoking aboard aircraft under the present rules is significantly damaging the health of nonsmokers. But it is questionable whether the Board's authority could be exercised on that basis, since the FAA has primary jurisdiction over matters of health and safety in aircraft operations. In a previous examination of the issue, that agency determined that there was "no persuasive evidence that exposure to tobacco smoke, in concentrations likely to occur in transport aircraft (assuming normal ventilation rates) is injurious to the health of non-smokers." 38 FR 19048, July 17, 1973.

On the health issue, the available evidence is not persuasive that a total ban is justified. The evidence of a link between "passive smoking" and cancer is so far slight and controversial. (The Hirayama study cited above has been questioned in Garfinkel, *Time Trends in Lung Cancer Mortality Among Nonsmokers and a Note on Passive Smoking*, Journal of the National Cancer Institute, June 1981.) Even if it is substantiated, the length and level of exposure to smoke of nonsmoking passengers aboard aircraft is so far below those of the subjects of the studies to date that it would take dramatic new evidence to justify a smoking ban. Flight attendants do spend far more time aboard aircraft than passengers, of course, but the Board's authority to act on the basis of their welfare is much more doubtful even than it is with respect to passengers. Flight crews' problems in this area seem to be within the jurisdiction of either the FAA or the Occupational Safety and Health Administration.

Concerns expressed by some commenters that cigarettes pose a fire hazard aboard aircraft do not appear to be valid, since the fire-resistance of aircraft interiors is closely regulated by the FAA (14 CFR 25.853).

The Board's refusal to require a ban on smoking aboard aircraft does not preclude a carrier from instituting such a policy on its own. Section 252.1 states that "nothing in this regulation shall be deemed to require such carrier to permit the smoking of tobacco aboard aircraft." Several smaller carriers have banned smoking on all their flights.

The New Rule

In EDR–377 and 377A, the Board proposed the following:

Banning smoking on aircraft with 30 seats or less;

Banning smoking on flights of 1 hour or less;

Requiring partitions between smoking and no-smoking areas;

Requiring that a one-row buffer zone be placed between the smoking and no-smoking area;

Requiring special accommodations for persons who are unusually susceptible to physical ill effects from breathing tobacco smoke;

Limiting smoking areas to one per compartment to prevent sandwiching of non-smokers between two smoking sections;

With respect to cigar and pipe smoking—

Permit them to be smoked only by persons seated close to the air vent in each row;

Limit them to an area at least seven rows from the no-smoking section;

Limit them to the rear of the compartment;

Prohibit them in any compartment where a person requests such a ban through a flight attendant;

Ban the smoking of cigars and pipes.

In addition to specific proposals, the Board, in EDR–377, also placed all the existing provisions of Part 252 in issue once again. These included the applicability section, the section requiring special segregation of cigar and pipe smokers, the requirement that carriers ban smoking when their ventilations systems are not fully functioning, and the provisions on enforcement and the submission of carrier manuals.

After considering the outstanding proposals and reviewing the existing provisions, we have decided to replace the current rule with a less detailed regulation. In our view, carriers should still be required to provide separate seating for nonsmokers, but should be free to decide most other aspects of in-flight smoking, policy. Decisions regarding the minimum size of the no-smoking section, pipe and cigar smoking, and banning smoking when the air conditioning system is not operating are therefore left to carrier discretion under the new rule. References to the burden of breathing smoke (former § 252.2) and sandwiching (former § 252.2(e)) have also been removed.

The provision on enforcement is being retained. Carriers must still take such action as is necessary to ensure that smoking does not occur in the no-smoking areas. Submission and review of carrier manuals, however, is not required by the revised rule. The information provided by the manuals can be acquired under the Board's general data-gathering and enforcement powers if it is needed. The waiver provisions adopted by ER–1203, 45 FR 83206, December 18, 1980, is being retained. Changes in its language are made to more accurately reflect the Board's intent in adopting it. It has also been renumbered.

The section on applicability (§ 252.1) is being changed. Currently, Part 252 applies to all certificated air carriers, but to commuter air carriers only in their operation of over-30-seat aircraft. When the rule was first adopted, ER–800, 38 FR 12207, May 10, 1973, it applied only to certificated air carriers. Commuters and other air taxis were not covered. At the time, the distinction between certificated air carriers and commuter air carriers was clear. Certificated air carriers operated primarily aircraft of larger than 30 seats. Commuters had to operate 30-seat or smaller aircraft to retain their exemption from the certification requirements of section 401 of the Federal Aviation Act.

The Airline Deregulation Act of 1978 (Pub. L. 95–504), and the Board on its own initiative, made several changes that blurred the distinction between certificated and commuter air carriers. Section 32 of that Act (amending section 416 of the Federal Aviation Act) raised to 56 seats the size of aircraft that commuters could operate without losing their exemption. It also permitted the Board to raise further the passenger capacity allowed commuters. By ER–1123, 44 FR 30080, May 24, 1979, affirmed by ER–1123A, 45 FR 84989, December 24, 1980, the Board raised the limit to 60 seats. These changes allowed commuters to operate the same size of aircraft that many certificated carriers were using without having to comply with the smoking rule. So that both would have the same obligations to smokers and nonsmokers on larger aircraft, the Board, by ER–1124, 44 FR 30080, May 24, 1979, extended the coverage of Part 252 to commuters in their operation of over-30-seat aircraft.

The Deregulation Act also made it easier for small-aircraft operators to acquire certificates, both directly and under the "dormant authority" provisions (sec. 401(d)(5)) of the Federal Aviation Act. Many commuter carriers operating smaller aircraft have taken advantage of these provisions to become certificated air carriers. They have thus become subject to Part 252 although they have not changed any other aspect of their operation.

With these changes, Part 252 places a greater regulatory burden on small certificated carriers than on small commuters. To equalize that burden, we could extend the coverage of the rule to all commuters and air taxis, as was proposed in EDR-377A, 44 FR 33410, June 11, 1979. This proposal was opposed by the Commuter Airline Association of America (CAAA) and the National Air Transportation Association (NATA). The CAAA stated that requiring commuters using 30-seat or smaller aircraft to comply with Part 252 would create an intolerable administrative and economic burden for them. NATA argued that other air taxis providing only on-demand service should not be covered because the person hiring the aircraft should be allowed to dictate the nature of the service provided.

We agree that applying the rule to operations by small commuters and other air taxis as proposed in EDR-377A is inadvisable. We also consider that the distinction between commuters and certificated carriers in the current rule will soon be obsolete. We have therefore decided that the coverage of Part 252 should be based on operating equipment size and that the line should continue to be drawn at 30 seats. Under this rule, all air carriers will have to comply with Part 252 only in their operations with over-30-seat aircraft. This is the current rule with respect to commuter air carriers, and the change will reduce the coverage for small certificated carriers. Other air taxis, not now covered by Part 252, will not be affected.

This application scheme places certificated air carriers on an equal footing with commuters with respect to the smoking rule. It is consistent with the Regulatory Flexibility Act, Pub. L. 96-354, which requires agencies to consider flexible approaches to the regulation of small businesses. It will be simple to apply and for passengers to understand, and bears a clear and rational relationship of the substance of the rule itself. Passengers are likely to recognize that separate seating arrangements for smokers and nonsmokers are more effective on large planes than small ones. This rule change effectively grants the relief requested by Yukon Air Service, Inc. d/b/a Air North in Docket 39355. Any other changes in the applicability section, such as suggestions that were made concerning charters and foreign air transportation, should be dealt with in a separate rulemaking proceeding.

Late Arrivals

The only new provision we are adopting is the "check-in rule" proposed in EDR-399. Currently, an airline must accommodate all passengers requesting a no-smoking seat regardless of when they arrive for boarding or their reservation status. This can create problems on flights operating at or near capacity when the no-smoking section may be full. In these circumstances, the carrier must accommodate late-arriving nonsmokers by either expanding the no-smoking section or by rearranging passengers, which may delay the flight. Under the proposal in EDR-399, airlines would be relieved of the obligation to accommodate nonsmokers who arrived at the boarding gate within 5 or 10 minutes of scheduled departure, or who were traveling stand-by, unless there was still room in the no-smoking section.

Airlines and smokers tended to support this proposal. Smokers considered it unfair that a late-arriving passenger could cause them to lose a smoking seat when they had arrived in a timely matter. Airlines were concerned about the serious disruption that may be caused by a last-minute passenger demanding a seat in the no-smoking section. They stated that demands of this sort add greatly to the pressures on flight attendants. Airlines also asked that the deadline for demanding expansion of the no-smoking section conform to the individual carrier's check-in deadline rather than be 5 or 10 minutes in all cases. Transamerica and Pacific Southwest Airlines (PSA) suggested changes in some of the wording of the proposed provision. PSA asked that the rule be tied to checking in or being in line for check-in no later than the deadline, rather than simply being present at the boarding gate. Transamerica stated that the rule should refer to the check-in or seat assignment counter rather than the boarding gate as the place where passengers must be by the deadline in order to preserve their rights. As an alternative, Transamerica suggested that the rule could simply refer to the "place where seats are assigned" in lieu of the "boarding gate."

Nonsmokers generally opposed the EDR-399 proposal. They argued that the "right to breath unpolluted air" should not depend on when one arrives at the boarding gate. They pointed out that the late arrival may not be the fault of the passenger but could be caused by the airline itself, due to the lateness of a connecting flight. They contended that it is the smokers who should be "penalized" by requiring them to arrive early in order to obtain their desired seat. (This argument is based on a misunderstanding. Not only do smokers now have to arrive before the deadline to be reasonably sure of a smoking seat, under the practices of most carriers, but as far as the CAB is concerned there is never a "right" to a smoking seat—carriers may restrict smoking as they wish.) Opponents of EDR-399 also asked that the reference to stand-by passengers be eliminated since many people can only afford to fly stand-by.

It is the requirement to provide seats in the no-smoking section for last-minute arrivals that has evoked the most adverse reaction from carriers. The three waiver requests received under former § 252.6 have all sought a waiver of the rule for late-arriving passengers. (Orders 81-4-55, 81-5-93, and 81-5-115). This requirement also imposes the greatest cost on carriers, and the greatest disruption in passenger arrangements, while providing benefits to only a small number of non-smoking passengers. Moreover, it is the carrier that is most diligent in complying with the regulation that is likely to suffer the greatest loss.

The Board has decided to adopt a modification of the proposal of EDR-399 that it finds will provide a reasonable balance between the desires of smokers, the rights of nonsmokers, and the needs of the airlines. It will preserve the basic right of nonsmokers to be seated away from the smokers, but will shift some of the responsibility for obtaining a no-smoking seat from the carrier to the passenger. Since the reservation of a late arrival has already in effect been cancelled, such a passenger will have the choice of either accepting the available seat or waiting for a later flight.

We are adopting the carriers' suggestion that the deadline be that established by each airline for normal check-in, rather than one imposed by the Board. This will provide the carriers the freedom to decide when a reservation, and the concomitant right to demand the expansion of the no-smoking section, should be terminated.

The suggestions of Transamerica and PSA have also prompted us to make changes in the language of the rule. The rule, as hereby revised, is now based on the carrier's procedures for check-in rather than the passenger's presence at the boarding gate. In its new form, a passenger must conform with the carrier's requirements as to time and method of obtaining a seat on the flight in order to be entitled to demand that the airline expand, or otherwise open up a seat in, the no-smoking section.

We recognize that nonsmoking connecting passengers may be late through no fault of their own. This will seldom result in their being placed in the smoking section, since whenever there are seats in the no-smoking section, passengers who request them must, under the rule, be seated there regardless of when they arrive. They would not, however, have to be upgraded to a no-smoking seat in a higher class of service.

Stand-by passengers are in a situation similar to that of late arrivals in that they have not been assigned a seat. In fact, they have understood from the outset that they would only obtain seating on an as-available basis. Trying to provide them with a no-smoking seat at the last minute when the no-smoking section is full creates similar problems. Carriers will therefore be allowed to treat stand-by passengers the same as late arrivals under this rule. That is the reason for the reference to a passenger "who does not have a confirmed reservation" at the end of the first sentence of § 252.2(b).

Scheduled flights for which advance reservations are not available and seats are not assigned in advance, such as "shuttle" services, are not affected by this change with regard to check-in deadlines. They must continue to offer seats in a no-smoking section to all passengers who want them. These services are currently designed to accommodate and arrange passengers on a walk-on basis, making a check-in deadline for the purposes of the smoking rule unnecessary.

Final Regulatory Flexibility Analysis

The discussion above constitutes the Board's final regulatory flexibility analysis of this rule, pursuant to 5 U.S.C. 604. Copies of this document can be obtained from the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428 ((202) 673–5432) by referring to the "ER" number at the top of the document. This document represents the culmination of the Board's general review of its smoking rule pursuant to the Regulatory Flexibility Act and Executive Order 12291.

Members' Statements

Smith, Member, Concurring

The Board has historically taken the lead role among federal agencies in the protection of consumer interests in commercial aviation. Although the smoking issue is primarily a health consideration with economic overtones, the public interest mandates of the Board require our involvement for consumer protection. While I advocate the lessening of restrictions on airlines allowed by this rule, I favor a more liberal rule which would allow the establishment of minimum fixed no-smoking zones by air carriers which could be expanded at the prerogative of the individual airline. This would allow a minimum of governmental intervention to protect the public interest and give carriers wide latitude in accommodating the individual wishes of passengers beyond that minimum requirement. In addition, this rule, as structured, poses an undue administrative burden on commuters operating a mixed fleet with different rules for aircraft over and under 30 seats. The rules should apply only to aircraft over 60 seats. While the marketplace is no doubt the superior determinant of economic decisions by air carriers, aviation safety, health and consumer interest requires federal involvement by virtue of the nature of interstate commerce embodied therein.

James R. Smith.

Dalley, Member, Dissenting

The Civil Aeronautics Board has been a pioneer in regulatory reform. For nearly five years the Board has consistently questioned the need for its rules, invariably concluding that the market, rather than government regulation, was best suited to protect the rights of consumers. This perspective, which differs substantially from that of most regulatory agencies, is producing a more competitive and efficient industry than existed under a tight regulatory regime.

In the present matter, the Board has arbitrarily decided to substitute its view of what is "just and fair" for the discipline of the market. A similar attitude adopted by previous Boards created a plethora of needless and costly regulations that are now being undone. In fact, the Board's sole rationale for government intervention in airlines' operating decisions is the observation that ten years ago, when it was tightly regulated, the airline industry did not respond to the legitimate concerns of nonsmokers. This is not an adequate reason for adopting the present regulation.

Much has changed in the eight years since the Board adopted its no-smoking rule. Not only have nonsmokers become more aware of their rights since then, the airline industry has become more competitive. One can now argue, with some justification, that the market is fully capable of protecting nonsmokers. In other matters, the Board has placed the burden of proof on those who advocate government intervention. Yet, the advocates of a no-smoking rule have limited their arguments to the undeniable proposition that tobacco smoke is a substantial irritant to many nonsmokers. No convincing case has been made by any party to this proceeding that the market cannot protect the interests of nonsmokers. Without such a finding, government intervention cannot be justified. Moreover, there has been no attempt to measure the benefits of the rule adopted by the majority—nor its costs.

A more prudent course of action would have been to suspend the current rule and thereby determine whether a rule on no-smoking is required in a competitive airline industry. This choice is particularly appropriate in view of our plan to conduct a thorough review of all major consumer protection regulations prior to sunset to determine which, if any, are truly necessary. It is possible that market forces may have protected nonsmokers' needs better than the rule the majority has adopted and that there is no need to transfer a smoking rule to our successor.

It is doubtful that the no-smoking rule will be reconsidered by the Board or its successor in the foreseeable future. Thus, the Board's actions effectively locks into place a potentially costly and unnecessary rule for an extended period of time. This is an unfortunate action by an agency that has pioneered the now nationwide movement to reevaluate the cost effectiveness of government regulation.

George A. Dalley.

Cohen, Chairman, Dissenting

I join in the thoughtful, well reasoned dissent of my colleague, Member Dalley. Member Smith, in his concurrence with the majority, states that he would have preferred less regulation of smoking than the majority—to wit: "establishment of minimum fixed no-smoking zones by air carriers which could be expanded at the prerogative of the individual airline."

The Board has required the airlines to separate smokers from non-smokers since 1973. During the past 8 years, the relative number of smokers in the United States has diminished significantly. The overwhelming majority of airline passengers today expect to be offered a seat in a no-smoking section. If the airlines fail to fulfull this expectation, they will incur the justified wrath of most of their passengers. Under deregulation, every airline is now free to enter the routes of every other airline. An airline which angers its customers is inviting other airlines, which are eager to satisfy passenger expectations, to enter its routes.

Under these circumstances, it is highly unlikely that any airline would eliminate non-smoking sections on its aircraft if the Federal government suspended the current smoking rules. The most any airline might do would be to adopt Member Smith's suggestion—to establish a fixed no smoking zone. I believe that, given consumer expectations and the newly competitive nature of the industry, most airlines would go farther, and continue to offer no-smoking seats to all passengers who met the carrier's check-in rules.

If Member Dalley and I are mistaken, and the airlines force a significant number of reluctant passengers to sit next to smokers, the Board retains the power to re-institute protective regulation. I invite those of my colleagues who share the faith Member Dalley and I have in the efficacy of actual and potential competition, to suspend the current rule and, through experience, find out whether smoking regulations are actually required in a competitive airline industry.

Marvin S. Cohen.

The Final Rule

Accordingly, the Civil Aeronautics Board revises 14 CFR Part 252, *Smoking Aboard Aircraft*, to read:

PART 252—SMOKING ABOARD AIRCRAFT

Sec.
252.1 Applicability.
252.2 No-smoking sections.
252.3 Enforcement.
252.4 Waivers.

Authority: Secs. 204, 404, 407, and 416 of Pub. L. 85-726, as amended, 72 Stat. 743, 760, 766, 771, 49 U.S.C. 1324, 1374, 1377, 1386.

§ 252.1 Applicability.

This part establishes rules for the smoking of tobacco aboard aircraft. It applies to all operations of direct air carriers, except on-demand services of air taxi operators, with aircraft designed to have a passenger capacity of more than 30 seats. Nothing in this regulation shall be deemed to require carriers to permit the smoking of tobacco aboard aircraft.

§ 252.2 No-smoking sections.

(a) Except as provided in paragraph (b) of this section, air carriers shall upon request give each passenger a no-smoking seat and to that end shall provide at a minimum:

(1) A no-smoking area for each class of service and for charter service;

(2) A sufficient number of seats in the no-smoking sections of the aircraft for all persons who wish to be seated there; and

(3) Expansion of no-smoking sections to meet passenger demand.

(b) On flights for which passengers may make confirmed reservations and on which seats are assigned before boarding, an air carrier need not provide a seat in a no-smoking section to a passenger who has not met the carrier's requirements as to time and method of obtaining a seat on the flight, or who does not have a confirmed reservation. If a seat is available in the established no-smoking section, however, a carrier shall seat there any enplaning passenger who so requests, regardless of boarding time or reservation status.

§ 252.3 Enforcement.

Each air carrier shall take such action as is necessary to ensure that smoking is not permitted in no-smoking sections and to enforce its rules with respect to the separation of passengers in smoking and no-smoking areas.

§ 252.4 Waivers.

Air carriers may file with the Board's Docket Section applications for waivers of one or more of the requirements of this part, in order to experiment with other methods of achieving the public policy objectives of this part.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-26964 Filed 9-15-81; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

Imposition of Controls on Calcium and Magnesium for Nuclear Non-Proliferation Reasons

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

ACTION: Interim rule and request for comments.

SUMMARY: This rule places controls for nuclear non-proliferation reasons on the export of calcium and magnesium of certain purities. It has been determined that controls are necessary because these commodities, if used for purposes other than those for which an export is intended, could be of significance for nuclear explosive purposes.

DATES: This rule change is effective September 14, 1981. Comments must be received by November 16, 1981.

ADDRESS: Written comments (six copies) should be sent to: Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, P.O. Box 273, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Services, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 (Telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTARY INFORMATION:

Substance of Regulations

Pursuant to section 17(d) of the Export Administration (50 U.S.C. app. 2416(d)) and section 309(c) of the Nuclear Non-Proliferation Act of 1978 (42 U.S.C. 2139a), this rule imposes nuclear controls on the export of calcium and magnesium with certain purity levels. This change is made following a request by the Department of Energy and consultation within the Subgroup on Nuclear Export Coordination. It has been determined that these commodities, if used for purposes other than those for which an export is intended, could be of significance for nuclear explosive purposes.

Rulemaking Requirements

Under section 13(a) of the Export Administration Act of 1979 this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. However, because of the importance of the issues raised by those regulations and the intent of Congress set forth in section 13(b) of the Act, these regulations are issued in interim form and comments will be considered in developing final regulations. The period for submission of comments will close on November 16, 1981. Comments received after the close of the comment period cannot be assured consideration in the development of the final regulations. Public comments that are accompanied by a request that part or all of the material be treated confidentially because of its business proprietary nature or for any other reason, will not be accepted. Such comments and materials will be returned to the submitter and will not be considered in the development of the final regulations.

All public comments on those regulations will be a matter of public record and will be available for public inspection and copying. In the interest of accuracy and completness, comments in written form are preferred. If oral comments are received, they must be followed by written memoranda which will also be a matter of public record and will be available for public review and copying. Communcations from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning these regulations will be maintained in the International Trade Administration, Freedom of Information Records Inspection Facility, Room 3012, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230. Records in the facility, including written public comments and memoranda summarizing the substance of oral communications may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained form Mrs. Patricia L Mann, the International Trade Administration Freedom of Information Officer, at the above address or by calling (202) 377-3031.

In connection with various other

rulemaking requirements, the Office of Export Administration has determined that:

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

2. This rule involves a "foreign affairs" function of the United States and is exempt from the requirements of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulations."

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

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

§ 399.1 [Amended]

Accordingly, Supplement No. 1 to § 399.1 of the *Export Administration Regulations* (15 CFR Part 368 *et seq.*) is amended as follows:

1. By adding a new CCL entry preceding CCL entry 1648A to read as follows:

4638B Calcium containing both less than one tenth percent (0.001) by weight of impurities other than magnesium and less than 10 parts per million of boron.	Lbs.	PQSTVWYZ	0	MG	4

2. By adding a new CCL entry proceding CCL entry 1658A to read as follows:

4654B Magnesium containing both less than one fiftieth percent (0.0002) by weight of impurities other than calcuim and less than 10 parts per million of boron.	Lbs.	PZSTVWYZ	0	MG	4

(Section 17(d), 13, 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; Section 309(c), Pub. L. 95–242, 92 Stat. 141, 42 U.S.C. 2139a; Executive Order 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Order 41–1 (45 FR 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980)

September 14, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81–27114 Filed 9–14–81; 5:09 pm]

BILLING CODE 3510–25–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1208

Miniature Christmas Tree Lights; Withdrawal of Proposed Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: Based on information showing that there has been significant upgrading of voluntary standards to address the risks of injury from fire and shock associated with miniature Christmas tree lights, as well as information showing a decline in fire incidents from 1977 to 1980, the Commission withdraws its proposed standard for miniature Christmas tree lights.[1]

[1] The vote to withdraw the proposed standard was 4–0, Commissioner Edith Barksdale Sloan abstained.

DATE: The withdrawal is effective on September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Carl W. Blechschmidt, Program Manager, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492–6557.

SUPPLEMENTARY INFORMATION:

A. Background

On May 3, 1978, the Commission proposed a standard under section 7 of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2056) for miniature Christmas tree lights and similar miniature decorative lights in order to reduce the risks of injury from electric shock and fires (43 FR 19136). Based on information available at the time of the proposal the Commission preliminarily determined that a consumer product safety standard was necessary to eliminate or reduce the unreasonable risks of injury from fires and electric shock associated with these products.

Since its formation in 1973, the Commission has received reports of incidents and injuries due to electric shocks and fires from miniature Christmas tree lights and similar miniature decorative lights. In 1974 a number of manufacturers voluntarily initiated a recall of certain lights as a result of reports received at that time and the encouragement of the Commission's staff.

The Commission initiated its standard development proceeding on March 31, 1977 (42 FR 17154) based primarily on the CPSC's 1975 Christmas Decorative Light Survey and technical analyses of Christmas light products. The 1975 survey involved the inspection of manufacturers, importers, and major retailers of miniature Christmas tree lights to identify hazardous products. From this survey, the Commission learned that defects in miniature Christmas tree light products could very likely lead to hazardous situations.

B. Voluntary Standards Efforts

At the time the Commission initiated the standard development proceeding the Commission had information about

two existing voluntary standards for miniature Christmas tree products: Underwriters Laboratories Inc. (UL)—"Standard for Christmas Tree and Decorative Lighting Outfits— UL 588" (13th Edition, November 15, 1974, revised December 30, 1974 and February 4, 1976); and National Ornament and Electric Lights Christmas Association (NOEL)—"NOEL Standard for Midget Sets, September 16, 1975." The Commission recognized at that time that although the voluntary standards included many beneficial features, application of those standards as they existed would not eliminate or sufficiently reduce the unreasonable risks of injury (43 FR 19137). During the rulemaking proceeding the Commission staff continued to work with the voluntary standards organizations in an effort to encourage improvements in the voluntary standards.

In response to the Commission's work, in July, 1978, UL revised its existing standard to include virtually all of the requirements in the Commission's proposed standard. In addition, NOEL indicated in October 1978 that it would amend its standard to include the provisions of the standard recommended to the Commission by the National Consumers League. On March 9, 1979, after considering the existing information on the improvements in the voluntary standards, the Commission extended, until March 15, 1981 the date for either publishing a final standard or withdrawing the proposed standard (44 FR 13040). The reason for the extension was to allow the Commission additional time in which to monitor the voluntary standards before making any decision that a mandatory standard is not necessary to protect the public.

Since March, 1979 the staff has provided the Commission with eight progress reports concerning the status of the voluntary standards. The Commission staff's efforts to monitor the voluntary standard development showed that UL has in fact, adopted the provisions of the Commission's proposed standard and has, in addition, adopted certain provisions for larger size parallel-connected light strings. The staff reports also showed that NOEL has adopted the provisions of the NCL standard, with the exception of one testing requirement.

The Commission staff estimates that in 1980, 38.5 million miniature Christmas tree lights were imported into the United States. Over 35 million were imported from Taiwan and Korea. Only a small number of miniature Christmas tree lights are produced in the United States. The staff estimates that by 1979, over 50 percent of miniature Christmas tree lights were UL listed. (In 1974 less than 20 percent of miniature Christmas tree lights were UL listed.)

C. Injury and Incident Information

The staff also examined the reported incidents of injuries and fires associated with miniature Christmas tree lights from 1977–1980. Based on this examination, the number of fires involving Christmas tree lights appears to have decreased in the 1980 Christmas season compared to previous years. From 1977–1979, there were an estimated 150 fires each year caused by miniature Christmas tree lights, based on U.S. Fire Administration data. Although the data collection for 1980 is not yet complete, the number of fires reported to the Commission from newspaper clippings and consumer complaints in the 1980 Christmas season shows a decline from those in previous years—from 41 in 1977, 37 in 1978, and 40 in 1979 to 25 in 1980. There have been no shock injuries reported from 1977—1980, except for those involving consumer abuse. The number of reported incidents involving melting or overheating of component parts has decreased from 53 in 1977 to 13 in 1980.

D. Proposal To Withdraw the Proposed Standard

Based on the information described above concerning the voluntary standards efforts and the injury and incident information associated with miniature Christmas tree lights, the Commission proposed to withdraw its proposed standard for miniature Christmas tree lights and similar miniature decorative lights (46 FR 17788, March 20, 1981). In the proposal the Commission solicited comments from interested members of the public and received comments from nine interested persons. The Commission also extended, until September 15, 1981, the date by which it must either issue a final standard or withdraw the proposed standard.

E. Response to Comments

Six commenters supported the Commission's proposed withdrawal of the proposed standard. These commenters generally agreed with the Commission's conclusion that there has been significant improvement in the voluntary standards for the product since the Commission has become involved with the safety aspects of miniature Christmas tree lights.

Three commenters were opposed to the withdrawal of the proposed standard. One commentor objected to the proposed withdrawal based on the position that overcurrent protection devices, fuses, and circuit breakers only provide protection for the household wiring and do not provide protection beyond the receptacle for hazards that are associated with miniature Christmas tree lights.

While the Commission agrees that the branch circuit overcurrent devices provide little protection for the small gauge wires (No. 24 AWG) typically used in miniature Christmas tree lights, the voluntary standards for miniature Christmas tree lights require overcurrent protection devices to be built into the Christmas tree light strings. The Commission believes that the provisions of the voluntary standards, if followed, will sufficiently reduce the risk of fire and shock associated with miniature Christmas tree lights.

Two other commenters who opposed the withdrawal of the proposed standard were concerned that withdrawal of the proposal at this time would lessen the degree of protection afforded the public. One commenter stated the opinion that withdrawing the proposal would lead to a general decline in the quality of the non-UL listed light sets, even though the level of quality may not be lowered to the point it was before the Commission's involvement. Another commenter was concerned about the low level of compliance with the NOEL standard and the failure of the NOEL standard to include independent testing and certification requirements. This commenter believed that by withdrawing the proposed standard, the Commission would be indicating that it is no longer concerned with the safety of miniature Christmas tree lights and that, as a result, progress in the voluntary standards activities would be reversed.

In the **Federal Register** document proposing to withdraw the proposed standard, the Commission reported on the results of the NBS project to monitor compliance with the voluntary standards and stated its concern with the disappointing level of compliance found in the survey. The Commission recognized, however, that the sets that were tested represented only the first year's production. The manufacturers have been informed of the test results for their products. In addition, the Commission has contacted UL and NOEL and informed them of the test results. Failures because of quality control problems in meeting the newly upgraded standards could be corrected in a second production year.

The Commission does not believe that withdrawing the proposal will significantly lessen the degree of protection afforded the public by the

voluntary standards. Since the Commission's standard is a proposal and has not been issued in final form, it does not, by itself, impose obligations on manufacturers. As noted in the notice of proposed withdrawal, the Commission has instructed the staff to continue to monitor industry's compliance with the voluntary standards. The Commission also stated that if in the future it becomes aware of significant violations of the voluntary standards that result in serious risks of injury from fire and shock, the Commission will consider the need for action under section 15 of the CPSA (15 U.S.C. 2064). Under this section, if the Commission determines, after a hearing, that a product presents a substantial product hazard, the Commission may require the manufacturer or any distributor or retailer to give public notice and either repair, replace, or refund the purchase price of, the defective product. A decision to withdraw the proposal at this time does not preclude the Commission from future regulation in this area. The Commission could in the future issue a mandatory standard for miniature Christmas tree lights if the Commission determines that a standard is reasonably necessary to reduce or eliminate an unreasonable risk of injury associated with the product.

One commenter who supported the withdrawal stated that in light of the significant improvements in the voluntary standards, it is not necessary for the Commission to continue to monitor industry's activities. As discussed above, the Commission is concerned with the level of conformance with the voluntary standards indicated in the NBS survey. The Commission believes that continued monitoring is necessary.

F. Impact on Small Businesses

In the proposal, the Commission certified that under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. section 601 et. seq.), the proposed rule withdrawing the proposed standard for miniature Christmas tree lights will not, if issued, have a significant economic impact on a substantial number of small entities. The Commission observed that, as opposed to a final regulation with requirements that are being or will be enforced, the proposed standard is not binding, creates no obligations, and has no legal impact. Thus any action to withdraw the proposed standard will also not have a significant impact on small entities.

G. Environmental Considerations

The withdrawal of the proposed standard for miniature Christmas tree lights falls within the categories of Commission action described at 16 CFR 1021.5(c)(1) that have little or no potential for affecting the human environment. As a result, the withdrawal does not require either an environmental assessment or an environmental impact statement.

H. Conclusion and Effective Date

Having reviewed the information summarized above concerning the voluntary standards activities and the injury and incident information associated with miniature Christmas tree lights, as well as having reviewed the public comments received in response to the proposal, the Commission determines that a standard is not reasonably necessary at this time to address the risks of injury from fire and shock associated with miniature Christmas tree lights. No new information has been submitted since the proposal demonstrating that a mandatory standard is necessary at this time. Therefore, in accordance with section 9(a)(1)(B) of the CPSA, the Commission withdraws its proposal of May 3, 1978 (43 FR 19136) to issue a standard addressing the fire and shock hazards associated with miniature Christmas tree lights. (Section 9 of the CPSA was amended on August 13, 1981 by the Consumer Product Safety Amendments of 1981, Pub. L. 97–8. However, section 1215(b) of the Amendments provides that the amendments shall apply to section 9 rules proposed after August 14, 1981. Therefore, the Amendments do not apply to the present proceeding since notice of both the proposed standard and the proposed withdrawal of this proposed standard were issued before August 14, 1981.)

Section 4 of the Administrative Procedure Act (APA) 5 U.S.C. 553, provides that the delayed effective date provisions for substantive rules are inapplicable to rules which relieve a restriction. Since this rule relieves a restriction within the meaning of this section, it is effective immediately. Accordingly, as provided by 5 U.S.C. 553(d)(1), the effective date of the Commission's withdrawal of its proposed consumer product safety rule is September 16, 1981.

(Sec. 9, Pub. L. 92–573, 86 Stat. 1215, 15 U.S.C. 2058(e))

Dated: September 10, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-26825 Filed 9-15-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 410

Federal Coal Mine Health and Safety Act of 1969 (The Black Lung Benefits Act); Withholding Part B Benefits to Recover Overpayments of Part C Benefits

AGENCY: Social Security Administration, HHS.

ACTION: Interim rule.

SUMMARY: This regulation will authorize the Social Security Administration to withhold Part B Black Lung Benefits to recover overpayments of Part C benefits. We are doing this by expanding the definition of "overpayment" in 20 CFR 410.560(a) to include payments in excess of the amount due under Part C. Frequently, Part C overpayments result from subsequent entitlement to large amounts of retroactive Part B benefits. This regulation will provide a quick and efficient means of recovery by permitting retroactive Part B benefits to be withheld as recoupment of the overpayment.

EFFECTIVE DATE: This regulation is effective on an interim basis beginning September 16, 1981. We will consider any comments we receive by November 16, 1981 and will publish a final regulation if public comments warrant it.

ADDRESS: Send your written comments to the Social Security Administration, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203.

FOR FURTHER INFORMATION CONTACT: Jack Schanberger, Room 3–B–4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594–6785.

SUPPLEMENTARY INFORMATION: Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, known as the Black Lung Benefits Act, provides for the payment of monthly cash benefits to coal miners who are totally disabled due to pneumoconiosis and to certain survivors of the miner if the miner was entitled to Black Lung benefits or was totally disabled by pneumoconiosis at the time of death, or died from pneumoconiosis. The law provides for two programs—Part B and Part C, which insofar as claimants are concerned, have an identical objective. The difference is that Part B is administered by the Social Security Administration; Part C by the

Department of Labor. Part B consists of miners' claims filed on or before June 30, 1973 and survivors' claims filed on or before December 31, 1973 or, if filed later, within 6 months of a miner's or widow's death. All claims filed after these dates or more than 6 months after a miner's or widow's death are considered Part C claims and are within the jurisdiction of the Department of Labor (DOL).

Under Part B, benefits may be awarded for the same period for which Part C benefits are payable. However regardless of the order in which benefits under the two Parts are awarded, the Act provides (30 U.S.C. 932(g)) that the amount of Part C benefits must be reduced by the amount of any other compensation which is payable because of pneumoconiosis.

Because of the lengthy appeals and litigation process, there are many claims for Part B benefits that are now or will be payable to persons for the same months that they have been receiving Part C benefits. Since Part C benefits must be reduced by the amount of other benefits payable because of pneumoconiosis, the payment of Part B benefits will create Part C overpayments.

Section 413(b) of the Black Lung Benefits Act provides for Black Lung overpayments to be recovered as provided by section 204 of the Social Security Act, "as if [Black Lung] benefits . . . were . . . [Social Security] benefits." Section 204(a) provides authority to recover Social Security overpayments under regulations issued by the Secretary.

If Part B payments were Social Security, i.e., title II benefits, then other Social Security benefits, i.e., those paid under the same title for the same period, could be recouped from the Part B benefits. Hence, Part C benefits paid for the same period may be recovered from Part B benefits. (It seems highly unlikely that Congress intended to provide duplicate benefit payments for the same period of time in the same program. Duplicate payments are specifically banned under title II of the Social Security Act where, for instance, a disabled individual cannot receive both disability benefits and old-age benefits for the same period.) However, § 410.560(a) of the Black Lung regulations (20 CFR 410.560(a)) which defines the term "overpayment" does not now include excessive Part C payments. Thus we are currently barred from recovering a Part C overpayment from any payment payable under Part B of title IV of the Act, though Part C benefits can be offset by Part B benefits. (Therefore, DOL must seek recovery of the overpayments from the recipients, who generally are unable to pay back the large overpayment amounts.)

To correct this inconsistency, we are revising 20 CFR 410.560(a), so that overpayments of Part C benefits may be recovered by withholding or reducing the overpaid person's Part B benefits. This regulation adds much needed uniformity to the Black Lung benefits program and will immediately facilitate the recovery of often large overpayments which might otherwise never be recovered. Accordingly, we find that there is "good cause" in that it is "in the public interest" to publish this regulation without Notice of Proposed Rulemaking in accordance with 553(b)(B) of the Administrative Procedure Act. (5 U.S.C. 553(b)(B)).

Certification Under E.O. 12291 and the Regulatory Flexibility Act

We have determined that this regulation does not meet the criteria specified in Executive Order 12291 for a major regulation. In addition, we certify that this regulation does not have a significant impact on small business and comparable entities because the rule affects individuals only. Consequently, we have determined that a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act of 1980, is not necessary.

There are no recordkeeping or reporting requirements requiring OMB clearance.

(Catalog of Federal Domestic Assistance Programs No. 13.806—Special Benefits for Disabled Coal Miners)

Date: August 5, 1981.

John A Svahn,

Commissioner of Social Security.

Approved: August 31, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969-)

Part 410 of Chapter III of Title 20 of the Code of Federal Regulations is amended by revising paragraph (a) of § 410.560 to read as follows:

§ 410.560 Overpayments.

(a) *General.* As used in this subpart the term "overpayment" includes a payment where no amount is payable under Part B of title IV of the Act; a payment in excess of the amount due under Part B or Part C of title IV of the Act; a payment resulting from the failure to reduce benefits under section 412(b)of the Act (see §§ 410.520 and 410.530); a payment to a resident of a State whose residents are not eligible for payment (see § 410.550); a payment of past due benefits to an individual where such payment had not been reduced by the amount of attorney's fees payable directly to an attorney (see § 410.686d); and a payment resulting from the failure to terminate benefits of an individual no longer entitled thereto.

* * * * *

(Sec. 204 of the Social Security Act, as amended, and Sec. 413 of the Federal Coal Mine Health and Safety Act of 1969, as amended; 49 Stat. 624, as amended and 83 Stat. 793; 42 U.S.C. 404 and 30 U.S.C. 923)

[FR Doc. 81-26700 Filed 9-15-81; 8:45 am]

BILLING CODE 4110-07-M

POSTAL SERVICE

39 CFR Part 960

Implementation of the Equal Access to Justice Act

AGENCY: Postal Service.

ACTION: Final Rule.

SUMMARY: In compliance with the Equal Access to Justice Act, the Postal Service is adopting these implementing regulations which establish procedures for making awards of attorney fees and other expenses under the Act. The Act, which takes effect October 1, 1981, provides for the award of attorney fees and other expenses to individuals and small businesses who prevail against the Federal Government in certain administrative and court proceedings. The Postal Service regulations follow the model rules adopted by the Administrative Conference of the United States, with conforming changes.

EFFECTIVE DATE: October 1, 1981.

ADDRESS: Written comments should be addressed to Assistant General Counsel, Legislative Division, Law Department, U.S. Postal Service, Washington, D.C. 20260, or delivered to Room 10401, 475 L'Enfant Plaza, West, SW, Washington, D.C. between 9 a.m. and 4 p.m. Copies of written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 10401, 475 L'Enfant Plaza, West, SW, Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Neva R. Watson, (202) 245-4642.

SUPPLEMENTARY INFORMATION: On June 25, 1981 the Chairman of the Administrative Conference issued model rules for Federal agency implementation of the Equal Access to Justice Act, Pub. L. 96-481, 94 Stat. 2325 (46 FR 32900). Draft model rules had been published

for comment in the **Federal Register** on March 10, 1981 (46 FR 15895). The regulations adopted by the Postal Service in this document follow closely the Administative Conference model rules. The Postal Service has made certain minor adjustments to adapt the model rules to its own use. Generally, the words "Postal Service" have been inserted where the words "this agency" appeared in the model rules. Covered proceedings, those relative to mail stop orders and mailability under chapter 30 of title 39, U.S.C., with the exception of proceedings under 39 U.S.C. 3008, have been listed. In addition, the model rules' provision regarding "awards against other agencies" was deleted because the Postal Service does not conduct any covered proceedings in which another agency would participate. The model provision on delegation of authority to make awards has been revised to provide that the official authorized to render the final decision on behalf of the Postal Service in a proceeding (ordinarily the Judicial Officer) is also authorized to take final action under the Equal Access to Justice Act for the same proceeding.

Board of Contract Appeals Proceedings Not Covered

It was noted in supplementary information published with the Administrative Conference's model rules, under "Proceedings Covered," that some agencies had asked the Conference to determine whether proceedings conducted by agency boards of contract appeals are covered by the Equal Access to Justice Act. There followed an allusion to "some indication" in 28 U.S.C. 2412(d)(3) (enacted by sec. 204(a) of the act) that proceedings of boards of contract appeals are not covered. But the matter was left unresolved, the Conference stating: "we believe individual agencies are far better equipped to determine whether their proceedings are under section 554 of the Administrative Procedure Act than we are * * *" See 46 FR 32901–2. The model rules themselves contain no reference to proceedings of boards of contract appeals. The model rules do include provisions, however, under which agencies may designate those of their proceedings that are covered. See Model Rules, Sec. 0.103 (a) and (b).

The implementing regulations that we now adopt specify that they do not cover proceedings before the Postal Service Board of Contract Appeals. These regulations implement that portion of the Equal Access to Justice Act which deals only with adversary adjudications under 5 U.S.C. 554, a section of the Administrative Procedure Act. See Pub. L. 96–481, Sec. 203–(a)(1) (enacting 5 U.S.C. 504) 93 Stat. 2325–6. Proceedings of boards of contract appeals, though described in the Equal Access to Justice Act as "adversary adjudications" (see, 28 U.S.C. 2412(d)(3)), are not adjudications under the Administrative Procedure Act. See S. Rep. No. 95–1118, 95th Cong., 2d Sess., reprinted in (1978) U.S. Code Cong. & Ad. News 5249: "Agency boards of contract appeals * * * are not subject to the adjudication procedures of the Administrative Procedure Act (5 U.S.C. 554)."

No provision of the Equal Access to Justice Act provides expressly for the award of attorney fees in board of contract appeals proceedings, nor does any provision of the act provide for fee awards in any sort of administrative proceeding except adversary adjudications under 5 U.S.C. 554. The argument has been made, however, that proceedings of boards of contract appeals are covered by the act derivatively because of the act's inclusion of a provision (28 U.S.C. 2412(d)(3)) directing courts to include fees and expenses, to the same extent authorized in 5 U.S.C. 504 with regard to administrative proceedings, in awards of fees and expenses to a prevailing party in an action for judicial review of any adversary adjudication which was conducted under either 5 U.S.C. 554 or the Contract Disputes Act of 1978. Under this provision, the Court of Claims evidently is empowered, when reviewing an adjudication of a board of contract appeals, to award attorney fees and expenses to the prevailing party for its efforts before the board of contract appeals as well as before the court. The "derivative" argument states that, as the Court of Claims may make such awards, the boards, too, are authorized to make such awards, because of a provision of the Contract Disputes Act of 1978, as follows: "(i)n exercising (its) jurisdiction, the agency board is authorized to grant any relief that would be available to a litigant asserting a contract claim in the Court of Claims." 41 U.S.C. 607(d).

There appear to be reasons to doubt that the Equal Access to Justice Act was intended to give boards of contract appeals any such derivative authority. As the act evidences a contemporaneous legislative awareness of a need to make provision for board proceedings under the Disputes Act (see 28 U.S.C. 2412(d)(3)), it can be argued that the omission of board proceedings from the expressly covered adjudications of both administrative bodies and courts was deliberate. It arguably would have been a simple matter for the Congress to have included adjudications of boards of contract appeals in the covered administrative adjudications if it had intended such coverage. Furthermore, in the absence of corroborative legislative history, the Postal Service is reluctant to rely on an implication that the 1978 Disputes Act provision which generally authorizes boards to grant any relief available in the Court of Claims, confers on parties to board proceedings such an extraordinary, affirmative new right as the right to attorney fees and expenses which is accorded to litigants in court actions by the temporary, mandatory provisions of the Equal Access to Justice Act. See 28 U.S.C. 2412(d)(1)(A). The latter provisions require courts to award attorney fees to prevailing private litigants if the agency fails to convince the court that its actions had substantial justification. (Compare that provision to the permissive, permanent provision, 28 U.S.C. 2412(b), which grants discretion to courts to award attorney fees if a prevailing private litigant satisfies the court that the agency acted in bad faith. See H.R. Rep. No. 96–1418, 96th Cong., 2d Sess., pp. 17–18, reprinted in (1980) U.S. Code Cong. & Ad. News 4996–7.)

Uncertainty as to the legislative intent, given that substantial amounts of public moneys may be at stake, would seem to tilt the argument toward the position that board proceedings are not covered. In any case, the regulations that we now adopt are inapplicable to board proceedings because they deal only with adjudications under the Administrative Procedure Act, 5 U.S.C. 554. Our conclusion with regard to board proceedings is that the Postal Service should not adopt regulations purporting to apply the Equal Access Act to board proceedings unless and until a definitive court ruling holds the Act applicable to such proceedings.

Because the Equal Access to Justice Act takes effect on October 1, 1981, it is necessary that this rule be effective on that date. The rule is largely identical to the model rules, which were adopted following public notice and comment. However, comments on the coverage of the rule, as well as any other comments, are invited and will be given serious study.

In consideration of the foregoing, Subchapter N of the Title 39, Code of Federal Regulations is amended by adding a new Part 960 as follows:

PART 960—RULES RELATIVE TO IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN POSTAL SERVICE PROCEEDINGS

Subpart A—General Provisions

Subpart B—Information Required from Applicants

Subpart C—Procedures for Considering Applications

Authority: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 [5 U.S.C. 504(c)(1)]; 39 U.S.C. 204, 401(2).

Subpart A—General Provisions

§ 960.1 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the Act" in this part), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before the Postal Service. An eligible party may receive an award when it prevails over the Postal Service, unless the Postal Service's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the Postal Service will use to make them.

§ 960.2 When the Act applies.

The Act applies to any adversary adjudication pending before the Postal Service at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981 if final agency action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final agency action occurs. For purposes of this provision, final action is deemed to have been taken in proceedings under 39 U.S.C. 3005 if the party(ies) involved have entered into a compromise agreement and the Administrative Law Judge has entered an order before October 1, 1981 suspending indefinitely further proceedings on the basis of the agreement.

§ 960.3 Proceedings covered.

(a) The Act applies to adversary adjudications conducted by the Postal Service. These are adjudications under 5 U.S.C. 554 in which the position of the Postal Service is presented by an attorney or other representative who enters an appearance and participates in the proceeding. For the Postal Service, the types of proceedings generally covered are proceedings relative to stop orders and mailability under chapter 30 of title 39, U.S.C., with the exception of proceedings under 39 U.S.C. 3008. Proceedings before the Postal Service Board of Contract Appeals are not covered by these regulations.

(b) The Postal Service may also designate a proceeding not listed in paragraph (a) of this section as an adversary adjudication for purposes of the Act by so stating in an order initiating the proceeding or designating the matter for hearing. The failure to designate a proceeding as an adversary adjudication shall not preclued the filing of an application by a party who believes the proceeding is covered by the Act; whether the proceeding is covered will then be an issue for resolution in proceedings on the application.

(c) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 960.4 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to the adversary adjudication for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show by clear and convincing evidence that it meets all conditions of eligibility set out in this subpart and in subpart B and must submit additional information to verify its eligibility upon order by the adjudicative officer.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more than 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the proceeding was initiated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

(e) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the adjudicative officer determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the adjudicative officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

(g) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that

would be ineligible is not itself eligible for an award.

§ 960.5 Standard for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the agency over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the Postal Service, which may avoid an award by showing that its position was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

§ 960.6 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(b) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate at which the Postal Service pays expert witnesses, which is generally $50.00 per hour. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the adjudicative officer shall consider the following:

(1) If the attorney, agent or witness is in private practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(d) The reasonable cost of any study, analysis, engineering report, test, project or similar matter prepared on behalf of a party may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

§ 960.7 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Postal Service may adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this part. The Postal Service will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act.

(b) Any person may request the Postal Service to initiate a rulemaking proceeding to increase the maximum rate for attorney fees. The request should identify the rate the person believes the Postal Service should establish and the types of proceedings in which the rate should be used. It should also explain fully the reasons why the higher rate is warranted. The Postal Service will respond to the request within 60 days after it is filed, by determining to initiate a rulemaking proceeding, denying the request, or taking other appropriate action.

§ 960.8 Official authorized to take final action under the Act.

The Postal Service official who renders the final agency decision under § 952.26 or § 953.15 in a proceeding is authorized to take final action on matters pertaining to the Equal Access to Justice Act as applied to the proceeding.

Subpart B—Information Required From Applicants

§ 960.9 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of the Postal Service in the proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states on the application that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes the Postal Service to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true and correct.

§ 960.10 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 960.4(f)) when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The adjudicative officer may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the adjudicative officer in a sealed envelope labeled "Confidential Financial Information", accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific

exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b) (1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on counsel representing the agency against which the applicant seeks an award, but need not be served on any other party to the proceeding. If the adjudicative officer finds that the information should not be withheld from disclosure, it shall be placed in the public record of the proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Postal Service's established procedures under the Freedom of Information Act, Part 265 of this title.

§ 960.11 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, engineering report, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The adjudicative officer may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 960.12 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the proceeding or in a significant and discrete substantive portion of the proceeding, but in no case later than 30 days after the Postal Service's final disposition of the proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the later of (1) the date on which an initial decision or other recommended disposition of the merits of the proceeding by an adjudicative officer or intermediate review board becomes administratively final; (2) issuance of an order disposing of any petitions for reconsideration of the Postal Service's final order in the proceeding; (3) if no petition for reconsideration is filed, the last date on which such a petition could have been filed; or (4) issuance of a final order or any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject to a petition for reconsideration; or (5) in proceedings under 39 U.S.C. 3005, on the date that an Administrative Law Judge enters an order indefinitely suspending further proceedings on the basis of a compromise agreement entered into between the parties.

Subpart C—Procedures for Considering Applications

§ 960.13 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the proceeding in the same manner as other pleadings in the proceeding, except as provided in § 960.11(b) for confidential financial information.

§ 960.14 Answer to application.

(a) Within 30 days after service of an application, counsel representing the Postal Service may file an answer to the application. Unless the Postal Service counsel requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(b) If the Postal Service counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the adjudicative officer upon request by Postal Service counsel and the applicant.

(c) The answer shall explain in detail any objections to the award requested and identify the facts relied on in support of the Postal Service's position. If the answer is based on any alleged facts not already in the record of the proceeding, the Postal Service shall include with the answer either supporting affidavits or a request for further proceedings under § 960.19.

§ 960.15 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 960.19.

§ 960.16 Comments by other parties.

Any party to a proceeding other than the applicant and Postal Service may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the adjudicative officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 960.17 Settlement.

The applicant and the Postal Service may agree on a proposed settlement of the award before final action on the application, either in connection with a settlement of the underlying proceeding, or after the underlying proceeding has been concluded. If a prevailing party and Postal Service counsel agree on a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 960.18 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or Postal Service counsel, or on his or her own initiative, the adjudicative officer may order further proceedings, such as an informal conference, oral argument, additional written submissions, or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the adjudicative officer order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why the additional proceedings are necessary to resolve the issues.

§ 960.19 Decision.

The adjudicative officer shall issue an initial decision on the application as promptly as possible after completion of proceedings on the application. The

decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the Postal Service's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against the Postal Service and another agency, the decision shall allocate responsibility for payment of any award made between the Postal Service and the other agency, and shall explain the reasons for the allocation made.

§ 960.20 Further Postal Service review.

Either the applicant or Postal Service counsel may seek review of the initial decision on the fee application, in accordance with § 952.25 or § 953.14. If neither the applicant nor the Postal Service counsel seeks review, the initial decision on the application shall become a final decison of the Postal Service 30 days after it is issued. If review is taken, the Judicial Officer will issue a final decision on the application or remand the application to the adjudicative officer for further proceedings.

§ 960.21 Judicial review.

Judicial review of final Postal Service decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 960.22 Payment of award.

An applicant seeking payment of an award shall submit to the Judicial Officer a copy of the Postal Service's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. Requests for payment should be sent to: Judicial Officer, Room 10803, U.S. Postal Service, 475 L'Enfant Plaza W., SW., Washington, D.C. 20260. The Judicial Officer shall submit certification for payment to the Postal Data Center. The Postal Service will pay the amount awarded to the applicant within 60 days, unless judicial review of the award or of the underlying decision of the adversary adjudication has been sought by the applicant or any other party to the proceeding.

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-26966 Filed 9-15-81; 8:45 am]

BILLING CODE 7710-12-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 51, Supp. 1]

Telecommunications Acquisitions

AGENCY: General Services Administration.

ACTION: Temporary regulation supplement.

SUMMARY: This regulation extends the expiration date of Federal Procurement Regulations Temporary Regulation 51, relating to Telecommunications acquisitions, pending codification of FPR Temporary Regulation 51.

DATES: Effective date: August 18, 1981. Expiration date: September 30, 1982.

FOR FURTHER INFORMATION CONTACT: Robert R. Johnson, Procurement Policy and Regulations Branch, Policy and Analysis Division, Office of Policy and Planning, Automated Data and Telecommunications Service (202-566-0194).

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

In 41 CFR Chapter 1, FPR Temporary Regulation 51, Supplement 1 is added to the appendix at the end of the chapter.

August 21, 1981.

Federal Procurement Regulations; Temporary Regulation 51, Supplement 1

Telecommunications Acquisitions

1. *Purpose.* This supplement extends the expiration date of FPR Temporary Regulation 51.

2. *Effective date.* This regulation is effective August 18, 1981.

3. *Expiration date.* This regulation expires on September 30, 1982.

4. *Background.* The proposed codification of FPR Temporary Regulation 51 was distributed to Federal agencies and other interested parties for comment on May 29, 1981. Notice of this proposed codification in the **Federal Register** (46 FR 30369, June 8, 1981) advised others of the opportunity to review and comment by July 28, 1981. To provide sufficient time for the review, coordination, and implementation of comments in the final codification version, it is necessary to extend the Temporary Regulation.

5. *Explanation of change.* The expiration date contained in paragraph 3 of FPR Temporary Regulation 51 is revised to September 30, 1982.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-26940 Filed 9-15-81; 8:45 am]

BILLING CODE 6820-25-M

41 CFR Part 101-39

[FPMR Amdt. G-53]

Accident Claims and Withdrawal Procedures Concerning Motor Pool Vehicles

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation provides policy and procedures to charge the using agency for all damages to a GSA vehicle except those caused by an identifiable third party, mechanical failure of the GSA vehicle, or normal wear and tear. It also provides for the withdrawal of a motor pool vehicle from use by a customer agency.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Peter T. Glading, Assistant Commissioner for Motor Equipment, Transportation and Public Utilities Service (202-275-5404).

SUPPLEMENTARY INFORMATION: On November 13, 1979, the General Services Administration (GSA) published for comment (44 FR 65411) proposed amendments to 41 CFR Part 101-39 concerning grounds for withdrawal of a motor pool vehicle from use by a customer agency (Subpart 101-39.7), and liability of customer agencies for damage to GSA vehicles (Subpart 101-39.8). Agencies were invited to submit comments by December 31, 1979.

Seven agencies offered comments on the proposal concerning vehicle withdrawal. Those objecting to the proposal did so primarily on the grounds that disciplinary action against individual drivers is the responsibility of the employing agency, not GSA. Concern was also expressed with the inclusion of "credit card abuse and misuse" as grounds for withdrawal of a vehicle. GSA acknowledges these objections; it should be understood, however, that withdrawal of vehicles necessarily involves discretion on the part of GSA, and that GSA will consider the seriousness of the offense and all contributing factors, including flagrancy, repetitiveness, and the effectiveness of disciplinary action by the employing agency. Where there are minor offenses limited to one or two occasions, or where the violation is deemed excusable due to mitigating circumstances, GSA would not normally resort to the withdrawal procedure. However, where there are serious or repeated violations, and disciplinary action by the employing agency has been ineffective, withdrawal of a vehicle is justified as a last resort to

protect the investment in the asset. One agency suggested that accidents for which the agency driver was not responsible should not be considered in determining that a vehicle would be withdrawn. GSA accepts this suggestion and modifies the wording to read "at-fault accidents." The remainder of the responding agencies either supported the proposal or agreed subject to inclusion of modifictions reflective of the concerns discussed above.

Eleven agencies offered comments on the proposed change affecting liability for damages. Four objected to GSA retaining the authority to make final determination of agency responsibility, and an equal number commented that it is unfair for an agency to be held liable for damage to a motor pool vehicle resulting from an accident for which its employee was not at fault. GSA maintains that the proposed changes are the least unfair and least cumbersome of the available alternatives. They also reflect GSA's statutory obligation to recover its costs in operating and maintaining the vehicle fleet.

Accident costs must be recovered either through direct recovery from customer agencies and third parties or indirectly through upward revision of vehicle rental rates. GSA believes that the latter course would constitute an unreasonable burden on agencies with lower than average rates of accident occurrence, while failing to properly charge agencies with excessively high accident rates. When agencies suggest that GSA absorb these costs, this is the course of action which is implied. In addition, it should be noted that the dollar amount chargeable to customer agencies under the proposal will be relatively small for the agencies involved, whereas the costs to GSA for administrative effort, claims resolution, and unrecovered accident damages under the current FPMR have been great. Agencies were also concerned that minor damage which ordinarily results from normal vehicle operation would be charged to the customer agencies as accident damage. GSA believes that this point is well taken, and language exempting "normal wear and tear" is added to the proposal. Three agencies completely supported the proposal without change.

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

PART 101-39—INTERAGENCY MOTOR VEHICLE POOLS

1. The table of contents for Part 101-39 is amended to add and retitle, respectively, the following entries:

Subpart 101-39.7—Care of Vehicles

Sec.
101-39.701-1 Grounds for withdrawal of vehicle.
101-39.704 Vehicle damage.

2. Section 101-39.701-1 is added to read as follows:

§ 101-39.701-1 Grounds for withdrawal of vehicle.

The General Services Administration (GSA) may withdraw the issued vehicle from further use by the agency involved if it is determined that the using agency has not complied with the provisions of this subpart or that the vehicle has been used improperly. Improper use includes, but is not limited to, credit card abuse and misuse, violation of traffic ordinances, at-fault accidents, and reckless driving.

3. Section 101-39.704 is retitled and revised to read as follows:

§ 101-39.704 Vehicle damage.

Except for the exclusions listed in § 101-39.807, the agency employing the vehicle operator shall be financially responsible for damage to an interagency motor pool vehicle.

Subpart 101-39.8—Accidents and Claims

4. Section 101-39.805 is revised to read as follows:

§ 101-39.805 Claims in favor of the Government.

(a) If there is any indication that a party other than the operator of the motor pool system vehicle or an employee of the using agency is at fault, and that party can be reasonably identified, the agency responsible for investigating the accident shall submit all original documents and data pertaining to the accident and its investigations to the motor pool that issued the vehicle.

(b) If GSA determines that the accident occurred as a result of a negligent or willful act of an identified third party, GSA Regional Counsel will initiate the necessary action to effect recovery of the Government claim. Upon specific request of the using agency, the GSA Regional Counsel will notify that agency of the introduction of the Government claim and will provide pertinent information concerning the progress and final settlement of the claim.

5. Section 101-39.807 is revised to read as follows:

§ 101-39.807 Responsibility for damages.

(a) GSA will charge the using agency all costs resulting from damage to an interagency motor pool vehicle which occurs during the period that the vehicle is assigned or issued to that agency or to an employee of that agency; however, the using agency will not be held responsible for damages to the vehicle if it is determined by GSA, after a review of the documentation required by § 101-39.802, that damage to the vehicle occurred:

(1) As a result of the negligent or willful act of a party other than the agency (or the employee of that agency) to which the vehicle was assigned or issued, and the identity of the party can be reasonably determined;

(2) As a result of mechanical failure of the vehicle, and the using agency (or its employee) is not otherwise negligent. Proof of mechanical failure must be submitted; or

(3) As a result of normal wear and tear such as is expected in the operation of a similar vehicle.

(b) If an agency is held responsible for damages, GSA will charge all costs for removing and repairing the vehicle to that agency. If the vehicle is damaged beyond economical repair, GSA will charge all costs to that agency, including the fair market value of the vehicle less any salvage value. Upon request, GSA will furnish an accident report regarding the incident to the agency. Each agency shall be responsible for disciplining its employees who are guilty of damaging motor pool vehicles through misconduct or improper operation (including inattention).

(c) If an agency has information or facts that indicate that the agency was not responsible for an accident, the agency may furnish the data to GSA and request that the costs charged to and collected from the agency be credited to the agency. The final determination of agency responsibility will be made by GSA, based upon Government as well as police accident reports and any available witness statements.

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

Dated: August 27, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-26904 Filed 9-15-81; 8:45 am]

BILLING CODE 6820-AM-M

41 CFR Parts 101-43 and 101-47

[FPMR Amdt. H-128]

Related Personal Property

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is amending portions of 41 CFR Parts 101-43 and 47 to clarify the definition of related personal property to reflect the concern of the Congress that the reporting of personal property and related personal property be carried out under appropriate classifications and under respective personal and real property laws and regulations.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: James H. Pitts, Director, Special Programs Division (703-557-2510).

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

The revised definition of related personal property more precisely describes this property and provides examples of common use items that have been inappropriately reported as related personal property. The revised definition will aid the correct reporting of real and related personal property on Standard Form 118 and the reporting of personal property items on Standard Form 120. This efficiency of reporting will result in a significant cost savings to taxpayers in terms of reduced expenditures of personnel and other resources within the GSA Offices of Real Property and Personal Property.

GSA received five responses to the proposed rule which was published in the **Federal Register** on February 11, 1981. The respondents included the Department of Defense, the Department of the Army, the Department of Health and Human Services, the Department of Housing and Urban Development, and the Department of Transportation. These agencies, along with GSA, are among the members of the Economic Adjustment Committee (EAC), established pursuant to the Executive Order 12049, dated March 27, 1978, for the purpose of assisting State and local governmental entities in the alleviation of serious economic and social impacts following major Defense installation realinements. These agencies have recommended that the revised related personal property definition be reconsidered for the following reasons, which are abstracted as follows:

1. The revised definition would preclude productive civilian use of a minimal level of common use items and does not offer any means for securing the Administrator's approval of a reasonable level of related personal property.

2. Removal of common use items from the reuse package would be a key factor in rendering the entire property less attractive to potential applicants since the cost of refurnishing the property would place an additional strain on the local economy already burdened with program startup costs.

3. Recent General Accounting Office (GAO) and congressional committee comments on effective use of personal property do not bear on the revised definition of related personal property.

4. The revised definition will result in additional cost to the Government by requiring that common use items be shipped to property centers for storage, advertising, and sale, resulting in some damage in transit and only a fractional return to the Government of the expenses incurred to process these items.

5. The revised definition is not consistent with Executive Order 12049 which affords "priority consideration to community requests for Federal technical assistance, financial resources, excess or surplus property or other requirements that are part of a comprehensive plan used by the EAC."

These responses were given careful consideration, reflective of recent meetings held among EAC members including GSA to discuss GSA's intention to revise the related personal property definition. GSA's position, then as now, is that the revised definition continues to provide the Administrator with the necessary flexibility to determine that common use items are related personal property when such determination, though generally contrary to the policy contained in Pub. L. 94-519, could be found to be appropriate under specific fact situations. The Administrator's authority to make this determination remains unchanged.

With regard to the relevance of congressional committee and GAO comments on the revised definition, House Committee on Government Operations Reports 94-1778 and 95-1821 noted the concern of the Committee that common use items, such as desks, files, office machines, and general-purpose vehicles, were being disposed of under real property law and regulations because of inappropriate classification as related personal property. Public Law 94-519, which became effective October 17, 1977, established new policies and procedures for the disposal of personal property generally. GAO Report LCD-79-321 of September 12, 1979, recommended the implementation of controls to ensure the proper reporting of real and related personal property.

The House Committee on Government Operations and GAO have been critical of past GSA disposals of common use personal property reported as "related personal property," particularly those disposals which preempted Federal agency requirements or eligible donees under the donation program. When common use personal property is included as a part of a real property package, the effect is to preempt Federal agency requirements for the personal property separate from the real property. In the present cost-cutting environment, it is difficult to justify priority personal property transfers to non-Federal entities when Federal agencies have requirements for like items. When common use personal property is strictly identified as such and its removal would not damage the realty or diminish its value, we are required by law to ensure that Federal needs are met prior to any disposals to non-Federal activities.

As noted in the responses to the proposed rule, handling costs associated with common use items would be a factor in determing whether these items were related personal property. In the interest of cost reduction, Federal agencies requesting transfers would identify those items that would cost them more to acquire as excess than to buy on the open market. If costs of handling a minimal amount of personal property exceed the benefits to the Government from such a procedure, discretion should be used to dispose of items that fall into this category with the real property.

Finally, the "priority consideration" aspect of Executive Order 12049 is subject to section 4 of the order which states that nothing in the order shall be construed as subjecting any function vested in law in any agency or head thereof to the authority of any other agency or officer or as abrogating or restricting such function in any manner. While GSA view interagency cooperation as desirable and often necessary in the disposition of any Federal property, it must also be emphasized that GSA is governed in this regard by existing provisions of law set forth in the Federal Property and Administrative Services Act of 1949.

In summary, GSA believes the revised definition strikes an appropriate balance between the unique requirements of Executive Order 12049 as well as a general concern for effective reutilization of personal property within the Federal community, as required by existing law.

Accordingly, Chapter 101 of Title 41, Code of Federal Regulations, is amended to read as follows:

PART 101–43—UTILIZATION OF PERSONAL PROPERTY

1. Section 101–43.001–16 is revised to read as follows:

§ 101–43.001–16 Related personal property.

"Related personal property" means any personal property:

(a) Which is an integral part of real property or is related to, designed for, or specially adapted to the functional or productive capacity of the real property and removal of this personal property would significantly diminish the economic value of the real property. Normally, common use items, including but not limited to general-purpose furniture, utensils, office machines, office supplies, or general-purpose vehicles, are not considered to be related personal property; or

(b) Which is determined by the Administrator of General Services to be related to the real property.

PART 101–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 101–47.1—General Provisions

2. Section 101–47.103–13 is revised to read as follows:

§ 101–47.103–13 Related personal property.

"Related personal property" means any personal property:

(a) Which is an integral part of real property or is related to, designed for, or specially adapted to the functional or productive capacity of the real property and removal of this personal property would significantly diminish the economic value of the real property. Normally, common use items, including but not limited to general-purpose furniture, utensils, office machines, office supplies, or general-purpose vehicles, are not considered to be related personal property; or

(b) Which is determined by the Administrator of General Services to be related to the real property.

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

Dated: August 31, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–26909 Filed 9–15–81; 8:45 am]

BILLING CODE 6820–96–M

DEPARTMENT OF THE INTERIOR

Geological Survey

43 CFR Part 35

Nondiscrimination Against Minority and Women-Owned Business Enterprises in Outer Continental Shelf Leasing Activities

AGENCY: Geological Survey, Interior.

ACTION: Final rule.

SUMMARY: This rulemaking rescinds the regulations related to nondiscrimination against minority-owned business enterprises (MBE) and women-owned business enterprises (WBE) in Outer Continental Shelf (OCS) leasing activities. In response to the public solicitation for comments on the proposed rescission published in the **Federal Register** on June 4, 1981 (46 FR 29955), the regulated industry and interested public expressed the opinion that the requirements of the regulations were burdensome, unnecessary, and counterproductive. This rescission eliminates a needless and burdensome regulation.

EFFECTIVE DATE: October 16, 1981.

FOR FURTHER INFORMATION CONTACT: David A. Schuenke, (703) 860–7395, (FTS) 928–7395.

SUPPLEMENTARY INFORMATION:

Background

In the legislative history of the 1978 Amendments to the OCS Lands Act, Congress expressed concern that existing Federal programs designed to assure equal opportunity in employment and procurement might not be applicable to OCS leasing activities. The Congress added section 604 to the Act, requiring each Agency with regulatory responsibility under the Act to "take such affirmative action as deemed necessary to prohibit all unlawful employment practices and to assure that no person" is excluded from participation in OCS activities on the basis of unlawful discrimination. The law authorizes the Department to promulgate rules that are deemed necessary, but the law does not require rules.

During the period since the rule became effective, the Department received numerous petitions for reconsideration of the necessity for the rules and for rescission of the rules pursuant to 43 CFR 14.6. Comments from the public on excessive, burdensome, and counterproductive regulations have also been received in response to the Secretary's solicitation in January of 1981. Thereafter, the Secretary proposed that the rule be rescinded.

Comments

A total of 24 comments and recommendations were received in a timely manner in response to the solicitation in the Notice of Proposed Rulemaking. The comments included support for the rescission by 20 commenters, and opposition to the rescission by 1 commenter, with the remaining 3 commenters neither supporting nor opposing but expressing concern over how the Department intended to meet the congressional mandate in lieu of regulations.

Difference Between Proposed Rule and Final Rule

There is no difference between the proposed and final rule, both resulting in rescission.

Discussion of Relevant Comments

Twenty commenters supported rescission and provided a variety of reasons to support their position.

Legally Deficient

The majority of commenters responded that the rule was legally deficient because the rule went beyond the authority of the statute. One commenter stated that section 604 of the statute only requires the Department to take such action necessary to assure that no one is excluded from any OCS leasing activity, sale, or employment on the grounds of race, creed, color, national origin, or sex; but the Department's regulations make it mandatory to include such persons. A number of commenters cited the rule's failure to meet the statutory requirement to conform to provisions under Title VI and Title VII of the Civil Rights Act of

1964 in that the rules require percentage goals for utilization of MBE's and WBE's in the absence of a finding of prior discrimination. In the recent case, *Fullilove* v. *Klutznick*, the Supreme Court upheld racial and ethnic preferences only when Congress mandates such affirmative action in order to remedy discrimination that has been found to exist. We agree that in the absence of findings of discrimination and a specific requirement by Congress to use percentage goals or set asides, the regulation exceeds the authority of the statute.

Two commenters felt that actions authorized by the regulations upon a determination of noncompliance violated the due process of protections of the operators by not providing adequate hearing rights prior to taking action that, in effect, would halt part or all of an alleged violator's OCS operations.

We no not agree with this comment. The administrative review under 30 CFR 250.90 is available to operators and provides for appeals, hearings, reviews, and determinations which we believe adequately protect due process rights.

Two commenters also expressed the opinion that the definitions opened up the possibility of extending jurisdiction beyond activities on OCS, and therefore, beyond the scope of the Act.

We do not believe the definitions in the regulations expand the jurisdiction beyond that of the Act, which embraces "any activity, sale, or employment, conducted pursuant to provisions of this Act."

We do agree with the view that, because the regulations are not necessary in the absence of any findings of discrimination, they exceed the authority of the statute which authorizes that such action be taken and rules promulgated that are "deemed necessary."

We are also of the view that because the regulations provide no criteria on which to accept or reject a plan submitted under the rules, the regulations are unenforceable, the requirements in the regulations are illusory, and therefore, legally deficient.

Other Federal and Voluntary Industry Programs

All the commenters that supported rescission cited the existence of extensive and successful voluntary industry programs that were already in place. Four commenters provided historical and statistical data concerning their programs that identify, assist, and reach socially and economically disadvantaged persons. One company indicated it has made voluntary purchases under its program of over $177,000,000 since 1974; has set up and participated in numerous national, regional, and local minority purchasing councils; and maintains corporate accounts in numerous minority-owned banks. Another company's program has grown from $4,000,000 in 1975 to over $30,000,000 in 1980. Furthermore, over $170,000,000 of the company's business flowed through minority-owned or managed dealerships. Another major operator on the OCS reported it has purchased over $350,000,000 from MBE's and WBE's since 1970; has provided technical and financial assistance in order to increase the pool of qualified vendors; and has cooperated with various business and community organizations concerned with MBE's and WBE's.

The comments received indicate that the industry has been conducting highly successful voluntary programs for several years. We feel that the rule's additional, detailed, and potentially inconsistent requirements could undermine the equal opportunity efforts on the OCS by diverting resources currently committed to direct voluntary programs to the different administrative requirements of the regulations. The regulations also have the potential for splintering currently effective company-wide plans into inconsistent separate pieces for OCS operations and all other operations.

A majority of the commenters objected to the duplication of effort and overlap with other Federal regulatory programs directed toward nondiscrimination. Several other Federal regulations require companies to develop programs to increase opportunity for utilization of MBE's and WBE's, and these programs complement the companies' already substantial voluntary programs. Those regulations also impose reporting and record-keeping requirements that parallel those required under the Department's rules. The most relevant requirements are set out in section 8 of the Small Business Act, as amended (Pub. L. 95–507). This Act and its implementing regulations promote the use of MBE's and WBE's by Federal contractors and subcontractors. The comments indicate that a sizeable majority of the companies operating on the OCS also engage in Federal contracting or subcontracting and, therefore, are subject to a rigorous set of regulatory requirements in this regard. The information and data the contractors are required to maintain is already available to the Government, as the contractors are required to maintain records and submit reports to the contracting Agency. Under Executive Order 11246, the Office of Federal Contract Compliance monitors the program on a sampling basis, requiring submission of reports and plans following a specific request.

Other Comments

Several commenters objected to the requirement that the ownership status of a subcontractor or vendor be a key factor in the selection process. Commenters stated that such a requirement could conflict with health, safety, and environmental standards and compromise the quality of technical performance. It is true that the exploration, development, and production of energy resources is a highly scientific and technical task of vital interest to the Nation as well as the operator involved. The use of certain business enterprises for reasons other than those related to the quality of performance could jeopardize the efficient, effective, and safe utilization of the public resources of the OCS if such use were inconsistent with minimum standards of quality and performance.

One commenter who opposed rescission asked a number of questions concerning measures the Department intended to take to meet the requirement of the statute.

- Will the Department or another Agency monitor the program and will the other Agency provide the reports to the Department? As the vast majority of operators are companies that contract with the Government and are required as a consequence to submit plans and reports under other authorities, the information is already largely in Federal hands and available to the Department. The information provides the necessary basis for enforcing the intent of the statute.
- What kind of showing of unlawful discrimination will be required to necessitate regulatory requirements? No allegations of instances or patterns of discrimination surfaced in any of the comments to the initial rulemaking or the proposed rescission. We feel that there has been ample opportunity for the presentation of any evidence which might necessitate regulatory remedies. In the absence of such evidence, the regulations address a problem which has not been shown to exist, and as such are excessive and unnecessary. We see no merit in speculating as to the actions which would be taken in connection with the occurrence of possible violations in the future.
- Will the information on OCS activities be available to interested

parties to challenge discriminatory practices or the lack of enforcement? Information in the hands of the Department and other Federal Agencies concerned is subject to public disclosure under the Freedom of Information Act.

• What are the actual numbers and percentages of minority and women-owned business enterprises presently engaged on OCS leasing in the State of Alaska? The Department does not have that information, but we would direct the commenter to the Minority Business Development Agency and the Office of Federal Contract Compliance in the Department of Commerce. A source of information outside the Government is the Offshore Operators Committee.

Commenters opposing rescission questioned how the Department intended to meet the mandate of the statute. One congressional commenter also expressed concern that rescission of the rule might create the impression that the Department was no longer interested in equal opportunity and indicated that some action would be necessary to reaffirm the Department's commitment to carrying out the congressional intent. It is, and will continue to be, the policy of the Department to support and encourage equal opportunity in the conduct of its activities and the activities for which it has regulatory responsibility. The Secretary is considering alternative methods of implementing the congressional requirement, including the issuance of a policy statement and the establishment of agreements with other Agencies to monitor allegations of discrimination against MBE's and WBE's in the employment and contracting activities of operators on the OCS.

Summary

Section 604 of the OCS Lands Act requires the Agency to "take such affirmative action as deemed necessary" and to "promulgate such rules as it deems necessary." The Secretary has reconsidered the rules in light of the fact that no evidence of unlawful discrimination has been shown, the existence of other Federal programs, voluntary industry programs, and the questionable legal validity of the rule and finds that the rule is unnecessary to meet the purposes of the statute.

Author: Jane Roberts and David Schuenke, U.S. Geological Survey, Department of the Interior (703) 860–7395.

Environmental Impact Analysis, Regulatory Analysis, and Small Entity Flexibility Analysis

The Department of the Interior has determined that proposed rescission of these regulations, 43 CFR Part 35, does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, preparation of an Environmental Impact Statement is not required. The Department has determined that the proposed rescission is not a major action and does not require the preparation of a Regulatory Impact Analysis under Executive Order 12291. The Department has also determined that rescission of the rule will not have a significant economic impact on a substantial number of small entities, thus a small entity flexibility analysis is not required.

William P. Pendley,

Acting Assistant Secretary of the Interior.

PART 35—NON-DISCRIMINATION AGAINST MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES IN OUTER CONTINENTAL SHELF LEASING ACTIVITIES [REMOVED]

For the reasons set out in the preamble, Title 43 of the Code of Federal Regulations is amended by removing Part 35.

(43 U.S.C. 1334)

[FR Doc. 81-26866 Filed 9-15-81; 8:45 am]

BILLING CODE 4310-31-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

45 CFR Part 1176

Part-time Career Employment

AGENCY: National Endowment for the Humanities.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule regarding part-time career employment which was published July 10, 1981 (46 FR 35647). This correction adds the title of Subchapter D which was inadvertently left out.

FOR FURTHER INFORMATION CONTACT: Joseph R. Schurman, General Counsel, National Endowment for the Humanities, (202) 724–0367.

The National Endowment for the Humanities is correcting 45 CFR Chapter XI, (FR Doc. 81–19813), by inserting a title for Subchapter D as follows:

Subchapter D—National Endowment for the Humanities.

Dated: September 10, 1981.

Joseph D. Duffey,

Chairman, National Endowment for the Humanities.

[FR Doc. 81-26944 Filed 9-15-81; 8:45 am]

BILLING CODE 7536-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 80-605; RM-3569; FCC 81-347]

Use of Certain Offset Assignments in a Specific Frequency Band in the Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This amendment makes the 12.5 kHz offset frequencies lying between regularly assigned channels in the 450–470 MHz band available to all private and mobile services as is already being done in the Business Radio Service. These offset frequencies have been used extensively in the Business Radio Service for a number of years and have proved to be highly effective in satisfying a variety of communications requirements. The amendment makes over 300 additional interstitial channels available for systems requiring limited coverage.

EFFECTIVE DATE: September 21, 1981.

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

FOR FURTHER INFORMATION CONTACT: Emmett Haines Pritchard or Arthur King, Private Radio Bureau, Washington, D.C. 20554, (202) 632–6497.

SUPPLEMENTARY INFORMATION:

Adopted: July 30, 1981.

Released: August 14, 1981.

In the matter of amendment of Subpart D of Part 90 of the Commission's rules and regulations to permit the use of 12.5 kHz offset assignments in the 450–470 MHz band in the Private Land Mobile Radio Services; report and order.

Introduction

1. On October 3, 1980, the Commission adopted a Notice of Proposed Rule Making (NPRM) in this proceeding proposing to add a new rule § 90.267 to extend the use of 12.5 kHz offset frequency assignments to all eligible users of the 450–470 MHz frequency band in the Private Land Mobile Radio Services. The NPRM was issued in response to a petition for rulemaking

filed by the Central Committee on Telecommunications of the American Petroleum Institute (API).

2. The use of 12.5 kHz offset frequency assignments in this band is not a new concept. They have been used extensively in the Business Radio Service for a number of years and have proved to be highly effective in satisfying a variety of communications requirements. Further, the primary channels in the 450–470 MHz band are extensively used and offset assignments will permit many additional low power operations to be satisfied without the allocation of additional spectrum. This would have the added benefit of allowing the offsets to serve low power needs, thereby freeing the primary assignments to accommodate other communications requirements.

3. In the NPRM we proposed to allow the use of 12.5 kHz offsets at 450–470 MHz in all of the private land mobile radio services in which frequencies in this band are assigned. The use of these frequencies would be on a secondary, non-interference basis to regularly assigned adjacent frequency operations and interservice frequency coordination would be required. The maximum transmitter output power would be two watts. Further, as proposed in the NPRM, wide-area operations would continue to not be authorized, and all private land mobile systems operating in the 450–470 MHz band on offsets would be limited to 10 watts ERP for fixed or mobile relay stations.

Public Comment

4. During the period for comments in response to the proposed rule, twelve comments were received and a reply comment was filed by API. Comments were received from the following organizations:

Association of American Railroads (AAR)
State of New Jersey
Union Oil Company of California (Union)
American Telephone and Telegraph Company (AT&T)
General Electric Company (GE)
Utilities Telecommunications Council (UTC)
Motorola, Inc. (Motorola)
Special Industrial Radio Service Association (SIRSA)
Manufacturers Radio Frequency Advisory Committee (MRFAC)
Forest Industries Telecommunications (FIT)
California Public-Safety Radio Association (CPRA)
Plectron Corporation (Plectron)

The overall reaction to the proposed rule was highly supportive.

5. The following specific comments were made. After a summary of each comment, a response is set forth stating changes which have been made to the rule or the reasons why no change is considered appropriate. The comments appear in the order of the sections of the final regulation.

a. *Comment.* UTC suggested increasing the output power of mobile units from two watts to four watts. (See § 90.267(a)(1)). No reasons were given by UTC to support this request.

Response. We have considered the UTC request; however, we have decided to retain the two watts output power limitation. Our experience with the use of offsets in the Business Radio Service shows no indication that two watts is not adequate for these systems and UTC has provided no evidence to the contrary. Further, an increase in power output increases the possibility of interference.

b. *Comment.* FIT suggested that offset assignments be additionally permitted for tone signalling and telemetry operations.

Response. We have considered FIT's proposal and believe it will enhance the utility of these systems for licensees. Therefore, the rule we are adopting includes A1, A2, A3, A9, F1, F2, F3 and F9 emissions. (See § 90.267(a)(1)). Conforming amendments are also made to § 90.238 for telemetry operations. Further, the restrictions on mode of operations in non-voice communication at § 90.233 do not apply to these offset frequencies because § 90.233 applies to the secondary use of primary channels, while the offsets are secondary use channels.

c. *Comment.* FIT and AAR suggested that an interservice coordination requirement be added to § 90.267(a)(2).

Response. Section 90.267(a)(3) already requires interservice coordination with the appropriate services. Further, since § 90.175, which is not affected by this rulemaking, also requires frequency coordination for offset assignments when only one service is involved, there is no need to reiterate that requirement in the new § 90.267. No change therefore has been made to the rule.

d. *Comment.* Two commenters wanted the prohibition against wide area operations to be defined more precisely. UTC suggested that the areas of operation not exceed sixteen kilometers (ten miles), but gave no reasons to support its request. MRFAC suggested that systems be limited to a coverage area of no more than twenty miles radius. MRFAC's concern was that the term "wide area" is simply too vague to adequately describe those applications for which these offset channels are intended. MRFAC believes that a more specific standard should be imposed if these offset channels are to be utilized effectively. Further, MRFAC suggested that the area of operation should be specified on the license as a condition.

Response. We have considered these requests; however, a change in the rule in these respects is not considered to be appropriate. A specific standard for defining "wide area operation" is not feasible, because distances to be covered would vary in different situations depending on such factors as the size of metropolitan areas and the jurisdiction of particular governmental entities. Additionally, there would seem to be no need to specify the area of operation on the license because, with a two watt output power limitation, wide area operation is normally improbable. Should a problem develop in a particular situation, this could be addressed on a case by case basis.

e. *Comment.* SIRSA suggested that offset licensees be permitted the assignment of multiple frequencies.

Response. The rule already permits assignment of multiple frequencies. However, we have reworded § 90.267(a)(5) to clarify the fact that while the assignment of an additional freuquency or pair of frequencies in the primary channels in most cases requires a satisfactory showing of need (e.g. § 90.75(e)), no such showing is required with the offset frequencies; rather, only a statement of proposed use is required.

f. *Comment.* CPRA suggested that the proposed height limitation for antennas at § 90.267(a)(6)[1] be amended to state "not to exceed twenty feet above ground or above a man-made structure other than an antenna structure." Union suggested that the rule be changed to twenty feet above the trees or natural formation at the antenna site for land-based stations. GE concurred with the proposed height limitation in the NPRM, stating that it serves to protect the primary channels.

Response. No change has been made in the antenna height limitation at § 90.267(a)(6). Amending the height limitation to twenty feet above a man-made structure or to twenty feet above the trees or natural formation at the antenna site for land-based stations would increase the potential for interference.

g. *Comment.* SIRSA and API suggest that § 90.267(a)(5)(iii) of the NPRM, which provides an ERP limitation of ten watts, should be deleted because the secondary status of the offsets renders the ERP limitation superfluous. Conversely, the State of New Jersey suggests elimination of the transmitter output limitation in favor of an ERP limit of less than ten watts.

[1] Height limitation in § 90.267(a)(6) is 7 m. (20 ft.).

Response. We are deleting the ERP limitation in the final rule. We agree that it does not appreciably enhance the protection accorded to primary adjacent channel licensees and would tend to limit the usefulness of the offset channels to users who depend upon high gain directional antennas for operation of their communications systems. The two watt limitation on transmitter power, however, has served to limit in some degree the interference potential to adjacent channel licensees in the Business Radio Service where it has been in effect for several years and it will be retained in this final rule.

h. *Comment.* Regarding the coordination requirement at § 90.267(a)(6) of the NPRM, AT&T pointed out that, as currently written, § 90.175(a)(1) accords interference protection only to the licensees of "existing co-channel stations." AT&T therefore argues that it appears necessary to amend § 90.175(a)(1) to include stations operating on primary frequencies and separated by 12.5 kHz from the proposed station as well as the existing co-channel stations, in order to provide protection to users of the primary frequency assignments and to minimize interference to the secondary offset user.

Response. The need for coordination to protect primary channels is implicit in §§ 90.175 and 90.267(a)(3), which was § 90.267(a)(6) in the NPRM, but which was reworded and changd to § 90.267(a)(3) for editorial reasons. We do not believe additional language on this point is necessary.

i. *Comment.* AAR requested that for the four frequencies in § 90.91 (b) and (c) that are assigned to the Railroad Radio Service for specific purposes, the use of offsets be limited to licensees of radio services authorized on the adjacent primary channels in order to facilitate close coordination of compatible usages.

Response. No change has been made in the rule. Two of the frequencies to which AAR refers are only available with cross service coordination and the other two are already exclusively assigned to the Railroad Radio Service. Therefore, AAR's request is essentially accommodated under existing rules.

j. *Comment.* Plectron requested that thirteen enumerated 453 MHz offset channels be made availble to the Fire Radio Service only.

Response. No change has been made in the rule. The primary, adjacent channels are all shared by the five radio services in the Public Safety Radio Services. Rather than allocate the offset splits exclusively, we think that the public interest is better served by a cooperative approach between the public safety radio services.

k. *Comment.* GE, API, Motorola, and CPRA enthusiastically endorsed the proposed rules, but urged that the concept be expanded from the 450–470 MHz band to include the 470–512 MHz band.

Response. The expansion of the offset concept to the 470–512 MHz band is beyond the scope of this rulemaking. Further, operations in this band are presently the subject of a Commission proceeding in the low power TV docket. (See *Notice of Proposed Rulemaking and An Inquiry into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System*, 45 FR 69178, October 17, 1980.)

l. *Comment.* CPRA suggested that the offset concept should be expanded, at least in the Public Safety Radio Services, to permit the use of offsets not only on a low-power, secondary basis, but on an equal basis with regularly allocated channels in accordance with the technical parameters set forth in subpart I of Part 90. API objected to CPRA's proposal, stating this proceeding is not the proper forum in which to consider what is essentially a "channel splitting" proposal.

Response. We agree with API. The proposal of CPRA is beyond the scope of this rulemaking proceeding and would best be considered in a separate rulemaking proceedings.

m. *Comment.* The State of New Jersey suggested that the standard five MHz spacing be required for mobile relay operations.

Response. No change has been made in the rule. While § 90.173(i) provides for five MHz separation for the regularly available channels, the implementation of 12.5 kHz in the Business Radio Service did not follow this scheme. Since it has worked well in the Business Radio Service, we do not see the need to adopt a strict rule requiring five MHz separation. The choice will be with the applicant; and since frequency coordination is required, it would appear that each radio service coordinator would adopt a flexible mechanism for selection and use of these frequencies. Consequently, we have not adopted the requirements of five MHz separation when used for base, mobile relay or fixed purposes for the 12.5 kHz offsets.

n. *Miscellaneous Comments.* Several typographical and/or editorial errors were cited by the commenters, for which corrections have been made in the final rules.

Conclusion

6. In consideration of the foregoing, it is our determination that amendment of our rules, essentially as proposed with certain modifications as discussed herein, is in the public interest, convenience and necessity.[2] The amended rules provide as follows:

a. The use of 12.5 kHz offsets at 450–470 MHz will be allowed in all of the private land mobile radio services in which frequencies in this band are assigned.

b. The use of these frequencies will be on a secondary, non-interference basis to regularly assigned adjacent frequency operations.

c. Frequency coordination pursuant to § 90.175 is required, and where more than one service is involved, interservice coordination is also required.

d. The maximum power output for unmodulated carriers would be two watts, and A1, A2, A3, A9, F1, F2, F3, and F9 emissions will be authorized.

e. Wide area operations will not be authorized.

f. Multiple frequency assignments will be permitted.

7. Accordingly, it is hereby ordered, That, pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, Part 90 of the Commission's rules is amended, effective September 21, 1981, as set forth in the attached Appendix. It is further ordered That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

47 CFR Part 90 is amended as follows:

1. Section 90.75(d)(4) is removed and (d)(5) is renumbered as (d)(4).

2. Section 90.238(e) is revised and (f) is removed and reserved as follows:

§ 90.238 Telemetry operations.

* * * * *

(e) Frequencies separated by 12.5 kHz from regularly assignable frequencies in the 450–470 MHz band, which are listed at § 90.267(b), except that frequencies separated by 12.5 kHz from frequencies in the 460.650–460.875 MHz and 465.650–

[2] The Commission has an on-going proceeding looking at narrow band technologies. Should narrow band technologies ultimately be introduced on a primary basis, operations on offset frequencies would be secondary to these narrow band systems.

465.875 MHz bands are available in the Business Radio Service exclusively for one-way, non-voice biomedical telemetry operation in hospitals, or in medical or convalescent centers. (See § 90.75(d)(4)).

(f) [Reserved]

* * * * *

3. A new § 90.267 is added to read as follows:

§ 90.267 Assignment and use of 12.5 kHz frequency offsets.

(a) Frequencies separated by 12.5 kHz from regularly assignable frequencies in the 450–470 MHz band, which are listed in the table at paragraph (b) of this section may be assigned in the land mobile services in accordance with the following conditions:

(1) All stations shall be licensed as mobiles but they may serve the functions of base, fixed or mobile relay stations. Such stations are limited to 2 watts output power. A1, A2, A3, A9, F1, F2, F3, and F9 emissions may be authorized.

(2) All operations shall be on a secondary, non-interference basis to the primary operations and shall be entitled to no protection from such stations.

(3) Where the primary channel availability is indicated in more than one service in the table at paragraph (b) of this section, the frequency coordination requirements in § 90.175 apply in all such services (See § 90.555(a) for identification of service abbreviations).

(4) Wide area operations will not be authorized. The area of normal day-to-day operations shall be described in the application in terms of maximum distance from a geographical center (latitude and longitude).

(5) Applicants for stations under this part shall provide a statement of proposed use, but are otherwise exempt from any limitation on the number of frequencies assignable contained elsewhere in Part 90.

(6) Antennas of mobile stations used as fixed stations communicating with one or more associated stations located within 45 degrees of azimuth shall be directional and have a front to back ratio of at least 15 dB. Except as provided below, the height of the antenna used at any mobile station serving as a base, fixed or mobile relay station may not exceed 7 m. (20 ft) above the ground.

(i) No limit shall be placed on the length or height above ground of any commercially manufactured radiating transmission line when the transmission line is terminated in a nonradiating load and is routed at least 7 m. (20 ft) interior to the edge of any structure or is routed below ground level.

(ii) Sea-based stations may utilize antennas mounted not more than 7 m. (20 ft.) above the man-made supporting structure, excluding antenna structures.

(b) Frequencies available for assignment under this section are as follows:

Offset Channels Available in Services Indicated

Frequency	
451.0375	IW.
451.0625	IW.
451.0875	IW.
451.1125	IW.
451.1375	IW.
451.1625	IF, IP, IT, IW, IX.
451.1875	IF, IP, IT, IX.
451.2125	IF, IP, IT, IW, IX.
451.2375	IF, IP, IT, IW, IX.
451.2625	IF, IP, IT, IW IX.
451.2875	IF, IP, IT, IW, IX.
451.3125	IT.
451.3375	IT.
451.3625	IF, IP, IT, IW, IX.
451.3875	IF, IP, IT, IW, IX.
451.4125	IF, IP, IT, IW, IX.
451.4375	IF, IP, IT, IW, IX.
451.4625	IF, IP, IT, IW, IX.
451.4875	IF, IP, IT, IW, IX.
451.5125	IF, IP, IT, IW, IX.
451.5375	IF, IP, IT, IW, IX.
451.5625	IF, IP, IT, IW, IX.
451.5875	IF, IP, IT, IW, IX.
451.6125	IF, IP, IT, IW, IX.
451.6375	IF, IP, IT, IW, IX.
451.6625	IF, IP, IT, IW, IX.
451.6875	IF, IP, IT, IW, IX.
451.7125	IF, IP, IS.
451.7375	IF, IP, IS.
451.7625	IF, IP, IS.
451.7875	IS.
451.8125	IS.
451.8375	IS.
451.8625	IS.
451.8875	IS.
451.9125	IS.
451.9375	IS.
451.9625	IS.
451.9875	IS.
452.0125	IS.
452.0375	IS, LX.
452.0625	IS, LX.
452.0875	IS, LX.
452.1125	IS, LX.
452.1375	IS, LX.
452.1625	IS, LX.
452.1875	IS, LX.
452.2125	LX.
452.2375	LX.
452.2625	LX.
452.2875	LX.
452.3125	LX.
452.3375	LM, LR, LX.
452.3625	LM, LR, LX.
452.3875	LM, LR, LX.
452.4125	LM, LR, LX.
452.4375	LM, LR, LX.
452.4625	LM, LR, LX.
452.4875	LM, LR, LX.
452.5125	LA, LX.
452.5375	LA.
452.5625	LA.
452.5875	LA.
452.6125	LA, LM.
452.6375	LM.
452.6625	LM.
452.6875	LM.
452.7125	LM.
452.7375	LM.
452.7625	LM, LR.
452.7875	LM, LR.
452.8125	LM, LR.
452.8375	LM, LR.
452.8625	LM, LR.
452.8875	LM, LR.
452.9125	LR.
452.9375	LR.

Offset Channels Available in Services Indicated—Continued

Frequency	
452.9625	IY, LR.
452.9875	IY.
453.0125	PL, PS, IY.
453.0375	PF, PH, PL, PO, PP.
453.0625	PF, PH, PL, PO, PP.
453.0875	PF, PH, PL, PO, PP.
453.1125	PF, PH, PL, PO, PP.
453.1375	PF, PH, PL, PO, PP.
453.1625	PF, PH, PL, PO, PP.
453.1875	PF, PH, PL, PO, PP.
453.2125	PF, PH, PL, PO, PP.
453.2375	PF, PH, PL, PO, PP.
453.2625	PF, PH, PL, PO, PP.
453.2875	PF, PH, PL, PO, PP.
453.3125	PF, PH, PL, PO, PP.
453.3375	PF, PH, PL, PO, PP.
453.3625	PF, PH, PL, PO, PP.
453.3875	PF, PH, PL, PO, PP.
453.4125	PF, PH, PL, PO, PP.
453.4375	PF, PH, PL, PO, PP.
453.4625	PF, PH, PL, PO, PP.
453.4875	PF, PH, PL, PO, PP.
453.5125	PF, PH, PL, PO, PP.
453.5375	PF, PH, PL, PO, PP.
453.5625	PF, PH, PL, PO, PP.
453.5875	PF, PH, PL, PO, PP.
453.6125	PF, PH, PL, PO, PP.
453.6375	PF, PH, PL, PO, PP.
453.6625	PF, PH, PL, PO, PP.
453.6875	PF, PH, PL, PO, PP.
453.7125	PF, PH, PL, PO, PP.
453.7375	PF, PH, PL, PO, PP.
453.7625	PF, PH, PL, PO, PP.
453.7875	PF, PH, PL, PO, PP.
453.9125	PF, PH, PL, PO, PP.
453.9375	PF, PH, PL, PO, PP.
453.9625	PF, PH, PL, PO, PP.
453.9875	PL, IP.
454.0125	Not available (adjacent to domestic public).
454.025 to 454.975	Domestic public.
455.050 to 455.950	Broadcast auxiliary.
456.0125	Not available (adjacent to broadcast auxiliary).
456.0375	IW.
456.0625	IW.
456.0875	IW.
456.1125	IW.
456.1375	IW.
456.1625	IF, IP, IT, IW, IX.
456.1875	IF, IP, IT, IW, IX.

Offset Channels Available in Services Indicated—Continued

Frequency	
456.2125	IF, IP, IT, IW, IX.
456.2375	IF, IP, IT, IW, IX.
456.2625	IF, IP, IT, IW, IX.
456.2875	IF, IP, IT, IW, IX.
456.3125	IT.
456.3375	IT.
456.3625	IF, IP, IT, IW, IX.
456.3875	IF, IP, IT, IW, IX.
456.4125	IF, IP, IT, IW, IX.
456.4375	IF, IP, IT, IW, IX.
456.4625	IF, IP, IT, IW, IX.
456.4875	IF, IP, IT, IW, IX.
456.5125	IF, IP, IT, IW, IX.
456.5375	IF, IP, IT, IW, IX.
456.5625	IF, IP, IT, IW, IX.
456.5875	IF, IP, IT, IW, IX.
456.6125	IF, IP, IT, IW, IX.
456.6375	IF, IP, IT, IW, IX.
456.6625	IF, IP, IT, IW, IX.
456.6875	IF, IP, IT, IW, IX.
456.7125	IF, IP, IS.
456.7375	IF, IP, IS.
456.7625	IF, IP, IS.
456.7875	IS.
456.8125	IS.
456.8375	IS.
456.8625	IS.
456.8875	IS.
456.9125	IS.
456.9375	IS.
456.9625	IS.
456.9875	IS.
457.0125	IS.
457.0375	IS, LX.
457.0625	IS, LX.
457.0875	IS, LX.
457.1125	IS, LX.
457.1375	IS, LX.
457.1625	IS, LX.
457.1875	IS, LX.
457.2125	LX.
457.2375	LX.
457.2625	LX.
457.2875	LX.
457.3125	LM, LR, LX.
457.3375	LM, LR, LX.
457.3625	LM, LR, LX.
457.3875	LM, LR, LX.
457.4125	LM, LR, LX.
457.4375	LM, LR, LX.
457.4625	LM, LR, LX.
457.4875	LM, LR, LX.
457.5125	IB, LX.
457.5375	IB.
457.5625	IB.
457.5875	IB.
457.6125	IB, LM.
457.6375	LM.
457.6625	LM.
457.6875	LM.
457.7125	LM.
457.7375	LM.
457.7625	LM, LR.
457.7875	LM, LR.
457.8125	LM, LR.
457.8375	LM, LR.
457.8625	LM, LR.
457.8875	LM, LR.
457.9125	LR.
457.9375	LR.
457.9625	IY, LR.
457.9875	IY.
458.0125	PS, IY.
458.0375	PF, PH, PL, PO, PP, PS.
458.0625	PF, PH, PL, PO, PP, PS.
458.0875	PF, PH, PL, PO, PP, PS.
458.1125	PF, PH, PL, PO, PP, PS.
458.1375	PF, PH, PL, PO, PP, PS.
458.1625	PF, PH, PL, PO, PP, PS.
458.1875	PF, PH, PL, PO, PP, PS.
458.2125	PF, PH, PL, PO, PP.

Offset Channels Available in Services Indicated—Continued

Frequency	
458.2375	PF, PH, PL, PO, PP.
458.2625	PF, PH, PL, PO, PP.
458.2875	PF, PH, PL, PO, PP.
458.3125	PF, PH, PL, PO, PP.
458.3375	PF, PH, PL, PO, PP.
458.3625	PF, PH, PL, PO, PP.
458.3875	PF, PH, PL, PO, PP.
458.4125	PF, PH, PL, PO, PP.
458.4375	PF, PH, PL, PO, PP.
458.4625	PF, PH, PL, PO, PP.
458.4875	PF, PH, PL, PO, PP.
458.5125	PF, PH, PL, PO, PP.
458.5375	PF, PH, PL, PO, PP.
458.5625	PF, PH, PL, PO, PP.
458.5875	PF, PH, PL, PO, PP.
458.6125	PF, PH, PL, PO, PP.
458.6375	PF, PH, PL, PO, PP.
458.6625	PF, PH, PL, PO, PP.
458.6875	PF, PH, PL, PO, PP.
458.7125	PF, PH, PL, PO, PP.
458.7375	PF, PH, PL, PO, PP.
458.7625	PF, PH, PL, PO, PP.
458.7875	PF, PH, PL, PO, PP.
458.8125	PF, PH, PL, PO, PP.
458.8375	PF, PH, PL, PO, PP.
458.8625	PF, PH, PL, PO, PP.
458.8875	PF, PH, PL, PO, PP.
458.9125	PF, PH, PL, PO, PP.
458.9375	PF, PH, PL, PO, PP.
458.9625	PF, PH, PL, PO, PP.
458.9875	PL, IP.
459.0125	(Not available, adjacent to domestic public).
459.025 to 459.975	Domestic Public.
459.9875	(Not available, adjacent to domestic public).
460.0125	PP.
460.0375	PP.
460.0625	PP.
460.0875	PP.
460.1125	PP.
460.1375	PP.
460.1625	PP.
460.1875	PP.
460.2125	PP.
460.2375	PP.
460.2625	PP.
460.2875	PP.
460.3125	PP.
460.3375	PP.
460.3625	PP.
460.3875	PP.
460.4125	PP.
460.4375	PP.
460.4625	PP.
460.4875	PF.

Offset Channels Available in Services Indicated—Continued

Frequency	
460.5125	
460.5375	
460.5625	
460.5875	
460.6125	PF.
460.6375	PF, IB.
460.8625	IB.
460.6875	IB.
460.9125	IB.
460.9375	IB.
460.9625	IB.
460.9875	IB.
461.0125	IB.
461.0375	IB.
461.0625	IB.
461.0875	IB.
461.1125	IB.
461.1375	IB.
461.1625	IB.
461.1875	IB.
461.2125	IB.
461.2375	IB.
461.2625	IB.
461.3875	IB.
461.4125	IB.
461.4375	IB.
461.4625	IB.
461.4875	IB.
461.5125	IB.
461.5375	IB.
461.5625	IB.
461.5875	IB.
461.6125	IB.
461.6375	IB.
461.6625	IB.
461.6875	IB.
461.7125	IB.
461.7375	IB.
461.7625	IB.
461.7875	IB.
461.8125	IB.
461.8625	IB.
461.8875	IB.
461.9125	IB.
461.9375	IB.
461.9625	IB.
461.9875	IB.
462.0125	IB.
462.0375	IB.
462.0625	IB.
462.0875	IB.
462.1125	IB.
462.1375	IB.
462.1625	IB.
462.1875	IB, IX.
462.2125	IX.
462.2375	IX.
462.2625	IX.
462.2875	IX.
462.3125	IX.
462.3375	IX.
462.3625	IX.
462.3875	IX.
462.4125	IX.
462.4375	IX.
462.4625	IF, IP, IT, IW, IX.
462.4875	IF, IP, IT, IW, IX.
462.5125	IF, IP, IT, IW, IX.
462.5375	Not available, adjacent to general mobile.
462.550 to 462.725	(Not available—general mobile.)
462.7375	Not available, adjacent to general mobile.
462.7625	IB.
462.7875	IB.
462.8125	IB.
462.8375	IB.
462.8625	IB.
462.8875	IB.
462.9125	IB.
462.9375	PS.
462.9625	PS.
462.9875	PS.
463.0125	PS.
463.0375	PS.
463.0625	PS.
463.0875	PS.

Offset Channels Available in Services Indicated—Continued

Frequency	
463.1125	PS.
463.1375	PS.
463.1625	PS.
463.1875	PS.
463.2125	IB.
463.2375	IB.
463.2625	IB.
463.2875	IB.
463.3125	IB.
463.3375	IB.
463.3625	IB.
463.3875	IB.
453.4125	IB
463.4375	IB
463.4625	IB
463.4875	IB
463.5125	IB
463.5375	IB
463.5625	IB
463.5875	IB
463.6125	IB
463.6375	IB.
463.6625	IB.
463.6875	IB.
463.7125	IB.
463.7375	IB.
463.7625	IB.
463.7875	IB.
463.8125	IB.
463.8375	IB.
463.8625	IB.
463.8875	IB.
463.9125	IB.
463.9375	IB.
463.9625	IB.
463.9875	IB.
464.0125	IB.
464.0375	IB.
464.0625	IB.
464.0875	IB.
464.1125	IB.
464.1375	IB.
464.1625	IB.
464.1875	IB.
464.2125	IB.
464.2375	IB.
464.2625	IB.
464.2875	IB.
464.3125	IB.
464.3375	IB.
464.3625	IB.
464.3875	IB.
464.4125	IB.
464.4375	IB.
464.4625	IB.
464.4875	IB.
464.5125	IB.
464.5375	IB.
464.5625	IB.
464.5875	IB.
464.6125	IB.
464.6375	IB.
464.6625	IB.
464.6875	IB.
464.7125	IB.
464.7375	IB.
464.7625	IB.
464.7875	IB.
464.8125	IB.
464.8375	IB.
464.8625	IB.
464.8875	IB.
464.9125	IB.
464.9375	IB.
464.9625	IB.
464.9875	IB.
465.0125	PP.
465.0375	PP.
465.0625	PP.
465.0825	PP.
465.1125	PP.
465.1375	PP.
465.1625	PP.
465.1875	PP.
465.2125	PP.
465.2375	PP.
465.2625	PP.
465.2875	PP.
465.3125	PP.
465.3375	PP.

Offset Channels Available in Services Indicated—Continued

Frequency	
465.3625	PP.
465.3875	PP.
465.4125	PP
465.4375	PP.
465.4625	PP.
465.4875	PP.
465.5125	PF, PP, PS.
465.5375	PF, PP, PS.
465.5625	PF, PP, PS.
465.5875	PF.
465.6125	PF.
465.6375	PF, IB.
465.6625	IB.
465.6875	IB.
465.7125	IB.
465.7375	IB.
465.7625	IB.
465.7875	IB.
465.8125	IB.
465.8375	IB.
465.8625	IB.
465.8875	IB.
465.9125	IB.
465.9375	IB.
465.9625	IB.
465.9875	IB.
466.0125	IB.
466.0375	IB.
466.0625	IB.
466.0875	IB.
466.1125	IB.
466.1375	IB.
466.1625	IB.
466.1875	IB.
466.2125	IB.
466.2375	IB.
466.2625	IB.
466.2875	IB
466.3125	IB.
466.3375	IB.
466.3625	IB.
466.3875	IB.
466.4125	IB.
466.4375	IB.
466.4625	IB.
466.4875	IB.
466.5125	IB.
466.5375	IB.
466.5625	IB.
466.5875	IB.
466.6125	IB.
466.6375	IB.
466.6625	IB.
466.6875	IB.
466.7125	IB.
466.7375	IB.
466.7625	IB.
466.7875	IB.
466.8125	IB.
466.8375	IB
466.8625	IB.
466.8875	IB.
466.9125	IB.
466.9375	IB.
466.9625	IB.
466.9875	IB.
467.0125	IB.
467.0375	IB.
467.0625	IB.
467.0875	IB.
467.1125	IB.
467.1375	IB.
467.1625	IB.
467.1875	IB, IX.
467.2125	IX.
467.2375	IX.
467.2625	IX.
467.2875	IX.
467.3125	IX.
467.3375	IX.
467.3625	IX.
467.3875	IX.
467.4125	IX.
467.4375	IX.
467.4625	IF, IP, IT, IW, IX.
467.4875	IF, IP, IT, IW, IX.
467.5125	IF, IP, IT, IW, IX.
467.5375	Not available, adjacent to general mobile.

Offset Channels Available in Services Indicated—Continued

Frequency	
467.550–467.725	(Not available—general mobile.)
467.7625	Not available, adjacent to general mobile.
467.7875	IB.
467.8125	IB.
467.8375	IB.
467.8625	IB.
467.8875	IB.
467.9125	IB.
467.9375	PS.
467.9625	PS.
467.9875	PS.
468.0125	PS.
468.0375	PS.
468.0625	PS.
468.0875	PS.
468.1125	PS.
468.1375	PS.
468.1625	PS.
468.1875	PS.
468.2125	IB.
468.2375	IB.
468.2625	IB.
468.2875	IB.
468.3125	IB.
468.3375	IB.
468.3625	IB.
468.3875	IB.
468.4125	IB.
468.4375	IB.
468.4625	IB.
468.4875	IB.
468.5125	IB.
468.5375	IB.
468.5625	IB.
468.5875	IB.
468.6125	IB.
468.6375	IB.
468.6625	IB.
468.6875	IB.
468.7125	IB.
468.7375	IB.
468.7625	IB.
468.7875	IB.
468.8125	IB.
468.8375	IB.
468.8625	IB.
468.8875	IB.
468.9125	IB.
468.9375	IB.
468.9625	IB.
468.9875	IB.
469.0125	IB.
469.0375	IB.
469.0625	IB.
469.0875	IB.
469.1125	IB.
469.1375	IB.
469.1625	IB.
469.1875	IB.
469.2125	IB.
469.2375	IB.
469.2625	IB.
469.2875	IB.
469.3125	IB.
469.3375	IB.
469.3625	IB.
469.3875	IB.
469.4125	IB.
469.4375	IB.
469.4625	IB.
469.4875	IB.
469.5125	IB.
469.5375	IB.
469.5625	IB.
469.5875	IB.
469.6125	IB.
469.6375	IB.
469.6625	IB.
469.6875	IB.
469.7125	IB.
469.7375	IB.
469.7625	IB.
469.7875	IB.
469.8125	IB.
469.8375	IB.
469.8625	IB.
469.8875	IB.

Offset Channels Available in Services Indicated—Continued

Frequency	
469.9125	fB.
469.9375	fB.
469.9625	fB.

[FR Doc. 81-26741 Filed 9-15-81; 8:45 am]
BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1206 and 1207

[No. 37562]

Increasing the Minimum Rule on Capital Expenditures

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission has decided to increase the minimum rule on capital expenditures from $200 to $500 for both the motor carriers of property and the motor carriers of passengers. This revision will reduce the carriers' accounting burden, accelerate the capital recoverability of minor capital expenditures and adjust the minimum rule's dollar amount for inflation.

DATE: This rule is effective January 1, 1981.

ADDRESS: Send any comments to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Commission served a Notice of Proposed Rulemaking (NPR) on March 4, 1981, proposing to increase the minimum rule from $200 to $500 for both the motor carriers of passengers and the motor carriers of property. The NPR was published in the **Federal Register** on March 5, 1981 (46 FR 15302). The Commission's objectives in this proceeding are to reduce carriers' accounting burden, accelerate the capital recoverability of minor capital expenditures, and adjust the minimum rule's dollar amount for the effects of inflation.

The Commission's present accounting instructions for these carriers provide that an expenditure be recognized as a capital expenditure if (1) the cost exceeds $200, and (2) the life of the item is one year or more. Capitalized items are carried on the books as assets, depreciated over an estimated life, and removed from the books only when disposed. An expenditure that does not meet this criteria is expensed in the period incurred. Accordingly, the increase in the minimum rule to the $500 threshold will significantly reduce the carriers' accounting and reporting burden and recognize the effects of inflation.

The Commission received responses to the NPR from the Las Vegas, Tonopah, Reno Stage Line, Inc. and the National Accounting & Finance Council of the American Trucking Associations. Both agreed with our proposal to increase the minimum rule.

The National Bus Traffic Association, Inc. (NBTA) initially requested the $200 minimum rule be increased to $500. They stated that the $200 level had remained constant since 1/1/68, and if this amount was adjusted by the increase in the Consumer Price Index from 1/1/68 to 12/31/80, it would now be equal to $516. In addition, the NBTA also suggested that previously capitalized items under $500 that are fully depreciated be removed from the property records.

The Commission recognizes the need for an upward adjustment in the minimum rule and believes that the NBTA's proposal and other respondents' comments are noteworthy. Therefore, the new $500 threshold is adopted.

However, the NBTA did not present a justification for removing previously capitalized items under $500 that are fully depreciated from the property records. The proposed increase in the minimum rule is meant to be a prospective adjustment. If previously capitalized items under $500 are still being used in carrier operations, they should continue to be carried in the carrier's operating property accounts in accordance with the uniform system of accounts. If these items are no longer used in carrier operations, they should be transferred to non-carrier operating property accounts or retired.

Accordingly, 49 CFR 1206 and 49 CFR 1207 are amended as set forth in the Appendix, effective January 1, 1981.

This action does not appear to affect significantly the quality of the human environment, the conservation of energy resources, or small entities.

This action is proposed under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: September 3, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix

Amend 49 CFR Parts 1206 and 1207 as follows:

PART 1206—COMMON AND CONTRACT MOTOR CARRIERS OF PASSENGERS

1. Revise the text of 49 CFR Part 1206, Instruction 2-19, Operating property to be recorded at cost, paragraph (c), as follows:

2-19 Operating property to be recorded at cost.

* * * * *

(c) Any unit of property, including additions to or betterments of existing property, having a cost not in excess of $500.00, or having a life of one year or less, may be charged to the appropriate operation and maintenance expense or clearing account and not to the property account. However, if small tools, portable equipment and similar items are consumed directly in construction work, the cost may be included as part of the cost of the constructed unit. This is not to be construed as authorizing the parceling of expenditures to bring them within this limit, or the inconsistent application of any rule or practice adopted by the carrier regarding the same item or class of property. Changes in method of applying this rule, shall be reported to the Commission.

* * * * *

2. Revise the text of 49 CFR Part 1206, Instruction 2-22, Leased property; expenditures, as follows:

2-22 Leased property; expenditures.

(a) Except as provided in paragraph (b) of this section, the cost of initial improvements, including rearrangements, additions and betterments to property leased from others made in the course of preparing the property for motor carrier operations and the cost of any subsequent additions to and betterments of such leased property shall be charged to the operating property account 1271, Improvements to leasehold property. Depreciation on such expenditures shall be provided for in accordance with instruction 25.

(b) When the cost of alterations to leased transportation property otherwise chargeable to account 1271, Improvements to leasehold property, is not in excess of $500.00 or the period of the lease is less than one year, the cost may be charged to the accounts chargeable with the cost of repairs to such property. Changes in method of applying this rule shall be reported to the Commission.

3. Revise the text of 49 CFR Part 1206, Account 1271, Improvements to leasehold property, as follows:

1271 Improvements to leasehold property.

(a) This account shall include, except as provided in paragraph (b) of this section the cost of initial improvements (including rearrangements, additions, and betterments) to property used for motor carrier operations and held under lease or through control of the carrier owning the property, and in existence at the date of the balance sheet; and, the cost of any subsequent additions to and betterments of such leased or controlled property but not including replacements of other than the carrier's own improvements. Depreciation on such expenditures shall be provided for in accordance with instruction 25.

(b) When the cost of alterations to leased property used in motor carrier operations otherwise chargeable to this account is not in excess of $500.00 or the period of the lease is less than one year, the cost may be charged to the accounts chargeable with the cost of repairs to such property. (See provisions of instruction 22.)

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

4. Revise the text of 49 CFR Part 1207, Instruction 19, Carrier operating property, paragraph (c), as follows:

19 Carrier operating property.

* * * * *

(c)(1) Units of property (see definition 37) and additions to and betterments of existing property, having a life in excess of one year and costing more than $500 shall be charged to the appropriate property investment accounts. Units having a life of 1 year or less or costing not more than $500 may be charged to operating expenses.

The carrier shall not parcel expenditures for acquisitions of several units of property, when made under a general plan (where the cost of each unit is less than $500, but the total expenditures under the plan represent a substantial investment), for the purpose of charging them to expense. Carrier shall not combine unrelated items for the purpose of including their cost in the property investment accounts.

(2) A carrier will be permitted to adopt a limit of less than $500 for charges to the property investment account, providing it files a statement with the Commission showing the amount it proposes to use and makes no subsequent change in the amount except by authority of the Commission.

* * * * *

5. Revise the text of 49 CFR Part 1207, Account 1241, Improvements to leasehold property (classes I and II), paragraph (b), as follows:

1241 Improvements to Leasehold Property (classes I and II).

* * * * *

(b) When the cost of alterations to leased property used in motor carrier operations otherwise chargeable to this account is not in excess of $500.00 or the period of the lease is less than one year, the cost may be charged to the accounts chargeable with the cost of such repairs to such property. (See instruction 19(c).)

* * * * *

[FR Doc. 81-26896 Filed 9-15-81; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

Ocean Salmon Fisheries off the Coasts of California, Oregon, and Washington; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule for Ocean Salmon Fisheries off the Coasts of California, Oregon, and Washington published September 9, 1981 (46 FR 44989). In the original notice of final rule the intention was to remove the words "Regional Director" only from certain sentences.

FOR FURTHER INFORMATION CONTACT: Mr. H. A. Larkins, Regional Director, National Marine Fisheries Service, 206-527-6150.

Dated: September 11, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 661—OCEAN SALMON FISHERIES OFF THE COASTS OF CALIFORNIA, OREGON, AND WASHINGTON

Accordingly, NOAA corrects 50 CFR 661.12 by removing the words "Regional Director" from certain sentences and inserting in their place the word "Secretary" to read as follows:

§ 661.12 Inseason adjustment.

(a) *Automatic fishing season closures based on harvest guidelines.* Harvest guidelines for salmon fisheries subject to this Part are:

(1) The WPP Area (U.S.-Canada border to Cape Falcon, Oregon):

The total harvest quota for coho salmon has been established at 620,000, of which 40 percent or 248,000 coho are allocated to the recreational fishery and 60 percent or 372,000 to the commercial fishery.

(2) The OPI south of Cape Falcon, including California:

The total harvest quota for coho salmon has been established at 772,000 coho salmon, of which 29 percent or 224,000 salmon are allocated to the recreational fishery, and 71 percent or 548,000 coho to the commercial fishery: *Provided,* That the 548,000 coho allocated to the commercial fishery shall be reduced by the number of coho projected to be taken incidentally during the open season specified in § 661.10(a)(2)(iv).

(3) The California Area (marine waters of the territorial sea and the FCZ between the Oregon-California border and the U.S.-Mexico Border):

(i) For that part of the California Area north of Point Arena (38°57'20" N. lat.) the total harvest quota for chinook salmon has been established at 315,000 salmon, with 300,000 allocated to the commercial fishery and 15,000 to the recreational fishery.

(ii) For that part of the California Area south of Point Arena, the total harvest quota for chinook salmon has been established at 380,000 salmon with 265,000 allocated to the commercial fishery and 115,000 to the recreational fishery.

(4) When a harvest guideline for the commercial, the recreational fishery, or both, in any Area or specified portion of an Area is projected by the Regional Director [for the area described in paragraph (a)(3) of this section, the Southwest Regional Director of the National Marine Fisheries Service shall make the projections] to be reached prior to the end of a season scheduled in this Part 661, the Secretary shall, by publication of a field order in the **Federal Register**, close the commercial or recreational fishery, or both, as of the date the harvest guideline will be reached in that Area or specified portion of an Area.

(5) If it appears that either the commercial or recreational fishery will not catch all of its quota of chinook salmon in either the area north of Point Arena or the area south of Point Arena in the California Area by the end of the

scheduled season, the surplus that will not be harvested shall be re-allocated to the other fishery in that portion of the California Area by field order of the Secretary upon recommendation of the Southwest Regional Director.

(6) Availability of Data: The Regional Director shall compile in aggregate form all data and information relevant to the projections and field orders specified in paragraph (a) of this section and shall make them available for public review during normal office hours at the Northwest Regional Office, 1700 Westlake Avenue North, Seattle, Washington 98109, or subsequent address of that office. Data and information pertaining to the California Area shall also be available for public review at the Southwest Regional Office of the National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

(7) Public Comment: Interested persons may submit comments, relevant to the actions taken as described in paragraph (a) of this section, to the Regional Director from the date of filing any required notices with the Federal Register through the 15th day following any closure of fishing.

(b) *Modifications of regulations based on in-season developments.* (1) In addition to automatic fishing season closures based on harvest guidelines, the Secretary may also modify the open seasons and catch limits in § 661.10 and § 661.11 in Sub-Areas A and B by issuing a field order in accordance with the provisions of this section, if the Secretary determines that:

(i) Actual conditions of abundance and distribution of coho salmon, and of fishing effort and catches, differ from conditions anticipated prior to the opening of the fishing season; or

(ii) In-season modifications are reasonably necessary to provide adequate escapement of coho salmon from the ocean fisheries for spawning, to meet treaty Indian allocation requirements, or to maintain the historical harvest ratio between commercial and recreational salmon fisheries as set forth in paragraph (b)(4) of this section.

(2) Procedures for *Preliminary* Determinations: Within 24 days following the opening of an All-Salmon Species season in Sub-Areas A or B, or the working day closest following, the Secretary shall, based on catch data, make a preliminary projection of total ocean harvests that will occur by the end of the commercial and recreational salmon fishing seasons in the WPP and OPI Areas. The preliminary projections and determinations shall be published in the Federal Register and disseminated to public news media as soon as practicable after they are made.

(3) Procedures for *Final* Determinations and Field Orders: Within 40 days following the opening of an All-Salmon Species season in Sub-Areas A or B (hereinafter referred to as Day–40), or the working day closest following, the Secretary following consultation with the Chairman of the Council, the Director of WDF, and the Director of ODF&W, and taking into consideration all information received as provided for in this paragraph, shall estimate coho stock abundances in the WPP and OPI Areas and make a final projection of fishing effort and total ocean harvests that will occur by the end of the scheduled fishing season by the commercial and recreational fisheries. The final determinations by the Secretary and any field order issued under paragraph (b) of this section shall be published in the Federal Register and disseminated to public news media as soon as practicable after they are made, together with the reasons therefore. The following factors shall be considered in the final projection of coho abundance, ocean fishing effort and coho harvests in the WPP and OPI Areas:

(i) The amount, distribution, and trends of fishing effort and coho salmon catches of the commercial and recreational fisheries in the WPP and OPI Areas as of Day–40, compared to similar data and time periods in prior years; and

(ii) The current and historical coho salmon harvest ratios between the commercial fishery and the recreational fishery, as set forth in paragraph (b)(4) of this section; and

(iii) Updated estimates of coho salmon abundance and distribution in the WPP and OPI Areas compared to the pre-season WPP and OPI predictions; and

(iv) Any available data from marked-fish recoveries, including analyses of recoveries of coho salmon with implanted coded-wire tags; and

(v) Any other available scientific information relevant to the abundance and distribution of coho salmon stocks, total fishing effort and catches of coho salmon in the WPP or the OPI Areas.

(4) Any modifications of fishing regulations made by the Secretary under paragraph (b) of this section, shall, insofar as possible, maintain the historical coho salmon harvest ratios between the commercial and recreational fisheries as follows:

(i) For the WPP Area, a 60:40 coho harvest ratio between the commercial and recreational fisheries, respectively.

(ii) For the OPI Area south of Cape Falcon, a 71:29 coho harvest ratio between the commercial and recreational fisheries, respectively.

(5) Availability of Data: The Regional Director shall compile in aggregate form all data relevant to the preliminary projections and final determinations under paragraph (b) of this section, and shall make them available for public review during normal office hours at the Northwest Regional Office of the National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109, or subsequent address of that office.

(6) Public Comments: Interested persons may submit comments that are relevant to the projections and determinations in paragraphs (b)(2) and (b)(3) of this section to the Regional Director, for at least 10 days following filing with the Federal Register.

(c) *Effectives Dates.* (1) Any field order issued under paragraphs (a) or (b) of this section shall be disseminated to public news media and shall be effective on the date specified in the field order or on the date the field order is filed with the Federal Register, whichever is later.

(2) Any field order issued under paragraphs (a) or (b) of this section shall remain in effect until the expiration date stated in the order, or until rescinded or superceded; *Provided, That* no such field order shall have any effect beyond the end of the calendar year in which issued, at which time provisions of this Part 661 that were superseded by such field order shall again become effective until subsequently modified or superseded.

(d) Nothing contained in this Section shall limit the authority of the Secretary to issue emergency regulations under section 305(e) of the Act as specified in § 661.14.

[FR Doc. 81-26927 Filed 9-15-81; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 179
Wednesday, September 16, 1981

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 948

Irish Potatoes Grown in Colorado—Area No. 2; Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed continuing regulation would require fresh market shipments of potatoes grown in Colorado—Area No. 2 to be inspected and meet minimum grade, size and maturity requirements. The regulation should promote orderly marketing of such potatoes and keep less desirable qualities and sizes from being shipped to consumers.

DATE: Comments due on or before October 16, 1981.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. Copies of the marketing policy and the Department's impact analysis will be available from Mr. Porter.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 97 and Order No. 948, both as amended, regulate the handling of potatoes grown in designated counties of Colorado Area No. 2. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Colorado Area No. 2 Potatoe Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at a public meeting in Monte Vista, Colorado.

The grade, size, maturity, and inspection requirements recommended herein are similar to those issued during past seasons. They are necessary to prevent potatoes of low quality or undesirable sizes from being distributed in fresh market channels. They would also provide consumers with good quality potatoes consistent with the overall quality of the crop and standardize the quality of the potatoes shipped from the production area in order to provide the consumer with a more acceptable product.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be permitted to certain special purpose outlets without regard to the grade, size, maturity, and inspection requirements provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Certified seed would be exempt because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt since no purpose would be served by regulating such potatoes. Shipments for charity purposes also would be exempt. Also, potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipments differ from those for domestic markets. While standard quality requirements are desired in foreign markets, smaller sizes are often more acceptable. Therefore, different requirements for export shipments are proposed.

It is proposed that requirements contained in this proposed handling regulation, effective November 1, 1981, would continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Interested persons are invited to comment through October 16, 1981 with regard to the proposed handling regulation. Heretofore, regulations issued under the marketing order were made effective for a single marketing season. The proposed change to issue regulations which would continue in effect from marketing season to marketing season reflects the fact that regulations change infrequently from season to season and it is believed unnecessary to issue them for only a single season. In addition, the proposed action could result in a reduction in operational costs to the committee and the government. Although the final regulation would be effective for an indefinite period, the committee would continue to meet prior to or during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season in accordance with § 948.20 of the order, including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Hearing Clerk before July 1 each year. The Department will evaluate committee recommendations and information submitted by the committee, comments filed, and other available information, and determine whether modification, suspension, or termination of the regulations on shipments of Colorado Area 2 potatoes would tend to effectuate the declared policy of the act.

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

PART 948—IRISH POTATOES GROWN IN COLORADO

It is proposed that § 948.384 (45 FR 68912, October 17, 1980) be removed and a new § 948.386 be added as follows:

§ 948.384 [Removed]

§ 948.386 Handling regulation.

On and after November 1, 1981, no person shall handle any lot of potatoes grown in Area No. 2 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) and (e), or (f) of this section.

(a) *Minimum grade and size requirements.* (1) *Round varieties.* U.S. No. 2, or better grade, 2 inches minimum diameter.

(2) *Russet Burbank.* U.S. No. 2, or better grade, 1⅞ inches minimum diameter.

(3) *All other long varieties except Russet Burbank.* U.S. Commercial, or better grade, 2 inches minimum diameter or 4 ounces minimum weight, or U.S. No. 2 grade, 1⅞ inches minimum diameter.

(4) *All varieties.* Size B, if U.S. No. 1.

(5) *All varieties for export.* 1½ inches minimum diameter.

(b) *Maturity (skinning) requirements.* During September and October minimum maturity requirements shall be:

(1) *For U.S. No. 2 grade.* Not more than "moderately skinned."

(2) *All other grades.* Not more than "slightly skinned."

(c) *Inspection.*

(1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part it is hereby determined pursuant to § 948.40(d) that each inspection certificate shall be valid for a period not to exceed five days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) the grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section and the assessment requirements of this part shall not be applicable to shipments of potatoes for:

(i) Livestock feed;

(ii) Relief or charity; or

(iii) Canning, freezing, and "other processing" as hereinafter defined.

(2) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of seed pursuant to § 948.6 but such shipments shall be subject to assessments.

(e) *Safeguards.* Each handler of potatoes which do not meet the grade, size, and maturity requirements of paragraphs (a) and (b) of this section and which are handled pursuant to paragraph (d) for any of the special purposes set forth therein shall:

(1) Prior to handling, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as requested, including certification by the buyer or receiver as to the use of such potatoes; and

(3) Bill each shipment directly to the applicable processor or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes without regard to the requirements of paragraphs (a), (b), and (c) of this section, but this exception shall not apply to any shipment which exceeds 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. Commercial," "U.S. No. 2," "Size B," "slightly skinned," and "moderately skinned" shall have the same meaning as when used in the U.S. Standards for Potatoes (7 CFR 2851.1540–2851.1566), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to 8e of the act and § 980.1 *Import regulations* (7 CFR 980.1), Irish potatoes of the red skinned round type, except certified seed potatoes, imported into the United States during the periods November 1 through June 30 and September 1 through October 31 each year shall meet the minimum grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

Dated: September 10, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-26839 Filed 9-15-81; 8:45 am]

BILLING CODE 3410-02-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1208

Miniature Christmas Tree Lights; Withdrawal of Proposed Rule

Cross Reference

In the Rules section of this **Federal Register**, the Consumer Product Safety Commission (CPSC) is withdrawing its proposed standard for miniature Christmas Tree lights (43 FR 19136, May 7, 1978). This withdrawal appears in the Rules section at the request of the CPSC and in conformity with applicable provisions of the Consumer Product Safety Act.

For more detailed information on the withdrawal, see FR Doc. 81–26825 in the rules section of this **Federal Register**. Refer to the Table of Contents in the front of the **Register** for the proper page number.

BILLING CODE 6355-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 33 and 35

[PRM-FRL 1934-5]

Procurement Regulations Under Grants

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: EPA Has begun the process of revising its procurement regulations under grants in order to implement OMB Circulars A–102 and A–110, Attachments O, which establish government policy for procurement under grants. We published an Advance Notice of Proposed Rulemaking in the **Federal Register** on Monday, April 6, 1981. Subsequently, we prepared a draft set of preliminary regulations for procurement under grants.

We will make copies of these preliminary regulations available to anyone, and we also want to receive comments on these preliminary

regulations. In February 1982 we intend to issue a Notice of Proposed Rulemaking for these regulations.

DATE: In order to have your comments considered in the development of the proposed rule, please submit them by November 10, 1981.

ADDRESS: You should submit your comments (in duplicate if possible) to: Central Docket Section (A-130), Environmental Protection Agency, Attn.: Docket No. G-81-4, Washington, D.C. 20460.

Docket No. G-81-4, containing material relevant to this rulemaking is located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby, 401 M Street SW, Washington, D.C. 20460. You may inspect the docket between 8 a.m. and 4 p.m. on weekdays; we may charge a reasonable fee for copying.

FOR FURTHER INFORMATION CONTACT: Richard A. Johnson, Grants Policy and Procedures Branch, Grants Administration Division (PM-216), telephone (202) 755-0860, 401 M Street, SW, Washington, D.C. 20460.

Dated: September 11, 1981.

Rebecca W. Hanmer,

Acting Assistant Administrator for Administration.

[FR Doc. 81-26931 Filed 9-15-81; 8:45 am]

BILLING CODE 6560-42-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 447

Medicaid Program; Revocation of Sixty-Day Public Notice of Changes in Method or Level of Reimbursement

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: We are proposing to remove the current requirement that Medicaid State agencies give sixty days public notice of certain proposed changes in the Statewide method or level of reimbursement for Medicaid services. This requirement has been widely criticized by States that believe it is burdensome and not required by statute. We would expect that removal of the sixty-day public notice provision would reduce the regulatory burden on States and allow them greater flexibility in developing reimbursement methodologies and in adjusting reimbursement rates in response to changing fiscal situations. Because most States have their own procedures for notifying the public of reimbursement changes and receiving public input respecting agency policy changes, we do not think that rescission of this rule would deprive interested parties of advance information on Medicaid reimbursement changes.

DATE: To assure consideration, comments should be received by September 30, 1981.

ADDRESS: Address comments in writing to: Administrator, Department of Health and Human Services, Health Care Financing Administration, P.O. Box 17076, Baltimore, Maryland 21235.

If you prefer, you may deliver your comments to Room 309-G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, D.C., or to Room 789, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

In commenting, please refer to BPO-25-P. Agencies and organizations are requested to submit comments in duplicate.

Comments will be available for public inspection, beginning approximately two weeks after publication, in Room 309-G of the Department's office at 200 Independence Ave., SW., Washington, D.C., 20201 on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (202-245-7890).

Because of the large number of comments we receive, we cannot acknowledge or respond to them individually. However, in preparing the final rule, we will consider all comments and will respond to them in the preamble to that rule.

FOR FURTHER INFORMATION CONTACT: Roberta Ward, 301-597-2953.

SUPPLEMENTARY INFORMATION:

Background

On April 6, 1979, we issued final regulations that require medicaid agencies to give public notice at least sixty days before certain proposed changes in medicaid reimbursement levels or methods are effective (see 44 FR 20693). These regulations are authorized under sections 1902(a)(4)(A) and 1902(a)(30) of the Social Security Act and are codified at 42 CFR 447.205.

The sixty-day public notice is required for proposed reimbursement changes that:

1. Would either: a. Affect the general method of payment to all providers of a particular service; or

b. Affect the level of payments for a particular service; for example, a change in the maximum allowable rate under a Statewide schedule of usual and customary charges due to an adjustment of the percentile ceiling; and

2. Would be projected to affect a State's Medicaid expenditures for a particular service by one percent or more during the 12 months following the effective date of change.

The notice must describe the change, give an estimate of the expected annual increase or decrease in expenditures, and explain why the agency is changing its reimbursement methodology or level. The location, date, and time of any public hearings must also be included. Public comments must be solicited and an address given where the comments may be viewed by the public. A local agency in each county must have a copy of the proposed change for public review.

The notice must be published by the Medicaid agency in a State register similar to the **Federal Register** or in the newspaper of widest circulation in each city with a population of 50,000 or more. If there is no city with a population of 50,000 or more, the notice must be published in the newspaper of widest circulation in the State. At the time of publication, the proposed change must be sent to the HCFA Regional office.

The current regulations were intended to help restrain the rapid increase in health care costs and to give the public an opportunity to comment on proposed changes in order to bring new ideas, concerns, and information to the attention of the State Medicaid agency.

Problems Identified Through Public Comments

When the current regulations were published as a notice of proposed rulemaking (NPRM) on May 12, 1978 (43 FR 20516), a majority of the States responded unfavorable. Their main concerns were that the sixty-day public notice provision limits States' abilities to make timely changes, duplicates requirements of State administrative procedure acts, and is administratively burdensome.

The States believe that the current regulations are inflexible because they make no provision for legislatively mandated reimbursement changes that must be implemented immediately. Also, the States are unable to change rapidly their reimbursement levels in response to crises, thus causing budgetary complications.

Of the 34 States that commented on the NPRM, 26 stated that they already had procedures in place to notify the public of reimbursement changes. Often these procedures are codified in State administrative procedure acts. The requirements imposed by the sixty-day public notice regulations are duplicative, overlapping, and sometimes in conflict

with these State procedural requirements.

The States also cited the increased administrative costs associated with implementing these regulations. The detailed requirements (publication of the notice and analyzing and responding to public comments) may force States to hire additional professional and clerical staff. A further expense is the actual cost of preparing and publishing the public notice. The States also commented on how broadly the regulations are written, requiring the States to publish notices on a large number of routine reimbursement changes.

Several States contendthat the regulations do not really help contain health care costs (the justification for the regulations). They suggest that no State operating under the tight fiscal constraints that exist today is interested in unnecessarily increasing Medicaid provider fees. In fact, the sixty-day public notice requirement could very well promote increased Medicaid costs by delaying proposed reimbursement decreases and imposing unnecessary administrative costs.

We also received comments on the NPRM from providers, health care provider organizations, and beneficiary and welfare rights organizations. Many of the providers responded unfavorably because they believe the regulations impose a needless obstacle to increasing provider reimbursement rates. They contend that providers are rarely reimbursed the full amount of their costs and these regulations only delay much needed reimbursement increases.

On the other hand, health care provider organizations such as the American Medical Association and the American Hospital Association supported the regulations as giving a public forum for discussion of Medicaid reimbursement levels. In addition, beneficiary groups and welfare rights organizations favored the sixty-day public noitice provision because it allows Medicaid beneficiaries and their advocates a chance to comment on proposed reimbursement changes.

Decision To Propose Revocation of the Current Regulations

The current regulations have impeded health care cost containment measures. Thus, the States and the Federal government are forced to assume extra costs (both administrative and service-related), while the regulations actually help to delay reductions in reimbursement levels.

These regulations were originally implemented as an administrative tool to assure that Medicaid payments are not excessive. There is no statutory requirement that a sixty-day public notice provision be imposed on the States. Another method of controlling health care costs would be to reduce the regulatory burden on States by giving them greater flexibility in setting rates.

These current regulations are an example of Federal requirements that impose a regulatory burden on the States without a comparable return in the form of decreased health care costs. We are proposing to delete these regulations and thereby allow the States to make the reimbursement changes they believe are necessary with a minimum of administrative delay. Also, this action would not deprive the public of an opportunity for imput into reimbursement decisions since most States have their own procedures in effect that allow for public participation.

We expect that rescission of these regulations would ease the State's regulatory burden and allow them the flexibility to respond timely to both legislative and fiscal mandates concerning Medicaid reimbursements levels. The Department is, however, considering approaches to assure that State reimbursement decisions continue to be made in a public process.

15-Day Comment Period

We are allowing only 15 days for the public to comment on these proposed regulations because we believe a longer comment period is unnecessary, impracticable and not in the public interest. Congress, in the Omnibus Reconciliation Act of 1981 (Pub.L. 97-35), has recently enacted several changes in the Social Security Act that give the States wide latitude in setting Medicaid provider reimbursement levels. Most of these provisions were effective either upon enactment, which was August 13, 1981, or October 1, 1981. Therefore, we are allowing only a 15-day comment period so we can review the comments and should we decide to rescind the 60-day public notice requirement, prepare the final regulations in time to allow the States to make their reimbursement changes as close to these effective dates as possible.

In addition, since the regulations we are proposing to delete by this document became effective fairly recently, we believe a longer comment period is unnecessary because interested parties had a similar chance to comment on these regulations when the original NPRM was published. Therefore, we believe there is good cause to allow only 15 days for comment on this proposal.

Regulatory Analysis

Executive Order 12291

We have determined that this proposed rule does not meet the criteria for a major rule as defined by section 1(b) of Executive Order 12291. That is, this proposed rule will not have an annual effect on the economy of $100 million or more; or cause a major increase in costs or prices for consumers, government agencies, industry, or a geographic region; or cause significant adverse effects on business or employment. We believe that this proposal will neither cause any increase in expenditures nor result in any appreciable savings, but would allow States the flexibility they need to make appropriate reimbursement changes quickly in response to State needs.

Regulatory Flexibility Act

Section 603(a) of Pub. L. 96-354 (the Regulatory Flexibility Act of 1980) requires Federal agencies to prepare and make public an initial regulatory flexibility analysis when proposed regulations would have a significant economic impact on a sustantial number of small businesses or small governmental jurisdictions. Because the economic impact of the revocation of the sixty-day public notice regulations is not significant, we believe an initial regulatory analysis is not required.

42 CFR Part 447 is amended as set forth below:

PART 447—PAYMENTS FOR SERVICES

1. The table of contents of Supart B is amended by removing § 447.205.

§ 447.205 [Removed]

2. Section 447.205 is removed.

(Catalog of Federal Domestic Assistance Program No. 13.714; Medical Assistance Program)

Dated: September 1, 1981.

Carolyne K. Davis,

Administrator, Health Care Financing Administration.

Approved: September 10, 1981.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-27079 Filed 9-14-81; 1:25 pm]

BILLING CODE 4110-35-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1241

[Docket No. 38590]

Revision to Railroad Annual Report Form R-1

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Interstate Commerce Commission (Commission) proposes to eliminate certain schedules in railroad Annual Report Form R-1. The Commission also proposes to add to R-1 certain operating statistics information (formerly in quarterly report forms OS-A, OS-B, and OS-C) and one schedule from Annual Report Supplement—Corporate Disclosure which we propose to eliminate. The objective in these changes is to reduce reporting burden on all Class I railroads. This Notice of Proposed Rulemaking is being published without an Appendix to conserve paper and reduce printing costs. Persons wishing a complete copy of the Notice of Proposed Rulemaking, which includes copies of the revised and new schedules, may obtain them from the Commission by calling the telephone number listed below.

DATE: Written responses should be filed on or before November 2, 1981.

ADDRESS: An original and 15 copies, if possible, of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275-7448.

Copies: For copies of the complete notice call 800-424-5403.

SUPPLEMENTARY INFORMATION:

Background

The annual report form prescribed by the Commission is the principal medium of gathering railroad financial and operational data for the reporting year. The information presented in the annual reports is essential in assessing and monitoring the overall condition of railroads. The disclosures are not only important to the Commission, but also are relied upon extensively by other transportation specialists. Consequently, it is important that the annual report forms be designed to require and highlight key elements.

The Commission realizes the importance of periodically reviewing the effectiveness of annual report forms. Over time, certain schedules become outdated or otherwise lose their intended usefulness. The Staggers Rail Act of 1980 (49 U.S.C. 11166) generally limits Commission reports to information considered necessary for disclosure to meet cost accounting objectives or to comply with generally accepted accounting principles (GAAP).

Elimination of Schedules

In order to reduce carrier reporting burden, we propose to remove the following 21 schedules which have been tentatively identified to be no longer needed on a continuing basis:

Title	Schedule No.
1. Items and Selected Current Asset Accounts	300
2. Investments and Advances Affiliated Companies	310
3. Investments in Common Stocks of Affiliated Companies	310A
4. Special Funds and Other Investments	315
5. Securities, Advances, and Other Intangibles Owned or Controlled Through Non-reporting Subsidiaries	319
6. Property Used in Other Than Carrier Operations	325
7. Other Assets and Deferred Debits	329
8. Other Elements of Investment	355
9. Non-Capitalized Capital Leases	362
10. Items in Selected Current Liability Accounts	370
11. Other Long Term Liabilities and Other Deferred Credits	379
12. Rent for Leased Roads and Equipment	413
13. Miscellaneous Rent Income	430
14. Miscellaneous Rents (Expense)	440
15. Separately Operated Properties—Profits or Loss	445
16. Railway Tax Accruals	[1] 451
17. Miles of Tracks at Close of Year By States and Territories (For Switching and Terminal Companies)	703
18. Grade Crossings—A Railroad with Railroad	760A
19. Grade Crossings—B Railroad with Highway	760B
20. Grade Separations	761
21. Compensation of Officers, Directors, etc.	900

[1] Information on railroad tax accruals has been transferred to Schedule 450, Analysis of Federal Income Taxes.

This reduction will not result in the Commission becoming less aware of the financial condition in operations of Class I railroads. We believe the Commission, if needed, can request railroads to furnish the information contained in these schedules without burdening them with ongoing reporting requirements.

Operating Statistics

By Commission Order, served March 5, 1981, we eliminated quarterly report Forms OS-A, OS-B and OS-C. The proposed R-1, Schedule 755, Railroad Operating Statistics, includes selected information from those reports.

Corporate Disclosure

In 1978, we initiated an Annual Report Supplement—Corporate Disclosure which requires all railroads having gross carrier operating revenues of $20 million or more to file selected corporate information. We propose to eliminate all corporate disclosure requirements with the exception of information in Schedule 120, Debtholdings. This schedule is added to R-1.

Additional Disclosures

We propose reinstatement of the reporting requirements for average cost of ties and average cost of rail which were eliminated previously. We also propose expansion of traffic density categories in Schedule 720 to 728 to include categories 20 million gross ton-miles per mile (GTM) to 40 GTM, 40 to 60 GTM, and 60 and over GTM. We believe expanded categories are needed to disclose these higher operating levels. We solicit comments on all these additional reporting disclosures.

Comments

We request respondents to this NPR to comment on the appropriateness and usefulness of the proposed report as well as schedules which have been eliminated. Guidelines for responses are outlined below.

Objections to Proposed Reporting Requirements

If objections are raised concerning any proposed reporting requirement then (1) list and fully explain the objections supporting your reasoning with examples, (2) estimate the cost of filing for the objectionable reporting requirement, and (3) recommend other means of obtaining the objectionable reporting.

Improvements to Reports

If the schedules or other requirements of the reports should be modified then (1) list and fully explain what improvements are needed, and (2) present examples of the suggested improvements.

Additional Reporting Requirements

If additional disclosures are needed then (1) fully explain the types of additional disclosures needed, (2) enclose examples of such information, and (3) support the need for additional disclosures with appropriate discussions, especially stressing the cost/benefit relationship.

Revised and new schedules in Annual Report Form R-1 are presented in Appendix A.[1]

This decision does not significantly affect the quality of the human environment or the conservation of energy resources or small entities.

This action is taken under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553. This proposed change in rules would apply to the reporting of data for

[1] Appendix A is filed as part of the original document.

the reporting year beginning January 1, 1981.

Decided: September 8, 1981.

By the Commission, Chairman Taylor, Vice-Chairman Clapp, Commissioners Gresham, and Gillman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26901 Filed 9-15-81; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1249

[No. 38568]

Revisions to Annual Motor Carrier Reporting Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Interstate Commerce Commission is proposing to reduce the reporting burden presently required of Class I and II motor carriers of property by eliminating certain annual reporting requirements. The Commission believes that a number of supporting schedules contained in the Form M (annual report for motor carriers of property) are no longer used on a regular basis. The Commission also believes that the Annual Report Supplement on Corporate Disclosure is no longer needed. Therefore, the Commission is proposing that these reporting burdens by eliminated. Adoption of these proposals would result in a significant reduction in reporting burden for the carriers involved.

DATES: This action is proposed to be effective for the reporting year beginning January 1, 1981. Comments are due November 2, 1981.

ADDRESS: An original and 15 copies, if possible, of any comments should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr. (202) 275-7448.

SUPPLEMENTARY INFORMATION: The Commission is authorized by the Interstate Commerce Act to require and prescribe the form of annual, periodic, and special reports filed by carriers subject to its regulation. The information reported by these carriers is needed to fulfill the regulatory responsibilities of the Commission in the areas of rate regulation, valuation of transportation property, operating rights, mergers, acquisitions, abandoments and discontinued service.

The Commission has recently completed a review of its annual reporting requirements for Class I and II motor carriers of property. Based on this review the Commission has determined that certain supporting schedules contained in the Form M are no longer used on a regular basis. In keeping with our policy not to require information that is not being used regularly, we are proposing that these schedules be removed from the Form M (See Appendix).

The Commission's review also suggests that the Annual Report Supplement on Corporate Disclosure (for carriers having gross operating revenues of $20 million or more) is no longer needed. Therefore, the Commission is proposing the elimination of this report. If it is determined that certain information contained in the corporate disclosure report is still needed then that particular schedule or schedules will be added to the Form M. This way the burden of filing a second report will be eliminated.

The Commission is also proposing that the method in which motor carriers report consolidated financial information be changed. Currently, each carrier in a consolidated group is required to file consolidated financial information. This results in double accounting and a wasteful duplication of effort. Therefore, the Commission is proposing that only the highest ranking carrier in the consolidated group file the consolidated financial information. Subsidiary carriers would merely identify which carrier in the consolidated group is reporting the consolidated financial information. Anyone interested in the financial position of the consolidated group would simply refer to that report. Adoption of this proposal would further reduce the burden placed upon Motor Carriers.

This decision does not significantly affect the quality of the human environment, the conservation of energy resources or small entities.

Accordingly, we proposed to amend 49 CFR Part 1249, as shown in the appendix.

These rules are proposed under the authority of 49 U.S.C. 10321 and 5 U.S.C. 553.

Decided: September 8, 1981.

By the Commission, Chairman Taylor, Vice-Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

Appendix

PART 1249—REPORTS OF MOTOR CARRIERS

The Commission is proposing that the following items be removed from the annual reporting requirements for motor carriers of property, under 49 CFR Part 1249—Reports of Motor Carriers.

(1) The following schedules are proposed to be eliminated from the Form M:

Schedule 300—Compensating Balances And Short-Term Borrowing Arrangements
Schedule 310—Receivables From Affiliates
Schedule 320—Transactions With Officers, Stockholders, And Employees
Schedule 400—Leases
(A)—Rental Expense Of Lessee
(B)—Minimum Rental Commitments
(C)—Lessee Disclosure
(D)—Lease Commitments—Present Value
Schedule 500—Other Intangible Property And Accumulated Amortization
Schedule 510—Investments and Advances—Affiliated Companies
Schedule 520—Undistributed Earnings From Certain Investments In Affiliated Companies
Schedule 530—Other Investments And Advances
Schedule 540—Payable To Affiliated Companies—Current And Long Term
Schedule 551—Equipment And Other Long-Term Obligations
Schedule 610 C—Transactions Between Noncarrier Subsidiaries Of Respondent And Other Affiliated Companies Or Persons For Services Received Or Provided
Schedule 610 D—Other Transactions Between Noncarrier Subsidiaries Of Respondent And Other Affiliated Companies Or Persons
Schedule 710—Commodities Transported In Intercity Service By Tank Or Hopper Type Vehicles
Schedule 800 B—Compensation of Officers, Directors, Etc.
Schedule 900—Competitive Bidding—Clayton Antitrust Act

(2) The Annual Report Supplement on Corporate Disclosure is proposed to be eliminated. This Report is only required from carriers having gross operating revenues of $20 million or more.

(3) The instruction requiring consolidated financial information from each carrier in a consolidated group is proposed to be changed. If accepted only the highest ranking carrier in the consolidated group would file the consolidated financial information

Note.—The report forms prescribed by Part 1249 are available upon request from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

[FR Doc. 81-26900 Filed 9-15-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing

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

ACTION: Proposed rule and notice of plan amendment.

SUMMARY: NOAA issues a proposed rulemaking for foreign fishing and notice of availability of an amendment to the preliminary fishery management plan for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific. The amendment and implementing rules require the closure during the fall and winter of certain areas in the Eastern Bering Sea to groundfish trawling by vessels of a foreign nation which have caught a specified number of chinook salmon incidental to such trawling. This action responds to recent increases in the number of chinook salmon incidentally caught by foreign groundfish trawlers in the Eastern Bering Sea.

The intended effect of this action is to reduce the incidental catch and unnecessary mortality of chinook salmon, which is a prohibited species to foreign fishing vessels. The regulations will supplement and facilitate the enforcement of existing regulations designed to protect prohibited species.

DATE: Comments on the amendment and proposed rule are invited until October 16, 1981.

ADDRESSES: Comments may be mailed to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, or delivered to Room 453, Federal Building, 709 West 9th Street, Juneau, Alaska. Copies of the amendment are available from Mr. McVey.

FOR FURTHER INFORMATION CONTACT: Robert W. McVey, 907–586–7221.

SUPPLEMENTARY INFORMATION:

Background

The foreign groundfish fisheries in the fishery conservation zone (FCZ) of the Eastern Bering Sea are managed under authority of the Preliminary Fishery Management Plan for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific (PMP). The PMP was published in the **Federal Register** (42 FR 9298) on February 15, 1977, and implemented on March 1, 1977, under provisions of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The rules specifically implementing the PMP and subsequent amendments generally require that foreign groundfish trawl vessels minimize the incidental harvest of certain species and that they return any such species that are incidentally caught to the sea immediately (50 CFR 611.13). Among the "prohibited" species are chinook salmon (by definition (bb) of 50 CFR 611.2 and by exclusion from § 611.93), which are of special subsistence and commercial importance to residents of villages located on the coast of the Bering Sea and along the Kuskokwim and Yukon Rivers in western Alaska.

On August 21, 1980, the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), received a petition for rulemaking from fifteen villages, three State of Alaska fish and game advisory committees, one fishermen's cooperative, one Native resource and environmental organization, and the Association of Village Council Presidents, Inc., all of western Alaska. The petitioners requested amendment of rules implementing the PMP to reduce the interception of chinook salmon and herring in the foreign groundfish trawl fisheries; interceptions seem to have increased sharply in 1979 and 1980. Specifically, they proposed prohibiting foreign trawling in the FCZ within International North Pacific Fishery Convention (INPFC) Statistical areas I and II (equivalent to "fishing areas I and II in the Bering Sea and Aleutian Islands" described in the PMP) from October 1 through March 31.

On October 3, 1980, the Assistant Administrator published an advanced notice of proposed rulemaking in the **Federal Register** (45 FR 65642), requesting comments by October 31, 1980, on the petition and on three alternative management measures suggested by NOAA. Alternatives included (1) smaller time/area closures; (2) gear restrictions; and (3) maintenance of the status quo. NOAA also requested comments on the advisability of amending the fishery management plan (FMP) prepared by the North Pacific Fishery Management Council (NPFMC), which will replace the PMP for groundfish in the Eastern Bering Sea and Aleutian Islands. On December 19, 1980, the deadline prescribed in NOAA regulations for final action on the petition, the Assistant Administrator denied the petition, but stated that alternatives to the proposed amendment would continue to be considered.

On November 3, 1980, the petitioners filed a lawsuit to force the Assistant Administrator to adopt the amendment proposed in their petition. [*Hanson v. Klutznick*, 506 F. Supp. 583 (D. Alaska 1981)]. On January 28, 1981, the Court dismissed this lawsuit on the ground that the petitioners had violated the procedural requirements prescribed for challenging regulations under the Magnuson Act. The petitioners have appealed this dismissal to the U.S. Court of Appeals for the Ninth Circuit.

Subsequent to denial of the petition and dismissal of the suit, representatives of western Alaskan villages, the Japan Deep Sea Trawlers Association, and the Japanese Hokuten Trawlers Association met to formulate mutually acceptable management measures to reduce the incidental catch of chinook salmon. The two Japanese associations harvest the largest number of trawl-caught groundfish and incidentally intercept the largest number of chinook salmon.

These parties came to an agreement and presented a joint statement at the March 1981 meeting of the NPFMC. In the statement, the parties jointly requested that the PMP be amended to limit the prohibited species catch (PSC) of chinook salmon in the Eastern Bering Sea groundfish trawl fishery to 65,000 fish. When, in the course of a fishing year, the trawl vessels of a foreign nation intercept incidentally an amount of the chinook salmon PSC that is proportional to that nation's share of the Eastern Bering Sea groundfish total allowable level of foreign fishing (TALFF), further trawling by vessels of that nation in INPFC statistical area II and between 55° and 57° N. latitude and 165° and 170° W. longitude in INPFC statistical area I will be prohibited during the remainder of the periods January 1–March 31 and October 1–December 31 of that fishing year. The chinook salmon PSC may be adjusted by amending the PMP if environmental, biological, or other factors so warrant.

The NPFMC has amended similarly its FMP for the Eastern Bering Sea and Aleutian Islands Groundfish Fishery which is expected to be implemented early in 1982 and would supersede the PMP. The NPFMC may amend the FMP further by adopting a schedule of annual reductions in PSC for chinook salmon and establishing PSC limits for other prohibited species.

The Assistant Administrator, having considered the merits of the parties' agreement and joint statement, has initially approved an amendment to the PMP which incorporates the agreed upon management measures, but which

does not include a provision to reduce the PSC by annual increments. NOAA issues this proposed rulemaking for implementing the management measures to provide an opportunity for comment by all interested parties. This document also gives notice of availability of the plan amendment. A proposed rulemaking to include this action in the FMP will be published soon.

The Assistant Administrator emphasizes that this proposed action is not intended to modify current regulations concerning "prohibited" species in any respect. It is rather intended to facilitate enforcement of existing requirements. The interception of all or part of the PSC of 65,000 chinook salmon specified in the proposed rule should be considered an incidation catch of the extent to which foreign groundfish trawl fleets are meeting their obligation under 50 CFR 611.13 to minimize their incidental catch of "prohibited" species. If a foreign groundfish trawl fleet were actually to catch the portion of the chinook salmon PSC that would subject it to time/area closures under the proposed rule, this could be an indication that its vessels were not, in fact, minimizing their incidental catch of chinook salmon in accordance with 50 CFR 611.13. Under no circumstances is the specification of the PSC to be considered a grant of permission to harvest any chinook salmon, or an "allocation" of such salmon.

A technical change has been made in the regulations to conform with the Magnuson Act definition of "Secretary", which includes the designee of the Secretary.

National Environmental Policy Act

An environmental impact statement on the original PMP was prepared under section 102(2)(C) of the National Environmental Policy Act and is on file with the Environmental Protection Agency (EPA). The Assistant Administrator has determined that approval and implementation of this amendment would not consititute a major Federal action requiring a supplement to the environmental impact statement. An environmental assessment has been prepared on this proposed action and is on file with the EPA.

Classification

For the reasons set forth in the preamble, the Assistant Administrator has determined that this amendment to the PMP is necessary and appropriate for the conservation and management of fisheries resources, is consistent with the Magnuson Act, as amended, and with other applicable law.

The Administrator, NOAA, has determined that the proposed rule implementing the amendment is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The Administrator has also certified that this rule will not have a significant economic impact on a substantial number of small entities, and thus does not require preparation of a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 603 and 604).

This rule does not contain a collection of information requirement, and does not involve any agency in conducting or sponsoring the collection of information under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Dated: September 11, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

PART 611—FOREIGN FISHING

50 CFR Part 611 is amended as follows:

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1821 and 1855.

2. For the reasons set out in the preamble, it is proposed that § 611.93 be amended by adding paragraph (d)(2)(iii) to read as follows:

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

* * * * *

(d) * * *

(2) * * *

(iii) During any fishing year, that portion of fishing area I lying between 55° and 57° N. latitude and 165° and 170° W. longitude and all of fishing area II may be closed for the remainder of the periods January 1 through March 31 and October 1 through December 31 to trawl vessels of any nation. This closure will occur when vessels of that nation intercept that nation's part of the prohibited species catch (PSC) of chinook salmon. A nation's part of the PSC for chinook salmon for a fishing year is determined by multiplying 65,000, the total PSC for chinook salmon, by the ratio of that nation's allocation of groundfish to the total TALFF for groundfish:

$$\text{National part of PSC} = 65{,}000 \times \frac{\text{National Allocation of TALFF}}{\text{Total TALFF}}$$

Fishing areas I and II are described at Section 611.9, Appendix II, figure 2.

* * * * *

§ 611.93 [Amended]

3. Section 611.93 is amended by removing the words "Regional Director" and inserting in their place, the word "Secretary" in the following places: (b)(3)(i), (b)(3)ii, (b)(3)(iii), (b)(3)(iii)(C), (b)(3)(iii)(D)(2), (b)(3)(iii)(E), (b)(3)(iii)(F), (b)(4)(ii), (b)(4)(ii)(A), (b)(4)(ii)(B), (b)(4)(ii)(C), and (b)(4)(iii).

[FR Doc. 81-26977 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 662

Northern Anchovy Fishery

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

ACTION: Proposed rule; notice of initial approval and availability of plan amendment.

SUMMARY: NOAA issues notice that Amendment No. 2 for the fishery management plan for the Northern Anchovy Fishery has been initially approved and the plan amendment is available. Regulations to implement the amendment are proposed and comments on the amendment and proposed regulations are invited. This amendment establishes a procedure by which the Secretary of Commerce makes all or a portion of the reduction harvest quota reserved for reduction fishing in subarea A available to reduction fishing in subarea B. The Secretary may take action if the reduction fishery in subarea A has not harvested or demonstrated an intent to harvest the full reserve toward the end of the fishing season. The intended effect is to increase the probability that the optimum yield for this fishery will be achieved.

DATE: Comments must be received on or before November 2, 1981.

ADDRESS: Send comments and requests for copies of the current regulations and plan amendment to: Alan W. Ford, Regional Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, California 90731.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Smith (Chief, Fisheries Management Division), 213 548-2518.

SUPPLEMENTARY INFORMATION: The fishery management plan for the Northern Anchovy Fishery (FMP) which was developed by the Pacific Fishery Management Council (Council) was published in the **Federal Register** on July 21, 1978 (43 FR 31652). Final regulations to implement the FMP were published on September 13, 1978 (43 FR 40868).

The current amendment to the FMP was adopted by the Council during its meeting on February 13–14, 1980, and was initially approved by the Acting Administrator of NOAA on May 19, 1980. This amendment establishes procedures for an inseason reallocation of the reduction harvest quota and increases the probability that the optimum yield (OY) for the northern anchovy *(Engraulis mordax)* fishery within the fishery conservation zone will be achieved.

The northern anchovy fishery management area is divided by the FMP into two subareas; subarea A is that portion of the fishery conservation zone (FCZ) between Point Buchon and Point Reyes, California, and subarea B is that portion of the FCZ between Point Buchon and the United States-Mexico International Boundary. Currently, 10,000 tons, or ten percent, of the total reduction fishery quota, whichever is less, is reserved for reduction fishing in subarea A. The FMP, however, does not provide for an inseason adjustment whereby all, or a portion, of this 10,000 ton reserve could be released to fishing in subarea B if the fishermen in subarea A are not expected to harvest their reserve quota by the end of the fishing year. The amendment establishes a procedure whereby the Secretary of Commerce or his disignee, will estimate by May 15 of each year, the amount of anchovies that will be harvested by fishermen in subarea A prior to any reallocation determination.

Presently, there are two reduction processing plants in subarea A. In addition, a maximum of five vessels have participated in subarea A fishery during the last four years. The Secretary is required to contact these two reduction plant operators and five fishing vessel operators licensed by the State of California to determine whether the subarea A reserve will be taken. If the reserve amount will not be taken, the Secretary will specify what amount should be reallocated to reduction fishing vessels of subarea B. This procedure ensures that the reallocation is based on the most recent and complete information available. Any reallocation of this reserve would be made as soon as practicable after June 1, of each year and only that portion which is not expected to be harvested in subarea A would be subject to release in this manner.

The amendment is intended to increase the probability that the OY will be achieved and that the economic benefits of the management regime will be realized. It provides flexibility to deal with changes in fishing strategy, practices, and capacity in subarea A on an annual basis without further amendment to the FMP.

In preparing this amendment the Council considered three alternative methods of accomplishing a future inseason reallocation from the reduction harvest quota reserved for the northern area to the southern area. The Council chose the option that incorporates up to date harvesting and processing data into the reallocation procedure rather then relying on catch data alone, or by establishing a specific cutoff date when reallocation would take place prior to closure of the fishing season. Public comments on the alternative reallocation methods were invited and public hearings were held during December, 1979, and January, 1980, in Monterey, Long Beach, and San Diego, California. The Council reviewed the comments received and selected the most desirable method of reallocation during its January 9, 1980, meeting. At that time, the Council's Plan Development team was directed to provide an explicit, reallocation procedure in accordance with the option selected. Their procedure for the selected method of reallocation was approved by the Council on February 14, 1980. This action implements the approved procedure.

Classification:

The Acting Assistant Administrator has determined that this amendment to the FMP and the implementing regulations comply with the national standards, other provisions of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and other applicable law.

This amendment to the FMP has no significant environmental or biological impacts because the OY specified in the FMP remains unchanged. That portion of the reserve which might be reallocated in any year will be small in relation to the total biomass and the total reduction harvest quota. Thus, there is no need to supplement the environmental impact statement currently on file with the Environmental Protection Agency (EPA). An Environmental Assessment was filed with EPA on May 9, 1980.

The Administrator, NOAA, has determined that the regulations implementing this amendment do not constitute a major rule under Executive Order 12291 and do not require the preparation of a regulatory impact statement. These regulations are designed to ensure maximum flexibility in achieving the OY without significant adverse impacts upon individuals or government agencies. Economic impacts (if any) will be beneficial. If the northern fishery is active, there will be no adjustment of the reserve quota. If the northern fishery is less active, there will be no adverse impact upon northern vessels from an inseason adjustment, but the southern area fishery may benefit and the potential yield of the total fishery is more likely to be realized.

The Administrator also certified that the regulations implementing this amendment will not have a significant economic impact on a substantial number of small entities; therefore, no regulatory flexibility analysis is required by the Regulatory Flexibility Act, under 5 USC 601 *et seq.*

The regulations implementing this amendment require a determination of whether the subarea A reserve quota will be harvested by anchovy vessels in Subarea A; that determination is to be made on the basis of information solicited from seven individuals (two reduction plant operators and approximately five anchovy fishing vessel operators). Since information is to gathered from fewer than ten persons, no "collection of information" is involved for purposes of the Paperwork Reduction Act, 44 USC 4501 *et seq.*

Dated:

William G. Jordan,

Director, Office of Resource, Conservation and Management.

For the reasons set out in the preamble, 50 CFR Part 662 is proposed to be amended as follows.

PART 662—NORTHERN ANCHOVY FISHERY

1. The authority citation for Part 662 reads as follows:

AUTHORITY: 16 U.S.C. 1801 *et seq.*

2. In Part 662, § 662.3 is revised to read as follows:

§ 662.3 Quota.

(a) *Determination of harvest quota.* The total harvest quota, reduction harvest quota and subarea B harvest quota shall be determined by the following formulas and announced by notice in the Federal Register on or about August 1 of each year.

(1) When spawning biomass is less than 100,000 short tons, there shall be no fishing for anchovies for any purpose.

(2) When spawning biomass is equal to, or greater than 100,000 short tons, but less than 1 million short tons, the total harvest quota for the PAFA shall not exceed 12,600 short tons which will be reserved for nonreduction purposes.

(3) When spawning biomass is equal to, or greater than, 1 million short tons, the total harvest quota in the PAFA

shall not exceed 70 percent of one third of the spawning biomass in excess of 1 million short tons, or 12,600 short tons, whichever is greater; of this amount, the first 12,600 short tons will be reserved for nonreduction fishing and the remainder will constitute the reduction harvest quota.

(b) *Special allocation.* Except as provided in paragraph (c) of this section, ten percent of the reduction harvest quota or 10,000 tons, whichever is less, is reserved for reduction fishing in subarea A. The remainder of the reduction harvest quota is the subarea B harvest quota.

(c) *Reallocation of special allocation.* The Secretary may reallocate from subarea A to subarea B that portion of the special allocation reserved under paragraph (b) of this section which he determines will not be harvested in subarea A by the end of the fishing year. The Secretary's determination under this paragraph shall be based on the estimated reduction harvest in subarea A projected to the end of the fishing year, which is the sum of:

(1) The catch in subarea A through May 31; and

(2) The lesser of the following:

(i) the *Processor-based estimate,* which is the total amount of anchovies each reduction plant licensed by California in subarea A is expected to process each day multiplied by the number of days each plant is expected to operate during June; or

(ii) The *harvester-based estimate,* which is the total amount of anchovies each anchovy vessel operator who has filed the declaration of intent specified in § 662.5(d) is expected to harvest in subarea A during June, based on a survey of the registered operators.

(d) *Procedure for reallocation of special allocation.*

(1) The Secretary shall make the estimate under paragraphs (c)(1) and (2) of this section on or about May 15.

(2) As soon as practicable after June 1, the Secretary shall announce to all registered anchovy fishing vessels and licensed anchovy reduction plant operators by certified mail and publish by notice in the **Federal Register:**

(i) The change, if any, in the reduction harvest quota in subareas A and B;

(ii) the reasons for the change, if any, in the reduction harvest quotas in subareas A and B; and

(iii) a summary of, and responses to, any comments submitted under paragraph (d)(4) of this section.

(3) The Regional Director shall compile in aggregate form all data used to make the estimates under paragraphs (c)(1) and (2) of this section and make them available for public inspection during normal business hours at the Southwest Regional Office, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

(4) Comments from the public on the estimates made under paragraphs (c)(1) and (2) may be submitted to the Regional Director until May 31.

(e) Anchovies harvested after August 1 will be counted toward harvest quotas for the fishing year beginning August 1.

[FR Doc. 81-26890 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 179
Wednesday, September 16, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

International Trade Administration

Duke University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81–00165. Applicant: Duke University, Durham, N.C. 27706. Article: Radiation and Temperature Integrators with Digital LED Output. Manufacturer: Dr. E. I. Woodward, United Kingdom. Intended use of article: See Notice on page 23094 in the **Federal Register** of April 23, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article needs only 3 milliwatts to measure temperature and photosynthetically active radiation. The Department of Health and Human Services advises in its memorandum dated July 9, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81–26922 Filed 9–15–81; 8:45 am]

BILLING CODE 3510–25–M

Medical College of Wisconsin; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 81–00115. Applicant: Medical College of Wisconsin, National Biomedical ESR Center, 8701 Watertown Plank Road, P.O. Box 26509, Milwaukee, Wisconsin 53226. Article: Excimer Laser EMG 101 and CO_2 Conversion Kit. Manufacturer: Lambda-Physik, GmbH, West Germany. Intended use of article: See Notice on page 20583 in the **Federal Register** of April 6, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 26, 1980).

Reasons: The foreign article provides 14 watts average power and a 0.1 to 30 hertz repetition rate. The National Bureau of Standards advises in its memorandum dated August 25, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use that was available at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Statutory Import Programs Staff.

[FR Doc. 81–26923 Filed 9–15–81; 8:45 am]

BILLING CODE 3510–25–M

Research Foundation of State University of New York; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket Number 81–00156. Applicant: The Research Foundation of State University of New York, SUNY College of Environmental Science and Forestry, P.O. Box 9, Albany, New York 12201. Article: KRK Experimental Fiber Refiner with Accessories. Manufacturer: Kumagai Riki Kogyo Co., Ltd., Japan. Intended use of article: See Notice on page 22630 in the **Federal Register** of April 20, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 30, 1980).

Reasons: The foreign article is a thermo mechanical pulp pressure refiner for laboratory use. The National Bureau of Standards advises in its

memorandum dated August 20, 1981 that (1) the characteristics of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 28924 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

Southern California Regional NMR Facility; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 80-00475. Applicant: Southern California Regional NMR Facility, California Institute of Technology, Division of Chemistry & Chemical Engineering, Mail Code 164-30, Pasadena, CA 91125. Article: NMR Spectrometer, Model WM 500 and Accessories. Manufacturer: Bruker Physik A.G., West Germany. Intended use of article: See Notice on page 9684 in the **Federal Register** of January 29, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (September 26, 1979).

Reasons: The foreign article operates at a maximum field strength of 11.75 Tesla. The National Bureau of Standards advises in its memorandum dated August 26, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use that was available when the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-28925 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

University of Alaska; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81-00158. Applicant: University of Alaska, Anchorage, 3211 Providence Drive, Anchorage, Alaska 99504. Article: Microcalorimeter, Model LKB 2107-011. Manufacturer: LKB Produkter, AB, Sweden. Intended use of article: See Notice on page 22360 in the **Federal Register** of April 20, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (November 26, 1980).

Reasons: The foreign articles has a 200 microjoule minimum detectable heat pulse and a one microwatt minimum detectable continuous heat effect. The domestic Model DBC-100 batch calorimeter manufactured by Commonwealth Technology Incorporated, Alexandria, Va. appears to exceed these specifications but, at the time the foreign was ordered, the DBC-100 was in development. The Department of Health and Human Services advises in its memorandum dated August 6, 1981 that (1) the specifications of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use that was available at the time the foreign article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26918 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

University of California, Davis; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket Number 81-00184. Applicant: University of California, Davis, Department of Clinical Pathology, School of Veterinary Medicine, Davis, CA 95616. Article: Micro-Cleanup Concentrator Apparatus. Manufacturer: John Solomon, Canada. Intended use of article: See Notice on page 27745 in the **Federal Register** of May 21, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: the foreign article conentrates nanogram samples to small volumes providing recoveries, on some pesticides, of more than 90% depending

on the final concentrate volume with no addition of interfering substances. The Department of Health and Human Services advises in its memorandum dated July 23, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26921 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

University of Kansas, College of Sciences, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the Federal Register.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number 81-00343. Applicant: University of Kansas, College of Sciences, 39th and Rainbow, Kansas City, KS 66103. Article: Automatic Recording Spectropolarimeter, Model J500-A. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The foreign article will be used to study proteins, nucleic acids, enzymes, ribosomes and other proteins. The experiments will be conducted to obtain circular dichroism spectra of the ribosome, proteins and RNA's; which will be used to develop quantitative methods of assessing the structure of these biomedical materials, to study the conformational changes, to study the kinetic properties and to compare their structure-function relations. Applications received by Commissioner of Customs: August 4, 1981.

Docket Number 81-00344. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 S. Cass Avenue, Argonne, Illinois 60439. Article: 54R Isomass Mass Spectrometer System with Accessories. Manufacturer: VG Isotopes Limited, United Kingdom. Intended use of article: The foreign article will be used in studies of uranium in nuclear reactor fuel elements by the destructive analysis of a 33 rod sample to determine total fissile content and uranium isotropic distribution. Application received by Commissioner of Customs: August 5, 1981.

Docket Number 81-00345. Applicant: University of California, San Diego, Department of Biology, C-016, La Jolla, CA 92093. Article: Voltage-clamp Unit. Manufacturer: Jens Meyers, West Germany. Intended use of article: The article is intended to be used in research to further elucidate the mechanisms of action of intracellular messengers such as calcium ion, c-AMP and c-CMP on electrical properties of photoreceptor cell membranes, in particular the *membrane conductances*. Experiments will be done on *Limulus* ventral photoreceptor, utilizing voltage clamp in conjunction with application and injection methods. Experiments are intended to open the way for approaches which will lead to understanding the roles Ca, cyclic nucleotides and rhodopsin play in the phototransduction process, with particular emphasis on the modulation of these regulatory agents on the electrical properties of photoreceptors. Application received by Commissioner of Customs: August 5, 1981.

Docket Number 81-00346. Applicant: St. Joseph Hospital, 2900 N. Lake Shore Drive, Chicago, IL 60657. Article: Electron Microscope, Model EM 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The foreign article will be used in the diagnosis of surgical specimens obtained from hospitalized patients. Most of the specimens subjected to examination will be three types: kidney biopsies, muscle biopsies, and problematic malignant tumors. Application received by Commissioner of Customs: August 6, 1981.

Docket Number 81-00347. Applicant: Research Foundation of State University of New York, Stony Brook, NY 11794. Article: Klystron Tube, VRE 2103A. Manufacturer: Varian Canada Inc., Ltd., Canada. Intended use of article: The article is intended to be used for studies of molecular line emission from trace gases in the earth's stratospheric layer. Experiments to be conducted will involve detection and monitoring of chlorine monoxide and other trace gases in the earth's stratosphere, as part of an on-going program of monitoring the influence of human activities on the earth's ozone layer. Application received by Commissioner of Customs: August 14, 1981.

Docket Number 81-00348. Applicant: University of Wisconsin, Department of Chemistry, 1101 University Avenue, Madison, Wisconsin 53706. Article: JNM/FX-200 NMR Spectrometer System. Manufacturer: JOEL Ltd., Japan. Intended use of article: The Article is intended be be used for the study of the molecular structure and the molecular dynamics of a wide range of organic and inorganic molecules. FT-NMR experiments will be conducted on the following nuclei: ^{183}W, ^{103}Rh, ^{195}Pt, ^{15}N, ^{14}N, ^{25}Mg, ^{23}Na, ^{39}K, ^{85}Rb, ^{133}Cs, ^{43}Ca, ^{33}S, ^{77}Se, ^{125}Te, $^{189}O5$, and ^{101}Ru. By measuring line widths and/or relaxation times of the quadrupolar nuclei, important information will be obtained about the site geometry of the nucleus in question. Detailed information about chemical exchange (e.g., activation energies and exchange rates) will be obtained. Application received by Commissioner of Customs: August 20, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26926 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

University of Pennsylvania; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket Number: 81-00160. Applicant: University of Pennsylvania, 3400 Walnut Street, Franklin Building, Philadelphia, PA 19104. Article: Human Limb ^{31}P NMR System, TMR-32. Manufacturer: Oxford Instruments, United Kingdom. Intended Use of Article: See Notice on page 22631 in the Federal Register of April 20, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article measures phosphorus (^{31}P) in live human limbs. The Department of Health and Human Services advises in its memorandum dated July 9, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26920 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

Villanova University; Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m., and 5:00 p.m., in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No.: 81-00174. Applicant: Villanova University, Lancaster Avenue, Villanova, PA 19085. Article: Nihon Kohden Model PC-3A Continuous Record Oscilloscope Camera with Accessories. Manufacturer: Nihon Kohden, Japan. Intended use of Article: See Notice on page 27745 in the Federal Register of May 21, 1981.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides simultaneous remote control of viewing and recording and at high ambient light levels. The Department of Health and Human Services advises in its memorandum dated July 23, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importantion of Duty-Free Educational and Scientific Materials)

Stanley P. Kramer,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-26919 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

Preliminary Affirmative Countervailing Duty Determination; Sodium Gluconate From the European Economic Community

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty determination.

SUMMARY: We have preliminarily determined that the European Economic Community ("EC") is subsidizing the manufacture, production, and exportation of sodium gluconate within the meaning of the countervailing duty law. Therefore, we are directing the U.S. Customs Service to suspend the final determination of duties on U.S. entries of this merchandise and to require a cash deposit, bond, or other security equal to the estimated net subsidy of $107.05 per metric ton. We will make our final determination by November 23, 1981.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mary A. Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230 (202-377-3534).

Preliminary Determination

Based upon our investigation and in accordance with section 703(b) of the Tariff Act of 1930 ("the Act"), we have preliminarily determined that there is reason to believe or suspect that the EC provides subsidies upon the manufacture, production, and exportation of sodium gluconate imported into the United States. We estimated the net subsidy to be $107.05 per metric ton of sodium gluconate from the EC exported to the United States. We also preliminarily determine that critical circumstances do not exist pursuant to section 703(e) of the Act. We will make our final determination by November 23, 1981.

Case History

On June 16, 1981, we received a petition from counsel representing Pfizer, Inc. of New York, New York. Petitioner simultaneously filed a copy of the petition with the United States International Trade Commission ("ITC"). The petition alleged that the EC, which is a "country under the Agreement" as defined by section 701(b) of the Act, is providing subsidies for the production and exportation of sodium gluconate and that the sodium gluconate industry in the United States is being materially injured, or is threatened with material injury, by reason of the importation of sodium gluconate into the United States.

After conducting a summary review of the petition, we found that its information reasonably supported its allegations. Therefore, we instituted an investigation, and notice was published in the Federal Register of July 14, 1981 (46 FR 3621).

On July 31, 1981, the ITC notified us that it had determined, as required by section 703(a) of the Act, that there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of the importation of the subject imports. The Commission's determination and the reasons therefore were published in the Federal Register of August 12, 1981 (46 FR 40839).

Scope of the Investigation

The merchandise covered by this investigation is sodium gluconate, the sodium salt of gluconic acid, currently provided for in item number 437.5250 of the Tariff Schedules of the United States Annotated.

We presented a questionnaire concerning the allegations in the petition to the EC. On August 25, 1981, we received a response to the questionnaire, which we analyzed including the EC regulations concerning production refunds and export restitution payments. The EC advised us on September 1, 1981, that we should obtain company specific information from the EC producers. Absent this company specific information, we have assumed for purposes of this preliminary determination the total utilization of all available benefits by manufacturers, producers, and exporters.

Programs Under Investigation

We have preliminarily determined that the following benefits available to EC manufacturers, producers, and exporters of sodium gluconate qualify as subsidies: Production subsidies to certain products derived from maize or other agricultural products, production subsidies to glucose derived by direct hydrolysis from maize groats and meal, and export restitution payments to exporters of sodium gluconate.

According to the EC response, which we are using as best available information, the maximum benefit a producer, manufacturer, or exporter of sodium gluconate could receive was 63.31 ECU per metric ton. This is equal to the variable levy paid on maize for May 1981. In addition, producers of potato starch received an additional 20 ECU premium, and absent better information, for purposes of this preliminary determination, we are assuming all sodium gluconate exported to the United States is made from potatoes. This yields a total subsidy of 83.31 ECU per metric ton. This estimated subsidy of 83.31 ECU per metric ton of sodium gluconate was converted into dollars by multiplying the 83.31 ECU per metric ton times $1.285, which is the average of the conversion rate for the fourth quarter of 1980 ($1.34) and the first quarter of 1981 ($1.23). The result is an estimated subsidy of $107.05 per metric ton.

Production Refunds

The EC provides benefits in the form of production refund payments under the common agricultural policy ("CAP") to produce of glucose and starch, the materials from which sodium gluconate is produced. The production of glucose by the direct hydrolysis process benefits from a production refund of 21.19 ECU per metric ton on maize groats and meal used to this effect. The amount of maize groats generally accepted as being used to produce one metric ton of glucose by the direct hydrolysis process is 1.31 tons. On this basis, the production refund per ton of glucose is 27.76 ECU.

The production of maize starch benefits from a production refund of 17.23 ECU per metric ton of maize used to this effect. The amount of maize generally accepted as being used to produce one metric ton of maize starch is 1.61 tons. On this basis, the production refund per ton of maize starch is 27.74 ECU. Potato starch is assimilated to maze starch and the production refund is 27.74 ECU.

In addition to the previously described production refunds, manufacturers of potato starch are eligible for a premium of 20 ECU per ton of potato starch. In the absence of specific information on the actual production processes used by EC producers, we have assumed that all sodium gluconate imported into the United States is derived from potatoes.

Export Restitution Payments

The EC provides benefits under the CAP to exporters of sodium gluconate through export restitution payments. These payments are based upon the amount of maize or potatoes actually used in the production of sodium gluconate. In setting the level of the export refund on maize or potatoes used for the production of starch/glucose and thereafter sodium gluconate, the EC Commission takes into account the level of the production refund already granted, so that the sum of the two payments does not exceed the difference between world and EC maize or potato prices.

Verfication

Although we have verified only the EC regulations to date, all information relied upon in making the final determination will be verified prior to the final determination in accordance with section 776 of the Act (19 U.S.C. 1677e).

Critical Circumstances

Petitioner filed an amendment to its petition on August 5, 1981, contending, pursuant to section 703(e)(1) of the Act, that critical circumstances now exist with respect to the importation of sodium gluconate from the EC.

We have preliminarily determined on the basis of the best information available at this time that critical circumstances do not exist because there have not been massive imports of the subject merchandise over a relatively short period.

Suspension of Liquidation

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the date of this notice's publication.

We are also directing Customs to require a cash deposit, bond, or other security in the amount of $107.05 per metric ton to be posted on this merchandise. Until further notice, this suspension will remain in effect.

Public Comment

As described in § 355.35 of the Commerce Department Regulations, we will hold a public hearing to afford interested parties an opportunity to comment orally on this preliminary determination. If requested, this hearing will be scheduled to be held at 10:00 a.m. on October 21, 1981, at the U.S. Department of Commerce, Room 4830, 14th Street, and Constitution Avenue, NW., Washington, D.C. 20230. All requests for hearings must be submitted within 10 days of this notice's publication to the Deputy Assistant Secretary for Import Administration, Room 2800, 14th Street and Constitution Avenue, NW., Washington D.C. 20230. They should contain (1) the party's name, address, and telephone number; (2) the number participants; (3) the reason for attending; and (4) a list of the issues to be discussed.

In addition, prehearing briefs must be submitted to the Deputy Assistant Secretary by October 14, 1981. Oral presentations will be limited to the issues raised in the briefs. All written views must be filed before October 21, 1981; in accordance with section 355.34 of the Commerce Department Regulations at the above address and in at least 10 copies.

This determination is published in accordance with section 703(f) of the Act.

Dated: September 9, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-26875 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Investigation of Imports of Glass-Lined Chemical Processing Equipment

AGENCY: Office of Industrial Mobilization, International Trade Administration, Commerce.

ACTION: Notice of initiation of an investigation under Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), and request for comments.

SUMMARY: This notice is to advise the public that an invesigation is being conducted under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effects on the national security of imports of glass-lined chemical processing equipment. Interested parties are invited to submit written comments, opinions, data, information or advice to the Office of Industrial Mobilization, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: Comments must be received by November 16, 1981.

ADDRESS: Written comments (6 copies, if possible) should be sent to Richard V. Meyers, Compliance Officer, Office of Industrial Mobilization, International Trade Administration, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Richard V. Meyers, Compliance Officer, Office of Industrial Mobilization, International Trade Administration, Department of Commerce, 14th and Constitution Ave., NW., Washington, D.C. 20230 (202-377-3634).

SUPPLEMENTARY INFORMATION: In an application received March 13, 1981, the Secretary of Commerce was requested to initiate an investigation under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), to determine the effect on the national security of U.S. imports of glass-lined chemical processing equipment provided for in TSUS items 640.35, 661.68, 680.17, 610.80, 610.32, 610.37, 610.49, and 610.52. Accordingly, such an investigation is being undertaken in accordance with International Trade Administration Regulation 15 CFR 359.

Interested parties are invited to submit written comments, opinions, data, information or advice with respect to this question to the Office of Industrial Mobilization, International Trade Administration, Department of Commerce, by November 16, 1981.

While all relevant material will be helpful, the Department is especially interested in information relative to the criteria listed in § 359.4 of the regulation (15 CFR 359.4) as follows:

(a) The effect on the national security of the quantity of imports of the article in question or other circumstances related to its import;

(b) The requirements of national security with regard to:

(1) Domestic production of the article in question needed for projected national defense requirements;

(2) The capacity of domestic industries to meet projected national defense requirements of the article in question;

(3) The existing and anticipated availabilities of human resources, products, raw materials, production equipment and facilities, and other supplies and services with respect to the article in question that are essential to the national defense;

(4) The growth requirements of domestic industries to meet national defense requirements of the article in question and the supplies and services including the investment, exploration and development necessary to assure such growth; and

(5) Any other relevant factors.

(c) The quantity, availability, character and uses of the article in question with regard to:

(1) The impact of foreign competition on the economic welfare of any domestic industry essential to our national security;

(2) The displacement of any domestic products causing substantial unemployment, decrease in the revenues of government, loss of investment or specialized skills and productive capacity, or other serious effects; and

(3) Any other relevant factors that are causing or will cause a weakening of our national economy.

All material should be submitted with six copies and will be made available at the Department of Commerce for public inspection and copying, except for information or material that is national security classified or determined to be confidential as provided in section 359.6 of the regulation (15 CFR 359.6). Additionally, communications from agencies of the United States Government or foreign governments will not be made available for public inspection.

The public record concerning this investigation will be maintained in the International Trade Administration's Freedom of Information Records Inspection Facility, Room 3012, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230. The records in this facility may be inspected and copied in accordance with regulations published in Part 4 of Title 15 of the Code of Federal Regulations. Information about the inspection and copying of records at the facility may be obtained from Mrs. Patricia L. Mann, The International Trade Administration's Freedom of Information Officer, at the above address or by calling (202) 377-3031.

If deemed appropriate by the Department, a public hearing may be held to elicit further information as provided in section 359.8 (15 CFR 359.8) of the regulation. Adequate notice will be given as to time, place and matters to be considered at the hearing(s) so that interested parties will have an opportunity to participate.

The findings of this investigation and a recommendation by the Secretary of Commerce for action or inaction regarding the imports of glass-lined chemical processing equipment shall be made to the President no later than March 12, 1982.

Dated: September 10, 1981.

Bo Denysyk,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 81-26829 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council; Its Statement of Organization, Practices and Procedures Subcommittee, Its Education and Information Subcommittee, and Its Administration Subcommittee, Meetings

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of Changes in Meeting Dates and/or Locations for the Caribbean Fishery Management Council and its Subcommittees.

SUMMARY: The scheduled meeting dates and/or locations for the Caribbean Fishery Management Council, its Statement of Organization, Practices and Procedures Subcommittee (SOPPs), Education and Information Subcommittee (E & I) and Administrative Subcommittee, as published in the **Federal Register**, August 27, 1981 (46 FR 43226), have been changed as follows:

From

Council—convening on Tuesday, September 22, 1981, at approximately 9 a.m., adjourning on Wednesday,

September 23, 1981, at approximately noon.

SOPPS—convening on Monday, September 21, 1981, at approximately 10:30 a.m., adjourning at approximately noon.

E & I—convening on Monday, September 21, 1981, at approximately 1:30 p.m., adjourning at approximately 3 p.m.

Administrative Subcommittee—convening on Monday, September 21, 1981, at approximately 3 p.m., adjourning at approximately 5 p.m.

To

Council—convening on Monday, September 21, 1981, at approximately 10:30 a.m., adjourning at approximately 5 p.m.; reconvening on Tuesday, September 22, 1981, at approximately 9 a.m., and adjourning at approximately noon.

SOPPS—convening on Wednesday, October 14, 1981, at approximately 1:30 p.m., adjourning at 4 p.m.

E&I—convening on Wednesday, October 14, 1981, at approximately 4 p.m., adjourning at approximately 5 p.m.

Administrative Subcommittee—convening on Thursday, October 15, 1981, at approximately 9 a.m., adjourning at approximately noon. The Council meeting location is unchanged (Conference Room of the St. Thomas Hotel and Marina, St. Thomas, U.S. Virgin Islands). However, the three Subcommittee meetings will now take place at the Council's Conference Room, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753–4926.

Dated: September 10, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-26876 Filed 9-15-81; 8:45 am]

BILLING CODE 3501-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Changing Officials of the Government of the Republic of the Philippines Authorized To Issue Export Visas and Exempt Certifications for Certain Cotton, Wool, and Manmade Fiber Products From the Philippines

September 10, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing changes in the officials of the Government of the Republic of the Philippines who are authorized to issue export visas and certifications for exempt cotton, wool and man-made fiber textile products from the Philippines.

SUMMARY: The Government of the Republic of the Philippines has notified the United States Government that Asuncion B. Kalalo, Guillermo Parayno, Lucita P. Reyes, and Ramon R. Tayas are now authorized to issue export visas and certifications for exempt textile products exported to the United States, replacing the five previously authorized officials, who will no longer issue and sign these documents.

EFFECTIVE DATE: September 11, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On November 18, 1979, a letter to the Commissioner of Customs from the Chairman of the Committee for the Implementation of Textile Agreements was published in the **Federal Register** (44 FR 68005), which established a new export visa requirement and certification for exemption of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Philippines and exported to the United States. One of the requirements is that the visas and certifications for exemption must be signed by an official authorized by the Government of the Republic of the Philippines. The Government of the Philippines has designated four new officials to issue export visas and certifications for exemption. A list of the authorized officials is published as an enclosure to the letter to the Commissioner of Customs which follows this notice.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

September 10, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of November 21, 1979 from the Chairman, Committee for the Implementation of Textile Agreements, which directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, of certain cotton, wool and man-made fiber textile products in designated categories for which the Government of the Republic of the Philippines had not issued an appropriate export visa or exempt certification.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 22 and 24, 1978, as amended, between the Governments of the United States and the Republic of the Philippines, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on September 11, 1981, to recognize the four officials listed on the enclosure as authorized to issue and sign export visas and exempt certifications. This new list cancels and supersedes all previous lists of officials.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to imports of cotton, wool and man-made fiber textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Officials Authorized by the Government of the Republic of the Philippines to Issue Visas and Certifications for Exemption for Certain Cotton, Wool, and Man-Made Fiber Textile and Apparel Products Exported to the United States

Asuncion B. Kalalo
Guillermo Parayno
Lucita P. Reyes
Ramon R. Tayas

[FR Doc. 81-26874 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

Adjusting the Import Restraint Level for Certain Man-Made Fiber Textile Products From Costa Rica; Correction

September 11, 1981.

In F.R. Doc. 81–23977 appearing at page 41840 in the issue for Tuesday, August 18, 1981, the adjusted level of restraint for man-made fiber brassieres in Category 649 for the twelve-month period which began on January 1, 1981

should have been 1,644,310 dozen instead of 1,607,732 dozen.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-26911 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

Export Visa Requirement for Cotton, Wool and Man-Made Fiber Textile and Apparel Products From Macau

September 11, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing a new export visa requirement for cotton, wool and man-made fiber textiles and apparel exported from Macau, which calls for inclusion of the correct category and quantity on the visa.

SUMMARY: The Governments of the United States and Macau have exchanged letters establishing an export visa requirement for cotton, wool and man-made fiber textiles and apparel in Categories 300–369, 400–469, and 600–669, produced or manufactured in Macau, which are subject to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended, between the two governments.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

EFFECTIVE DATE: Effective on October 15, 1981, entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton, wool and man-made fiber textile and apparel products, produced or manufactured in Macau and exported on and after October 15, 1981 for which the Government of Macau has not issued an appropriate export visa will be prohibited. Textile and apparel products exported from Macau before October 15, 1981 will not be denied entry if visaed in accordance with previously established visa requirements.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U. S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: The export visa will be an original circular stamped marking in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commercial invoice when such form is used) and will be signed by an official of the Government of Macau. In addition, each visa will include its number, the date, and shall state the correct categories and quantities in the shipment in the applicable category units. If the quantity indicated on the export visa is more than the actual quantity of the shipment, entry will be permitted.

Merchandise in Categories 300–369, 400–469 and 600–669 imported for the personal use of the importer, not for resale, does not require a visa, regardless of value.

The officials authorized by the Government of Macau to issue export visas are the following: Florinda de Rosa Silva Chan, Angelo Bemdito Galdino Dias, Jose Bernardino Marques Ferreira, Francisco Xavier Jose de Mesquita, Jose Carlos Mesquita, Rui Manuel Barata Paiva, Joana Maria de Sousa Santos, Maria Manuela Aguiar Viana.

Interested parties are advised to take all necessary steps to ensure that cotton, wool and man-made fiber textile and apparel products, produced or manufactured in Macau, which are to be entered into the United States for consumption or withdrawn from warehouse for consumption will meet the stated visa requirements.

The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishes the new visa mechanism.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

September 11, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive cancels and supersedes the directive of August 8, 1973, as amended, from the Chairman of the Committee for the Implementation of Textile Agreements which established a previous visa mechanism for certain cotton, wool and man-made fiber textile products, produced or manufactured in Macau.

Under the terms of the Arrangment Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, as amended, between the Governments of the United States and Macau; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on October 15, 1981, and until futher notice, entry into the cotton, wool and man-made fiber textile and apparel products in Categories 300–369, 400–469 and 600–669, produced or manufactured in Macau and exported on and after October 15, 1981 for which the Government of Macau has not issued an appropriate export visa, fully described below. Merchandise exported before the effective date of this directive shall be permitted entry if visaed in accordance with previsously established visa requirements.

The new export visa will be an original circular stamp in blue ink on the front of the invoice (Special Customs Invoice Form 5515, successor document, or commerical invoice when that form is used) and will be signed by an official of the Government of Macau. It will also include its number, the date and show the correct categories and quantities in the shipment in the applicable category units; otherwise, entry will be denied. However, if the quantity indicated on the visa is more than than of the shipment, entry shall be permitted.

Merchandise for the personnal use of the importer and not for resale does not require a visa, regardless of value.

You are further directed to permit entry into the United States for consumption and withdrawal from warehouse for consumption of designated shipments of cotton, wool and/or man-made fiber textile and apparel products, produced or manufactured in Macau, notwithstanding the designated shipment or shipments do not fulfill the aforementioned visa requirements, whenever requested to do so in writing by the Chairman of the Committee for the Implementation of Textitle Agreements.

A detailed description of the textitle categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Macau and with respect to imports of cotton, wool and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textitle Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in th Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-26912 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974; Systems of Records; Annual Publication

AGENCY: Commodity Futures Trading Commission.

ACTION: Publication of annual notice of the existence and character of each system of records that the Commodity Futures Trading Commission ("Commission") maintains which contains information about individuals; changes from previous annual notice.

SUMMARY: The purpose of this notice is to announce the existence and character of the systems of records of the Commodity Futures Trading Commission as required by the Privacy Act of 1974, Pub. L. 93–579, 5 U.S.C. 552a.

Pursuant to 5 U.S.C. 552a(f), the Commission, on September 4, 1975, promulgated rules relating to records maintained by the Commission concerning individuals. (40 FR 41056). The rules, as amended, (17 CFR Part 146) deal with an individual's right to know what information the Commission has in its files concerning him, his right to have access to those records, his right to petition the Commission to have inaccurate or incomplete records amended or corrected, and his right not to have personal information disseminated to unauthorized persons.[1]

Under 5 U.S.C. 552a(e)(4), the Commission is required to publish annually a notice of the existence and character of each system of records it maintains which contains information about individuals. This notice implements this requirement and, when read together with the Commission's rules, and its two previous annual notices, 45 FR 28391–28408 (April 29, 1980) and 46 FR 12042–12049 (February 12, 1981), will provide individuals with the information they need to exercise fully their rights under the Privacy Act.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Jane K. Stuckey, Secretary of the Commission, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, (202) 254–6126.

SUPPLEMENTARY INFORMATION:

Content of System Notices

Each system notice contains the following information:

1. The name of the system;
2. The location of the system;
3. The categories of individuals on whom records are maintained in the system;
4. The categories of records maintained in the system;
5. The authority for maintaining the system;
6. Each routine use of the records contained in the system, including the categories of users and the purpose to each use;
7. The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;
8. The title and business address of the agency official who is responsible for the system of records;
9. The agency procedures by which an individual can find out whether the system of records contains a record pertaining to him;
10. The agency procedures by which an individual can find out how he may gain access to any record pertaining to him contained in the system of records, and how he can contest the content of the records; and
11. The categories of sources of records in the system.[2]

The Location of Systems of Records

The eighth item described above calls for the address of the Commission office involved. The Commission maintains offices in the following locations:

2033 K Street, NW., Washington, D.C. 20581, Telephone: (202) 254–3382
2000 L Street, NW., Washington, D.C., Telephone: (202) 254–3067
233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606, Telephone: (312) 353–9499
4901 Main Street, Room 208, Kansas City, Missouri 64112, Telephone: (816) 374–2994
One World Trade Center, Suite 4747, New York, New York 10004, Telephone: (212) 466–2071
Two Embarcadero Center, Suite 1660, San Francisco, California 94111, Telephone: (415) 556–7503
510 Grain Exchange Building, Minneapolis, Minnesota 55415, Telephone: (612) 725–2025

Where multiple locations are involved in a system office notice, rather than listing each address the notice merely identifies the offices and refers to this introductory section for each address. In the system notice, the Washington office is referred to as the "principal office," the Chicago, Kansas City, New York and San Francisco offices as the "regional offices," and all offices collectively are described as "all CFTC offices."

In many cases records within a system will not all be available at each of the offices listed in the system notice. For example, case files are basically maintained in the office where the investigation is being conducted, but certain information may be maintained in other offices as well. Similarily, many but not necessarily all employee records are maintained in the particular office where the employee works. In addition, the Commission's computers are physically located in Chicago and also in the Washington, D.C., headquarters office, although information in computer printout form may be available in any office.

Of course, it will be the Commission's responsibility, unless otherwise specified in the system notice, to determine where the particular records being sought are located. However, if the individual seeking the records in fact knows the location, it would be helpful to the Commission if he would indicate that location.

Scope and Content of Systems of Records

The Privacy Act applies to personal information about individuals. Personal information subject to the provisions of the Privacy Act may sometimes be found in a system of records that might appear to relate solely to commercial matters. For example, the system of records entitled "registration of futures commission merchants" [3] contains essentially business information. However, the application for registration contains a few items of personal information concerning key personnel of the registrant firm. Since the capability exists through the Commission's computer to retrieve information from this system of records not only by use of the name of the futures commission merchant but also by the use of the name of these individuals this information is within the purview of the Privacy Act.[4]

Such a capability would generally not exist, however, in a Commission staff

[1] The full text of the Commission's rules implementing the Privacy Act should be consulted for a detailed description of the procedures to be followed.

[2] Two systems of records, one relating to investigatory material compiled for law enforcement purposes and the other relating to confidential information obtained during employee background investigations, have been exempted in the Commission's rules from certain requirements of the Privacy Act, as authorized under the Privacy Act, 5 U.S.C. Section 552a(k). Among the requirements from which these systems have been exempted is the requirement that the information listed under items (9), (10), and (11) above be furnished.

[3] A futures commission merchant is someone engaged in soliciting or accepting orders for the purchase or sale of commodity futures in the manner defined in Section 2(a)(1) of the Commodity Exchange Act, 7 U.S.C. 2.

[4] See the definition of system of records in the Privacy Act, 5 U.S.C. 552a(a)(5), and Section 146.2(g) of the Commission's Privacy Act rules, 17 CFR 146.2(g).

investigation of the activities of the futures commission merchant. Thus, if the investigation were opened under the name of the futures commission merchant, information would be retrievable only under that name. Accordingly, information about principals of a firm under investigation which might be developed during the investigation would generally not be retrievable by the name of the individual, and the provisions of the Privacy Act would not apply.

General Statement of Routine Uses

A principal purpose of the Privacy Act is to restrict the unauthorized dissemination of personal information concerning an individual. In this connection, the Privacy Act and the Commission's rules prohibit all dissemination except for specific purposes.[5]

The Privacy Act and the rules specifically provide that disclosure may be made with the written consent of the individual to whom the record pertains. Disclosure may also be made to those officers and employees of the Commission who need the record in the performance of their duties. In addition, disclosures are authorized if they are made pursuant to the terms of the Freedom of Information Act, 5 U.S.C. 552.

In addition, the Privacy Act and Commission's rules permit disclosure of individual records if it is for a "routine use," which is defined as a use of a record which is compatible with the purpose for which it was collected. The system notice for each system of records is required to list each of these routine uses.

Many of the routine uses of Commission records are applicable to a number of systems. These include the following:

1. The information in the system may be used by the Commission in any administrative proceeding before the Commission, in any injunctive action authorized under the Commodity Exchange Act or in any other action or proceeding in which the Commission or any member of the Commission or its staff participates as a party or the Commission participates as amicus curiae, and may be disclosed in response to a supoena issued in the course of a proceeding to which the Commission is not a party.

2. The information may be given to the Justice Department, the Securities and Exchange Commission, the United States Postal Service, the Internal Revenue Service, the Department of Agriculture, the Office of Personnel Management, and to other federal, state or local law enforcement or regulatory agencies for use in meeting responsibilities assigned to them under the law, or made available to any member of Congress who is acting in his capacity as a member of Congress.

3. The information may be given to any board of trade designated as a contract market by the Commission if the Commission has reason to believe this will assist the contract market in carrying out its responsibilities under the Commodity Exchange Act, 7 U.S.C. 1, et seq., and to any national securities exchange or national securities association registered with the Securities and Exchange Commission, to assist those organizations in carrying out their self-regulatory responsibilities under the Securities Exchange Act of 1934, 15 U.S.C. 78a, et seq.

4. At the discretion of the Commission staff, the information may be given or shown to anyone during the course of a Commission investigation if the staff has reason to believe that the person to whom it is disclosed may have further information about the matters discussed therein, and those matters appear relevant to the subject of the investigation.

5. The information may be included in a public report issued by the Commission following an investigation, to the extent that this is authorized under Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; Section 8 authorizes publication of such reports but contains restrictions on the publication of certain types of sensitive business information developed during an investigation. In certain contexts some of this information might be considered personal in nature.

6. The information may be disclosed to a federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, a grant or other benefit by the requesting agency, to the extent that the information may be relevant to the requesting agency's decision on the matter.

7. The information may be disclosed to a prospective employer in response to its request in connection with the hiring or retention of an employee, to the extent that the information is believed to be relevant to the prospective employer's decision in the matter.

8. The information may be disclosed to any person, pursuant to Section 12(a) of the Commodity Exchange Act, 7 U.S.C. 16(a), when disclosure will further the policies of that Act or of other provisions of law. Section 12(a) authorizes the Commission to cooperate with various other government authorities or with "any person".

To avoid unnecessary repetition of these routine uses, where they are generally applicable the system notice refers the reader to the above desription. Unless otherwise indicated, where the system notice contains a reference to the foregoing routine uses, all of the eight routine uses listed above apply to that system.

System Notices

In the interest of economy, only particular items of those Commission systems of records which have changed during this reporting period are set forth below.

In the annual notice of its system of records published on April 29, 1980, 45 FR 28391–28408, as updated at 46 FR 12042–12049 (February 12, 1981), the Commission published complete information about each system. This further update should thus be read together with the two previous notices.

In addition, the Commission has indicated its intention to revise its system of records, consistent with its revision of registration regulations. In particular, three of these systems of records—CFTC 12, CFTC 20, and CFTC 22—will be altered to include completed fingerprint cards and where appropriate, new forms 8–S and 8–T. The Commission further contemplates the combination of existing systems CFTC–20 into one system of records at that time. See 45 FR 80573–80575 (December 5, 1980). Furthermore, an additional routine use, concerning verification of information submitted for sponsorship purposes has been proposed by the Commission in connection with implementation of final rules relating to registration of associated persons and their sponsorship by futures commission merchants. 45 FR 80539, 80542 (December 5, 1980), 45 FR 80573–80575 (December 5, 1980).

For further information contact: Freedom of Information Act, Privacy Act and Government in the Sunshine Act compliance staff,[6] Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. (202) 254–3382.

[5] Individuals should refer to the full text of the Privacy Act, 5 U.S.C. 552a(b), and to the Commission's rules for a complete list of authorized disclosures. Only those arising most frequently have been mentioned herein.

[6] Hereinafter referred to as the "FOI, Privacy and Sunshine Acts compliance staff."

Index
CFTC–1 Matter Register and Matter Indices
CFTC–2 Correspondence Files
CFTC–3 Docket Files
CFTC–4 Employee Leave, Time and Attendance
CFTC–5 Employee Personnel Records
CFTC–6 Employee Travel Records
CFTC–7 Employee Records maintained by the Office of ADP Services—CFTC
CFTC–8 Employment Applications
CFTC–9 Exempted Employee Background Investigation Material
CFTC–10 Exempted Investigation Records
CFTC–11 Deleted—Incorporated in CFTC–20 and CFTC–22
CFTC–12 Fitness Investigations
CFTC–13 Interpretation Files
CFTC–14 Matter Files
CFTC–15 Large Trader Report Files
CFTC–16 Case Files
CFTC–17 Litigation Files—OGC
CFTC–18 Logbook on Speculative Limit Violations
CFTC–19 Petition and Rulings
CFTC–20 Registration of Futures Commission Merchants, Commodity Trading Advisors and Commodity Pool Operators
CFTC–21 Deleted—Incorporated in CFTC–20
CFTC–22 Deleted—Incorporated in CFTC–20
CFTC–23 Deleted—Incorporated in CFTC–20
CFTC–24 Deleted—Incorporated in CFTC–22
CFTC–25 Deleted
CFTC–26 Deleted—Incorporated in CFTC–14
CFTC–27 Deleted
CFTC–28 Exchange Disciplinary Action File
CFTC–29 Reparations Complaints

CFTC–5

SYSTEM NAME:

Employee Personnel Records—CFTC.

SYSTEM LOCATION:

These records are maintained in the Personnel Section at 2033 K Street, N.W., Washington, D.C. 20581.

* * * * *

RETENTION AND DISPOSAL:

The records are maintained in the current file until the employee is terminated or separated, retained for 2 years thereafter, and then destroyed, except for those maintained under the Commission's rules of conduct and the Ethics in Government Act which are maintained until no longer needed or required under applicable law and regulation.

* * * * *

CFTC–8

SYSTEM NAME:

Employment Applications—CFTC.

SYSTEM LOCATION:

These records are maintained in the Personnel Section at 2033 K Street, N.W., Washington, D.C. 20581.

* * * * *

RETRIEVABILITY:

Indexed by occupational interest.

SAFEGUARDS:

These records are maintained in lockable cabinets.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

The Personnel Officer of the Commission is the system manager for all records maintained in the Personnel Section.

* * * * *

CFTC–10

SYSTEM NAME:

Exempted Investigatory Records—CFTC.

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

The Director of the Commission's Division of Enforcement is the system manager for all records maintained in this system, except for those records maintained under the Commission's rules of conduct and the Ethics in Government Act which are kept in the Office of the General Counsel as to which the General Counsel is the system manager. Addresses of these offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

* * * * *

CFTC–12

SYSTEM NAME:

Fitness Investigations—CFTC.

* * * * *

RETENTION AND DISPOSAL:

The records are maintained on the premises for three years after they become inactive, then held in the Federal Records Center for seven years before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The Assistant Director, Registration Unit, Division of Trading and Markets in the Commission's principal office and the Chief, Registration Branch, Division of Trading and Markets in the Commission's Chicago regional office. Addresses of CFTC offices are set forth in the introduction to these system notices under the caption "The Location of Systems of Records."

* * * * *

CFTC–15

SYSTEM NAME:

Large Trader Report Files—CFTC.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

* * * * *

2. Reports to be filed by futures commission merchants and foreign brokers.

* * * * *

b. Large trader reporting form (Series 01 Form). Contains material described in Part 17 of the Commission's rules and regulations, for each "special account." Shows customer account number, reportable position held in each commodity future and information concerning deliveries and exchanges of futures for physicals by persons with reportable positions. These reports are filed in the CFTC office in the city where the contract market involved is located. If there is no CFTC office in that city, they are filed in the office where the CFTC instructs that they be filed.

* * * * *

CFTC–20

SYSTEM NAME:

Registration of Futures Commission Merchants, Commodity Trading Advisors, Commodity Pool Operators, Associated Persons and Floor Brokers.

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information pertaining to the fitness and registration of futures commission merchants, commodity trading advisors, commodity pool operators, associated persons and floor brokers. The system includes applications for registration [Form 7–R and related schedules and Form 8–R and related schedule], correspondence relating to registration, and reports containing information developed from various sources outside the agency. A computer system is also maintained that consists primarily of information taken from the Form 8–R. The computerized record contains information on each associated person, floor broker and individual listed on Form 7–R as an officer, partner, sole proprietor, branch office manager, agent, or more than 10 percent stockholder of a futures commission merchant, commodity trading advisor or commodity pool operator. The computer memory contains the name, date and place of birth (optional), social security number (optional), fitness code, membership (floor brokers only), firm affiliation (except floor brokers), business address

and resident address (associated persons only) of all individuals and the name, telephone number, telephone contact, fitness code, membership (futures commission merchants only) and business address of all firms. The computer memory also contains education and experience codes for each registered associated person. Microfiche records listing the above information (except experience and education codes) are made on a monthly basis. The microfiche records, as well as non-confidential portions of the application for registration, are considered public records and are available to any person for inspection and copying. In addition, auxiliary records, such as card indexes summarizing information contained in the system are maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 4f(1), 4k(2), 4n(1), 8a(1) and 8a(2) of the Commodity Exchange Act, 7 U.S.C. 6f(1), 6k(2), 6n(1), 12a(1) and 12a(2).

* * * * *

RETRIEVABILITY:

By the name of the registrant.

SAFEGUARDS:

Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases, the records are maintained in lockable file cabinets.

RETENTION AND DISPOSAL:

Applications for registration and related documents and correspondence are maintained on the premises for three years after they become inactive, then held in the Federal Records Center for seven years before being destroyed. The computer memory is maintained on the premises permanently and updated periodically as long as the registrant remains active. Computer printouts are maintained on the premises for six months and then destroyed. Computer tapes used to make microfiche records are maintained on the premises for two months and then destroyed. Microfiche records are maintained on the premises permanently.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Registration Branch, Central Region, Division of Trading and Markets, Commodity Futures Trading Commission, 233 South Wacker Drive, 46th Floor, Chicago, Illinois 60606.

* * * * *

RECORD SOURCE CATEGORIES:

The record is made from the application form, information developed during the fitness inquiry and from correspondence between the Commission and commodity and securities exchanges, other government agencies and other persons with relevant information concerning an applicant's or registrant's fitness.

CFTC-28

SYSTEM NAME:

Exchange Disciplinary Action File—CFTC.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "General Statement of Routine Uses."

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SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Contract Markets Section, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581.

* * * * *

Issued by the Commission in Washington, D.C. on September 11, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-27065 Filed 9-15-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, U.S. Military Academy; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting.

Name of Committee: Board of Visitors, United States Military Academy.
Dates of Meeting: 5-7 November 1981.
Place of Meeting: West Point, New York.
Time: At West Point:
2000-2200, 5 November, Board Discussions (Hotel Thayer)
0800-1200, 6 November, Observe Cadet Academic Classes (Thayer & Mahan Halls)
1330-1730, 6 November, Board Discussions (Bldg 600)
0800-1030, 7 November, Board Discussions (Cadet Library)
1100-1130, 7 November, Attend Cadet Review (The Plain)
1130-1700, 7 November, Attend Army-Holy Cross Football Game Activities (Michie Stadium)
Proposed Agenda: Inquiry into the USMA Curriculum, civilianization of the USMA faculty, potential use of USMA graduates who were White House Fellows, admissions efforts in a changing demography and other matters relating to the Military Academy that the Board decides to consider. The Board will also draft conclusions and recommendations for their Report to the President.

All proceedings are open. For further information, contact Col. D. P. Tillar, Jr., United States Military Academy, West Point, New York, telephone 914-938-2785/4723.

For the Board of Visitors.

D. P. Tillar, Jr.,

Col., GS, Executive Secretary, USMA Board of Visitors.

[FR Doc. 81-26879 Filed 9-15-81; 8:45 am]

BILLING CODE 3710-08-M

Department of Army Bonus/Awards Schedule for Senior Executive Service (SES)

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Notice is hereby given of the schedule of bonuses to be awarded senior executives in Department of the Army.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Carol D. Smith, Chief, Senior Executive Service Office, Directorate of Civilian Personnel, Headquarters, Department of the Army, the Pentagon, Washington, DC 20310, (202) 697-2204.

SUPPLEMENTARY INFORMATION: In accordance with general recommendations provided in the Office of Personnel Management's memo of July 21, 1980, the Department of the Army bonuses are scheduled for payment prior to October 31, 1981.

Carol D. Smith,

Chief, SES Office.

[FR Doc. 81-27013 Filed 9-15-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Mitchell Energy Corp.; Final Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Final Action taken on a Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy announces final action on a Consent Order.

EFFECTIVE DATE: September 16, 1981.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager, Southwest District Enforcement, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

SUPPLEMENTARY INFORMATION: On July 15, 1981 the ERA of the DOE executed a Proposed Consent Order with Mitchell Energy Corporation of The Woodlands, Texas, and a Federal Register Notice was published on August 3, 1981. Under 10 CFR 205.199J(c), a Proposed Consent Order becomes effectively only after the ERA has published notice of its execution and solicits and considers public comments with respect to its terms. Therefore, the ERA published a Notice of Proposed Consent Order and invited interested persons to comment on the Proposed Order. At the conclusion of the thirty-day comment period, the ERA had received three notices of claim against the refund amount of the Consent Order and there were no objections received to the Consent Order. Accordingly, the ERA has concluded that the Consent Order as executed between the ERA and Mitchell Energy Corporation is an appropriate resolution of the compliance proceeding which it described and it shall become final and effective as proposed, without modification, upon publication of this Notice.

Issued in Dallas, Texas on the 3rd day of September, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-26982 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. TA82-1-31-001 (PGA82-1, IPR82-1)]

Arkansas Louisiana Gas Co.; Filing of Revised Tariff Sheets Reflecting Tariff Adjustment

September 4, 1981.

Take notice that on August 31, 1981 Arkansas Louisiana Gas Company (Arkla) tendered for filing 26th Revised Sheet No. 185 and 4th Revised Sheet No. 185A to its FERC Gas Tariff First Revised Volume No. 3, Rate Schedule No. X-26, to become effective October 1, 1981.

Arkla states that the purpose of 26th Revised Sheet No. 185 is to (1) reflect the cost of purchased gas for the six months period commencing October 1, 1981, (2) recover the accumulated deferred gas costs as of June 30, 1981, and (3) set forth the reduced PGA and estimated incremental pricing surcharges to be billed during the PGA period as contained on 4th Revised Sheet No. 185A effective October 1, 1981.

Arkla also states that copies of the revised tariff sheet and supporting data are being mailed to Arkla's jurisdictional customers and other interested parties affected by this tariff change.

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 Sections 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 September 18, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26840 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-229-001]

Carnegie Natural Gas Co.; Amendment to Application

September 8, 1981.

Take notice that on August 21, 1981, Carnegie Natural Gas Company (Applicant), 3904 Main St., Munhall, Pennsylvania 15120, filed in Docket No. CP81-229-001 an amendment to its application filed pursuant to Section 7(c) of the Natural Gas Act so as to reflect a limitation of the scope of the proposed transportation service and a reduction in the proposed rate and minimum bill, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that the proposed transportation service, as amended, is available only to Owens-Illinois, Inc. to provide transportation of natural gas from its leaseholds in Marion County, West Virginia, along Applicant's interstate pipeline system to a delivery point at Owens-Illinois, Inc.'s facilities in Clarion County, Pennsylvania. It is asserted that final delivery is to be accomplished by displacement of natural gas volumes by Applicant and Apollo Gas Company, one of Applicant's corporate affiliates.

Applicant submits that a reduced minimum charge of $1,740 based on 6,000 Mcf per month minimum billing is provided in lieu of the proposed minimum of $2,433 in the application. Applicant also asserts that a reduced rate of 29.0 cents per Mcf is provided in lieu of the 32.0 cents per Mcf in the application. Applicant avers that the proposed Rate Schedule T-2 is amended to reflect the aforesaid modified provisions.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26859 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2559-001]

Central Maine Power Co.; Application for Amendment of License

September 8, 1981.

Take notice that on August 25, 1981, Central Maine Power Company (Licensee) filed an application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for amendment of its license for the Oakland Project No. 2559 located on Messalonskee Stream near the town of Oakland, Kennebec County, Maine. Correspondence with the Licensee should be directed to: Mr. Jon Readnour, Central Maine Power Company, Edison Drive, Augusta, Maine 04336.

Licensee proposes that its project license be amended to include

Messalonskee Lake with a total storage capacity of 22,270 acre-feet and its 130-foot long, 8-foot high, regulating dam and gatehouse as part of the project. Messalonskee Lake has been providing storage and stream regulation for the Oakland Project and four other licensed projects downstream. No change in the operation of Messalonskee Lake has been proposed.

Anyone desiring to be heard or make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980).

Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before November 22, 1981. The Commission's address is 825 North Capitol Street, N.E., Washington, D.C. 20426. The Application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26860 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2662-001]

Connecticut Light & Power Co.; Application for Major License for a Constructed Project

September 4, 1981.

Take notice that an application was filed on January 5, 1981, under the Federal Power Act, 16 U.S.C. 791(a)-825(r), by the Connecticut Light and Power Company (Applicant) for a license for the Scotland Hydroelectric Project, FERC No. 2662. The project is located on the Shetucket River near the Town of Windham, Windham County, Connecticut. Correspondence with the Applicant should be directed to: Mr. William G. Counsil, Senior Vice President, Northeast Utilities, P.O. Box 270, Hartford, Connecticut 06101.

Project Description—The Scotland Project consists of: (1) a 183-foot long, 32.5-foot high earthen dike at the west dam abutment; (2) a 119-foot long, 34-foot high gate section containing five 20-foot wide taintor gates; (3) an 89-foot long, 35-foot high Ambursen dam section with 2.5-foot high flashboards; (4) a 134-acre reservoir with a usable storage capacity of 268 acre-feet at a drawdown of 2 feet; (5) a powerhouse located at the east dam abutment, constructed integrally with the dam containing a single 2-MW turbine-generator; (6) 125-foot long generator leads; (7) a switchyard containing three 2,400/23,000-kV step-up transformers; and (7) appurtenant facilities.

Applicant proposes to construct canoe portage facilities on the west side of the project dam.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 9, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than November 9, 1981. Since this application was filed during the term of a preliminary permit, any party intending to file a competing application should review 18 CFR 4.33(h). A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Persons who have made filings in response to an earlier public notice of this application will retain their standing before the Commission and need not resubmit their findings. Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before November 9, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26841 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-490-000]

Consolidated Gas Supply Corp.; Application

September 4, 1981.

Taken notice that on August 28, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-490-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to and the storage of natural gas for Philadelphia Gas Works (PGW) for a limited term, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to sell up to 3,000,000 dekatherms (dt) equivalent of gas to PGW, commencing on the later of the day following receipt of all regulatory approvals or October 1, 1981. It is stated that Applicant would charge PGW the currently effective rate of $2.7050 per dt equivalent, as specified in Applicant's Rate Schedule E, FERC Gas Tariff, Third Revised Volume No. 1, or any effective superseding rate adjustments.

Applicant further proposes to store up to 3,000,000 dt equivalent of gas for PGW and to withdraw and deliver on a best efforts basis up to 19,868 dt equivalent of gas per day, for a term beginning on the later of the day following receipt of all regulatory approvals or October 1, 1981, and ending on the earlier of twelve months following the effective date or the date all gas has been withdrawn for PGW.

It is submitted that the point of delivery for PGW's gas would be the existing interconnection between the facilities of Applicant and Texas Eastern Transmission Corporation (Texas Eastern) in Westmoreland County, Pennsylvania.

For such storage service, Applicant proposes to charge PGW the currently effective rate of 31.36 cents per dt equivalent of gas, as specified in Applicant's Rate Schedule GSS, FERC Gas Tariff, Third Revised Volume No. 1, applied on an average unit base.

Applicant asserts that no new facilities would be required in order to provide the proposed sale and storage services to PGW, and further, that it

would treat revenues from such sale in accordance with the provisions of the rate settlement agreement approved by the Commission in the order issued April 3, 1981, in Docket Nos. RP79–22 and RP80–61.

It is indicated that the subject gas supplies and storage services would assist PGW in meeting the requirements of PGW's customers in the upcoming winter heating season. Further, Applicant asserts that the source of the gas supply to be sold to PGW is Applicant's general system supply and that the gas is surplus to the needs of Applicant's customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 15, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rule of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Engery Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26842 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA82-1-33-000]

El Paso Natural Gas Co.; Proposed Change in Rates Pursuant to Purchased Gas Cost Adjustments

September 4, 1981.

Take notice that on August 31, 1981, El Paso Natural Gas Company ("El Paso") tendered for filing a notice of:

(i) a change in rates, effective as of October 1, 1981, for jurisdictional gas service rendered to customers served by its interstate gas transmission system under rate schedules affected by and subject to Section 19, Purchased Gas Cost Adjustment Provision ("PGAC"), contained in the General Terms and Conditions of El Paso's FERC Gas Tariff, Original Volume No. 1;

(ii) a change in rates, effective as of October 1, 1981, attributable to advance payments and transportation costs pursuant to the adjustment mechanisms designed to track such costs provided for in El Paso's Stipulation and Agreement as Restated and Amended ("Extension Agreement") dated and filed on January 16, 1980, at Docket No. RP79–12 (Extension), as approved by Commission order dated May 30, 1980 and gas well royalty and production tax costs pursuant to the adjustment mechanisms provided for in the Extension Agreement and extended pursuant to El Paso's Stipulation and Agreement filed July 13, 1981 at Docket Nos. RP79–12 (Further Extension), CP80–367 and CI80–311 through CI80–320, which Further Extension is presently pending Commission approval.

El Paso states that the total proposed net change in its currently effective rates attributable to the PGAC and tracking mechanism adjustments is an increase of 66.49¢ per Mcf.

To implement the instant notice of change in rates (items (i) and (ii) above), El Paso filed the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, Third Revised Volume No. 2 and Original Volume No. 2A:

Tariff Volume and Tariff Sheet

Original Volume No. 1—Twenty-ninth Revised Sheet No. 3–B, Fourth Revised Sheet No. 159
Third Revised Volume No. 2—Twentieth Revised Sheet No. 1–D
Original Volume No. 2A—Twenty-first Revised Sheet No. 1–C

El Paso states that in the event the Further Extension Agreement at Docket No. RP 79–12 is not approved by the Commission on or before October 1, 1981, El Paso tendered alternate tariff sheets reflecting the elimination of the adjustment attributable to gas well royalty and production tax costs. El Paso respectfully requests that the alternate tariff sheets be made effective on October 1, 1981 in lieu of their respective counterpart sheets, if El Paso's Further Extension Agreement is not approved. The total proposed net change in its currently effective rates attributable to the PGAC reflecting the elimination of said adjustment attributable to gas well royalty and production tax costs is an increase of 67.87¢ per Mcf.

El Paso has requested that waiver be granted of all applicable rules, orders and regulations of the Commission, as may be deemed necessary to permit the effectiveness of its tendered revised tariff sheets on October 1, 1981.

El Paso states that copies of the filing and the enclosures thereto have been served upon all interstate pipeline system customers of El Paso and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before Sept. 18, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26843 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5220-000]

Gilead Hydroelectric, Inc.; Application for Preliminary Permit

September 8, 1981.

Take notice that Gilead Hydroelectric, Inc. (Applicant) filed on August 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 5220 to be known as the Gilead Project located on the Androscoggin River in Coos County, New Hampshire and Oxford County, Maine. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant

should be directed to: Russell F. Ingram, P.O. Box 19, Colebrook, New Hampshire 03576.

Project Description—The proposed project, an entirely new development, would consist of: (1) a 650-foot long, 55-foot high concrete dam including a 420-foot long gate section with 8 taintor gates; (2) a 600-foot long, 12-foot high, earth dike located about 275 feet south of the dam; (3) a 2200 acre reservoir; (4) a powerhouse, integral with the dam with a single turbine-generator unit, having a total rated capacity of 8 MW; (5) a 700-foot long, 100-foot wide tailrace channel; (6) a transmission line and (7) appurtenant facilities. The project would produce up to 56,570,000 kWh annually. Energy produced at the project would be sold to Central Maine Power Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Applicant also proposed geotechnical studies in the vicinity of the proposed dam and dike. Geotechnical studies would require core sampling of foundation soils and test pits. No new roads would be required for those studies and Applicant will recover and reseed all disturbed areas. Based on results of these studies Applicant would decide whether to proceed with the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $170,000. Applicant requests a preliminary permit term of 36 months.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 13, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. [A copy of the application may be obtained by agencies directly from the Applicant]. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 13, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26861 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP81-18]

High Island Offshore System; Settlement Conference

September 4, 1981.

Take notice that on September 15, 1981, at 10:00 a.m., a settlement conference of all interested parties will be convened concerning the issues involved in the above-referenced proceeding. All parties should come prepared to discuss all the remaining issues in this case including issues associated with the separation, handling and transportation of liquids and liquefiables. The conference will be held in a room to be designated for such purposes at the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26844 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4616-000; Project No. 5075-000]

Mitchell Energy Company, Inc. and Village of Marissa, Illinois; Application for Preliminary Permit

September 4, 1981.

Take notice that Mitchell Energy Company, Inc. and the Village of Marissa, Illinois (Applicants) filed on May 1, 1981, and July 13, 1981, respectively, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Projects Nos. 4616 and 5075, respectively to be known as the Rend Lake Dam located on the big Muddy River in Franklin & Jefferson Counties, Illinois. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Mr. Mitchell L. Dong, President, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Mayor Arthur Macke, Village of Marissa, 212 North Main Street, Marissa, Illinois 62257.

Project Description—The Mitchell Energy Company, Inc., proposed project would utilize a U.S. Army Corps of Engineers' dam and reservoir. Project No. 4616 would consists of: (1) a proposed powerhouse located below the existing structure with an estimated installed capacity of 10 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 34.0 GWh.

The Village of Marissa, Illinois' proposed project would utilize a U.S. Army Corps of Engineers' dam and reservoir. Project No. 5075 would consist of: (1) a proposed powerhouse located below the existing structure with an estimated installed capacity of 1.6 MW; (2) proposed transmission lines; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 5.0 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Both Applicants seek issuance of preliminary permits for a period of 24 months, during which time studies would be made to determine the engineering, environmental and economic feasibility of the project. In addition, historic and

recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. Both Applicants estimate that the cost of the studies would be $50,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 9, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 9, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26845 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5224-000]

Modesto Irrigation District; Application for Preliminary Permit

September 4, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5224 to be known as the Dark Canyon and Henderson Canyon Project located on the tributaries to Thomas Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) two 5-foot high natural rock and concrete diversion dams; (2) two diversion conduits or channels with a total length of 10,000 feet; (3) a penstock approximately 3,200 feet long and 28 inchs in diameter; (4) a powerhouse with total installed capacity of 4,200 kW; and (5) a 12.5–kV transmission line approximately 5 miles long.

The Applicant estimates that the average annual energy output would be 19.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, environmental, economic and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $45,000.

Competing Applications—This application was filed as a competing application to the Dark Canyon and Henderson Canyon Project No. 4190 filed on February 12, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 12, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above Address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26846 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4952-001]

Modesto Irrigation District Application for Preliminary Permit

September 4, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on July 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4952 to be known as the Swift Creek Power Project located on Swift Creek in Trinity County, California. The

application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, 1231—11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) a 4-foot high concrete diversion structure (2) a 14,500-foot long open ditch and 48-inch diameter conduit combination; (3) a 48-inch diameter, 5,200-foot long penstock; (4) a powerhouse containing a single generating unit with a rated capacity of 4,300 kW, and (5) a ½-mile long, 12-kV transmission line. The average annual energy output is 16.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which it would conduct engineering, environmental and economic feasibility studies as well as prepare an application for an FERC license. No new roads will be required for conducting these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $45,000.

Competing Applications—This application was filed as a competing application to the Swift Creek Power Project No. 4516 filed on April 13, 1981, by Power Resources, Inc. Under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commisssion's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the orginal and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26847 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4679-000; Project No. 4683-000]

Power Authority of the State of New York and Long Lake Energy Corp.; Applications for Preliminary Permit

September 4, 1981.

Take notice that the Power Authority of the State of New York and Long Lake Energy Corporation (Applicants) filed on May 18, 1981, applications for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Projects Nos. 4679 and 4683, respectively, known as the Vischer Ferry Project located on the Mohawk River in Saratoga and Schenectady Counties, New York. The applications are on file with the Commission and are available for public inspection. Correspondence with the Applicants should be directed to: Thomas R. Frey, Esq., General Counsel, Power Authority, State of New York, 10 Columbus Circle, New York, New York 10019, and Messrs. Paul J. Elston and Donald E. Hamer, 330 Madison Avenue, 7th Floor, New York, New York 10017.

Project Description—The two proposed run-of-the-river projects would consist of existing project works to include: (1) Vischer Ferry Dam, owned by the State of New York, a concrete gravity structure consisting of three spillway sections with a total length of about 2,085 feet and a maximum height of about 33 feet at spillway crest elevation of 210 feet m.s.l. and provisions for 27-inch flashboards; (2) a reservoir with a surface area of 1,047 acres and storage capacity of 25,000 acre-feet at a surface elevation of 210 feet m.s.l.; and (3) the lock gates at Lock No. 7 at the west abutment of the dam.

Additional project works (at the east abutment of the dam) for Project No. 4679 would include: (1) an existing intake structure and headrace; (2) an existing powerhouse with an installed capacity of 5,600 kW and a proposed additional capacity of 6,800 kW; (3) existing discharge draft tubes; and (4) other appurtenances. Applicant estimates annual generation for project No. 4679 would average about 65,300,000 kWh. Project energy would be marketed based on project cost and market conditions at project completion.

Additional project works (at the east abutment of the dam) for Project No. 4683 would include: (1) a new intake structure modifying the existing gated spillway; (2) a new power canal; (3) a new powerhouse with installed capacity of 5,600 kW; (4) a new tailrace; (5) new switchyard and transmission facilities; and (6) other appurtenances. Applicant estimates annual generation for Project No. 4683 would average about 17,000,000 kWh. Project energy would be sold to Niagara Mohawk Power Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Power Authority of the State of New York (PASNY) seeks issuance of a preliminary permit for a period of 24 months, and Long Lake Energy Corporation (LLEC) for a period of 36 months. During the term of the permit, each Applicant would accomplish hydraulic, construction, economic, environmental, historic, and recreational studies, and if the proposed project is determined feasible, prepare an application for an FERC license. PASNY estimates the costs of studies under the permit would not exceed $50,000, and LLEC estimates costs of studies would not exceed $110,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 7, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described applications. (Copies of the applications may be obtained by agencies directly from the Applicatants). If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 7, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26848 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5201-000]

Puget Sound Power and Light Co.; Application for Preliminary Permit

September 4, 1981.

Take notice that Puget Sound Power and Light Co. (Applicant) filed on August 10, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791 (a)–825(r)] for Project No. 5201 to be known as the Deadhorse Creek Project located on Deadhorse Creek in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert V. Myers, Vice President, Generation Resources, Puget Sound Power and Light Company, Puget Power Building, Bellevue, Washington 98009.

Project Description—The proposed project would consist of: (1) a 25-foot high, 120-foot long concrete gravity dam; creating (2) a reservoir with a total surface area of less than one acre at elevation 3,575 feet; (3) a 10-foot diameter 3,900-foot long tunnel; (4) a 48-inch diameter, 5,200-foot long steel penstock; (5) a reinforced concrete powerhouse to contain a single generating unit with a rated capacity of 6,060 kW; (6) an excavated tailrace; (7) a 1,000-foot long road for access to the powerhouse; and (8) a 1,600-foot long, 55-kV transmission line extending from the powerhouse to an existing line. The average annual energy output is 23.4 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct engineering, environmental and economic feasibility studies as well as prepare an application for an FERC license. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an application for an FERC license is $250,000.

Competing Applications—This application was filed as a competing application to the Deadhorse Creek Project No. 4282 filed on March 2, 1981, by Mountain Water Resources under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intevene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practices and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 5201. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26849 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. QF81-42-000]

John Root; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

September 8, 1981.

On July 7, 1981, John Root filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility is a Jacobs 10 kilowatt Wind Electric System to be located in Holy Cross, Iowa. The primary energy source of the facility is wind. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility. Applicant states that this is the only unit installed at the site owned by John Root.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed within

30 days after the date of publication of this notice and must be served on the applicant. 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. 81-26862 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5186-000]

San Juan Hydro, Inc.; Application for Preliminary Permit

September 4, 1981.

Take notice that San Juan Hydro, Inc. (Applicant) filed on August 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5186 to be known as the Melvern Lake Dam near Melvern, Kansas Located on Melvern Lake on the Marais des Cygnes River in Osage County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, Inc., 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineers' dam and reservoir. Project No. 5186 would consist of: (1) an existing flood control gate; (2) an existing conduit to be used as a penstock; (3) a proposed powerhouse to be built at the end of the existing conduit; (4) a proposed tailrace; (5) a proposed transmission line to run from the powerhouse to a Kansas Power and Light substation in Melvern, 3½ miles from the proposed site; and (6) appurtenant facilities. Applicant estimates the capacity of the proposed project to be 2.0 MW and the annual energy output to be 4.0 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 12 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated by the Applicant to be $11,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 9, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petition To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 9, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Application Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26850 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5148-000]

San Juan Hydro, Inc.; Application for Preliminary Permit

September 4, 1981.

Taken notice that San Juan Hydro, Inc. (Applicant), filed on July 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5148 to be known as the Clinton Lake Dam near Lawrence, Kansas located on Clinton Lake on the Wakarusa River in Douglas County, Kansas. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kenneth T. Meredith, President, San Juan Hydro, Inc., 120 Valdivia Drive, Santa Barbara, California 93110.

Project Description—The proposed project would utilize an existing U.S. Army Corps of Engineer's dam and reservoir. Project No. 5148 would consist of: (1) an existing flood control gate; (2) an existing conduit to be used as penstock; (3) a proposed powerhouse to be built at the end of the existing conduit; (4) a proposed tailrace; and (5) a proposed transmission line to run from the powerhouse to a Kansas Power and Light substation one-half mile north of the proposed site. Applicant estimates the capacity of the proposed project to be 2.0 MW and the annual energy output to be 3.0 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 12 month permit to prepare a definitive project report, including preliminary design and economic feasibility studies, hydrological studies, environmental and social studies, and soil and foundation data. The cost of the aforementioned activities along with obtaining agreements with other Federal, State, and local agencies is estimated by the Applicant to be $12,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 7, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent

allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 7, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILL COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26851 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5231-000]

Tehama County Flood Control & Water Conservation District; Application for Preliminary Permit

September 4, 1981.

Take notice that the Tehama County Flood Control & Water Conservation District (Applicant) filed on August 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5231 to be known as the North Elder Creek Project located on North Elder Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence A. Coleman, Director of Water Resources, Tehama County Flood Control & Water Conservation District, Route 1, Box 4, Gerber, California 96035.

Project Description—The proposed project would consist of:

(A) The Upper Facility consisting of:

(1) a natural rock and concrete diversion structure;

(2) a 7,920-foot long diversion conduit;

(3) a 1,100-foot long, 42-inch diameter steel penstock;

(4) a 25-foot wide by 30-foot long powerhouse containing one generating unit rated at 7,000 kW; and

(5) a 12.5-kV transmission line.

The average annual energy output is estimated to be 22.0 kWh.

(B) The Middle Facility consisting of:

(1) a rubble masonry diversion structure;

(2) a 4,000-foot long diversion conduit;

(3) a 270-foot long, 24-inch diameter steel penstock;

(4) a 15-foot wide by 20-foot long powerhouse, containing one generating unit rated at 900 kW; and

(5) a 12.5-kV transmission line.

The average annual energy output is estimated to be 4.4 million kWh.

(C) The Lower Facility consisting of:

(1) a rubble masonry diversion structure;

(2) a 8,000-foot long diversion conduit;

(3) a 1,350-foot long, 36-inch diameter steel penstock;

(4) a 15-foot wide by 25-foot long powerhouse containing one generating unit rated at 2,400 kW; and

(5) a 12.5-kV transmission line.

The average annual energy output is estimated to be 11.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $65,000 to $130,000.

Competing Applications—This application was filed as a competing application to the North Elder Creek Project No. 4074 filed on January 29, 1981, by Consolidated Hydroelectric, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 7, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 5231. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26852 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 5232-000]

The Tehama County Flood Control and Water Conservation District; Application for Preliminary Permit

September 4, 1981.

Take notice that the Tehama County Flood Control & Water Conservation District (Applicant) filed on August 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5232 known as the Dark Canyon and Henderson Canyon Project located on the Thomas Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Lawrence A. Coleman, Director of Water Resources, Tehama County Flood Control & Water Conservation District, Rt. 2, Box 9, Gerber, California 96035.

Project Description—The proposed project would consist of: (1) two 12-foot high rubble-masonry diversion structures; (2) two diversion conduits with a total length of 2.5 miles; (3) a 3,200-foot long and 36-inch diameter penstock; (4) a powerhouse containing one generating unit rated at 3,900 kW; and (5) a 4-mile long transmission line. The Applicant estimates that the average annual energy output would be 14.0 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $80,000 to $140,000.

Competing Applications—This application was filed as a competing application to the Dark Canyon and Henderson Canyon Project No. 4190 filed on February 12, 1981, by Consolidated Hydroelectric Inc., under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before October 2, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-70854 Filed 9-15-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-474-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

September 8, 1981.

Take notice that on August 20, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-474-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Gulf Oil Corporation (Gulf) pursuant to a gas transportation agreement dated August 14, 1981, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to the transportation agreement it would receive and transport natural gas for Gulf from the terminus of the South Pass 77 Project which is jointly owned by Applicant and Columbia Gulf Transmission Company (Columbia Gulf) to a delivery point onshore at Applicant's side valve 527A-320 on Applicant's 30-inch pipeline near the inlet of Gulf's Venice Plant in Plaquemines Parish, Louisiana. It is asserted that the agreement would become effective on the date of its execution and would remain in full force and effect for a period equal to the term of a construction, ownership, operating and maintenance agreement for Project SP 77.

It is stated that Gulf would pay Applicant for providing such transportation service a monthly volume charge of 1.44 cents per Mcf with provision for a minimum monthly bill. It is also stated that Gulf would provide Applicant a volume of gas equal to 1.2 percent of the volumes received for transportation each day to compensate for Applicant's system fuel and use requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is

required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26863 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-479-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

September 8, 1981.

Take notice that on August 24, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP81-479-000 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.208 of the Commission's Regulations for a certificate of public convenience and necessity authorizing the transportation of natural gas for Consolidated Edison Company of New York, Inc. (Con Ed) for a limited term, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant specifically proposes to transport for a period commencing September 1, 1981, and ending October 31, 1981, up to 20,000 Mcf of natural gas per day for Con Ed which gas would be purchased by Con Ed from Connecticut Natural Gas Corporation (Connecticut Natural). It is submitted that Applicant would receive such gas at Applicant's existing Greenwich sales meter station in fairfield County, Connecticut, and would subsequently deliver equivalent quantities to Transcontinental Gas Pipe Line Corporation (Transco) for the account of Con Ed at Applicant's existing Rivervale sales meter station in Bergen County, New Jersey.

For such transportation service, Applicant proposes to charge Con Ed 1.76 cents per Mcf of natural gas delivered to Transco.

It is asserted that Con Ed would use the subject gas solely to displace fuel oil in its electric generating station.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 25, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26864 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP81-296-000]

Tennessee Gas Pipeline Co.; a Division of Tenneco Inc.; Environmental Inspection of Route of Proposed Pipeline

September 4, 1981.

Notice is hereby given that from September 21, 1981, to September 23, 1981, members of the staff of the Federal Energy Regulatory Commission, accompanied by representatives of Tennessee Gas Pipeline Company (Tennessee), will conduct an environmental inspection of the pipeline construction route proposed by Tennessee in Docket No. CP81-296-000. The proceeding in Docket No. CP81-296-000 is one element of a larger proposal to import volumes of natural gas from Canada by Tennessee and by Boundary Gas, Inc., a consortium of thirteen local distribution companies and one interstate pipeline company. The inspection will be conducted by means of an overflight of the proposed route.

Further information concerning the nature and purpose of this inspection may be obtained by contacting Mr. James Daniel of the Commission's Environmental Evaluation Branch at (202) 357-9042.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26853 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4857-001]

Trans Mountain Construction Co.; Application for Preliminary Permit

September 8, 1981.

Take notice that Trans Mountain Construction Co. (Applicant) filed on June 11, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for Project No. 4857 to be known as the Blue Valley Ranch, Unit Number 3, Project located on King Creek in Grand County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Herbert C. Young, 19000 West 58*th* Avenue, Golden, Colorado 80401.

Project Description— The proposed project would consist of existing Upper and Lower Spring Sites (a) The Upper Spring Development would include: (1) a proposed 5,000-foot long, 4-inch diameter P.V.C. waterline to convey the water of the existing Upper Spring through; (2) a proposed turbine-generator having a rated capacity of 4.01 kW; (3) a proposed 750 gallon tank; and (4) 1 mile of 14.4-kV proposed transmission line. (B) The Lower Springs development would include: (1) the use of the proposed 750 gallon collection tank to collect the water from the existing Lower Springs, which will be conveyed by: (2) 1 mile of proposed 6-inch diameter P.V.C. waterline to; (3) a proposed turbine-generator with a rated capacity of 1.25 kW; and (4) 1 mile of proposed 14.4-kV transmission line. The total head for the Upper Site will be 860 feet, the anticipated flow is 30 gallons per minute. The total head for the Lower Site will be 200 feet, the anticipated flow is 40 gallons per minute. The land within the project boundary, the pipeline right-of-way, and the water rights are owned by Vidler Tunnel Water Company. The applicant estimates that the the average annual energy output would be 10,930 kWh for the Lower Site and 34,948 kWh for the Upper Site.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The proposed term of the requested permit is 36 months. The work proposed under the

preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $20,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before November 14, 1981, either the competing application itself [See 18 CFR 4.33(a) and (d)(1980)] or a notice of intent [See 18 CFR 4.33(b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Any one may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 14, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-26865 Filed 9-15-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51316; TSH-FRL-1933-8]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-435 and 436, November 2, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51316]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-435	George Bagley	202-426-2601	E-210.
81-436	George Bagley	202-426-2601	E-210.

Mail address of notice manager: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-435

Close of Review Period. December 2, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. 1-(2-nitrophenyl) ethanone.

Use. The manufacturer states that the PMN substances will be used as a site-limited intermediate.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	200	500
2d year	200	500
3d year	200	500

Physical/Chemical Properties.

Boiling point. 159°C at 16mm/Hg

Toxicity Data

Acute oral LD_{50} (rats)—400-800 mg/kg (mice)—800-1,600 mg/kg

Acute dermal LD_{50}—> 20 ml/kg

Eye irritation—Slight

Acute intraperitoneal LD_{50} (rats)—400-800 mg/kg (mice)—800-1,600 mg/kg

Acute inhalation—Slightly toxic

Ames Salmonella—Non-mutagenic

Exposure. The manufacture states that during manufacture and use up to five workers may experience dermal and inhalation exposure for a maximum of 0.5 hrs/day, 10 days/yr during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that there will be no release to the land or water and essentially none to the air. Wastes generated during manufacture will be disposed of by incineration.

PMN 81-436

Close of Review Period. December 2, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Disubstitutedheteropolycycle.

Use. The manufacturer states that the PMN substance will be incorporated as a minor component in an article for commercial use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	25	50
2d year	25	150
3d year	50	200

Physical/Chemical Properties

Solubility:
Water—> 0.1%
Octanol—> 0.1%
Melting point—224°C

Toxcity Data

Acute oral LD_{50}—> 3,000 mg/kg
Acute dermal LD_{50}—> 1,000 mg/kg
Skin irritation—Slight

Exposure. The manufacturer states that during manufacture up to 10 workers may experience dermal and inhalation exposure for a maximum of 4 hrs/day, 4 days/yr during manual transfer operations.

Environmental Release/Disposal. The manufacturer states that there will be no release to the land or water and essentially none to the air. Wastes generated during manufacture will be disposed of by incineration.

Dated: September 9, 1981.

Denise F. Swink,

Acting Director for Management Support Division.

[FR Doc. 81-26906 Filed 9-15-81; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51314; TSH-FRL-1933-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of fourteen PMN's and provides a summary of each.

DATES: Written comments by: PMN 81-319—September 22, 1981. PMN 81-382—October 5, 1981. PMN 81-412—October 26, 1981. PMN 81-414, 81-415, 81-416, 81-417, and 81-418—October 30, 1981. PMN 81-419, 81-420, 81-421, 81-422, 81-423, and 81-424—October 31, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51314]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT:

For PMN No.	Notice manager	Telephone	Room No.
81-319	Richard Green	(202-426-2601)	E-208.
81-382	George Bagley	(202-426-2601)	E-210.
81-412	Kathleen Ehrensberger.	(202-426-8815)	E-222.
81-414	Carrie Berlin	(202-426-8815)	E-222.
81-415	Carrie Berlin	(202-426-8815)	E-222.
81-416	Wendy Cleland-Hamnett.	(202-426-0503)	E-229.
81-417	Kathleen Ehrensberger.	(202-426-8815)	E-222.
81-418	George Bagley	(202-426-2601)	E-210.
81-419	George Bagley	(202-426-2601)	E-210.
81-420	Mary Cushmac	(202-426-0503)	E-229.
81-421	Rose Allison	(202-426-8815)	E-222.
81-422	Rose Allison	(202-426-8815)	E-222.
81-423	Cynthia Work	(202-426-0503)	E-229.
81-424	George Bagley	(202-426-2601)	E-210.

Mail address of notice managers: Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-319

Close of Review Period. September 27, 1981.

Importer's Identity. Naarden International USA Inc., 919 Third Avenue, New York, NY 10022.

Specific Chemical Identity. 2,4-dimethyl-4 phenyltetrahydrofuran.

Use. The importer states that the PMN substance will be used as an aroma chemical to be used in fragrance.

Import Estimates

	kilograms per year	
	Minimum	Maximum
1st year	10	40
2d year	20	80
3d year	100	250

Physical/Chemical Properties

Density $d\ \frac{20}{20}$ 0.992

Refraction index $n\ \frac{20}{D}$ 1.516

Solubility in alcohol 80% @ 20° C—1:0, 9 and more
Boiling point—5 mm/kg—90° C
Flash point—96° C
Solubility Water—1 a' 2 g/1

Toxicity Data

Oral toxicity LD_{50} (rats)—5,000 mg/kg
Primary skin irritation (rabbits)—Moderate irritant
(Guinea pigs)—No irritant
Eye irritation (Draize) (rabbits)—Irritant
Sensitization (guinea pigs)—No sensitization
Ames Salmonella—No mutagenic activity

Exposure. The importer states that during manufacture exposure may occur only when the product is used for compounding.

Environmental Release/Disposal. The importer states that discharge of the compound to land or water would only result from an accidental spill. Disposal is by incineration.

PMN 81-382

Close of Review Period. November 3, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of disubstitutedbenzene, disubstitutedbenzene and substitutedacrylic acid.

Use. The manufacturer states that the PMN substance will be used as an article for commercial use.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	30	50
2d year	30	90
3d year	30	90

Physical/Chemical Properties

Solubilities:
Water—<0.1%
Octanol—<0.1%
Glass Transition Temperature—112° C

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg
Acute dermal LD_{50}—>1,000 mg/kg
Skin irritation—Slight

Exposure. The manufacturer states that during manufacture and processing, dermal and inhalation exposure may occur for up to 15 people for a maximum of 0.5 hr/day for up to 10 days/yr during manual transfer operations. The average concentration during these operations is expected to be 0-2 mg/m³ with a potential maximum concentration of 10-30 mg/m³.

Environmental Release/Disposal. The manufacturer states that there will be no release of the new chemical substance to the land and essentially none to the air and water during manufacture and processing. Waste generated during

processing and a small part of the waste generated during manufacturing will be treated in a biological treatment system. The insolubles removed from this system will be incinerated. Any discharge will be in accordance with a National Pollution Discharge Elimination System (NPDES) Permit. Based on the very low volume of the polymer, there will be essentially no risk to the environment from the commercial use of the article.

PMN 81-412

Close of Review Period. November 25, 1981.

Manufacturer's Identity. Celanese Plastics and Specialties Company, 26 Main Street, Chatham, NJ 07928.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymeric alkenoic acid ester of substituted hydroxyalkyl, aryl ether.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a component of coating.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	10,000
2d year	5,000	200,000
3d year	5,000	500,000

Physical/Chemical Properties

100% non-volatile—Assumed
Viscosity—Solid at 25° C
Acid value—<5

Toxicity Data

Ames Salmonella—Not mutagenic

Further toxicity testing in progress.

Exposure. The manufacturer states that during manufacture and processing 70 workers may experience dermal exposure 16 hrs/day, 25 days/yr. The process is primarily a closed batch process. Contact is likely to occur only during filling, sampling, and cleaning operations.

Environmental Release/Disposal. Materials requiring treatment or disposal are filter sludge and cleaning solvents from reactor. Filter sludge is disposed of in an approved chemical landfill. Cleaning solvents are recycled; eventually they are recovered by distillation or disposed of by incineration or in an approved landfill.

PMN 81-414

Close of Review Period. November 29, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million
Manufacturing site—Mid Atlantic region
Standard Industrial Classification Code—282

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyalkanediol polyurethane.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Liquid
Percent solids—24–26
Viscosity @ 25° C—1,000–2,000 cps
Octanol/Water Partition Coefficient—0.068
Specific gravity—1.03
Flash point—Not applicable

Toxicity Data. No toxicity data are available on the chemical substance.

Exposure. The manufacturer states that the new chemical substance will be handled primarily in a bulk form by industrial workers in a contained use with low potential for skin or eye exposure. Consumers will only have potential for exposure to the new chemical substance highly diluted in a formulated product in a dispersive use. Environmental releases are expected to be minimal.

Environmental Release/Disposal. The manfacturer states that no release of the new substance to air is expected. Trace amounts of the new chemical substance could be discharged to plant water discharge streams as a result of kettle cleaning operations. No discharge to land is expected except for possible accidental spills which would be discharged on inert material and landfilled in approved facilities.

PMN 81-415

Close of Review Period. November 29, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million
Manufacturing site—Mid Atlantic region
Standard Industrial Classification Code—282

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of a propenoic acid derivative and a heteromonocycle.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Liquid
Percent solids—25
Viscosity @ 25° C—1,000–2,000 cps
Octanol/Water Partition Coefficient—0.083
Specific gravity—1.03
Flash point—68° F

Toxicity Data. No toxicity data are available on the chemical substance.

Exposure. The manufacturer states that the new chemical substance will be handled primarily in a bulk form by industrial workers in a contained use with low potential for skin or eye exposure. Consumers will only have potential for exposure to the new highly diluted chemical substance in a formulated product in a dispersive use. Environmental releases are expected to be minimal.

Environmental Release/Disposal. The manufacturer states that no release of the new substance to air is expected. Trace amounts of the new chemical substance could be discharge to plant water discharge streams as a result of kettle cleaning operations. No discharge to land is expected except for possible accidental spills which would be discharged on intert material and landfilled in approved facilities.

PMN 81-416

Close of Review Period. November 29, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyl sunbstituted polyalkylene polyamine.

Use. The manufacturer states that the PMN substance will be used as an epoxy crosslinking agent.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Boiling point—>260° C
Vapor pressure @ 38° C—37 Torr
Specific gravity @ 25° C—0.88 g/ml
Amine number—830–920
Viscosity @ 25° C—7–8cps
Solubility;
Water—Very slightly soluble
Alcohol—Very soluble
Hydrocarbons—Very soluble

Toxicity Data

Acute oral LD_{50} (rats)—0.3–0.6 g/kg of body weight
Acute dermal toxicity LD_{50} (rabbits)—1.28± 0.31 g/kg of body weight
Primary skin irritation (rabbits)—Extremely irritating

Eye irritation (rabbits)—Extremely irritating
Acute inhalation toxicity LD_{50} (rats)—>329 parts per million (ppm)
Skin sensitization (guinea pigs)—Strongly sensitive

Exposure. The manufacturer states that during manufacture 1 worker may experience dermal and inhalation exposure 2 hrs/day, 12 days/yr. During processing and/or use workers may experience dermal and inhalation exposure 3–24 hrs/yr.

Environmental Release/Disposal. the manufacturer states that 175 lbs/yr of water distillate may be released to water while off-grade product and solid or semi-solid paint may be sent to landfill.

PMN 81–417

Close of Review Period. November 29, 1981.

Manufacturer's Identity. Claimed confidential business information.
Organization information provided:
Manufacturing site—Mid Atlantic region
Standard Industrial Classification Code—285; e

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: Modified poly(urea/urethane).

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

Production Estimates

	Kilograms per year	
	Maximum	Maximum
1st year		2,000
2d year		2,000
3d year		4,000

Physical/Chemical Properties

NCO Equivalent weight—2,000–3,000 pms
Viscosity—2,000–15,000 cps
Flash point—95° F
Residual—81 ppm

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing, a total of 79 workers may experience eye and dermal exposure 24 hrs/day, 20 days/yr. Exposure may occur during sample extraction, container filling, and batch charging operations.

Environmental Release/Disposal. The manufacturer states that trace amounts of the solvent used in the manufacture of the new chemical substance may be the only significantly released material. An exhaust is employed to remove solvent vapors. A scrubber is employed to clean reactor vapors. Clean air is passed to the atmosphere. Solvent is used to clean the equipment and is reclaimed by distillation. Sludge is incinerated.

PMN 81–418

Close of Review Period. November 29, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: Nitropolyhaloalkylbenzenepolyamine.

Use. The manufacturer states that the PMN substance will be used as a captive intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point—118–120° C. Thermally unstable above 150°C. Soluble in acetone and ethanol. Insoluble in water.

Toxicity Data

Oral toxicity LD_{50} (rats)—> 500 mg/kg
Dermal toxicity LD_{50} (rats)—> 500 mg/kg
Rabbit occular irritation—Slight irritant
Inhalation toxicity LC_{50}—> 0.64 mg/1
Ames Salmonella—Non-mutagenic

Exposure. The manufacture states that during manufacture 2 workers may experience dermal and inhalation exposure 8 hrs/day, 6 days/yr.

Environmental Release/Disposal. The manufacturer states that environmental release is negligible. Vapors will be condensed. Liquid wastes will be either thermally oxidized or biotreated on site.

PMN 81–419

Close of Review Period. November 30, 1981.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: Aliphatic ester.

Use. Claimed confidential business information.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	10	100
2d year	10	1,000
3d year	100	2,000

Physical/Chemical Properties

Appearance—Liquid
Color—Pale to yellow
Refractive index @ 25° C—1.456–1.464
Specific gravity @ 25° C—0.952–0.972
Flash point—Above 100° F

Toxicity Data

Acute oral toxicity LD_{50} (rats)—4.2 gm/kg
Acute dermal toxicity LD_{50} (rabbits)—> 2.0 gm/kg
Primary skin irritation (rabbits)—Non-irritant
Primary eye irritation (rabbits)—Non-irritant
Repeated Insult Patch Test/Photosensitization Study in Human Subjects—Not a primary irritant.

Exposure. The importer states that the anticipated concentration of the substance as sold will range from less than 0.1% to more than 10%. The main exposure to workers in customer locations will be in the workplace air. Based on the vapor pressure of the substance and its anticipated concentration, the exposure concentration to workers would be expected to be less than 1 ppm. The duration and frequence of exposure and the number of workers exposed is unpredictable.

Environmental Release/Disposal. No date were submitted.

PMN 81–420

Close of Review Period. November 30, 1981.

Importer's Identity. American Cyanamid, One Cyanamid Plaza, Wayne, NJ 07470.

Specific Chemical Identity. Claimed confidential business information.
Generic name provided: Organo phosphorus-containing acid.

Use. The importer states that the PMN substance will be used in separation of cobalt from aqueous cobalt/nickel solutions.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Acute oral toxicity LD_{50} (rats)—2.10 g/kg for males; 1.75 g/kg for females
Acute dermal toxicity LD_{50} (rabbits)—Slightly irritating
Eye irritation—Mildly irritating
Ames Salmonella—Non-mutagenic

Exposure. The importer states that the potential risk of inquiry to human health is extremely low because of

insignificant human exposure and low toxicity.

Environmental Release/Disposal. The importer states that the economics of metals solvent extraction dictate minimal loss of substance to the environment.

PMN 81-421

Close of Review Period. November 30, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million
Manufacturing site—East North Central
Standard Industrial Classification Code—285

Specific Chemical Identity. Bisphenol A-epichlorohydrin resinmixed acrylic polymer.

Use. The manufacturer states that the PMN substance will be used as a component of a metal coating.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

	Aqueous dispersion	Neat polymer
pH	7.2	
Non volatiles (percent)	20	
Weight/Gallon (pounds per gallon)	8.4	
Viscosity (poise)	1	(1)
Flash point (degrees fahrenheit)	112	
Molecular weight		35,000
Solubility		(2)

(1) Semisolid.
(2) Acetones, aromatics, esters, glycol ethers.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and disposal a total of 11 workers may experience dermal exposure 5 hrs/day, 210 days/yr. Potential for contact exists during fill off and filtration stages of the reaction process. During the cleaning and reconditioning of drums exposure may occur when the bung and drum head are removed.

Environmental Release/Disposal. No data were submitted.

PMN 81-422

Close of Review Period. November 30, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million
Manufacturing site—East North Central
Standard Industrial Classification Code—285

Specific Chemical Identify. Polymer of alkylpropenoate, propenoic acid, substituted propenoic acid, and vinyl benzene.

Use. The manufacturer states that the PMN substance will be used in an intermediate used in metal coating formulation.

Production Estimates

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	50,000
2d year	75,000	150,000
3d year	300,000	600,000

Physical/Chemical Properties

	Neat polymer	Polymer solution
Molecular weight	56,000	
Solubility		50% in ethylene glycol ethyl ether acetate.
	Aromatics, ketones, esters, glycol ethers.	
Viscosity	Very heavy	300 poise.
Weight/Gallon		8.65 lbs/gal.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing, and disposal an average of 4 workers may experience dermal exposure 10 hrs/day, 88 days/yr. Exposure may occur during fill off, filtration, and transfer of substance from drum to processing tank. During the cleaning and reconditioning of drums exposure may occur when the bung and drum head are removed.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated.

PMN 81-423

Close of Review Period. November 30, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: alkenyl succinic acid, monoester.

Use. The manufacturer states that the PMN substance will be used as a lubricant additive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data

Acute oral toxicity LD_{50} (rats—>16.0 gm/kg
Primary skin irritation (Draize) (rabbits)—Not a primary irritant
Primary eye irritation (Draize) (rabbits)—Not a primary irritant

Exposure. Claimed confidential business information.

Environmental Release/disposal. Claimed confidential business information.

PMN 81-424

Close of Review Period. November 30, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided: Manufacturing site—East North Central region Standard Industrial Classification Code—286; e

Specific Chemical Identity. Polyurethane thermoplastic.

Use. The manufacturer states that the PMN substance will be used as a thermoplastic resin.

Production Estimates. Claimed confidential business information.

Physical/chemical Properties. Claimed confidential business information.

Toxicity Data

Acute oral toxicity LD_{50} (rats)—>5 g/kg

Exposure. Claimed confidential business information.

Environmental Release/disposal. The manufacturer states that solid polyurethane plastic waste is containerized in a cardboard box and disposed of in a sanitary landfill via a licensed commercial carting service.

Dated: September 4, 1981.

Linda K. Smith,

Acting Director for Management Support Division.

[FR Doc. 81-26905 Filed 9-15-81; 8:45 am]
BILLING CODE 6560-01-M

[OPP-38501; PH-FRL-1934-]

Maleic Hydrazide; Notification of Issuances of Notices of Intent To Suspend Pesticide Registrations

ACTION: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This action is being taken because registrants of diethanolamine maleic hydrazide (DEA-MH) formulations have failed to comply with a requirement to arrange for the submission of additional data as specified in an August 14, 1980 Order and Notice under section 3(c)(2)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act. In addition, registrants who did not respond to the August 14, 1980 Order and Notice will receive Notices of Intent to Suspend both diethanolamine maleic hydrazide and potassium maleic hydrazide (K-MH) registrations.

DATE: Persons adversely affected by this Notice may contest these suspension actions by requesting a hearing by October 16, 1981.

ADDRESS: Written requests for a hearing should be submitted to the: Hearing Clerk (A–110), Environmental Protection Agency, Rm. M–3708, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Jerry Moore, Special Pesticide Review Division (TS–791), Office of Pesticide Programs, Environmental Protection Agency, Rm. 711G, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7420).

SUPPLEMENTARY INFORMATION: This suspension action is being taken under the authority of section 3(c)(2)(B)(iv) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (FIFRA).

On August 14, 1980, the agency issued an Order and Notice requiring registrants to take steps to submit additional data on the herbicide maleic hydrazide in its diethanolamine and potassium formulations.

The August 14, 1980 request for additional data gave registrants 90 days to respond to the Agency. On December 31, 1980, the Agency granted all registrants an additional 45 days to respond, making March 16, 1981, the final response date.

The Agency has received a commitment from one registrant to produce and submit the required data on the potassium formulation. However, no registrant has agreed to initiate studies required for the diethanolamine formulation. The Agency has therefore decided to notify all DEA–MH manufacturers of its intent to suspend all DEA–MH registrations. Furthermore, registrants who did not respond to either the August 14, 1980 Order and Notice or the December 31, 1980 time extension will have all their DEA–MH and K–MH registrations suspended. None of these suspension actions, however, will in any way limit the registrants' production of either DEA–MH or K–MH for export purposes.

Each suspension will become final and effective within 30 days of your receipt of this Notice. Registrants may attempt to avoid suspension by either requesting a hearing within 30 days from receipt of the Notice of Intent to Suspend or by taking appropriate steps as outlined in the August 14, 1980 Order and Notice.

If a hearing is requested by a registrant or a person adversely affected, the only matters for resolution at the hearing shall be whether the registrant has failed to take the action that served as the basis for issuance of the Notice of Intent to Suspend the registration of DEA–MH or K–MH and whether the Administrator's determination with respect to disposition of existing stocks is consistent with FIFRA.

If no hearing is requested, the suspension will become effective within 30 days of your receipt of this Notice. Each suspension will prohibit the sale, offering for sale, holding for sale, shipment, delivering for shipment, or receiving and, having so received, delivering or offering to deliver to any person any DEA–MH or K–MH products the registrations of which have been suspended by the Administrator.

Registrants who responded in a timely manner to the August 14, 1980 Order and Notice and who are receiving Notices of Intent to Suspend their DEA–MH registrations, and any distributors of their products, will be allowed to sell or distribute existing stocks of DEA–MH products which are packaged, labeled and released for shipment on or before the effective date of the suspensions. Furthermore, such existing stocks of DEA–MH products may be used at any time thereafter. Registrants who made no response to the Agency will receive no provisions for the disposition of their existing stocks.

Finally, each registrant whose registrations are affected by this suspension action is required to inform purchasers or distributors of their DEA–MN or K–MH products of the suspension and its constraints.

Dated: September 8, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81–26907 Filed 9–15–81; 8:45 am]

BILLING CODE 6560–32–M

[OPTS–59062; TSH–FRL–1934–3]

Polymer of Disubstitutedbenzene, Disubstitutedbenzene and Substitutedacrylic Acid; Test Marketing Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the Federal Register. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by October 17, 1981. Persons should submit written comments on the application no later than October 1, 1981.

ADDRESS: Written comments to: Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E–409, 401 M Street SW., Washington, DC 20460, (202–755–5687).

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M Street SW., Rm. E–210, Wshington, DC 20460, 202–426–2601.

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA (90 Stat. 2012 (15 U.S.C. 2604)), any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the Federal Register on May 15, 1979 (44 FR 28558—Initial) and July 29, 1980 (45 FR 50544—Revised). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks or injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of

section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the **Federal Register**. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register**.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to the promulgation of the rules and notice forms.

Interested persons may, on or before October 1, 1981, submit to the Document Control Officer (TS–793), Management Support Division, Office of Pesticides and Toxic Substances, Rm. E–401, 401 M Street, SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–59058]". Comments received may be seen in Rm. E–107 between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding legal holidays.

TME 81–32

Close of Review Period. October 17, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of disubstitutedbenzene, disubstitutedbenzene, and substitutedacrylic acid.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the TME substance will be used as a minor constituent of an article for commercial use.

Production Estimates

	Maximum (kilograms)
4 months	50

Physical/Chemical Properties

Solubilities:

Water—<0.1%

Octanol—<0.1%

Glass Transition Temperature 112° C.

Toxicity Data

Acute oral LD_{50}—>3,000 mg/kg.

Acute dermal LD_{50}—>1,000 mg/kg.

Skin irritation—Slight.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. The submitter states that there will be no release of the new chemical substance to the land and essentially none to the air or water during manufacture and processing. Waste generated during processing and a small part of the waste generated during manufacturing will be treated in a biological treatment system. The insolubles removed from this system will be incinerated. Any discharge will be in accordance with National Pollution Discharge Elimination System (NPDES) Permit. Most wastes generated during manufacture will be incinerated in compliance with applicable federal and state regulations.

Dated: September 4, 1981.

Linda K. Smith,

Acting Director for Management Support Division.

[FR Doc. 81–26908 Filed 9–15–81; 8:45 am]

BILLING CODE 6560–31–M

[FRL–1934–4]

Receipt of Application Pursuant to the Steel Industry Compliance Extension Act of 1981: National Steel Corp.

AGENCY: Environmental Protection Agency.

ACTION: Notice of receipt.

SUMMARY: On July 20, 1981 EPA received an application from the National Steel Corporation pursuant to the Steel Industry Compliance Extension Act of 1981 (Pub. L. 97–23). The application requests that EPA extend certain deadlines for achieving compliance with Clean Air Act requirements. The Administrator will be making her interim findings with regard to National Steel's eligibility for an extension within a few weeks. Persons desiring to make public comments are encouraged to do so without delay.

ADDRESS: Section 113(e)(3) of the Clean Air Act, as amended, provided that any records, reports or information obtained by the Administrator pursuant to this subsection shall be available to the public unless the Administrator determines, pursuant to a request by the applicant company, that such information is confidential within the meaning of 18 U.S.C. 1905. Documents received by the Administrator that are not confidential in nature have been placed in Public Docket Number EN 81–16–A: National Steel and are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at: Central Docket Section, Gallery One, West Tower Lobby, U.S. Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. A reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Michael Alushin (EN–329), Office of Legal Counsel and Enforcement, Environment Protection Agency, 401 M St. SW., Washington, D.C. 20460, (202) 755–0658.

Dated: September 9, 1981.

Frank A. Shepherd,

Associate Administrator for Legal Counsel and Enforcement.

[FR Doc. 81–26909 Filed 9–15–81; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL HOME LOAN BANK BOARD

Washington Federal Savings and Loan Association, Miami Beach, Fla.; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(6) of the Home Owners' Loan Act of 1933, as amended (12 U.S.C. 1464(d)(6)),

the Federal Home Loan Bank Board, by Resolution No. 81-518 dated September 4, 1981, appointed Charles B. Hall as Conservator for Washington Federal Savings and Loan Association, Miami Beach, Florida. The appointment was effected on September 4, 1981.

Dated: September 11, 1981.

J. J. Finn,

Secretary.

[FR Doc. 81-25065 Filed 9-15-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Data Monitoring Group; Open Meeting

On September 24, 1981, the Centers for Disease Control will convene an open meeting of a work group to review clinical research data. The meeting is open to the public, limited only by space available.

The meeting is scheduled to begin at 9:00 a.m., at the CDC Hepatitis Laboratories Division, Center for Infectious Diseases, 4402 North Seventh Street, Phoenix, Arizona.

For further information, please contact: Dr. Donald P. Francis, Chief, Epidemiology Section, Hepatitis Laboratories Division, Centers for Disease Control, Phoenix, Arizona 85014, Telephone: FTS: 261-2665, Commercial: 602/241-2665.

Dated: September 10, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-26928 Filed 9-15-81; 8:45 am]

BILLING CODE 4110-86-M

Mine Health Research Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control announces the following National Institute for Occupational Safety and Health Committee meeting:

Name: Mine Health Research Advisory Committee

Date: October 13-14, 1981

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857

Time: 8:30 a.m. to 4:30 p.m.—October 13; 8:30 a.m. to 12:30 p.m.—October 14

Type of Meeting: Open

Contact Person: Roy M. Fleming, Sc.D., Executive Secretary, 5600 Fishers Lane, Room 8A-44, Rockville, Maryland 20857, Phone (301) 443-4614.

Purpose: The Committee is charged with advising the Secretary of Health and Human Services on matters involving or relating to mine health research, including grants and contracts for such research.

Agenda: Agenda items for the meeting will include announcements, consideration of minutes of previous meeting and future meeting dates, presentations and discussions on the respiratory research program, surveillance program, pulmonary function test procedures, and direction of the mining research program.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. Anyone wishing to make an oral presentation should notify the contact person listed above as soon as possible before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the presentation. Oral presentations will be scheduled at the discretion of the Chairperson and as time permits. Anyone wishing to have a question answered during the meeting by a scheduled speaker should submit the question in writing, along with his or her name and affiliation, through the Executive Secretary to the Chairperson. At the discretion of the Chairperson and as time permits, appropriate questions will be asked of the speakers.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: September 9, 1981.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 81-26929 Filed 9-15-81; 8:45 am]

BILLING CODE 4110-87-M

Public Health Service

Health Maintenance Organization; Determination of Noncompliance

AGENCY: Public Health Service, HHS.

ACTION: Notice, continued regulation of health maintenance organizations; Determination of Noncompliance.

SUMMARY: on September 29, 1980, the Office of Health Maintenance Organizations determined that Anchor Organization for Health Maintenance (Anchor), 1725 West Harrison Street, Chicago, Illinois 60612, a federally qualified health maintenance organization (HMO), was not in compliance with certain of the assurances it had provided to the Secretary. As described under "Supplementary Information," as of July 21, 1981, Anchor had successfully reestablished compliance with one of these assurances. Anchor has been given the opportunity to and has, in fact, initiated corrective action to bring itself into compliance with the other assurances. The determination of noncompliance does not itself affect the status of Anchor as a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Acting Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443-4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e-11(b)(1)) (the Act), if the Secretary makes a determination under section 1312(a) that a qualified HMO which provided assurances to the Secretary under section 1310(d)(1) is not organized or operated in the manner prescribed by section 1301(c), then he shall (1) notify the HMO in writing of the determination, (2) direct the HMO to initiate such action as may be necessary to bring it into compliance with the assurances, and (3) publish the determination in the **Federal Register.**

On September 29, 1980, OHMO notified Anchor that it was not in compliance with the assurance that it had given the Secretary that it would (1) maintain a fiscally sound operation, (2) maintain satisfactory administrative and managerial arrangements, (3) maintain organizational arrangements for an ongoing quality assurance program for its health services, and (4) include certain specified provisions in its contracts with health professionals. On July 21, 1981, OHMO notified that it had successfully reestablished compliance with its assurance to the Secretary that it would maintained a fiscally sound operation, and that OMHO had approved a plan for Anchor to restore compliance with the requirements listed above in items (2)-(4).

Dated: September 2, 1981.

Frank H. Seubold, Ph.D.,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-26678 Filed 9-15-81; 8:45 am]

BILLING CODE 4110-85-M

Health Maintenance Organizations; List

AGENCY: Public Health Service, HHS.

ACTION: Notice, July—qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and dates of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs). In addition, the notice reports that two qualified HMOs surrendered their qualification status as

other entities achieved that status and took over their operations. Service area revisions of previously qualified HMOs are reported at the end of the list.

FOR FURTHER INFORMATION CONTACT:
Frank H. Seubold, Ph. D., Acting Director, Office of Health Maintenance Organizations, Park Building—Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION:
Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register**. The following entities have been determined to be qualified HMOs under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e–9(d)):

(Transitional Qualified Health Maintenance Organization: 42 CFR 110.603(b))

1. Coordinated Health Care, Inc., (Group Model, see Section 1310(b)(1) of the Public Health Service Act), 285 E. University Avenue, St. Paul, Minnesota 55101. Service area: Counties of Washington, Dakota, Anoka, Ramsey, Hennepin, Scott, and Carver, Minnesota; and St. Croix County and River Falls Township, Wisconsin. Date of qualification: July 21, 1981.

(Preoperational Qualified Health Maintenance Organization: 42 CFR 110.603(c))

1. HealthCare of Broward, Inc., (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 3075 West Oakland Park Boulevard, Suite 103, Ft. Lauderdale, Florida 33311. Service area: Broward County, Florida. Date of qualification: July 31, 1981.

(Operational Qualified Health Maintenance Organizations: 42 CFR 110.603(a))

1. Community Health Care Association, Inc., d.b.a. Health Care Plus, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), P.O. Box 1966, Wichita, Kansas 67201. Service area: Sedgwich County, Kansas. Date of qualification: July 1, 1981. (Achieved preoperational qualification on June 3, 1981.)

2. HealthWays, Inc., (Individual Practice Association Model, see section 1310(b)(2)(A) of the Public Health Service Act), Parkway Towers, 485 U.S. Route 1, Iselin, New Jersey 08830. Service area: Middlesex and Union Counties, New Jersey. Date of qualification: July 29, 1981. (Achieved preoperational qualification on July 24, 1981.)

3. Herrick Alta Bates Services, (HEALS), (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act), East Bay Park Building, 5901 Christie Avenue, Emeryville, California 94608. Service area: Alameda and Contra Costa Counties, California. Date of qualification: July 16, 1981. (Achieved preoperational qualification on June 19, 1981.)

4. INA Healthplan of Clearwater, Inc., (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 1417 South Belcher Road, Clearwater, Florida 33516. Service area: Pinellas County, Florida. Date of qualification: July 30, 1981.

Note.—INA Healthplan of Clearwater, Inc., took over the operations of Prepaid Health Care, Inc., a qualified HMO. When INA Healthplan of Clearwater, Inc., became a qualified HMO, Prepaid Health Care, Inc., surrendered its qualification status.

5. Prudential Health Care of Chicago (PruCare of Illinois), (Medical Group see Section 1310(b)(1) of the Public Health Service Act), 2050 Pfingsten Road, Glenview, Illinois 60025. (A regional component of Prudential Health Care Plan, Houston, Texas 77001—see 45 FR 13899–900). Service area: Towns of Arlington Heights, Bannockburn, Barrington, Buffalo Grove, Deerfield, Deer Park, Des Plaines, E. Rogers Park, Evanston, Glencoe, and Glenview, Golf, Great Lakes, Green Oaks, Hawthorn Woods, Highland Park, Highwood, Indian Creek, Kenilworth, Kildeer, Lake Bluff, Lake Forest, Lake Zurich, Libertyville, Lincolnshire, Lincolnwood, Long Grove, Mettawa, Morton Grove, Mount Prospect, Mundelein, Niles, North Brook, North Chicago, North Field, Palatine, Park Ridge, Prospect Heights, Riverwoods, Rolling Meadows, Skokie, South Barrington, Vernon Hills, West Rogers Park, Wheeling, Wilmette, and Winnetka; and the following zip codes in the City of Chicago: 60610–1, 60614, 60622, 60630, 60634–5, 60639, 60641, 60647, 60651, and 60656.

Date of qualification: June 24, 1981.

Note.—(1) PurCare of Illinois took over the operations of North Communities Health Plan, Inc. (NorthCare), a qualified HMO. When PruCare became a qualfied HMO, NorthCare surrendered its qualification status. (2) The service area of PruCare of Illinois has been revised as described below.

Service Area Revisions

1. Prudential Health Care of Chicago (PruCare of Illinois), 2050 Pfingsten Road, Glenview, Illinois 60025. Add the following towns to the service area described above, effective July 23, 1981:

Addison,
Algonquin,
Barrington Hills,
Bartlett,
Batavia,
Bellwood,
Bensenville,
Berkeley,
Bloomingdale,
Carol Stream,
Carpentersville,
Cary,
Crystal Lake,
East Dundee,
Elgin,
Elk Grove Village,
Elmhurst,
Elmwood Park,
Fox River Grove,
Franklin Park,
Geneva,
Glendale Heights,
Glen Ellyn,
Hanover Park,
Harwood Heights,
Highland Hills,
Hillside,
Hoffman Estates,
Island Lake,
Itasca,
Lake Barrington,
Lake in the Hills,
Lombard,
Maywood,
Melrose Park,
Norridge,
North Aurora,
North Barrington,
Northlake,
Oakbrook Terrace,
Oak Park,
Oakwood Hills,
Prairie Grove,
River Forest,
River Grove,
Roselle,
Rosemont,
St. Charles,
Schaumburg,
Schiller Park,
Sleepy Hollow,
South Elgin,
Steamwood,
Tower Lake,
Villa Park,
Warrenville,
Wauconda,
Wayne,
West Chicago,
West Dundee,
Wheaton,
Willowbrook,
Winfield,
Wood Dale,
York Center.

2. Genesee Valley Group Health Association, 41 Chestnut Street, Rochester, New York 14647. Add the following zip codes to the service area published on July 1, 1981, in the **Federal Register**, 46 FR 34517:

Wayne County

14413,
14469,
14505
14519–20,
14538,
14551,
14554–5,
14568,
14589.

Livingston and Ontario Counties

14414,
14423–4,
14443–4,
14453–4,
14466,
14469,
14471,
14475,
14480–1,
14485–8,
14502,
14522,
14533,
14537,
14539,
14558,
14564–5,
14585,
14592.

Effective Date July 1, 1981.

3. HIP of Greater New Jersey, Inc., 5301–15 Broadway, West New York, New Jersey 07093. Add the following zip codes to the service area published on July 1, 1981, in the **Federal Register**, 46 FR 34519:

Bergen County

07025,
07057,
07070,
07075,
07407,
07410,
07452,
07601–7,
07620–1,
07624,
07626,
07628,
07630–2,
07641,
07644,
07646,
07649,
07652,
07660–2,
07670,
07675.

Passaic County

07011–5,
07056–7,
07424,
07501–6,
07508–24.

Effective date: July 1, 1981.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 4:30 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 1240 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: September 2, 1981.

Frank H. Seubold, Ph. D.,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-26680 Filed 9-15-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-75]

Tampa Palms, Hillsborough County, Fla.; Intended Environmental Impact Statement; Meeting

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Tampa Palms, Hillsborough County, Florida. This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publcation of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., September 8, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix.—EIS on Tampa Palms, Hillsborough County, Florida

The Department of Housing and Urban Development (HUD) Region IV, Jacksonville Area Office, intends to prepare an Environmental Impact Statement (EIS) on the Project Described below. We are Soliciting information and comments for consideration in the EIS.

Description: Tampa Palms is a proposed planned community located on 5,400 acreas in Hillsborough County, Florida. The site is located about 11 miles northwest of downtown Tampa and is within two miles of the Tampa City limits. Approximately 13,500 units of housing are planned to be built over the next 20 years. Also planned are 20 park sites, 6 church sites, 2 school sites, 2 fire stations, 2 public facility sites, and 3 golf courses. Open space will comprise the largest percentage of the site (47%). Recreational and park facilities will take up 13% of the site.

At present, the project site is 45% covered by forested uplands, 36% covered by wetlands, 15% by rangeland, 4% by urban areas and less than 1% by water. Extensive evaluation and planning has been done on the wetlands and hydrology of the site.

Need: The Deltona Corporation has made an application to HUD for financial assistance under the Title X Program. As part of the decision-making process regarding the application, HUD will review the environmental impacts of the Project.

Where necessary to comply with Federal standards and regulations, mitigating measures will be proposed. Through the impact statement process, HUD seeks to avoid environmental hazards that could be dangerous to occupants of the Project and to prevent or minimize damage to natural resources.

Alternatives: At this time, the HUD alternatives are: 1) To reject the application, 2) to accept the application as is, 3) accept the application provided that the developer agrees to mitigate environmental hazards or damages.

Scoping: HUD will hold a scoping meeting in accordance with § 1501.7 of the regulations for implementing the National Environmental Policy Act. The meeting will be open to all individuals, groups and government agencies and will be held at 10:00 a.m., on Thursday, October 8, 1981, in Room 527, Department of Housing and Urban Development, Tampa Service Office, 700 Twiggs Street, Federal Building, Tampa, Florida. HUD seeks to determine the significance of issues to be addressed in the EIS. All persons having relevant information or concerns to be presented in this meeting should contact HUD at the following address: Mr. Buddy E. Arbuckle, Environmental Staff Officer, Jacksonville Area Office, 661 Riverside Avenue, 4.6SS, Peninsular Plaza, Jacksonville, Florida 32204.

[FR Doc. 81-26945 Filed 9-15-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-74]

Multnomah County, Oreg.; Intended Environmental Impact Statement

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: An Areawide Environmental Impact Statement (EIS) for Multnomah County, Oregon". This Notice is required by the Council on Environmental Quality under its rules (40 CFR Part 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., September 4, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix.—Areawide EIS for Multnomah County, Oregon

The U.S. Department of Housing and Urban Development (HUD) Region X, Portland Area Office, intends to prepare an Areawide Environmental Impact Statement (EIS) for Multnomah County, Oregon, and hereby solicits comments and information for consideration in this EIS.

Description: The purpose of the EIS is to assemble in one unified document planning and environmental data which impacts upon development and housing costs, to evaluate environmental and socio-economic constraints to development and to provide a basis for site selection which is beneficial to the community, lenders, developers and residents without unmitigated adverse environmental impacts.

Multnomah County had a 1970 population of 554,668 in 208,271 households and a 1980 population of 562,640 in 256,135 households. This presents a growth of 1.4% in population and an 18.2% increase in households which reflect the effects of the socio-economic trends.

Multnomah County contains the major portion of the City of Portland and shares the

Columbia River as its Northern boundary with the State of Washington.

Need: Significant development takes place in the unincorporated portions of the County. There is a serious conflict between the adequacy of infrastructure and the planned growth areas. Many individual environmental assessments are required for HUD/FHA multi-family and subdivision projects. Duplication of effort can be significantly reduced or eliminated and fragmented data can be consolidated into one reference document for analysis of development feasibility.

Alternatives: 1. The proposed action is to consider applications for mortgage insurance for a subdivision in the jurisdiction without automatically requiring any additional site EIS's. 2. One alternative is to consider applications for mortgage insurance for all subdivisions in only a portion of the area without automatically requiring site specific EIS's; normal environmental processing would be continued in other portions of the area. 3. The other alternative is to continue normal environmental processing for applications for mortgage insurance for all subdivisions on an individual basis, including any requiring an EIS on all projects with automatic requirements for EIS's. This is the no action alternative.

The alternative of Local Area Certification was ruled out as infeasible from analyses of preliminary information.

Scoping: This notice is part of the process used for scoping the EIS in conformance with Council on Environmental Quality regulations. Responses received will be used to help (1) determine significant environmental issues; (2) identify data which the EIS should address; and (3) identify cooperating agencies.

A scoping meeting is planned to be held at the Portland Area Office of HUD, 520 S.W. Sixth Avenue, Portland, Oregon 97204, at a date to be at least 21 days after publication of this Notice in the **Federal Register**. Interested agencies and individuals who respond to this Notice will be notified.

Comments: Comments, information and requests for notice of the scoping meeting should be directed to Clifford T. Safranski, Environmental Clearance Officer, HUD–PAO, 520 S.W. Sixth Avenue, Portland, Oregon 97204, or telephone (503) 221–1701 (FTS 423–1701) as soon as practical and on or before October 7, 1981.

[FR Doc. 81–26946 Filed 9–15–81; 8:45 am]
BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Alaska Outer Continental Shelf; Dates and Locations of Public Hearings Regarding the Environmental Impact Statement for Proposed Outer Continental Shelf (OCS) Oil and Gas Lease Sale No. 57

In accordance with 43 CFR 3314.1, public hearings will be held in order to receive comments and suggestions relating to the Draft Environmental Impact Statement prepared for a proposed Outer Continental Shelf oil and gas lease sale of 429 tracts of submerged Federal lands in the Norton Sound region of Alaska. Each hearing will have both an afternoon and an evening session, beginning at 1:00 p.m. and 7:00 p.m., respectively. The hearings will be held on the following dates at the locations indicated.

Monday, October 5, 1981

Nome Elementary School,
Nome, Alaska

Tuesday, October 6, 1981

Community Center,
Emmonak, Alaska

Thursday, October 8, 1981

Anchorage Historical and Fine Arts Museum,
121 West 7th Avenue, Anchorage, Alaska

The hearings will provide the Secretary of the Interior with information from Government agencies and the public which will help in the evaluation of the potential effects of the proposed lease sale.

The Draft Environmental Impact Statement concerning proposed OCS Lease Sale No. 57 was made available to the public on June 24, 1981. Copies of this statement can be obtained from the Alaska Outer Continental Shelf Office, P.O. Box 1159, Anchorage, Alaska 99510 (907) 276–2955. Copies of the Draft Environmental Impact Statement are also available for review in public libraries throughout Alaska (46 FR 32673).

Interested individuals, representatives of organizations, and public official wishing to testify at the hearings are asked to contact Nancy Hendrix, Alaska Outer Continental Shelf Office, at the address and telephone number above, by 4:00 p.m. (Alaska Daylight Time), Friday, October 2, 1981. Time limitations make it necessary to limit the length of oral presentations to ten (10) minutes. An oral statement may be supplemented by a more complete written statement which may be submitted to a hearing official at the time of oral presentation or by mail until October 16, 1981. To the extent that time is available after presentation of oral statements by those scheduled to testify, the hearing officer will give others present an opportunity to be heard. The Bureau of Land Management will accept written comments on the Draft Environmental Impact Statement until Friday, October 16, 1981. This will allow those unable to testify at a public hearing an opportunity to make their views known and for those presenting oral testimony to submit supplemental information and comments. Written comments should be addressed to the Manager, Alaska Outer Continental Shelf Office, P.O. Box 1159, Anchorage, Alaska 99510.

The Bureau of Land Management recognizes the distances involved and the travel difficulties faced by those in the more remote areas who may be affected by this proposal and may wish to participate in the public hearing process. For this reason we have instituted a supplemental mechanism which we have termed "Public Hearing Extensions." A Public Hearing Extension team will travel to some of the more remote areas in order to receive comments from those who are unable to travel to the formal public hearing sites. These meetings will be recorded and transcribed for the record. Accordingly, public hearing extensions have been scheduled for Savoonga and Unalakleet, Alaska on October 5, 1981, and Kotlik and Bethel, Alaska on October 6, 1981. While the setting and procedures at extension meetings are less formal and structured, the comments received there are no less important. All comments, whether provided at the formal public hearings, the public hearing extensions, or in writing, are given equal weight in preparation of the Final Environmental Impact Statement.

Ed Hastey,

Associate Director, Bureau of Land Management.

September 11, 1981.

[FR Doc. 81–26983 Filed 9–15–81; 8:45 am]
BILLING CODE 4310–84–M

[I–17973 and I–17974]

Idaho Falls District; Realty Action Public Land in Madison County, Idaho

The following described land has been examined and identified for disposal by sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750; 43 U.S.C. 1713):

Boise Meridian

I–17974
T. 6 N., R. 39 E.
Section 17: Lots 11, 12, 14; 29.11 acres
I–17973
T. 6 N., R. 38 E.
Section 36: Lot 8; 24.85 acres

The above described land is being offered as direct, non-competitive sales. Sale I–17974, will be offered to Harold and Ray Rigby. Sale I–17973, is being offered to Murland Boulter.

The Rigby's and Mr. Boulter have historical use of these tracts. These lands lie within the Omitted Land boundaries on the Henry's Fork of the

Snake River. When the determinations were made on the subject tracts in 1972, it was found that they did not meet the criteria for disposal under the Snake River Omitted Lands Act of 1962.

With the passage of the Federal Land Policy and Management Act of 1976, new criteria for the disposal of public lands were identified. The sale of these tracts would satisfy this criteria.

The location and physical characteristics of the tracts make them difficult and uneconomic to manage as public lands. They are not suitable for management by another federal department. The tracts are surrounded by lands deeded to the RIgbys and to Mr. Boulter. There is not legal access, except by river, to the tracts. The tracts are often flooded by high water during the spring and early summer.

Direct sales of these tracts is justified by the limited physical access, lack of legal access and position of the tracts within the Rigby's and Boulter's deeded land. Sale of the tracts to a third party would place undue physical and legal hardship on both the Rigby's and Boulter and new purchasers.

The land will not be offered for sale for at least 60 days after the date of this notice.

Patent, when issued, will contain the following reservations:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. All mineral rights in the land to be patented will be reserved to the United States.

3. An easement over and across a 100 foot strip parallel to the high water line of the right bank of the Snake River along the easterly side of the lots for recreational use by the people of the United States generally, and for recreational facilities constructed by the authority of the U.S.

And will be subject to:

1. Those rights granted by oil and gas leases I–8626 and I–8634, made under section 29 of the Act of February 25, 1920, 41 Stat. 437.

Detailed information concerning the sales is available for review of at the Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401.

For a period of 45 days, interested parties may submit comments to the District Manager of the Idaho Falls District. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior. The required payment, at fair market value, shall then be requested of Harold and Ray Rigby and Murland Boulter. The payment, in full, is in accordance with 43 CFR 1822.1–2.

Dated: September 4, 1981.

O'dell A. Frandsen,
District Manager.

[FR Doc. 81–26790 Filed 9–15–81; 8:45 am]
BILLING CODE 4310–84–M

[CA–8809]

California; Realty Action—Exchange

September 16, 1981.

The following described land has been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716:

Mt. Diablo Mer., Calif.

T. 11 N., R. 20 E.,
Sec. 21: SW¼SW¼.
Containing 40 acres.

In exchange for this land, the Federal Government will acquire the following describe land in Alpine County, California:

Mt. Diablo Mer., Calif.

T. 10 N., R. 20 E.,
Sec. 9: NW¼NW¼.
Containing 40 acres.

The purpose of the exchange is to acquire private land identified in the Indian Creek Recreation Plan adjacent to Summit Lake which would be beneficial to the Carson City District's recreation management program. The proposed exchange is consistent with BLM land use planning.

An appraisal has been completed and the lands being exchanged are of equal acreage and equal value. Both the surface and mineral estates will be exchanged.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1980, 26 Stat. 391; 43 U.S.C. 945.

2. A right-of-way 60 feet in width for Diamond Valley Road, a county road, and rights-of-way 30 feet in width for two unimproved roads, one heading northeasterly through Dutch Valley and one heading northerly to the Nevada-California State Line.

3. The right-of-way, S–5328, granted to the Bureau of Indian Affairs, for a sewer line and sewage treatment plant.

Upon publication of this Notice of Realty Action in the **Federal Register**, the public lands will be segregated from all appropriations under the public land laws, except exchange, and the mining laws but not the mineral leasing laws for a period of two (2) years or upon issuance of patent or other documents of conveyance to such lands, whichever occurs first.

Detailed information concerning the exchange including the Environmental Assessment Record/Land Report, Cultural Resources Report and Mineral Report are available for review at the Carson City District Office, 1050 E. William Street, Suite 335, Carson City, Nevada 89701.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Carson City District Office of the Bureau of Land Management, 1050 E. William St., Suite 335, Carson City, Nevada 89701. Any adverse comments will be evaluated by the District Manager, and forwarded through the California State Director to the Secretary of the Interior who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary of the Interior, this realty action will become a final determination of the Department of the Interior.

Tom Owen,
Carson City District Manager.

[FR Doc. 81–26981 Filed 9–15–81; 8:45 am]
BILLING CODE 4310–84–M

[W–75552]

Wyoming; Invitation for Coal Exploration License; Sheridan Enterprises, Inc.

September 8, 1981.

Sheridan Enterprises, Inc. hereby invites all interested parties to participate on a pro rata cost sharing basis in its coal exploration program concerning federally owned coal underlying the following described land in Johnson County, Wyoming:

Sixth Principal Meridian, Wyoming

T. 52 N., R. 81 W.,
Sec. 4, lots 2, 3, 4;
Sec. 5, lots 1, 2, 3, 4, S½NW¼, SW¼;
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 7, lots 1, 4, NW¼NE¼, NE¼NW¼;
Sec. 18, lots 1, 3, 4, SE¼SW¼;
Sec. 19, lots 1, 2, 3, 4, E½W½, S½SE¼;
Sec. 30, lots 1, 2, 3, 4, NE¼, E½W½, N½SE¼;

Sec. 31, lots 1, 2, 3, 4, NE¼NW¼.
T. 53 N., R. 81 W.,
Sec. 21, E½E½, SW¼SE¼;
Sec. 22, W½NW¼, S½;
Sec. 27, All;
Sec. 28, NE¼NE¼, W½SE¼, SE¼SE¼;
Sec. 31, lots 1, 2, 3, 4, N½NE¼, E½W½, E½SE¼;
Sec. 32, E½, SW¼, E½NW¼, NW¼NE¼;
Sec. 33, All;
Sec. 34, W½W½.
T. 52 N., R. 82 W.,
Sec. 1, lots 2, 3, 4, S½NW¼, S½;
Sec. 2, lots 1, 2, S½N½, S½;
Sec. 3, lots 2, 3, 4, S½N½, S½;
Sec. 10, NE¼, E½NW¼, NW¼NW¼;
Sec. 11, All;
Sec. 12, NE¼NE¼, W½W½;
Sec. 13, NE¼, SE¼NW¼, W½NW¼, NW¼SW¼, E½SE¼;
Sec. 14, N½, N½SE¼, SW¼SE¼, NE¼SW¼, S½SW¼;
Sec. 15, E½E½;
Sec. 22, N½NE¼, SW¼NE¼;
Sec. 23, N½NW¼, SW¼NW¼;
Sec. 24, E½, E½NW¼;
Sec. 25, E½, SW¼.
T. 53 N., R. 82 W.,
Sec. 34, SE¼SW¼, SE¼;
Sec. 35, SW¼.

All of the coal in the above lands consists of unleased Federal coal, a portion of which is within the Powder River Basin known recoverable coal resource area. The purpose of the exploration program is to determine the quality and quantity of the coal within the boundaries of the above-described area.

A detailed description of the proposed drilling program is available for review during normal business hours in the following offices (under Serial Number W-75552): Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001, and the Bureau of Land Mangement, 951 Rancho Road, Casper, Wyoming 82061.

This notice of invitation will be published in this newspaper once each week for two (2) consecutive weeks beginning the week of September 21, 1981, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the Bureau of Land Management and Sheridan Enterprises, Inc., no later October 19, 1981. The written notices should be sent to the following addresses: Sheridan Enterprises, Inc., 9745 East Hampden Avenue, No. 350, Denver, Colorado 80231, and the Bureau of Land Management, Wyoming State Office, Attention: Lands and Mining Section, P.O. Box 1828, Cheyenne, Wyoming 82001.

The foregoing notice is published in the **Federal Register** pursuant to Title 43 of the Code of Federal Regulations, § 3410.2-1(d)(1).

Harold G. Stinchcomb,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-26960 Filed 9-15-81; 8:45 am]
BILLING CODE 4310-84-M

[4310-84]

Oregon, Roseburg Timber Management Plan; Intent To Prepare an Environmental Impact Statement and Conduct Scoping Meeting

The Department of the Interior, Bureau of Land Management, Oregon State Office, will prepare an Environmental Impact Statement (EIS) on the proposed timber management plan for the Douglas and South Umpqua Sustained Yield Units (SYUs) in the Roseburg District of western Oregon. The final statement is to be completed by December 10, 1982. Decisionmaking will take place over a period of several months following completion of the final statement.

This statement will analyze the environmental effects of a proposed 10-year timber management plan and alternatives to the proposal for 424,000 acres of public land in the SYUs. Except for 280 acres in Lane County and 400 acres in Jackson County, both SYUs are within Douglas County. The proposed land use allocations and resulting timber management plans have evolved through public development of planning criteria with specific resource goals and objectives. Public comments on the draft land use alternatives have helped guide the selection of the proposed action (preferred alternative). A proposed sustained yield timber harvest level for the next decade has been identified for each alternative, as have management practices required to achieve the goals and objectives of each land use allocation alternative. Harvest would be predominately by clearcutting with some shelterwood cutting. Single tree selection would be used in salvage situations. Additional management practices to be employed include slash disposal, artificial reforestation (some with genetically improved stock), animal damage control, road construction, thinning, fertilization and vegetation control (both to release conifers from competing vegetation and to convert some brush and hardwood stands to conifers) with herbicides as well as manual and mechanical methods.

Discussion of an alternative of no change from present harvest level and practices is required and will be included in the EIS. Additional types of alternatives to the proposal which might be discussed in the statement include:

1. Variation in land use allocation in which more or less land is designated for intensive timber production.

2. Different acreages, cycles or types of intensive timber management practices.

Each alternative included in the statement is expected to have a different annual harvest level.

The EIS will identify the impacts that can be expected from implementation of any alternative, including the proposed action. The statement will be an analytical tool used to assist in making final decisions for managing timber resources in the SYUs. The final decisions are expected to guide the operations in the SYUs for a 10-year period beginning in October 1983.

A public scoping meeting to identify significant issues and to obtain public comments on the formulation of specific alternatives will be held. Significant environmental issues are those considered to be of particular importance for in-depth analysis in the EIS. The public meeting will be held at the Roseburg BLM District Office, 777 N.W. Garden Valley Blvd. in Roseburg, October 19, 1981 at 7:00 p.m. Informal meetings as requested by groups or agencies may take place prior to October 19 on an arranged basis.

Further information may be obtained from:

Bob Alverts, Planning Coordinator, Bureau of Land Management, 777 N.W. Garden Valley Blvd., Roseburg, Oregon 97470, Telephone (503) 672-4491.

Richard Bonn, Statement Leader, Bureau of Land Management (922), P.O. Box 2965, Portland, Oregon 97208, Telephone (503) 231-6953.

Dated: September 9, 1981.

Philip C. Hamilton,
Chief, Division of Planning and Environmental Coordination, Oregon State Office.

[FR Doc. 81-26881 Filed 9-15-81; 8:45 am]
BILLING CODE 4310-84-M

National Park Service

[FES-81-41]

General Management Plan, Lowell National Historical Park, Lowell, Massachusetts; Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended (Pub. L. 91-190; 83 Stat. 852 (42 U.S.C. 4321-4347)), the

National Park Service, U.S. Department of the Interior has prepared a Final Enviornmental Impact Statement (FEIS) on the General Management Plan (GMP) for Lowell National Historical Park (Pub. L. 95-290; 92 Stat. 292 (16 U.S.C. 410cc 21(b)(1))).

The FEIS discusses four management and development alternatives which are briefly described as: (1) Dispersion of National Park Service interpretive and visitor facilities to three locations; (2) no action; (3) and (4) concentration of interpretive and visitor facilities at the Boott and Wannalancit Mills, respectively. The GMP focuses on the preferred alternative (alternative 1) and provides a detailed discusssion of its features and implementation while the FEIS evaluates the various impacts of all the alternatives.

Following this 30-day filing period of this FEIS with the Environmental Protection Agency, a Record of Decision will be completed and final approval given to the GMP. No physical works will be undertaken to implement the various features of this plan until it is approved in final.

A limited number of copies of both the GMP and the FEIS are available upon request from:

Superintendent, Lowell National Historical Park, 171 Merrimack Street, Lowell, Massachusetts 01852, (617) 459-1000—FTS 223-0758.

Acting Regional Director, North Atlantic Region, National Park Service, 15 State Street, Boston, Massachusetts 02109, (617) 223-3769—FTS 223-3769

Public reading copies will be available for review at the following locations:

Office of Public Affairs, National Park Service, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240, (202) 343-6843.

Library, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.

Dated: August 20, 1981.

Steven H. Lewis,

Acting Regional Director, North Atlantic Region.

[FR Doc. 81-26872 Filed 9-15-81; 8:45 am]

BILLING CODE 4310-70-M

National Park System Advisory Board; History Areas Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the History Areas Committee of the National Park System Advisory Board will be held on Tuesday, October 6, 1981, commencing at 9 A.M. in hearing room No. 2, 1100 L Street, NW, Washington, DC.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System and the administration of the Historic Sites Act of 1935. At this meeting the History Areas Committee of the National Park System Advisory Board will meet to consider potential National Historic Landmarks as follows:

1. St. John's Lutheran Church, Charleston, South Carolina.
2. Musician Association Building, Local No. 627, Kansas City, Missouri.
3. Stan Hywet Hall—Frank A. Seiberling House, Akron, Ohio.
4. Applegate-Lassen Trail, Pershing, Humboldt, and Washoe Counties, Nevada.
5. Holly-Knoll—The Robert R. Moton House, Capahosic, Virginia.
6. Little Rock Central High School, Little Rock, Arkansas.
7. Langstroth Cottage, Oxford, Ohio.
8. Edison Institute—Greenfield Village and the Henry Ford Museum, Dearborn, Michigan.
9. Peavy-Haglin Experimental Concrete Grain Elevator, Minneapolis, Minnesota.
10. The Thorstein Veblen Farmstead, Nerstrand, Minnesota.
11. Bear Butte, Sturgis, South Dakota.
12. Meadow Garden, Augusta, Georgia.

The formal recommendations of the Committee will be made to the National Park System Advisory Board at its meeting on October 7-9, 1981, in Washington, DC. No formal action of the Secretary of the Interior will be sought until after the Advisory Board has considered the recommendations of its History Areas Committee and acted thereon.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the committee 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 Mr. Benjamin Levy, Acting Chief, History Division, National Park Service, Washington, DC at (202) 523-0089.

Minutes of the meeting will be available for public inspection 4 to 6 weeks after the meeting in room 4141, 1100 L Street, NW, Washington, DC.

Benjamin Levy,

Acting Chief Historian, National Park Service.

[FR Doc. 81-26948 Filed 9-15-81; 8:45 am]

BILLING CODE 4310-70-M

Office of Surface Mining Reclamation and Enforcement

Petition to Designate Certain Lands in Southeastern Montana Unsuitable for Surface Coal Mining Operations; Public Hearing; Availability of Draft Evaluation Document for the Tongue River Petition

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

ACTION: Notice of availability of the draft petition evaluation whether document evaluating certain lands in southeastern Montana along the Tongue River are unsuitable for surface coal mining and reclamation operations and Notice of Public Hearing to receive comments on the draft document.

SUMMARY: The Office of Surface Mining and the Montana Department of State Lands, with the assistance of several Federal, State and county agencies, have prepared an evaluation of the petition to designate certain lands in southeastern Montana unsuitable for all or certain types of surface coal mining and reclamation operations.

Copies of the draft evaluation document have been made available. OSM and DSL have arranged delivery to assure that known interested parties have a full 30 days for review. The public is encouraged to comment on the document, and public hearings will be held on October 21 and 22, 1981. Additional information on the mailing address for comments and the locations of the public hearings is given below. The petition alleges that surface coal mining on lands near the Tongue River would irreparably harm the water quality of the Tongue River and ground waters. It further alleges that soil conditions would make reclamation technically and economically infeasible.

DATES: Written comments on the draft document must be received by 5 p.m. on October 30, 1981, at the address given below.

Public hearings will be held on October 21 and 22, 1981.

ADDRESSES: Copies of the draft document are available at the following locations: OSM Headquarters Office, 1951 Constitution Avenue, NW, Room 202, Interior South, Washington, D.C. 20240; OSM Regional Office, Division of State and Federal Programs, Region V, 2nd Floor, Brooks Towers, 1020 15th Street, Denver, CO 80202; and Montana Department of State Lands, 1625 Eleventh Avenue, Helena, MT 59620. Written comments on the draft document may be mailed or handcarried to Sandi Johnson, Montana Department

of State Lands, 1625 Eleventh Avenue, Helena, MT 59620 by 5:00 p.m. on October 30, 1981.

Public hearings will be held on October 21 and 22, 1981, in the multipurpose room at the Ashland School, Ashland, Montana. The hearing sessions will begin at 6:00 p.m. and end at 10:00 p.m. each day at the same address.

FOR FURTHER INFORMATION CONTACT: Sandi Johnson, Department of State Lands, Capitol Station, Helena, Montana 59620, telephone (406) 449–4560, or John Lovell, Office of Surface Mining, 1951 Constitution Avenue, NW, Washington, D.C. 20240, telephone (202) 343–5287.

SUPPLEMENTARY INFORMATION: The draft petition evaluation document presents an analysis of the allegations made in the petition. The document summarizes available information on the petition area (including related NEPA reviews) as well as material from new studies. The document also contains discussion of the potential coal resources in the area; the demand for coal resources; the impact of designation on the environment, the economy, and the supply of coal; and the impacts of alternatives available to the Montana Commissioner of State lands and the Secretary of the Interior.

Public hearings are scheduled at the times and places indicated under "DATES" and "ADDRESSES" above. Individual testimony at these hearings will be limited to 10 minutes except where the number of persons wishing to comment is small enough to allow more time. Anyone who wishes to comment will be given the opportunity to do so. Persons wishing to be scheduled to present testimony should contact the Montana DSL at the address given above. Witnesses are encouraged to bring three copies of written statements to the hearings for presentation to the hearing panel. Submission of written statements to the DSL address given above, in advance of the hearing date, would be helpful by giving OSM and DSL officials an opportunity to consider appropriate quesitons which could be asked to clarify or elicit more specific information from the person commenting. All written comments may be mailed to the Montana DSL at the address listed above after the public hearing but must be received no later than the time indicated under "DATES" in order to be considered.

Until October 18, 1981, at 5:00 p.m., any person may file an application for intervention in the proceedings at the above address. Such application must contain allegations of fact, supporting evidence, a short statement identifying the petition to which the allegations pertain, and the intervenor's name, address, and telephone number.

Dated: September 11, 1981.

William P. Pendley,

Acting Assistant Secretary, Energy and Minerals.

[FR Doc. 81-27083 Filed 9-15-81; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 24745]

Denver and Rio Grande Western Railroad Co. Abandonment Between Farmington, N. Mex. and Alamosa and Antonito, Colo.

AGENCY: Interstate Commerce Commission.

ACTION: Removal of rate prescriptions.

SUMMARY: The Denver and Rio Grande Western Railroad Company has requested removal of conditions 1, 3 and 4, imposed by the Commission in its decision of July 14, 1969. The relief sought is provisionally granted.

DATES: Comments are due within 30 days. Petitioner's reply to any comments is due within 50 days. The relief will become effective 45 days from the date of publication of this notice in the Federal Register unless comments are filed, in which case the conditions will remain effective pending a final decision.

ADDRESS: An original and two copies of comments should be sent to: Interstate Commece Commission, Room 5417, Washington, DC. 20423.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275–7564.

SUPPLEMENTARY INFORMATION: Petitioner seeks reopening and modification of the earlier decision in this proceeding, reported at 334 I.C.C. 539 (1969). Specifically, it asserts that conditions 1, 3 and 4 of that decision, set forth in the Appendix, have resulted in inequities with respect to rates and charges.

The pertinent conditions require D&RGW to maintain "rail through-rates" on traffic to and from points along its abandoned rail line that are now being served by its motor carrier subsidiary, Rio Grande Motor Way (Motor Way). Furthermore, those rates are required to be established on a basis no higher than the rail rates applicable to the traffic, subject to any general rate increase authorized by the Commission. The conditions were imposed to insure that the competitive position of shippers located along the abandoned lines would not be adversely affected.

D&RGW asserts that it is unreasonable to maintain rates and charges at the levels in effect in 1969, even as increased by general rate increases, because the rates have provided insufficient revenue since at least 1972.

D&RGW's petition has merit. The Commission's original purpose in imposing the rail rate level on D&RGW and Motor Way was to protect the competitive position of shippers located along the rail lines. The circumstances which led the Commission to impose those conditions may well have changed since 1969. There is no evidence that any of the individual shippers for whose benefit the conditions were imposed continued to need Motor Way's service at reduced rates. Although the parties of record were sent copies of this petition, none have appeared to protest the removal of the conditions. Without evidence of a continuing need for rate relief, continued imposition of the conditions is not justified.

Further, granting the petition will remove an artificial restriction in Motor Way's pricing of service. Motor Way is currently providing motor carrier service over short distances to a rail head for subsequent shipment by rail. Under the restrictions, its rates are computed on the basis of an uninterrupted long distance rail movement. Motor Way should be able to set its rates based on the service it provides.

Removal of the restrictions also finds support in recent changes in our jurisdiction over rail rates. Sections 201 and 202 of the Staggers Rail Act of 1980, Pub. L. No. 96–448, limited the Commission's maximum rate jurisdiction to situations where a rail carrier has "market dominance" over the transportation to which the particular rate applies. Moreover, "market dominance" is defined to exclude from the Commission's jurisdiction any rail rate less than 160 percent of the variable costs of providing service.[1] By tieing the Commission's jurisdiction over rates directly to the cost of service, these changes confirm Congress' intent that rail carriers have the flexibility to match the rate being charged with the service being performed. *See also* H.R. Rep. No. 1430, 96th Cong., 2d Sess. 90 (1980); *cf.* 49 USC 10707a(e)(2)(A). Retention of artificial "rail through rates" for actual

[1] This 160 percent figure will increase to 165 percent, 170 percent, and the lesser of 175 percent or "the cost recovery percentage" on October 1 of 1981, 1982, and 1983, respectively. *See* 49 U.S.C. 10709.

motor carrier-rail joint movements appears to be inconsistent with that intent.

In the 12 years since the conditions were imposed, the shippers have had sufficient time to alter their market strategy, and to adjust to any necessary increases in the cost of moving their products. The shippers along the abandoned lines should bear their full share of the transportation costs. We do not believe there is a continuing basis to require Motor Way to provide service at possibly non-compensatory rates for the benefit of shippers.

Notice of our decision to lift conditions 1, 3 and 4 will be published in the **Federal Register.** Comments by interested parties are due within 30 days of publication. Petitioner's reply to any comments is due within 50 days from the date of publication. This decision will be effective 45 days after notice is published in the **Federal Register** unless comments are filed, in which case the conditions will remain effective pending final decision.

This decision is not a major federal action significantly affecting the quality of the human environment or conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Conditions 1, 3 and 4 imposed by the Commission in the decision of July 14, 1969, are removed.

3. This decision shall be effective 45 days after notice is published in the **Federal Register** unless opposing comments are filed within 30 days of publication. Petitioner shall have an additional 20 days to file a reply.

Decided: September 1, 1981.

By the Commission, Division 1, Commissioners Clapp, Gilliam, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix

Conditions imposed by Division 3 in Finance Docket No. 24745, Denver and Rio Grande Western Railroad Company Abandonment Between Farmington, New Mexico, and Alamosa and Antonito, Colorado, 334 I.C.C. 539 (2969)[1]

(1) Rates and charges, and rules, regulations, and practices affecting such rates and charges, applicable on all traffic handled in through service (combination motor carrier and rail), between points on the lines to be abandoned, on the one hand, and, on the other, Alamosa, Colo., and points beyond, routed via Rio Grande and its connections, shall be established, which unless otherwise authorized by this Commission pursuant, to an appropriate petition therefor, shall be on a basis no higher than the present rail rates applicable to the same traffic moving between the same points, and which shall contain the same provision for the performance of loading and unloading service at Alamosa without added charge as that contained in current rail tariffs applicable to traffic moving through Alamosa to or from points on Rio Grande's narrow gauge line of railroad.

(2) Applicant shall cause its wholly owned subsidiary, Rio Grand Motor Way, to obtain appropriate Commission authority for a modification of its motor carrier certificates relating to operations between Cortez and Durango, Colo., and intermediate and off-route points, which will specifically substitute Alamosa, Colo., in lieu of Durango, Colo., as the point where shipments moved over the Cortez-Durango route by Rio Grande Motor Way will be interchanged with applicant.

(3) Applicant and its wholly owned motor carrier subsidiary, Rio Grande Motor Way, Shall establish rates and charges, and rules, regulations, and practices affecting such rates and charges, applicable on all traffic handled in through service between points on Rio Grande Motor Way's authorized routes between Cortez and Durango, Colo., including authorized off-route points, on the one hand, and, on the other, Alamosa and points beyond, routed via Rio Grande and its connections, which, unless otherwise authorized by this Commission pursuant to an appropriate petition therefor, shall be on a basis no higher than the rates presently applicable on through movements of the same traffic handled in combination motor and rail service (motor carrier between points on the Cortez-Durango route and Durango, with rail service or substituted-motor-carrier-for-rail service beyond), and which shall contain the same provision for the performance of all loading and unloading services at Alamosa without added charge as that contained in current rail tariffs applicable to traffic moving through Alamosa to or from points on applicant's narrow gauge line of railroad;

(4) Rates and charges, and rules, regulations, and practices in connection therewith, applicable on all traffic handled in through service (combination rail-motor carrier-rail), between points on the Silverton Branch, on the one hand, and Alamosa and points beyond, on the other, shall be established, which, unless otherwise authorized by this Commission pursuant to an appropriate petition therefor, (1) shall be on a basis no higher than the present rail rates applicable to the same traffic moving between the same points (2) shall contain the same provision for the performance of loading and unloading services at Alamosa without additional charge, as that contained in current rail tariffs applicable to traffic moving through Alamosa to or from points on the Silverton Branch; and (3) shall contain the specific provision that such traffic will be transported between Durango and Alamos over the highway in substituted-motor-carrier-for-rail service.

[FR Doc. 81-26897 Filed 9-15-81; 8:45 am]

BILLING CODE 7035-01-M

[1] Conditions 1, 3 and 4 were amended by Commission decision in F.D. 24745, served June 26, 1972, by adding to each the words "subject to any general rate increase authorized by the Commission since July 14, 1969."

Motor Carriers Finance Applications; Correction

In the **Federal Register** issue of August 25, 1981, Vol. 46, No. 160, appearing on page 42934, Column 1, Paragraph 1, the docket number was incorrectly published as MC-FC 79266. It should be corrected to read MC-FC 79226. At the end of the same application where the Note reads "This application is directly related to MC-125688 (Sub-No. 7)." The number should be corrected to read "MC-126588 (Sub-No. 7)."

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26893 Filed 9-15-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Finance Applications; Decision

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submittng protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the

Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where sepcifically 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 protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

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.

Dated: August 20, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

MC 126588 (Sub-7), filed June 2, 1981. Applicant: KERR MOTOR LINES, INC., 1/4 Jackson Street, Binghamton, NY 13903. Representative: David M. Marshall, 101 State Street, Springfield, MA 01103. *General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in MA, on the one hand, and, on the other, points in Albany, Fulton, Herkimer, Montgomery, Otsego, Saratoga, Schenectady, Schoharie, Delaware, Ulster (except the Village of Ellenville), and Greene Counties, NY and Binghamton, NY.

Note.—The purpose of this Application is to eliminate the gateway of Albany, NY. This matter is directly related to Docket No. MC–FC 79228, notice of which appeared in the Federal Register issue of August 25, 1981.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26894 Filed 9-15-81; 8:45 am]

BILLING CODE 7035-07-M

[Volume No. OP4-5-145]

Motor Carriers; Permanent Authority Decisions

Decided: September 4, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, 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 Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudman's Office, (202) 275–7326.

MC 3328 (Sub-2), filed August 19, 1981. Applicant: A. D. McMULLEN, INC., 640 State Road, North Dartmouth, MA 02747. Representative: Andrew S. Koczera, 72 North Water Street, New Bedford, MA 02740–6258, (617) 999–6969. Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 152229 (Sub-6), filed May 4, 1981. Applicant: SALINAS TRUCK BROKERS, INC., P.O. Box 128, Salinas, CA 93902. Representative: Ben Ryburn (same address as applicant), (408) 757–2991. Transporting *general commodities* between Holly Springs, Fuguay-Varina and Stokedale, NC, Radcliffe, Ellsworth and Lawn Hill, IA, Henery and Clark, SD, Esmond, IL, Shell Lake, Cumberland, Gillette and Green Valley, WI, Elgin, NE, Benton, Barlow, LaCenter, Oak Ridge, Philpot, Deanefield, Thompsonville, Masonville, and Edgoten, KY, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Ashland City, Scottsboro, Jordonia and Riverside, TN, Edna, Lewistown, Hurdland and Ewing, MO, Crandall, Kaufman, Kemp, Mabank, Reklaw, Mobeetie, Briscoe and Allison, TX,

Reydon, Cheyenne, Strong City, Hammon, and Butler, OK, 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 complete abandonment of rail carrier service.

MC 157808, filed August 20, 1981. Applicant: TRANSPORT TASK GROUP LTD., 62 Upland Rd., Wyomissing Hills, PA 19610. Representative: John R. Schmidt (same address as applicant), (215) 678–5820. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 157828, filed August 21, 1981. Applicant: C. WILLIS TARTER, d.b.a. NORTH STAR EXPRESS, 13062 S. Barnards Rd., Molalla, OR 97038. Representative: C. Willis Tarter (same address as applicant), (503) 829–8354. 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 157878, filed August 25, 1981. Applicant: DAN CALVERLEY, 203 South Dorothy, Richardson, TX 75080. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. 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 157899, filed August 24, 1981. Applicant: FRANK KNEIP, d.b.a. FRANK KNEIP TRUCKING, Box 1464 (1955 Race Rd), Dundee, FL 33838. Representative: Frank Kneip (same address as applicant), (813) 439–4306. 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 157918, filed August 26, 1981. Applicant: JAMEL & CO., Cassville, MO 65625. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. As a *broker of general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-26892 Filed 9-15-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier duel operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–4–363

Decided: September 9, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 154416 (Sub-2), filed August 31, 1981. Applicant: J & S LINES, INC., P.O. Box 184, Mukwonago, WI 53149. Representative: Ronald E. Laitsch, 117 S. Third St., Watertown, WI 53094, (414) 261–9725. Transporting *general commodities* (except classes A and B explosives), between the facilities of Troy International, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 155916 (Sub-2), filed September 2, 1981. Applicant: ARDMORE FARMS, INC., P.O. Box 183, De Land, FL 32720. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *such commodities* as are dealt in or used by a processor or distributor of food and related products, between points in the U.S., under continuing contract(s) with Beaver Street Fisheries, Incorporated, of Jacksonville, FL.

MC 155916 (Sub-3), filed September 2, 1981. Applicant: ARDMORE FARMS, INC., P.O. Box 183, De Land, FL 32720. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *food and related products,* between points in Queens County, NY, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, MO, AR, and LA.

MC 156616, filed August 31, 1981. Applicant: L & M TRANSPORTATION, INC., Rural Route 1, Box 30, Deloit, IA 51441. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243–6164. Transporting *cement,* between points in Douglas and Cass Counties, NE, on the one hand, and, on the other points in IA.

MC 157406, filed September 2, 1981. Applicant: AUTAUGA TRANSPORT, INC., Rt. 3, Box 363A, Prattville, AL

36067. Representative: Terry P. Wilson, 428 S. Lawrence St., Montgomery, AL 36104, (205) 262-2756. Transporting (1) *pulp, paper and related products, and (2) machinery*, between points in the U.S., under continuing contract(s) with Albany International Corp., Appleton Wire Division, of Montgomery, AL.

Volume No. OPY-4-364

Decided: September 9, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 1756 (Sub-35), filed September 2, 1981. Applicant: PEOPLES EXPRESS CO., 497 Raymond Boulevard, Newark, NJ 07105. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048-0640, (212) 466-0220. Transporting *food and related products*, between points on NY and NJ and Baltimore, MD, Boston, MA and Philadelphia, PA, on the one hand, and, on the other, points in NY, NJ, PA, DE, MD, OH, IN, IL, CT, RI, and MA.

MC 35807 (Sub-118), filed August 31, 1981. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, GA 30302. Representative: David E. Wells (same address as applicant), (404) 256-0540. Transporting *currency, coin, securities and other articles of unusual value*, between points in the U.S., under continuing contract(s) with the Federal Reserve Bank of Philadelphia, of Philadelphia, PA.

MC 140276 (Sub-6), filed September 9, 1981. Applicant: LARRY SCHEFUS TRUCKING, INC., Route 1, P.O. Box 202, Redwood Falls, MN 56283. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Minneapolis, MN 55402, (612) 340-0808. Transporting *metal products* between points in the U.S., under continuing contract(s) with St. Paul Steel Supply Company, Inc., of St. Paul, MN.

MC 147916 (Sub-4), filed September 1, 1981. Applicant: GAMPAC EXPRESS, INC., 4103 Second Ave., Seattle, WA 98134. Representative: Richard J. Howard, 3201 Bank of California Center, Seattle, WA 98124, (206) 464-4224. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with the Pillsbury Company, of Minneapolis, MN, and its wholly-owned subsidiaries of Burger-King Corporation, of Miami, FL, Green Giant Company, of Minneapolis, MN, Poppin Fresh Pies, Inc., of Minneapolis, MN, and Steak and Ale Restaurants of America, Inc., of Dallas, TX.

MC 153016 (Sub-1), filed September 9, 1981. Applicant: McGUIRE TRUCKING, INC., P.O. Box 5417, Lake Station, IN 46405. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797-6060. Transporting *thread, yarn, clothing components and accessories*, including *materials* and *supplies* used in the manufacture of such commodities, between points in the U.S., under continuing contract(s) with Coast & Clark, Inc.

Volume No. OPY-5-144

Decided: September 4, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 67198 (Sub-2), filed August 24, 1981. Applicant: MEADVILLE MOVING & STORAGE, INC., 129 Sycamore Street, Meadville, PA 16335. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. Transporting *chemicals and related products*, between points in the U.S., under continuing contract(s) with Hughson Chemicals, Division of Lord Corporation, of Saegertown, PA.

MC 98868 (Sub-6), filed August 25, 1981. Applicant: CAPROCK TRUCKING, INC., P.O. Box 352, Odessa, TX 79760. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767, (512) 472-1101. Transporting *Mercer commodities*, between points in LA, AR, OK, TX, NM, CO, WY, UT, ID, ND, SD, MT, MS, KS, CA, OR, WA, NV, and OH.

MC 115669 (Sub-210), filed August 25, 1981. Applicant: DAHLSTEN TRUCK LINE, INC., 101 West Edgar Street, P.O. Box 95, Clay Center, NE 68933.Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106, (402) 392-1220. Transporting *general commodities* (except classes A and B explosives), between the facilities of Cargill Incorporated and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 121339 (Sub-4), filed August 20, 1981. Applicant: McCOMBS FREIGHT LINE, INC., 1201 20th Avenue North, Birmingham, AL 35204. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203, (205) 251-2881. (A) over *regular* routes, transporting *general commodities* (except classes A and B explosives), (1) between Birmingham and Hartselle, AL, (a) over U.S. Hwy 31, and (b) over Interstate Hwy 65, (2) between Cullman and Baileyton, AL, over AL Hwy 69, (3) between Baileyton and Holly Pond, AL, over unnumbered county road, (4) between Holly Pond and Cullman, AL, over U.S. Hwy 278, (5) between Birmingham and Gadsden, AL, (a) over U.S. Hwy 11, (b) over U.S. Hwy 411 and (c) over Interstate Hwy 59, (6) between Birmingham and Calera, AL, (a) over U.S. Hwy 31, and (b) over Interstate Hwy 65, (7) between Pelham and Montevallo, AL, over unnumbered county road, (8) between Calera and Vincent, AL, over AL Hwy 25, serving Shelby as an off-route point, (9) between Calera and Wilton, AL, over AL Hwy 25, and (10) serving in routes (1) through (9) above all intermediate points. (B) over *irregular* routes, transporting (1) *farm products* (a) between points in Morgan County, AL, on the one hand, and, on the other, those points in AL, on and north of U.S. Hwy 78, and (b) betwen Birmingham, Gadsden, Collinsville, Decatur, Attalla, Anniston and Florence, AL, and points in Morgan, Etowah, Talladega, Lee, Limestone, Shelby and Dale Counties, AL, (2) *household goods*, between those points in AL on and north of U.S. Hwy 80, (3) *sand and gravel*, between points in Morgan County, AL, (4) *farm products, lumber and wood products*, between points in Morgan, Limestone and Cullman Counties, AL, (5) *such commodities* as are dealt in by suppliers of welding products, between Birmingham, Mobile, Huntsville, Childersburg, Boaz and Attalla, AL, and points in Etowah County, AL, (6) *metal products and tile*, between Birmingham and Florence, AL, (7) *tile*, between Birmingham and Childersburg, AL, and (8) *brick*, between Kimberly, AL and points in Etowah County, AL.

Note.—Applicant seeks to convert its Certificate of Registration in MC-121339 Sub 1, issued November 13, 1963, to a Certificate of Public Convenience and Necessity. Issuance of a Certificate is conditioned applicant's written request for the coincidental cancellation of its Certificate of Registration in MC-121339 Sub 1.

MC 127738 (Sub-9), filed August 20, 1981. Applicant: TWA SERVICES, INC., Yellowstone National Park, WY 82190. Representative: Michael McCarty, P.O. Box 550, Cody, WY 82414, (307) 587-5594. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, (a) beginning and ending at Denver, CO, and points in Salt Lake, Davis and Morgan Counties, UT, Denver, Jefferson, Arapahoe and Adams Counties, CO, and extending to Alta, WY, under continuing contract(s) with Big Valley, Inc., d.b.a. Grand Targhee Resort, of Alta, WY, and (b) beginning and ending at Salt Lake City, UT, Los Vegas, NV, Alta, Grand Teton National Park, and Yellowstone National Park, WY, and points in Bonneville County, ID, Weber County, UT, and Sweetwater and Teton Counties, WY, and extending to points in the U.S., under continuing

contract(s) with Old West Tours, of Jackson, WY.

MC 144079 (Sub-1), filed August 25, 1981. Applicant: LAS VEGAS TOWING CORP., 5725 N. Riley, Las Vegas, NV 89108. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882–5640. Transporting *transportation equipment*, between points in CA, AZ, and UT, on the one hand, and, on the other, points in Clark County, NV.

MC 145108 (Sub-55), filed August 24, 1981. Applicant: BULLET EXPRESS, INC., P.O. Box 289, Bay Ridge Station, Brooklyn, NY 11220. Representative: Robert L. Van Buren, 5600 First Ave., Brooklyn, NY 11220, (212) 492–7332. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Tenneco West, of Bakersfield, CA.

MC 146728 (Sub-5), filed August 17, 1981. Applicant: GOLDEN BROS., INC., 234 East McClure St., Kewanee, IL 61443. Representative: Donald S. Mullins, 1033 Graceland Ave., Des Plaines, IL 60016, (312) 298–1094. Transporting *metal products*, between points in Dallas, Harris, and Runnels Counties, TX and FL, on the one hand, and, on the other, points in AL, AZ, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, WI, and DC.

MC 150578 (Sub-24), filed August 21, 1981. Applicant: STEVENS TRANSPORT, a division of STEVENS FOODS, INC., 2944 Motley Drive, Suite 302, Mesquite, TX 75150. Representative: Michael Richey (same address as applicant), (214) 681–0454. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 152459, filed August 25, 1981. Applicant: SUNSHINE TRANSPORTATION, INC., 112 Lehigh Drive, Fairfield, NJ 07007. Representative: Frank M. Cushman, 36 South Main St., Sharon, MA 02067, (617) 784–6041. Transporting *such commodities* as are delt in by retail department stores, between points in the U.S., under continuing contract(s) with Jefferson Stores, Inc., of Miami, FL.

MC 152609 (Sub-3), filed August 24, 1981. Applicant: SHIPPERS FREIGHT SERVICES, INC., P.O. Box 1248, Lake Oswego, OR 97034. Representative: Lawrence V. SMart, Jr., 419 NW. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *paper and paper articles*, between points in the U.S., under continuing contract(s) with the Boise Cascade Corporation, of Boise, ID.

MC 153328 (Sub-17), filed August 24, 1981. Applicant: RED K TRANSPORT, INC., 2524 Peach Tree Street, Cape Girardeau, MO 63701. Representative: G. H. Boles, 400 State Street, Madison, IL 62060, (618) 451–2323. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of footwear, between points in Cape Girardeau and Cole Counties, MO, and Cook and Union Counties, IL, on the one hand, and, on the other, points in the U.S.

MC 154118, filed August 24, 1981. Applicant: ANDERSON & JOURGENSEN TRUCK LINE, INC., P.O. Box 6, Ennis, TX 75119. Representative: James W. Hightower, First Continental Bank Bldg #301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339–4106. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of paint, under continuing contract(s) with (a) Ennis Paint Mfg., Inc., of Ennis, TX, (b) Ennis Chemicals Co., Inc., of White Plains, NY, and (c) Stripe-A-Zone, Inc., of Granc Prairie, TX, (2) *machinery*, under continuing contract(s) with (a) Ennis Paint Mfg., Inc., of Ennis, TX, and (b) Stripe-A-Zone, Inc., of Granc Prairie, TX, and (3) *iron and steel articles*, under continuing contract(s) with (a) Ennis Steel Industries, and (b) M.F.I. Incorporated, both of Ennis, TX, between points in the U.S.

MC 154629 (Sub-3), filed August 14, 1981. Applicant: GLOBAL DISTRIBUTORS, INC., P.O. Box 335; Riverside Drive, Fultonville, NY 12072. Representative: Vincent Gramuglia (same address as applicant), (518) 853–3476. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Finch, Pruyn & Co., Inc., of Glen Falls, NY, Tagsons Papers, Inc., of Albany, NY, White Mop Wringer Company, of Fultonville, NY, Stevens & Thompson Paper Company, of Greenwich, NY, Beechnut Foods Corporation, of Canajoharie, NY, U.S. By-Products Corporation, of Kansas City, MO, and Chase Bag Company, of Oak Brook, IL.

MC 155648, filed August 20, 1981. Applicant: RAY OILFIELD THREADING & STORAGE, INC., P.O. Box 26, Talco, TX 75487. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *metal products*, between points in Titus County, TX, on the one hand, and, on the other, points in the U.S.

MC 156399 (Sub-1), filed August 10, 1981. Applicant: CASTLE CONTRACT CARRIER, INC., 2337 Summer St., Lauderdale, MN 55113. Representative: Jerry E. Hess, P.O. Box 43640, St. Paul, MN 55164, (612) 633–7911. Transporting *filters, spark plugs, tires, and tubes*, between points in the U.S., under continuing contract(s) with Universal Cooperatives, Inc. of Albert Lea, MN.

MC 157868, filed August 15, 1981. Applicant: WEST VALLEY CHARTER LINES, INC., 240 Cristich Lane, Campbell, CA 95008. Representative: Lois J. Kohler (same address as applicant), (408) 371–1230. Transporting *passengers and their baggage*, in the same vehicle with passengers, between points in San Mateo, Santa Clara, and Alameda Counties, CA, on the one hand, and, on the other, points in OR, WA, NV, AZ, UT, WY, and CO.

MC 157888, filed August 24, 1981. Applicant: KEN'S TRANSPORTATION SERVICE, INC., 10602 East Pine, Tulsa, OK 74116. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1114 N. Classen, Oklahoma City, OK 73106, (405) 528–3884. Transporting *containers* and *container ends*, between points in the U.S., under continuing contract(s) with Ball Corporation, of Muncie, IN.

MC 157889, filed August 24, 1981. Applicant: TRI STATE CARTAGE, INC., 313 W. Seventh St., Perrysburg, OH 43511. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889–2531. Transporting *general commodities* (except classes A and B explosives), between points in Lucas County, OH, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-26985 Filed 9-15-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Application Important Notice

The following are notices of filing of applications for temporary authority under § 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-153

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 158103 (Sub-3-1TA), filed September 8, 1981. Applicant: WILLIS TRANSPORTATION, INC., 102 12th Street, SE., Ft. Payne, AL 35967. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Contract;* irregular *Carpet backing, bagging, and synthetic yarn,* from facilities of Amoco Fabrics Company, at or near Hazelhurst, Nashville and Bainbridge, GA, and Roanoke, AL, to points in CA, WA, OR, OK, TX, NM, NV, AZ, and ID. Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with Amoco Fabrics Company. Supporting shipper: Amoco Fabrics Company, Post Office Box 836, Hazelhurst, GA 31539.

MC 143956 (Sub-3-21TA), filed September 8, 1981. Applicant: GARDNER TRUCKING CO., INC., P.O. Drawer 493, Walterboro, S.C. 29488. Representative: Steven W. Gardner, Suite 1631, 3400 Peachtree Road, Atlanta, GA 30326. *Animal food and supplies* between Finley, OH, and Louisberg, OH, on the one hand, and points in AZ, CA, NV, OR, and WA, on the other hand. Supporting shipper: Hamilton Enterprises, P.O. Box 26491, San Jose, CA 95159.

MC 157614 (Sub-3-1TA), filed August 10, 1981. Republication—orginally published in **Federal Register** of August 19, 1981, volume 46, No. 160 page 42206. Applicant: CHARLES E. ALEXANDER d.b.a. BRUCE BUILDING SUPPLY, Box 686, Bruce, MS 38915. Representative: Edward G. Grogan, 2000 First Tennessee Bank Building, Memphis, TN 38103. *Lumber products and building materials* between states of MS, AL, AR, LA, TN and TX. Supporting shipper: Weyerhaeuser Company, P.O. Box 2288, Columbus, MS, 39701.

MC 154540 (Sub-3-3TA), filed August 10, 1981. Republication—originally published in the **Federal Register** of August 19, 1981, Volume 46, No. 160 page 42207. Applicant: FREEDOM FREIGHT SYSTEMS, INC., 1797 Florida St., Memphis, TN 38109. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133. *Agricultural Chemicals; and products and supplies used in the manufacture, sale, and distribution thereof,* between points in CA, AZ, NM, TX, OK, AR, LA, MS, MO, TN, AL, GA, FL, SC, NC, VA, PA and NJ. Supporting shipper: Helena Chemical Company, Suite 3200, 5100 Poplar Ave., Memphis, TN 38137.

MC 155614 (Sub-3-2TA), filed September 8, 1981. Applicant: ALL CARGO TRANSPORTATION, INC., 5065 Lebanon Road, Old Hickory, TN 37138. Representative: Francis J. Orscheln, 5065 Lebanon Rd., Old Hickory, TN 37138. *(1) Household & Commercial Electrical and Gas Appliances, parts and accessories thereof, and materials and supplies used in the manufacture of aforementioned commodities* between the facilities of Enterprise Appliance Corp., Davidson County, TN, on the one hand, and, on the other, points in the United States; (2) *Automotive Parts and Accessories, and materials and supplies used in the manufacture of aforementioned commodities* between the facilities of Holley Replacement Parts Division of Colt Industries, Davidson County, TN, on the one hand, and, on the other, points in KY. Supporting shippers: Enterprise Appliance Corp., 710 Massman Drive, Nashville, TN 37210 and Holley Replacement Parts Division of Colt Industries, Space Park North, Goodlettsville, TN 37072.

MC 37896 (Sub-3-6TA), filed September 8, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Henry B. Stockinger (same address as above). *Contract Carrier:* irregular; *General Commodities (except Household Goods and Classes A and B Explosives)* Between points in the U.S. pursuant to continuing contract(s) with Midland-Ross Corporation of Owosso, MI. Supporting shipper: Midland-Ross Corporation, 490 South Chestnut Street, Owosso, MI 48867.

MC 152543 (Sub-3-2TA), filed September 4, 1981. Applicant: J & S TRANSPORTATION, INC., 1015 North Street, Conyers, GA 30207. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237. *Chemicals,* between points in Barrow County, GA, on the one hand, and, on the other, points in the states of AL, AR, DE, FL, GA, IL, IN, KY, LA, MI, MO, MS, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA and WV. Supporting shipper: Alkaril Chemicals, Inc., Industrial Parkway, Winder, GA 30680.

MC 146623 (Sub-3-3TA), filed September 8, 1981. Applicant: STAMEY ENTERPRISES, INC., 7350 102d Place, South, Boynton Beach, FL 33435. Representative: Richard B. Austin, 320 Rochester Building, 8390 NW 53d St., Miami, FL 33166. *General commodities (except classes A & B explosives)* between points in the U.S. Supporting shippers: Burger King Corp., Distron Div., P.O. Box 520843, Miami, FL; Brothers Trading Co., d/b/a Victory Wholesale Grocers, 333 West 1st St., Suite 170, Dayton, OH.

MC 149498 (Sub-3-12TA), filed September 8, 1981. Applicant: RIVER BEND TRANSPORTATION, INC., P.O. Box 5808, Pearl, MS 39208. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. *Contract* carrier: irregular: *Trailer axles, suspensions, landing gear, fifth wheels, hitches and mechanical refrigeration units* between points in the U.S. under continuing contract(s) with Standard Parts & Equipment Company, Portland, OR. Supporting shipper: Standard Parts & Equipment Company, P.O. Box 42294, Portland, OR 97242.

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 25823 (Sub-4-3TA), filed August 31, 1981. Applicant: WERCH TRUCKING COMPANY, INC., a Wisconsin Corporation, Route 2, Box 113, Berlin, Wisconsin 54923. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Foundry products and metal products and materials, equipment and supplies used or useful in the manufacture and distribution of foundry products and metal products* from Berlin, WI to TX and OK. Supporting shipper: McQuay-Perfex, Inc., 242 Pearl Street, Berlin, WI 54923.

MC 52473 (Sub-4-6TA), filed August 28, 1981. Applicant: BEHNKE, INC., 77 S. Monroe St. Battle Creek, MI 49017. Representative: Karl L. Gotting, 1200

Bank of Lansing Bldg., Lansing, MI 48933. *Recyclable scrap paper* between points in MI, IN, IL, OH, MN, WI and IA. Supporting shippers: Medina Paper Recycling, Inc., P.O. Box 561, Medina, OH 44258; Great Lakes Paper Stock Corp., 30615 Grosbeck Highway, Roseville, MI 48066.

MC 107605 (Sub-4–5TA), filed August 31, 1981. Applicant: ADVANCE–UNITED EXPRESSWAYS, INC., 2601 Broadway Road NE., Minneapolis, MN 55413. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *General commodities (except classes A and B explosives),* serving points in Brown, Outagamie, Winnebago and Fond du Lac Counties, WI, as off-route points in connection with applicant's otherwise authorized regular route operations, together with the right to tack and interline at all authorized service points. There are 14 supporting shippers. Corresponding 30 day ETA filed herewith.

MC 109449 (Sub-4–12), filed August 28, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th St., Winona, MN 55987. Representative: Daniel O. Hands, Attorney At Law, 205 West Touhy Ave., Suite 200–A, Park Ridge, IL 60068. *Transportation of such commodities as are dealt in or used by retail hardware stores* between the facilities of General Power Equipment Co., General Paint and Chemical Co. and Wheeler Mfg. Co. at or near Carey and Harvard, IL, on the one hand, and, on the other, points in MN. Supporting shippers: Wheeler Mfg. Co., General Power Equipment Co. and General Paint and Chemical Co., 308 S. Division St., Harvard, IL 60033.

MC 120436 (Sub-4–2TA), filed August 28, 1981. Applicant: NUSSBAUM TRUCKING, INC., Route 51 North, Normal, IL 61761. Representatives: Edward D. McNamara, Jr., Leslieann G. Maxey, Attorneys at Law, 907 South Fourth St., Springfield, IL 62703. *Foodstuffs* between Westville, IN, on the one hand, and St. Louis, MO. Davenport & Muscatine, IL & the state of IL, on the other hand. Supporting shipper: Lucky Stores, Inc., P.O. Box 67, Rock Island, IL 61201.

MC 126555 (Sub-4–30TA), filed August 28, 1981. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Representative: Barry C. Burnette (same as applicant). *Machinery and Supplies* (1) From points in WI, IA, IN, OH, to TX, LA, (2) From points in TX, OK, LA to points in MT, IN, WY, CO, ND, and SD. Supporting shipper: Ingersoll-Rand, P.O. Box 19188, Houston, TX 77024.

MC 134453 (Sub-4–3TA), filed August 31, 1981. Applicant: STERNLITE TRANSPORTATION COMPANY Winsted, MN 55395. Representative: Robert P. Sack, P.O. Box 6010 West St. Paul, MN 55118. *Contract,* irregular; *Metal products,* from the facilities of V.A.W. of American, Inc. at St. Augustine, FL to the U.S.-Canadian Border at or near Detroit, MI. Supporting shipper: V.A.W. of America Inc., Ellenville, NY.

MC 145371 (Sub-4–4TA), filed: August 31, 1981. Applicant: MFCH, INC., Route 1, Kings, IL 61045. Representative: Daniel O. Hands, Suite 200–A, 205 West Tougy Ave., Park Ridge, IL 60068. *Food and related products* between the facilities of Lucky Stores, Inc., Eagle Midwestern Region at or near Westville, IN, on the one hand, and, on the other, points in IL on the north of U.S. Highway 136, IA and WI. Supporting shipper: Lucky Stores, Inc., Eagle Midwestern Region, P.O. Box 67, Rock Island, IL 61201.

MC 150281 (Sub-4–9TA), filed August 28, 1981. Applicant: BANGOR PUNTA TRANSPORTATION, INC., West Michigan St., Topeka, IN 46571. Representative: Chandler L. van Orman, 1729 H Street, N.W., Washington, D.C. 20006. *Contract:* irregular. *Boats, boat parts and materials, supplies and equipment used in the transportation or distribution of boats or boat parts* between Bradenton, FL and points in CT, NY, MA, and MD under a continuing contract(s) with W. D. Schock Corp. Supporting shipper: W. D. Schock Corp., 2398 63rd Ave., E., Bradenton, FL 33505.

MC 150746 (Sub-4–30TA), filed August 28, 1981. Applicant: DFC TRANSPORTATION COMPANY, P.O. Box 929 Huntley, IL 60142. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603. *Pulp, paper and allied products and materials, equipment and supplies used in the manufacture, sale or distribution thereof,* between points in CA, GA, IL, IN, MA, NJ, NY, OH, PA, TN, TX and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Clevepak Corporation, 925 Westchester, White Plains, NY 10604.

MC 152568 (Sub-4–2TA), filed August 28, 1981. Applicant: KISTLER AMELING TRANSPORTATION, INC., 408 East Indiana Street, Kouts, IN 46347. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. *Contract;* irregular; *Weed killing compounds and animal feed supplements,* from Clinton, Indianapolis, and Lafayette, IN, and Mendota, IL to points in IN, IA, MN, NE, ND, and SD. Restricted to a contract or continuing contracts with Eli Lilly & Company and Elanco Products Company, a Division of Eli Lilly & Company, 740 South Alabama Street, Indianapolis, IN 46225. An underlying ETA seeks 120 days operating authority. Supporting shipper: Eli Lilly & Company and Elanco Products Company.

MC 153119 (Sub-4–2TA), filed August 31, 1981. Applicant: FLEEGE DISTRIBUTING CO., Box 273, Foley, MN 56329. Representative: Robert Fleege, Box 273, Foley, MN 56329. *Contract* irregular: *Finished and unfinished furniture, particle board, plywood, 2X10 ponderosa pine, other pine products, waterbed accessories, sheets, bedding, matteresses and heaters* between St. Cloud, MN and points located within all 50 states of the U.S. Restricted to traffic moving under continuing contract with Samson Custom Furniture Mfg., Inc. Supporting shipper: Samson Custom Furniture Mfg., Inc, RR1, St. Cloud, MN 56301.

MC 153273 (Sub-4–4TA), filed August 31, 1981. Applicant: SCHREIBER TRANSIT, INC., 425 Pine Street, Green Bay, WI 54305. Representative: John H. Sage ("Same as Applicant"). *Contract:* Irregular *Food and food related articles used in the operation of Institutional and Retail Food Service Houses,* from, to, and between Rocky Mount, NC, Forest City, NC, and Oneida, NY and Points in FL, GA, IA, KY, MO, and PA, under contract with Fast Food Merchandisers Inc. Supporting shippers: Fast Food Merchandisers Inc., 1233 N. Church St., P.O. Box 1619, Rocky Mount, NC.

MC 153829 (Sub-4–30TA), filed August 31, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Electric motors and parts, electric controls and controller parts, power transmission machinery, weighing and scaling machines, telecommunication equipment and parts and electric circuit breakers, switches, switchboards, condensers, or capacitors or parts thereof,* from the facilities of Reliance Electric Co. located at or near Ashtabula and Cleveland, OH, Lawrenceburg, KY, Mishawaka and Columbus, IN, Ashville, NC, Greenville, SC, Flowery Branch and Athens, GA and Rogersville, TN to points in the U.S. Supporting shipper: Reliance Electric Co., 220 Eastview, Brooklyn Heights, OH 44131.

MC 154121 (Sub-4–9TA), filed August 28, 1981. Applicant: TRAILINER CORP., 5367 West 86th St., Indianapolis, IN 46268. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *(1)*

Paper, paper products, plastic, and plastic products, and (2) materials equipment, and supplies used in the manufacture and sale of the commodities named in (1) above, between the facilities used by Lily Tulip, Inc., its subsidiaries, divisions, and vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S. Supporting shipper: Lily Tulip, Inc., First National Bank Bldg., Toledo, OH.

MC 157946 (Sub-4–1TA), filed August 26, 1981. Applicant: G & G TRUCKING, INC., 26661 W. Ten Mile Rd., Southfield, MI 48034. Representative: Robert E. McFarland, 2855 Coolidge, St. 201A, Troy, MI 48084. *Contract,* irregular: *such commodities as are dealt in or used by manufacturers of spray booths and bake ovens and materials, accessories and supplies used in the manufacture and production thereof;* between Indianapolis, IN and Detroit, MI and the commercial zones thereof, on the one hand, and, on the other, points in the U.S. under a continuing contract(s) with Haden-Schweitzer Corp. Supporting shipper: Haden-Schweitzer Corp., 32200 N. Avis Dr., Madison Heights, MI.

MC 157280 (Sub-4–1TA), filed August 28, 1981. Applicant: DATIM, INC., P.O. Box 425, McFarland, WI 53558. Representative: Michael S. Varda, P.O. Box 2509, Madison, WI 53701. *Contract* irregular: *Cleaning compounds, in bulk,* from Des Plaines, IL, to points in MN, WI, MI, IN, IL, and IA, under continuing contract(s) with Diversey Wyandotte Corp. Supporting shipper: Diversey Wyandotte Corp., 1532 Biddle Avenue, Wyandotte, MI 48912.

MC 157773 (Sub-4–1TA), filed August 28, 1981. Applicant: MICHIGAN CONTAINER REDEMPTION SERVICE, INC., 28836 Highland Road, Romulus, MI 48174. Representative: John E. Fuyat, 1345 Warwick Ave., Warwick, RI 02888. *Contract,* irregular; *Empty beverage containers,* from Romulus, MI to points in OH, under continuing contract with Faygo Beverages, Inc. of Detroit, MI. Supporting shipper: Faygo Beverages, Inc., 3579 Gratiot Ave., Detroit, MI 48207 and The Great Atlantic & Pacific Tea Company, Inc., 19900 W. Nine Mile Road, Southfield, MI 48075.

MC 157973 (Sub-4–1TA), filed August 28, 1981. Applicant: EDWARD D. OWENS, P.O. Box 25, Rice Lake, WI 54868. Representative: Harold O. Orlofske, 145 W. Wisconsin Ave., Neenah, WI 54956. *Contract:* Irregular; Transportation of *(1) malt beverages, wine, advertising materials, cups glasses, and empty containers and pallets* in return movements between Ashland County, WI on the one hand, and, on the other, points in the Commercial Zones of Chicago, IL; Minneapolis, MN; Detriot, MI and Memphis, TN under a counting contract with Reinerio Beverage of Ashland, WI *(2) Malt beverages, adverstising materials, empty containers and pallets* in return movements between Barron County, WI on the one hand, and, on the other, points in the commerical Zones of Memphis, TN and Longview, TX under a continuing contract with Decker Distributing of Rice Lake, WI *(3) Paper products, food and related items* between Carlton County, MN on the one hand, and, on the other, points in FL, GA, IL, IN, MI, OH, and WI under a continuing contract with Upper Lake Foods of Cloquet, MN Supporting shippers: (1) Reinerio Beverage, 420 Ellis Ave., Ashland, WI 54806. (2) Decker Distributing, 211 W. Coleman, Rice Lake, WI 54868. (3) Upper Lake Foods, 801 Industry Ave., Cloquet, MN 55720.

MC 157975 (Sub-4–1TA), filed August 31, 1981. Applicant: S. & K. LEASING CORP., Main Street, Box 301, Bloomington, WI 53804. Representative: James A. Spiegel, Attorney, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719. *Contract;* irregular; *petroleum, natural gas, and their products* between points in Dubuque County, IA, and points in IL and WI. Restriction: restricted to transportation performed under a continuing contract(s) with Gramco, Ltd., Molo Oil Co., and Quality Oil Corporation. An underlying ETA seeks 120 days authority. Supporting shippers: Gramco, Ltd., P.O. Box 108, 1080 4th Street, Fennimore, WI 53809; Molo Oil Co., 41 Main Street, Dubuque, IA 52001; and Quality Oil Corp., Box 301, Bloomington, WI 53804.

MC 15546 (Sub-4–3TA), filed September 1, 1981. Applicant: KIRCHWEHM BROS. CARTAGE CO., INC., 1700 West Carroll Ave., Chicago, IL 60612. Representative: Abraham A. Diamond, 29 South La Salle St., Chicago, IL 60603. *Commodities which are dealt in or used by groceries, supermarkets and chain stores, other than commodities in bulk;* between points in IL, IN, IA, KS, MI, MN, MO, OH and WI, on the one hand, and, on the other, points in the U.S. Supporting shippers: Certified Grocers of Illinois, Inc., 6701 South La Grange Road, Hodgkins, IL 60525 and Barr Company, 6100 West Howard Street, Niles, IL 60648.

MC 47898 (Sub-4–1TA), filed September 3, 1981. Applicant: WISCONSIN-PACIFIC EXPRESSES, INC., P.O. Box 190, Weyauwega, WI 54983.Representative: Gerald K. Gimmel, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. *Foodstuffs* (except in bulk), from the facilities utilized by Schreiber Foods, Inc., in Lawrence, Barry, Jaspar, and Newton Counties, MO to points in MO, KS, NE, ND, SD, MN, IA, WI, IL, KY, IN, OH, MI, and TN. Supporting shipper: Schreiber Foods, Inc., P.O. Box 610, Green Bay, WI, 54304.

MC 108973 (Sub-4–1TA), filed September 3, 1981. Applicant: INTERSTATE EXPRESS, INC., 2334 University Ave., St. Paul, MN 55114. Representative: Sperling R. Englehart, 2334 University Ave., St. Paul, MN 55114. *Contract,* irregular; *Foodstuffs and materials, equipment and supplies used in the manufacture of foodstuffs* (except commodities in bulk, in tank vehicles), between the facilities of Cherry Central Cooperative, Inc. In MI on the one hand, and, on the other, points in the U.S., under continuing contract(s) with Cherry Central Cooperative, Inc., Supporting shipper: Cherry Central Cooperative, Inc., P.O. Box 988, Traverse City, MI.

MC 141889 (Sub-4–8TA), filed September 3, 1981. Applicant: RONALD DEBOER d.b.a. RON DEBOER TRUCKING, Route 1, Milladore, WI 54454. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Wire and wire products* from Turlock, CA to Chesterfield, MO and points in IA, IL, MN and WI. Underlying ETA seeks 120 days authority. Supporting shipper: Volk Enterprises, Inc., P.O. Box 943, Turlock, CA 95381.

MC 142310 (Sub-4–12TA), filed September 3, 1981. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman St., Madison, WI 53703. *Common,* carrier, irregular routes; (1) *Glass* from the facilities of Twin Pane, division of Philips Industries, Inc. at Livonia, MI to Marshfield and Stevens Point, WI; and (2) *fiberglass products* from the facilities of Lasco Industries, division of Philips Industries, Inc. at Three Rivers, MI to points in CT, MA, MN, NJ, ND, PA, RI, VA, and WI for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Philips Industries, Inc., 4801 Springfield St., P.O. Box 943, Dayton, OH 45401.

MC 145701 (Sub-4–4TA), filed September 1, 1981. Applicant: D. C. TRANSPORT, INC., 916 South Riverside Ave., St. Clair, MI 48079. Representative: John W. Bryant, 900 Guardian Building, Detroit, MI 48226. *Fireplaces, furnaces and stoves* between Nashua, NH, and Charlotte, Morrisville and Randolph, VT, on the one hand, and, on the other, Wiliamston, MI. An underlying ETA

seeks 120 days authority. Supporting shipper: Heat'N Sweep, Inc., 119 South Putman Street, Williamston, MI 48895.

MC 146133 (Sub-3TA), filed September 3, 1981. Applicant: HALVOR LINES, INC., 4609 W. First, Duluth, MN 55806. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402. *Malic* and *fumaric acid* from the Duluth, MN commercial zone to the commercial zones of Chicago, IL, Evansville, IN and St. Louis, MO. Supporting shipper: Alberta Gas Chemicals, Inc., 7 Century Dr, Parsipity, NJ 07054.

MC 146574 (Sub-4-1TA), filed September 3, 1981. Applicant: PARKER BROTHERS TRUCKING CORPORATION, 322 Bacon St., Lake City, MI 49651. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933. *Contract;* irregular; *machined forgings (agricultural implements)* between all points in the U.S. under continuing contract(s) with Buyers Products Co. of Cleveland, OH. An underlying ETA seeks 120-day authority. Supporting shipper: Buyers Products Co, 23520 St. Clair Ave, Cleveland, OH 44117.

MC 150267 (Sub-4-2TA), filed September 3, 1981. Applicant: MCARDLE TRANSPORTATION, INC., Route 1, Hazel Green, WI 53811. Representative: Richard A. Westley, Attorney, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086. *Food and related products, materials, equipment and supplies used in the production and distribution of food and related products,* between the facilities used by Sanna, Inc. at or near Menomonie, Vesper, Eau Claire, and Wisconsin Rapids, WI on the one hand and, on the other hand, points in AL, FL, GA, MS, NC, SC, and TN. Supporting shipper: Sanna, Inc., P.O. Box 8046, Madison, WI 53708.

MC 152513 (Sub-4-2TA), filed September 3, 1981. Applicant: LARRY JACOBSON, RR #2, Williston, NC 58501. Representative: Jack B. Wolfe, 665 Capitol Life Center, Denver, CO 80203. *Dry ground corn starch,* from the facilities of Hubinger Co. at or near Keokuk, IA to points in ND, SD, MT, WY, CO, and ID. An underlying ETA seeks 120 days authority. Supporting shipper: Hubinger Co., 601 Main St., Keokuk, IA 52632.

MC 153829 (Sub-4-31TA), filed September 3, 1981. Applicant: UNITED SHIPPING COMPANY, P.O. Box 21186, St. Paul, MN 55121. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Articles dealt in by farm and home supply stores,* from points in the U.S. to the facilities of TSC Industries-Western Division, at or near Omaha, NE. Supporting Shipper: TSC Industries-Western Division, 14242 C Circle, Omaha, NE 68144.

MC 157926 (Sub-4-1TA), filed September 3, 1981. Applicant: SPARHAWK TRUCKING, INC., 130 25th Ave., South, Wisconsin Rapids, WI 54494. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. *Food and related products* from Berlin, WI to points in IA, IL, MI, OH, and NY, for 270 days. an underlying ETA seeks 120 days authority. Supporting shipper: Wisconsin Spice, Inc., 114 South Capron St., Berlin, WI 54923.

MC 158020 (Sub-4-1TA), filed August 31, 1981. Applicant: FRY TRANSPORT, 2831 Barton Beach Road, Lafayette, IN 47905. Representative Robert L. Fry, 2831 Barton Beach Road, Lafayette, IN 47905. *contract;* irregular; *Malt beverages in bottles, cans, kegs,* from points in WI, MI, OH, KY, and TN to the facilities of Lafayette Beverage Distributors under continuing contract(s) with Lafayette Beverage Distributors, 705 S. Earl Avenue, P. O. Box 5686, Lafayette, IN.

MC 158024 (Sub-4-1), filed August 31, 1981. Applicant: TRIPLE R TRANSPORT, 807 S. Bundy Ave., Rice Lake, WI 54868. Representative: R. Revel Rustong, 807 S. Bundy Ave., Rice Lake, WI 54868. Contract, irregular, *used automobiles* between points in WI, IL, MN, and IA, under continuing contract with J. R. Auto Sales, Skars Auto Sales, Suburban Auto World, Irv's Cameron Auto, Discount Motors, Southside Auto. There are 6 Supporting shippers.

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 52460 (Sub-5-41), filed September 2, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., Tulsa, OK 74107. Representative: Don D. Kruizinga (same as above). *Plastic Articles* between points in the States of CA, GA, IN, IA, NC, TN and TX, restricted to traffic originating at or destined to the facilities of Hancor, Inc. Supporting shipper: Hancor, In., 90 A East, P.O. Box 392, Hallettsville, TX 77964.

MC 52460 (Sub-5-42TA), filed September 2, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th St., Tulsa, OK 74107. Representative: Don D. Kruizinga (same as above). *General Commodities (except household goods, as defined by the Commission and Classes A and B Explosives)* Between points in the US (except AK and HI restricted to traffic originating at or destined to the facilities used by Hilti Industries, Inc. Supporting shipper: Hilti Industries, In., P.O. Box 21148, Tulsa, OK 74121.

MC 108053 (Sub-5-6TA), filed September 3, 1981. Applicant: LITTLE AUDREY'S TRANSPORTATION CO., INC., 1520 W. 23rd Street, Fremont, Nebraska 68025. Representative: Arnold L. Burke, Burke, Kerwin, Towle & Andrin, 180 North LaSalle Street, Chicago, IL 60601. *Parts and equipment used in the manufacture of aircraft,* between pts in the states of CA, UT, and MO. Supporting shipper: McDonnell Douglas Corp. St. Louis, MO.

MC 125535 (Sub-5-16TA), filed September 4, 1981. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY 2275 Schuetz Rd., St. Louis MO 63141. Representative: Donald S. Helm (same as applicant). Contract: Irregular (1) *Aluminum printing plates or sheets, gum solvents, printing machinery, and (2) products used in the manufacturing and distribution in (1) above (except commodities in bulk in tank vehicles),* Between Springfield MO, St. Louis MO and Jacksonville TX, on the one hand, and, on the other, all points in the U.S. (except AK and HI). Supporting shipper: Western Litho Plate, 3433 Tree Court Industrial Blvd., St. Louis MO 63122.

MC 138328 (Sub-5-28TA), filed September 4, 1981. Applicant: CLARENCE L. WERNER, d.b.a. WERNER ENTERPRISES, I-80 & Hwy. 50, Omaha, NE 68137. Representative: Donna Ehrlich (same address as applicant). *Chemicals and related products,* from Burley, ID, to points in IL, IN, MI, and OH. Supporting shipper: C.J.C. Inc., P.O. Box 304, Burley, ID 83318.

MC 139306 (Sub-5-2TA), filed September 4, 1981. Applicant: STANAGE TRANSPORTATION, INC., 121 Indian Springs Road, Hot Springs, AR 71901. Representative: James M. Duckett, 221 W. 2nd, Suite 411, Little Rock, AR 72201. *Cullet Glass, in bulk,* between Danville, KY and Trenton, NJ, on the one hand, and, on the other, Paris, TX. Supporting shipper: Westinghouse Electric Corporation, Bloomfield, NJ.

MC 145154 (Sub-5-7TA), filed September 3, 1981. Applicant: YOUNG'S TRANSPORTATION CO., 1230 West 17th Street, Houston, TX 77008. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Avenue, NW., Washington, DC 20005. *(1) Swimming pools, swimming pool supplies; and (2) chemicals and related products,*

between points in Harris County, TX, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Ideal Pool Corporation of Texas, 10050 Old Katy Road, Houston, TX 77055.

MC 145939 (Sub-5–1TA), filed September 3, 1981. Applicant: ATLANTIC CARRIERS, INC., Box 284, Atlantic, IA 50022. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Fertilizer* between pts., in IA, MO, KS, NE, SD, MN, WI and IL. Supporting shipper, Chevron Corporation, Box 282, Ft. Madison, IA 52627.

MC 149235 (Sub-5–10TA), filed September 2, 1981. Applicant: C. MAXWELL TRUCKING CO., INC. 9108 Reeds Drive, Overland Park, KS 66207. Representative: Alex M. Lewandowski, 1221 Baltimore Ave., Ste. 600, Kansas City, MO 64105. Contract irregular *chemicals in packages and/or drums, proprietary antifreeze preparations in packages and/or drums,* from Kansas City, MO and its Commercial Zone to points in CO and WY. Supporting shipper: Texaco Chemical Company, P.O. Box 430, Bellaire, TX 77401.

MC 149296 (Sub-5–1TA), filed September 2, 1981. Applicant: LEVINGE CORPORATION, 14027 Chrisman, Houston, TX 77039. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *Mercer commodities, metal products, and machinery,* between Houston, TX, and points in its commercial zone, on the one hand, and, on the other, points in AL, AR, CO, LA, MS, NM, OK, and WY. Supporting shippers: 7.

MC 154690 (Sub-5–2TA), filed September 3, 1981. Applicant: NEAL FERTILIZER, INC., R.F.D., Dexter, IA 50070. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309. *Dry fertilizer,* from the facilities of W. R. Grace & Co. at or near Henry, IL and Trenton, MO to points in IA. Supporting shipper(s): W. R. Grace & Co., Agricultural Products, Central Region, P.O. Box 742, New Albany, IN 47150.

MC 155090 (Sub-5–6TA), filed September 3, 1981. Applicant: S & T TRUCKING CO., INC., P.O. Box 4054, Kansas City, MO 64101. Representative: Charles J. Fain, Attorney at Law, 333 Madison Street, Jefferson City, MO 65101. Contract, Irregular. *Primary metal products and fabricated metal products (except ordnance)* from Independence, MO and Kansas City, KS to points in AZ, AR, CA, CO, FL, GA, IL, IN, LA, MI, MN, MO, NJ, NY, OH, SC, TX and WA. Supporting shipper: S—G Metals Industries, 2nd and Riverview, Kansas City, KS 66118.

MC 155209 (Sub-5–2TA), filed September 3, 1981. Applicant: DOT TRANSPORTATION, INC., 1825 Midland Boulevard, Ft. Smith, AR 72904. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. Contract irregular; *air conditioners and accessories and metal products,* between points in the U.S. under continuing contract with General Electric Company. Supporting shipper(s): General Electric Company, 4811 S. Zero Street, Ft. Smith, AR 72903.

MC 155365 (Sub-5–2TA), filed September 3, 1981. Applicant: BEVERAGE TRANSPORTS, INC., 3741 WALTON, FORT WORTH, TX 76133. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. *Malt Beverage and related advertising materials; and return of empty, used beverage containers and materials, equipment and supplies used in and dealt with by breweries and distributors* between the plant sites of G. Heileman Brewing Company, Inc., located at Evansville, IN and Belleville, IL on the one hand, and points in TX on the other hand. Supporting shipper: G. Heileman Brewing Company, Inc., 100 Harborview Plaza, LaCrosse, WI 54601.

MC 157491 (Sub-5–1TA), filed September 2, 1981. Applicant: LINDAMOOD ENTERPRISES, INC., P.O. Box 392, Canyon, TX 79105. Representative: Grady L. Fox, Olsen Park Office Center, 3505 Olsen Suite 120, Amarillo, TX 79109. *New and used automobile (in a truckaway service) requiring special equipment* between points in NY, NJ, PA, MD, CT, RI, MA, OH, NE, IL, IN, VA, WV, NC, SC, GA, FL, AL, AR, MN, MO, WI, TN, IA, LA, OK, KS, CO, WY, UT, NV, CA, AZ, MN, on the one hand and points in TX on the other hand. Supporting shipper: 16.

MC 157823 (Sub-5–1TA), filed September 3, 1981. Applicant: NOTO MAGIC CITY EXPRESS, LTD., P.O. Box 364, Moberly, MO 65270. Representative: Patricia F. Scott, 20 East Franklin, Liberty, MO 64068–0258. Contract, irregular; *Malt beverages and empty containers,* between Moberly, MO and Belleville, IL and Memphis, TN. Supporting shippers: Carter Distributing Co., Inc. 102 W. Burkhart St., Moberly, MO 65270 and Hunt Distributing, Inc., 200 West Rollins, Moberly, MO.

MC 158039 (Sub-5–1TA), filed September 2, 1981. Applicant: RICK TENNANT AND NORMA BESSIRE, d.b.a. SOLAR HULL COMPANY, P.O. Box 1272, Canadian, TX 79014. Representative: Harold O. Orlofske, 145 West Wisconsin Avenue, Neenah, WI 54956. *Commodities, in bags, that are utilized by oil field operations* between (1) points in Butte County, SD; Park County, WY; Big Horn County, WY; Sweetwater County, WY; Natrona County, WY; and Weston County, WY on the one hand, and, on the other, Hemphill County, TX and (2) facilities used by or operated by American Colloid in Butte County, SD; Weston County, WY; Big Horn County, WY; Bowman County, ND; and Phillips County, MT on the one hand, and, on the other, points in OK and TX. Supporting shippers: Winkler Mud Company, P.O. Box 57, Canadian, TX, 79014; United Mud Company, P.O. Box 932, Canadian, TX, 79014; General Supply Mud Company, P.O. Box 1161, Canadian, TX, 79014; American Colloid, P.O. Box 228, Skokie, IL, 60077.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-26895 filed 9-15-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 416]

Railroad Revenue Adequacy, 1980; Determination; Decision

AGENCY: Interstate Commerce Commission.

ACTION: Notice of 1980 determinations of rail revenue adequacy.

SUMMARY: In Ex Parte No. 393, *Standards for Railroad Revenue Adequacy,* 364 I.C.C. 803 (1981), the Commission determined that a railroad would be considered revenue adequate under 49 U.S.C. 10704(a) if the railroad had a rate of return equal to the current cost of capital. The revenue adequacy of individual carriers was calculated using 1979 data. Since the issuance of that decision, 1980 data have become available. Using that data, the Commission has now determined that the following three of the thirty-seven class I carriers are revenue adequate: the Clinchfield, the Fort Worth and Denver, and the Pittsburgh and Lake Erie.

FOR FURTHER INFORMATION CONTACT: Jane Mackall (202) 275–7656.

SUPPLEMENTAL INFORMATION: Section 10704(a) of the Interstate Commerce Act requires the Commission to maintain revenue adequacy standards and procedures for rail carriers. In Ex Parte No. 393, *Standards for Railroad Revenue Adequacy,* 364 I.C.C. 803 (1981) notice of which appeared at 45 FR 20806, April 4, 1981, the Commission determined that a railroad would be considered revenue adequate if it had a rate of return equal to the current cost of capital.

In that decision, the Commission used 1979 data to determine the revenue adequacy of individual rail carriers because 1980 data were not available at that time. Data for 1980 have since become available, and this decision revises our determination of individual railroad revenue adequacy based on the carriers' operating results for the year 1980.

We have not requested public comment prior to updating the revenue adequacy determinations because none is necessary. This decision merely performs recalculations, using current data, according to standards and procedures previously established in Ex Parte No. 393, *supra*, after public notice and comment.

I. Net Investment Base

In the March 30, 1981 decision in Ex Parte No. 393, *supra*, we assessed the value of the rate base as the sum of the original cost of track assets plus betterments to track, plus the depreciated book value of all other assets. The same basis of assessment was used for this determination. For these purposes, the net investment base is calculated as the sum of the average of beginning and end of year investment in railroad property used in transportation service (Annual Report R1, Schedule 352A, line 39, columns d minus e) minus interest during construction (R–1 Schedule 352B, line 44, columns b through e); minus other elements of investment (if a debit) from the R–1, Schedule 352B, line 47, columns b through e; plus the working capital allowance from Rail Form A.

The numerator into which the net investment base is divided to determine the ROI is net railway operating income, obtained from the Annual Report, R1, Schedule 210, line 67, column b.

II. Cost of Capital

In the March 30, 1981 decision in Ex Parte No. 393, *supra*, we used a cost of capital rate of 11.7 percent predicated on the Commission's cost of capital findings in Ex Parte No. 363, *Adequacy of Railroad Revenue (1979 Determination)*, 362 I.C.C. 344 (1979). The Commission's cost of capital findings for 1979 were used since in that decision we were measuring the adequacy of 1979 revenues for the individual railroads. The use of 1980 data in this proceeding, however, necessitates the use of the Commission's 1980 cost of capital findings in Ex Parte No. 381, *Adequacy of Railroad Revenue (1980 Determination)*, 364 I.C.C. 311 (1980).

In that proceeding, we found that the appropriate cost of capital rate is 12.1 percent, computed as follows:

$0.40 \times 10.0\% = 4.00\%$ (cost of debt portion)

$0.60 \times 13.5 = 8.10\%$ (cost of equity portion)

12.10%

III. Revenue Adequacy Determination

Based on the standard described above, we have made revenue adequacy determinations for thirty-seven class I freight railroads using 1980 data. Using the cost of capital standard for revenue adequacy, a railroad will be found adequate if it has a 1980 return on investment of 12.1 percent or higher. Railroads with lower returns on investment will be considered revenue inadequate.

In Ex Parte No. 393, *supra*, we treated the Southern Railway System as a consolidated entity because our calculations used general rate increase data that treated the Southern as a unit. In this proceeding, since we are using individual annual reports, we have examined each of the four class I railroads in the Southern System separately. This decision also omits the St. Louis San Francisco Railway which became part of the Burlington Northern during 1980. Thus, this decision examines thirty-seven railroads while the Ex Parte No. 393 decision examined thirty-five railroads.

We find three carriers to have earned adequate revenues during 1980. These railroads are the Clinchfield, the Fort Worth and Denver, and the Pittsburgh and Lake Erie. Their rates of return were 19.1, 19.3 and 17.8 percent respectively. Of these carriers, only the Fort Worth and Denver was found to have earned adequate revenues in 1979.

It should be noted that the Pittsburgh and Lake Erie wrote down its assets during 1979. In the absence of this writedown, the net investment base would have been considerably higher and the 1980 ROI might have been less than 12.1 percent. The other revenue adequate carriers are unusual also. The Clinchfield is a lessor railroad, with no shareholders' equity. The Fort Worth and Denver is a wholly-owned subsidiary of the Colorado and Southern which, in turn, is a wholly-owned subsidiary of the Burlington Northern.

A summary of our findings for all thirty-seven railroads, including the 1980 ROI, is contained as an appendix to this decision.

We find:

1. Under the standard previously established in Ex Parte No. 393, the following three of the thirty-seven class I railroads are revenue adequate: Clinchfield, Fort Worth and Denver, and the Pittsburgh & Lake Erie.

2. This proceeding will not significantly affect either the quality of the environment or conservation of energy resources; nor will it have adverse economic effects on small businesses or other entities.

This decision will be served on all those who were parties in Ex Parte No. 393.

Authority: 49 U.S.C. 10704(a).

Dated: September 9, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam. Chairman Taylor concurred with a separate expression. Vice Chairman Clapp concurred in the decision.

Agatha L. Mergenovich,

Secretary.

Chairman Taylor, concurring:

In its prior decision in Ex Parte 393, the Commission committed itself to making a revenue adequacy determination based on 1980 data no later than September 15, 1981. I concur in this decision in order to keep that commitment, and not because I accept the previously adopted formula.

Railroad Revenue Adequacy Determinations Revised Based on 1980 Operating Results (Based on ROI Standard of 12.1 Percent)

Carrier	1980 ROI (percent)	Determination of revenue adequacy
Eastern district:		
Baltimore & Ohio	3.8	Inadequate.
Bessemer & Lake Erie	11.6	Inadequate.
Boston & Maine	2.9	Inadequate.
Chesapeake & Ohio	6.8	Inadequate.
Conrail	0	Inadequate.
Delaware & Hudson	0	Inadequate.
Detroit Toledo & Ironton	0	Inadequate.
Elgin Joliet & Eastern	3.6	Inadequate.
Grand Trunk Western	0	Inadequate.
Norfolk & Western	9.3	Inadequate.
Pittsburgh & Lake Erie	17.8	Adequate (see note 1).
Western Maryland	4.2	Inadequate.
Southern district:		
Alabama Great Southern	6.6	Inadequate.
Central of Georgia	10.0	Inadequate.
Cinc, New Orleans, & Texas Pac.	10.7	Inadequate.
Clinchfield	19.1	Adequate.
Florida East Coast	5.7	Inadequate.
Illinois Central Gulf	0	Inadequate.
Louisville & Nashville	5.5	Inadequate.
Seaboard Coast Line	7.0	Inadequate.
Southern	7.8	Inadequate.
Western district:		
Atchison, Topeka & Santa Fe	7.0	Inadequate.
Burlington Northern	5.5	Inadequate (see note 2).
Chicago & Northwestern	3.6	Inadequate.
Chi, Milwaukee, St. Paul & Pac.	0	Inadequate.
Colorado & Southern	7.7	Inadequate.
Denver & Rio Grande Western.	8.9	Inadequate.
Duluth, Mesabi & Iron Range	7.0	Inadequate.
Fort Worth & Denver	19.3	Adequate.
Kansas City Southern	7.6	Inadequate.
Missouri-Kansas-Texas	5.5	Inadequate.
Missouri Pacific	8.1	Inadequate.
St. Louis Southwestern	5.8	Inadequate.

Railroad Revenue Adequacy Determinations Revised Based on 1980 Operating Results (Based on ROI Standard of 12.1 Percent)—Continued

Carrier	1980 ROI (percent)	Determination of revenue adequacy
Soo Line	9.2	Inadequate.
Southern Pacific	2.6	Inadequate.
Union Pacific	7.8	Inadequate.
Western Pacific	3.2	Inadequate.

NOTE 1.—The Pittsburgh & Lake Erie made a substantial write-down of its assets during 1979 to a figure well below its original cost (less depreciation) investment base. The 1980 ROI of 17.8 percent would be significantly lower using the pre-writedown data.

NOTE 2.—The data for the Burlington Northern incorporate the St. Louis San Francisco data (merged during 1980).

[FR Doc. 81-26899 Filed 9-15-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-48 (Preliminary)]

Certain Amplifier Assemblies and Parts Thereof From Japan

Determination

On the basis of the record [1] developed in investigation No. 731-TA-48 (Preliminary), the Commission unanimously determines that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from Japan of certain amplifier assemblies and parts thereof, provided for in item 685.29 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).[2]

Background

On July 24, 1981, the U.S. International Trade Commission and the U.S. Department of Commerce each received a petition from Aydin Corp., Fort Washington, Penn.,[3] alleging that imports from Japan of certain amplifier assemblies [4] are being, or are likely to be, sold in the United States at LTFV. Accordingly, the Commission instituted a preliminary antidumping investigation under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of the imports of such merchandise into the United States. The statute directs that the Commission make its determination within 45 days of its receipt of the petition, or in this case by September 8, 1981.

Notice of the institution of the Commission's investigation and of the public conference to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C. and by publishing the notice in the Federal Register on August 5, 1981 (46 FR 39912). The conference was held in Washington, D.C. on August 19, 1981, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Views of the Commission

Domestic industry

Section 771(4)(A) of the Tariff Act of 1930 defines the term "industry" as the "domestic producers as a whole of a like product or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product." [5] "Like product" is defined as a product which is like, or in the absence of like, most similar in characteristics and uses with, the article under investigation.[6]

The imported articles subject to this investigation are radio-frequency power amplifiers specially designed for transmission in the C, X, and Ku bands [7] from fixed earth stations to communications satellites. These articles were made according to specifications in COMSAT contracts ESOC 1263 and ESOC 1264. ESOC 1263 is a contract for nine klystron 3-kilowatt (kW) [8] amplifiers designed for use on the C band. ESOC 1264 is a contract for 20 traveling-wave-tube (TWT) [9] 3-kW amplifiers designed for use on the C band.[10] Both of these contracts were for amplifiers for sending signals to communications satellites and both were won by Nippon Electric Co. (NEC) of Japan.

We find that the products in this investigation that are like those imported under ESOC 1263 and ESOC 1264 are klystron and TWT amplifiers of over 1 kW for use on the C, X, or Ku bands.[11] Amplifiers that have power ratings above 1 kW can be used to send all types of signals to communications satellites, including video signals.[12] The best information available indicates that amplifiers below 1 kW would not be capable of sending video signals. On this basis, we believe that only amplifiers above 1 kW should be considered like the 3-kW amplifiers involved in the two COMSAT contracts.[13]

Section 771(4)(D) directs the Commission to assess the effect of dumped imports in relation to the U.S. production of a like product if available data permit the separate identification of that product in terms of such criteria

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[1] The record is defined in § 207.2(j) of the Commission's rules of practice and procedure (19 CFR 207.2(j)).

[2] Vice Chairman Calhoun determines that there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, by reason of imports of the subject merchandise.

[3] MCL, Inc., La Grange, Ill., joined Aydin Corp. as a copetitioner on July 29, 1981.

[4] For purposes of this investigation, the subject merchandise is defined as radio-frequency power amplifier assemblies, and parts thereof, specially designed for transmission in the C, X, and Ku bands from fixed earth stations to communications satellites, provided for in item 685.29 of the Tariff Schedules of the United States.

[5] 19 U.S.C. 1677(4)(A).

[6] 19 U.S.C. 1677(10).

[7] Operating frequencies for radio transmitters are assigned by the Federal Communications Commission. Commercial satellite communications systems are assigned the C band (5.9-6.4 gigahertz (GHz)) and Ku band (12-14 GHz) frequencies, and military systems are assigned the X band (7.9-8.4 GHz).

[8] Power is measured in kilowatts and amplifiers are engineered for certain power ranges depending on design characteristics and intended uses.

[9] Both klystron and traveling-wave tubes provide the power amplification needed to transmit the signals to a satellite. The klystron and TWT amplifiers are somewhat different in terms of the manner in which they perform. The TWT amplifier is capable of sending signals over a much wider bandwidth than a klystron amplifier. As a result, the TWT amplifier does not need to be retuned as frequently, and one amplifier can be used to send signals to several transponders on a satellite. Nevertheless, klystron and TWT amplifiers are essentially performing the same function, in that they amplify the signal for uplink transmission to a communications satellite. We therefore believe that klystron and TWT amplifiers are like in terms of the statute.

[10] The COMSAT contracts call for amplifiers designed to broadcast on the C band, which is the principal band in the United States for civilian satellite broadcasting. Amplifiers that broadcast to satellites on the X or Ku bands are essentially the same as C-band amplifiers except that radio-frequency components and the tubes are designed to broadcast on the appropriate wavelengths. Because this is only a minor variation, we are of the view that the C, X, and Ku band amplifiers are like in terms of the statute.

[11] See additional views of Vice Chairman Calhoun.

[12] The type of signal that can be sent to communications satellites is a function of the power of the amplifier and the size of the antenna. In defining the like product, we assume use of an antenna in the range normal in the industry. The vast majority of transmitter stations use antennas in the normal range because it is not economical to do otherwise.

[13] It is our view that an amplifier with a linearizer, which is included in ESOC 1264, but not in ESOC 1263, is not significantly different in characteristics or uses from an amplifier without a linearizer. The purpose of a linearizer is to adjust for distortions in a signal as it passes through the amplifier. ESOC 1264 is the first COMSAT contract that has called for the use of this device. Although the linearizer may have a beneficial effect (there is some difference of opinion in this regard among producers and users), the essential characteristics of the amplifier remain the same.

as the production process or the producers' profits. In this investigation, however, the available data permit the Commission to assess the effect of only the allegedly dumped imports on the overall operations of U.S. producers (i.e., employment and financial performance) on the production of high-powered amplifiers (HPA's) rather than limiting that assessment to operations regarding amplifiers of over 1 kW. The U.S. industry consists of those portions of Aydin Corp., Varian Associates, Inc., MCL, Inc., Hughes Aircraft Corp., and Comtech Telecommunications devoted to the production of the subject HPA's.[14]

Threat of material injury [15]

The Senate Finance Committee report on the Trade Agreements Act of 1979 makes clear that an affirmative finding on threat of material injury "must be based upon information showing that the threat is real and injury is imminent, not a mere supposition or conjecture." [16] The report of the Committee on Ways and Means of the House of Representatives states that, with respect to threat, the Commission should focus on

demonstrable trends—for example, the rate of increase of the * * * dumped exports to the U.S. market, capacity in the exporting country to generate exports, the likelihood that such exports will be directed to the U.S. market taking into account the availability of other export markets, * * * [17]

Despite the current healthy conditions of the U.S. industry with regard to many of the factors listed in section 771(7)(c)(iii) of the Tariff Act of 1930,[18] including sales, profits, and employment, data collected during the investigation point to a reasonable indication of threat of material injury to that industry.[19] Imports of the subject amplifiers from Japan and the market penetration of such imports rose dramatically in 1981.[20] There is reason to believe that such import trends will continue in the immediate future as amplifiers are imported under the terms of the COMSAT contracts and future lost sales occur. We note that even though present indicators show a healthy industry, the injury occurring from the loss of the two COMSAT contracts has not yet manifested itself in the financial data.

The prices offered by NEC on the two COMSAT contracts on which dumping is alleged were significantly below those of U.S. producers,[21] and demonstrate NEC's desire and ability to compete aggressively in the growing U.S. market for satellite communications equipment. This substantial price undercutting may prevent the U.S. industry from raising its prices to a significant degree. If price suppression develops, the U.S. industry will experience adverse effects on investment and may be unable to retain highly skilled personnel or fund research and development plans.

The structure of this high-technology industry and the market in which it operates is such that funds for research and development and the retention of highly skilled personnel are very significant factors in the continued health of the industry. Because of long lead times and the built-to-specification nature of this market, every firm faces periods of rapid increases in sales and periods of lesser activity. Therefore, price suppression that threatens the domestic industry's ability to retain essential personnel and carry on necessary research and development require especially close scrutiny.

COMSAT provided the Commission with detailed information on its reasons for awarding both contracts to NEC. COMSAT's letter, which is reproduced in the report,[22] indicates that NEC was awarded both contracts because of several considerations, including technical superiority and delivery schedule. However, in each of the two instances, COMSAT has stated that proposals by some domestic firms were deemed adequate in terms of the non-price criteria. COMSAT operates under Federal Communications Commission rules that require that cost of the product be a major factor in determining the awarding of a contract.[23] Given "technical adequacy" of several bidders, the lower price offered by NEC was a deciding factor in the sales lost by the domestic producers.

NEC is a major world producer of HPS's, with vertically integrated manufacturing facilities capable not only of providing HPA's, but also all major components of HPA's, as well as entire earth stations for communication satellites on a turnkey basis.[24] NEC's success in winning the two COMSAT contracts will allow them to demonstrate technical capabilities and performance credibility with a large and technically exacting U.S. consumer. This could help NEC to make further inroads into the rapidly growing U.S. market for satellite communications equipment.

In sum, we determine that there is a reasonable indication that the rapid increase in market penetration by the alleged LTFV imports, together with the capture by NEC of two major procurements at prices well below those of its U.S. competitors, and NEC's ability to generate future exports to the United States will have a detrimental impact on the performance of the domestic industry in terms of profitability, productivity, return on investments, utilization of capacity, employment, and other areas. Thus, the investigation should continue.

Additional Views of Vice Chairman Calhoun

In finding the like product in this case to be Klystron and TWT amplifiers of over 1 kW for use on the C, X, or Ku bands, we have found domestically produced articles to be like products for which there is no imported counterpart and for which there is an absence of any allegation or substantial information suggesting fungibility between them and the products actually being imported.[25] To the extent this finding carries to the final investigation, its effect is to broaden the scope of the domestic production against which material injury or threat must be assessed under section 771(4)(D). Such a broadening would, thus, include products which may not be suffering any adverse impact from imports because, in the marketplace, they may not, in fact, face competition from imports. The result of such a broadening, then, is a tendency to reduce the likelihood of an affirmative finding because we would be assessing import impact against production which may be unaffected by imports. This would seem to frustrate the effectiveness of a law designed to provide relief to producers of products adversely affected by unfair imports.

[14] Staff Report at A-5-6.

[15] Vice Chairman Calhoun, in voting material injury *or* threat takes the view that, except in unusual circumstances, data collected in preliminary investigations are not normally suitable for use in reaching especially precise conclusions such as whether injury is threatened or is extant. Nor, in his view, is such precision required in preliminary investigations. Consequently, in most preliminary investigations his vote is in the alternative pending receipt of more definitive data from the final investigation.

[16] S. Rep. No. 249, 96th Cong., 1st Sess. 88-89 (1979).

[17] H.R. Rep. No. 317, 96th Cong., 1st Sess. 47 (1979).

[18] 19 U.S.C. 1677(7)(iii).

[19] Specific company-related data are confidential and cannot be discussed in this public document.

[20] Staff Report at A-9, 11, and 12.

[21] *Id.* at A-16 and 19.

[22] *Id.* at A-30-42.

[23] 47 CFR 25.151.

[24] Staff Report at A-15.

[25] The articles which are actually to be imported are 9 Klystron-tube 3 kilowatt (kW) amplifiers designed for use on the C band and 20 travelling-wave-tube (TWT) 3 kW amplifiers designed for use on the C band. Therefore, the products included in the like product category which are not being imported are amplifiers over 1 kW but under 3 kW and amplifiers over 3 kW, both categories for use on C, X, or Ku bands. Included, as well, are amplifiers of 3 kW for use on X or Ku bands.

Despite the potential of our board like product finding to dilute the impact of imports, it seems appropriate because of the particular circumstances of this case. As a general rule, a finding of the domestic like product should follow, as close as practicable, the characteristics and uses of the imported article. That is, the like product ought to be the domestic product which the marketplace considers to be the closest thing to the article being imported. This approach is difficult, here, because, unlike most cases, the specific amplifiers in question are not standard production items, either domestically or abroad, in that they are to be manufactured in accordance with COMSAT specifications. Indeed, production of amplifiers for transmission from earth stations to communication satellites seem, generally, to take place on a made-to-specification basis. Thus, applying this general rule to find like products, in cases involving products made to order, leaves the finding dependent solely on the fortuity of there being some domestic production of a product having specifications close to those of the imported article. Such decisionmaking, based upon happenstance, cannot be sound policy.

Therefore, in reaching a finding of like product, a somewhat different approach has been undertaken. This approach should eliminate dependence on coincidence and should result in a like product finding which accurately identifies that production most likely to be impacted by imports. In this regard, then, while the specific requirements of particular users of amplifiers for transmission from earth to satellite may vary, there are, nevertheless, domestic producers who are capable of meeting the terms of specific contracts and ought to be entitled to the benefits of our trade laws. More relevant, however, is the fact that it is possible to describe rather particular characteristics of the category of amplifiers produced by these manufacturers which, subject to special efforts to meet particularized specifications, would meet the uses to which COMSAT and other consumers are likely to put such amplifiers. These characteristics and uses are discussed in the opinion and are the basis for my view that this category of amplifiers is most similar to the imported articles.

With such a view of like product, given the data thus far collected, we assess the impact of imports on the production of amplifiers which are generally capable of meeting the terms of a particular contract since production of more closely related amplifiers may or may not exist. This, then, makes the focus of our investigation properly on producers who are capable of competing with foreign producers for specification contracts for amplifiers for earth to satellite transmission.

I have explained my reasoning in some detail as an invitation to parties to address more closely in the final investigation the issue of like product and to supply the relevant data on a product line basis that tracks as close as possible our like product finding. These two matters are likely to be especially important considerations in our final investigation.

Issued: September 8, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-28933 Filed 9-15-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-102]

Certain Wheel Locks and Components Thereof; Settlement Agreement and Request for Public Comments

AGENCY: U.S. International Trade Commission.

ACTION: Request for public comments on proposed termination of investigation on the basis of a settlement agreement.

SUMMARY: Notice is hereby given that the presiding officer in this investigation has recommended that the Commission grant a joint motion by the parties to terminate the investigation on the basis of a settlement agreement executed by the complainant and the respondents. Before taking final action on the proposed termination of the investigation, the Commission requests that interested members of the public submit written comments thereon.

DATES: Comments will be considered if received within thirty (30) days of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Michael P. Mabile, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0350.

SUPPLEMENTARY INFORMATION: On August 7, 1981, the complainant, all respondents, and the Commission investigative attorney filed a joint motion (motion 102-4) to terminate this investigation pursuant to rule § 210.51(a) of the Commission's rules of practice and procedure on the basis of a settlement agreement executed by the complainant and the respondents. On August 20, 1981, the presiding officer recommended that motion 102-4 be granted, and the proposed termination of this investigation based on the settlement agreement is now before the Commission.

The substantive provisions of the settlement agreement are summarized as follows:

1. The agreement is between complainant McGard, Inc., respondents Kyo-Ei Industrial Corp., Mackin Industries, Superior Industries International, Inc., and Custom Plating Corp., and Kyo-Ei America Corp., a non-party to the investigation.

2. Complainant McGard, Inc., is the owner of all rights in U.S. Letters Patent No. 3,241,408, and all parties agree that the patent is valid.

3. Respondents and Kyo-Ei American Corp. agree that they will cease importing wheel locks of a design alleged to infringe the patent after November 15, 1981, and that they will not import or cause to be imported any wheel lock until after March 22, 1983, the date of expiration of the patent, except as provided in the agreement.

4. Between June 25, 1981, and November 15, 1981, respondents and Kyo-Ei American Corp. may sell their existing inventories of the allegedly infringing wheel locks and may import 97,510 additional sets of those wheel locks. Replacement keys for allegedly infringing wheel locks that have already been imported may be imported as necessary.

5. The parties agree that wheel locks conforming to specific new designs submitted by the respondents and Kyo-Ei America Corp. would not infringe the claims of the patent and that Kyo-Ei Industrial Corp. may manufacture, and that the other respondents and Kyo-Ei America Corp. may import, distribute and sell, wheel locks conforming to those designs.

6. For the duration of the agreement, Kyo-Ei Industrial Corp. may submit drawings for different or additional wheel lock designs to McGard for approval, and such approval shall not be unreasonably withheld. If the parties cannot agree to such different or additional designs, either party may petition the Commission to reopen the investigation. The successful party to any Commission investigation, suit at law, or other proceeding to resolve such a dispute shall be entitled to recover its attorneys fees and costs.

7. All wheels locks manufactured in Japan and imported, distributed or sold in the United States by respondents and Kyo-Ei America Corp. will be clearly and conspicuously labeled as having been manufactured in Japan.

8. The parties agree that prior to March 22, 1983, the expiration date of

the patent, any party may move to reopen the Commission investigation on the basis of an alleged breach of the agreement.

9. Respondents and Kyo-Ei America Corp., by signing the agreement, do not admit violation of section 337 of the Tariff Act of 1930 or any other statute or regulation.

The complete text of the settlement agreement, except for confidential business information contained therein, is available for public inspection during normal business hours (8:45 a.m. to 5:15 p.m.) at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

All comments should conform to rule § 201.8 of the Commission's rules of practice and procedure (19 CFR 201.8) and should be addressed to the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

Issued: September 9, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-26934 Filed 9-15-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-97]

Certain Steel Rod Treating Apparatus and Components Thereof; Opportunity To File Preliminary Response

AGENCY: United States International Trade Commission.

ACTION: Having reviewed Motion Nos. 97-55 and 97-56, and the record in this investigation, the Commission has granted respondents an opportunity to file a preliminary response to Motion No. 97-55 no later than September 10, 1981. The preliminary response should address the threshold issue of whether a Temporary Exclusion Order proceeding in the form of a hearing before the Commission is warranted in this investigation.

SUMMARY: Opportunity for a preliminary response.

SUPPLEMENTARY INFORMATION: Notice is hereby given that complainant Morgan Construction Co. has filed Motion No. 97-55, requesting a temporary exclusion order (TEO) and Motion No. 97-56, requesting that respondents' time to respond to Motion No. 97-55 be shortened.

After reviewing Motions Nos. 97-55 and 97-56 and the record in this investigation, the Commission has determined that respondents should be given an opportunity to submit a preliminary response to Motion No. 97-55. The preliminary response should address the threshold issue of whether the allegations made in Motion No. 97-55 warrant a TEO proceeding in this investigation. Any such preliminary responses are due by close of business, September 10, 1981.

If the Commission determines on the basis of Motion No. 97-55 and any preliminary responses thereto that a TEO proceeding is warranted in this investigation, the Commission will set a hearing date and schedule. The schedule (if any) will give notice of any deadline for the submission of briefs by parties concerning the possible issuance of a TEO. Thus in the event that the Commission decides to conduct a TEO proceeding, respondents (and all other parties) will be given a further opportunity to respond to Motion No. 97-55 in the form of a brief.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0375.

By Order of the Commission.

Issued: September 9, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-26935 Filed 9-15-81; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Which the United States Seeks To Enforce Compliance by Pester Refining Co. and American Petrofina Co. of Texas With the Clean Water Act

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on September 2, 1981, a proposed consent decree and order in *United States of America* v. *Pester Refining Company and American Petrofina Company of Texas*, Civil Action No. 78-1448, was lodged with the United States District Court for the District of Kansas. Since May, 1979, defendants have been in compliance with the Clean Water Act and their National Pollution Discharge Elimination System (NPDES) permit, and therefore, no injunctive relief is provided as part of the consent decree.

In lieu of the payment of a civil penalty, defendants have agreed to install additional environmental controls beyond that which is necessary to comply with law. No later than December 31, 1982, Pester Refining Company (Pester), will install automatic oxygen stack gas analyzers in the main Crude Unit heater and the Alkylation Unit depropanizer reboiler at its refinery located in El Dorado, Kansas. No later than December 31, 1982, American Petrofina Company of Texas (APCOT) will install a froth storage tank and low-rate pumping system in the air flotation unit sludge disposition system at its refinery in Port Arthur, Texas. The controls shall result in the expenditure of not less than Thirty Thousand Dollars ($30,000.00) each by Pester and APCOT.

The Department of Justice will receive on or before October 16, 1981 written comments related to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Pester Refining Company and American Petrofina Company of Texas*, D.J. Ref. 90-5-1-1-1135.

The proposed consent decree may be examined at the office of the United States Attorney, 444 Quincy Street, Topeka, Kansas 66683; at the Region VII office of the Environmental Protection Agency, Enforcement Division, 324 East 11th Street, Kansas City Missouri 64106; and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, 10th and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-26882 Filed 9-15-81; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Dow Chemical Co.; Withdrawal of Application

On July 17, 1981, the Administrator of the Drug Enforcement Administration published in the Federal Register (46 FR 37098) a notice concerning action on Dow Chemical Company's (DOW) application for registration as an importer of bulk dextropropoxyphene, a narcotic substance listed in Schedule II of the Controlled Substances Act. The notice stated in part that DEA had notified Dow that it had failed to make a substantive showing to support its registration as an importer of bulk dextropropoxyphene, and that Dow had been given the opportunity to either withdraw its application or to submit additional information in support of it.

Dow has notified DEA that it desires to withdraw the subject application. Section 1301.37, Title 21, Code of Federal Regulations provides that an application may be withdrawn at any time prior to the date on which the applicant receives an Order to Show Cause. Accordingly, the subject application shall be, and it hereby is, withdrawn. Dow will dispose of its remaining stock of dextropropoxyphene according to the procedures set forth in the above-mentioned Federal Register announcement.

Dated: September 8, 1981.

Francis M. Mullen, Jr.,

Acting Administrator.

[FR Doc. 81-26691 Filed 9-15-81; 8:45 am]

BILLING CODE 4410-09-M

National Institute of Justice

Crime Control Theory, et al.; Competitive Research Proposal Solicitations

The National Institute of Justice announces competitive research proposal solicitations in the following three program areas: (1) Crime Control Theory; (2) Criminal Justice System Performance Measurement; and (3) Classification, Prediction and Methodology Development. Subject to the availability of funds for fiscal year 1982, it is anticipated that from $500,000 to $1,000,000 will be allocated for the support of research in each of these areas. It is expected that individual grant awards will average about $100,000. Funding recommendations among proposals received will be made to the National Institute of Justice by peer review panels consisting of experts in each of the subject areas. To be eligible for consideration, proposals must be postmarked by the following deadline dates:

(1) Crime Control Theory
1st cycle—December 5, 1981
2nd cycle—April 17, 1982

(2) Performance Measurement
January 15, 1982

(3) Classification, Prediction, Methodology Development
1st cycle—December 18, 1981
2nd cycle—April 30, 1982

Copies of these solicitations can be obtained by writing to: Program Solicitation Office, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Harry M. Bratt,

Acting Director.

[FR Doc. 81-26683 Filed 9-15-81; 8:45 am]

BILLING CODE 4410-18-M

Privacy Act of 1974; Modified System of Records

[AAG/A Order No. 76-81]

Pursuant to the Privacy Act of 1974, 5 U.S.C. § 552a, the Federal Bureau of Investigation, Department of Justice, proposes to add the routine uses printed below to the JUSTICE/FBI-001 National Crime Information Center (NCIC) system, notice of which was published in the Federal Register on April 17, 1981.

Data in NCIC files, other than the Computerized Criminal History File, is disseminated to (1) a nongovernmental agency or subunit thereof which allocates a substantial part of its annual budget to the administration of criminal justice, whose regularly employed peace officers have full police powers pursuant to state law and have complied with the minimum employment standards of governmentally employed police officers as specified by state statute; (2) a noncriminal justice governmental department of motor vehicle or driver's license registry, established by a statute, which provides vehicle registration and driver record information to criminal justice agencies; (3) a governmental regional dispatch center, established by a state statute, resolution, ordinance or Executive order, which provides communication services to criminal justice agencies; and (4) The National Automobile Theft Bureau, a nongovernmental, nonprofit agency which acts as a national clearinghouse for information on stolen vehicles and offers free assistance to law enforcement agencies concerning automobile thefts, identification and recovery of stolen vehicles.

Disclosures of information from this system, as described above, are for the purpose of providing information to authorized agencies to facilitate the apprehension of fugitives, the location of missing persons, the location and/or return of stolen property, or similar criminal justice objectives.

All of the additional routine use language has been italicized for the convenience of the public.

Since these routine uses are compatible with the purposes for which the system is maintained, no report to the Office of Management and Budget or the Congress is required.

Inquiries or comments may be submitted in writing to the Administrative Counsel, Justice Management Division, Department of Justice, Room 6239, 10th and Constitution Avenue, NW, Washington, D.C. 20530. If no comments are received within 30 days following the date of publication of this notice in the Federal Register, the new routine uses will be adopted as set forth. No oral hearings are contemplated.

The amended system is reprinted below in its entirety.

Dated: September 3, 1981.

Kevin D. Rooney,

Assistant Attorney General for Administration.

JUSTICE/FBI-001

SYSTEM NAME:

National Crime Information Center (NCIC).

SYSTEM LOCATION:

Federal Bureau of Investigation; J. Edgar Hoover Bldg., 10th and Pennsylvania Avenue NW., Washington, D.C. 20535.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Wanted Persons: 1. Individuals for whom Federal warrants are outstanding. 2. Individuals who have committed or have been identified with an offense which is classified as a felony or serious misdemeanor under the existing penal statutes of the jurisdictions originating the entry and felony or misdemeanor warrant has been issued for the individual with respect to the offense which was the basis of the entry. Probation and parole violators meeting the foregoing criteria. 3. A "Temporary Felony Want" may be entered when a law enforcement agency has need to take prompt action to establish a "want" entry for the apprehension of a person who has committed, or the officer has reasonable grounds to believe has committed, a felony and who may seek refuge by fleeing across jurisdictionary boundaries and circumstances preclude the immediate procurement of a felony warrant. A "Temporary Felony Want" shall be specifically identified as such and subject to verification and support by a proper warrant within 48 hours following the initial entry of a temporary want. The agency originating the "Temporary Felony Want" shall be responsible for subsequent verification or re-entry of a permanent want.

B. Individuals who have been charged with serious and/or significant offenses.

C. Missing Persons: 1. A person of any age who is missing and who is under proven physical/mental disability or is senile, thereby subjecting himself or others to personal and immediate danger. 2. A person of any age who is missing under circumstances indicating that his disappearance was not voluntary. 3. A person of any age who is missing and in the company of another person under circumstances indicating that his physical safety is in danger. 4. A person who is missing and declared unemanicipated as defined by the laws of his state of residence and does not

meet any of the entry criteria set forth in 1, 2, or 3 above.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Stolen Vehicle File: 1. Stolen vehicles. 2. Vehicles wanted in conjunction with felonies or serious misdemeanors. 3. Stolen vehicle parts, including certificates of origin or title.

B. Stolen License Plate File: 1. Stolen or missing license plate.

C. Stolen/Missing Gun File: 1. Stolen or missing guns. 2. Recovered gun, ownership of which has not been established.

D. Stolen Article File.

E. Wanted Person File: Described in "Categories of individuals covered by the system: A. Wanted Persons".

F. Securities File: 1. Serially numbered stolen, embezzled, counterfeited, missing securities. 2. "Securities" for present purposes of this file are currency (e.g. bills, bank notes) and those documents or certificates which generally are considered to be evidence of debt (e.g. bonds, debentures, notes) or ownership of property (e.g. common stock, preferred stock), and documents which represent subscription rights, warrants) and which are of those types traded in the securities exchanges in the United States, except for commodities futures. Also included are warehouse receipts, travelers checks and money orders.

G. Boat file.

H. Computerized Criminal History File: A cooperative federal-State program for the interstate exchange of criminal history record information for the purpose of facilitating the interstate exchange of such information among criminal justice agencies.

I. Missing Person File: Described in "Categories of individuals covered by the system: C. Missing Persons".

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with Title 28, United States Code, Section 534 and Title 28—Judicial Administration, Chapter I—Department of Justice (Order No. 601–75) Part 20—Criminal Justice Information Systems. Public Law 92–544 (86 Stat. 115), Executive Order 10450, Public Law 94–29 (89 Stat. 97) Security Acts Amendments of 1975.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data in NCIC files is exchanged with and for the official use of authorized officials of the Federal Government, the States, cities, and penal and other institutions. The data is exchanged through NCIC lines to Federal criminal justice agencies, criminal justice agencies in the 50 States, the District of Columbia, Puerto Rico, U.S. Possessions and U.S. Territories. Additionally, data contained in the various "want files," i.e., the stolen vehicle file, stolen license plate file, stolen/missing gun file, stolen article file, wanted person file, securities file, and boat file may be accessed by the Royal Canadian Mounted Police. Criminal history data is desseminated to non-criminal justice agencies for use in connection with licensing for local/state employment or other uses, but only where such dissemination is authorized by Federal or state statutes and approved by the Attorney General of the United States.

Data in NCIC files, other than the Computerized Criminal History File, is disseminated to (1) a nongovernmental agency or subunit thereof which allocates a substantial part of its annual budget to the administration of criminal justice, whose regularly employed peace officers have full police powers pursuant to state law and have complied with the minimum employment standards of governmentally employed police officers as specified by state statute; (2) a noncriminal justice governmental department of motor vehicle or driver's license registry, established by a statute, which provides vehicle registration and driver record information to criminal justice agencies; (3) a governmental regional dispatch center, established by a state statute, resolution, ordinance or Executive order, which provides communication services to criminal justice agencies; and (4) The National Automobile Theft Bureau, a nongovernmental, nonprofit agency which acts as a national clearinghouse for information on stolen vehicles and offers free assistance to law enforcement agencies concerning automobile thefts, identification and recovery of stolen vehicles.

Disclosures of information from this system, as described above, are for the purpose of providing information to authorized agencies to facilitate the apprehension of fugitives, the location of missing persons, the location and/or return of stolen property, or similar criminal justice objectives.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personnel privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the NCIC system is stored electronically for use in a computer environment.

RETRIEVABILITY:

On-line access to data in NCIC is achieved by using the following search descriptors. 1. Vehicle file: (a) Vehicle identification number; (b) License plate number; (c) NCIC number (unique number assigned by the NCIC computer to each NCIC record). 2. License Plate file: (a) License plate number; (b) NCIC number. 3. Gun File: (a) Serial number of gun; (b) NCIC number. 4. Article File: (a) Serial number of article; (b) NCIC number. 5. Wanted Person File: (a) Name and one of the following numerical identifiers, date of birth, FBI number (number assigned by the Federal Bureau of Investigation to an arrest fingerprint record), Social Security number (It is noted the requirements of the Privacy Act with regard to the solicitation of Social Security numbers have been brought to the attention of the members of the NCIC system), Operator's license number (driver's license number), Miscellaneous identifying number (military number or number assigned by Federal, state, or local authorities to an individual's record), Originating agency case number, (b) Vehicle or license plate known to be in the possession of the wanted person; (c) NCIC number (unique number assigned to each NCIC record). 6. Securities File. (a) Type, serial number, denomination of security; (b) Type of security and name of owner of security; (c) Social Security number of

owner of security, (d) NCIC number. 7. Boat File: (a) Registration document number, (b) Hull serial number, (c) NCIC number. 8. Computerized Criminal History File; (a) Name, sex, race, and date of birth; (b) FBI number, (c) State identification number; (d) Social Security number; (e) Miscellaneous number. 9. Missing Person file—Same as "Wanted Person" File.

SAFEGUARDS:

Data stored in the NCIC is documented criminal justice agency information and access to that data is restricted to duly authorized criminal justice agencies. The following security measures are the minimum to be adopted by all criminal justice agencies having access to the NCIC Computerized Criminal History File. These measures are designed to prevent unauthorized access to the system data and/or unauthorized use of data obtained from the computerized file.

1. Computer Centers: a. The criminal justice agency computer site must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data. b. Since personnel at these computer centers can access data stored in the system, they must be screened thoroughly under the authority and supervision of an NCIC control terminal agency. (This authority and supervision may be delegated to responsible criminal justice agency personnel in the case of a satellite computer center being serviced through a state control terminal agency.) This screening will also apply to non-criminal justice maintenance or technical personnel. c. All visitors to these computer centers must be accompanied by staff personnel at all times. d. Computers having access to the NCIC must have the proper computer instructions written and other built-in controls to prevent criminal history data from being accessible to any terminals other than authorized terminals. e. Computers having access to the NCIC must maintain a record of all transactions against the criminal history file in the same manner the NCIC computer logs all transactions. The NCIC identifies each specific agency entering or receiving information and maintains a record of those transactions. This transaction record must be monitored and reviewed on a regular basis to detect any possible misuse of criminal history data. f. Each state control terminal shall build its data system around a central computer, through which each inquiry must pass for screening and verificaion. The configuration and operation of the center shall provide for the integrity of the data base.

2. Communications: a. Lines/channels being used to transmit criminal history information must be dedicated solely to criminal justice use, i.e., there must be no terminals belonging to agencies outside the criminal justice system sharing these lines/channels. b. Physical security of the lines/channels must be protected to guard against clandestine devices being utilized to intercept of inject system traffic.

3. Terminal Devices Having Access to NCIC; a. All agencies having terminals on the system must be required to physically place these terminals in secure locations within the authorized agency. b. The agencies having terminals with access to criminals history must have terminal operators screened and restrict access to the terminal to a minimum number of authorized employees. c. Copies of criminal history data obtained from terminal devices must be afforded security to prevent any unauthorized access to or use of that data. d. All remote terminals on NCIC Computerized Criminal History will maintain a hard copy of computerized criminal history inquiries with notations of individual making request for record (90 days).

RETENTION AND DISPOSAL:

Unless otherwise removed, records will be retained in file as follows:

1. Vehicle File: a. Unrecovered stolen vehicle records (including snowmobile records) which do not contain vehicle identification numbers (VIN) therein, will be purged from file 90 days after the end of the license plate's expiration year as shown in the record. Unrecovered stolen vehicle records (including snowmobile records) which contain VIN's will remain in file for the year of entry plus 4. b. Unrecovered vehicles wanted in conjunction with a felony will remain in file for 90 days after entry. In the event a longer retention period is desired, the vehicle must be reentered. c. Unrecovered stolen VIN plates, certificates or origin of title, and serially numbered stolen vehicles engines or transmissions will remain in file for the year of entry plus 4.

2. License Plate File: Unrecovered stolen license plates not associated with a vehicle will remain in file for one year after the end of the plate's expiration year as shown in the record.

3. Gun File: a. Unrecovered weapons will be retained in file for an indefinite period until action is taken by the originating agency to clear the record. b. Weapons entered in file as "recovered" weapons will remain in file for the balance of the year entered plus 2.

4. Article File: Unrecovered stolen articles will be retained for the balance of the year entered plus one year.

5. Wanted Person File: Persons not located will remain in file indefinitely until action is taken by the originating agency to clear the record (except "Temporary Felony Wants", which will be automatically removed from file after 48 hours).

6. Securities File: Unrecovered, stolen, embezzled, counterfeited or missing securities will be retained for the balance of the year entered plus 4, except for travelers checks and money orders, which will be retained for the balance of th year entered plus 2.

7. Boat File: Unrecovered stolen boats will be retained in file for the balance of the year entered plus 4.

8. Missing Person File: Will remain in the file until the individual is located or, in the case of unemancipated persons, the individual reaches the age of emancipation as defined by laws of his state.

9. Computerized Criminal History File: When an individual reaches age of 80.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, J. Edgar Hoover F.B.I. Building, 9th and Pennsylvania Avenue N.W., Washington, D.C. 20535.

NOTIFICATION PROCEDURES:

Same as the above.

RECORD ACCESS PROCEDURE:

It is noted the Attorney General is exempting this system from the access and contest procedures of the Privacy Act. However, the following alternative procedures are available to a requester. The procedures by which an individual may obtain a copy of his computerized Criminal History are as follows:

If an individual has a criminal record supported by fingerprints and that record has been entered in the NCIC CCH File, it is available to that individual for review, upon presentation of appropriate identification, and in accordance with applicable State and Federal administrative and statutory regulations.

Appropriate identification includes being fingerprinted for the purpose of insuring that he is the individual that he purports to be. The record on file will then be verified as his through comparison of fingerprints.

Procedure 1. All requests for review must be made by the subject of his record through a law enforcement agency which has access to the NCIC

CCH File. That agency within statutory or regulatory limits can require additional identification to assist in securing a positive identification.

2. If the cooperating law enforcement agency can make an identification with fingerprints previously taken which are in file locally and if the FBI identification number of the individual's record is available to that agency, it can make an on-line inquiry of NCIC to obtain his record on-line or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Washington, D.C., by mail. The individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it is necessary for that agency to relate his prints to an existing record by having his identification prints compared with those already on file in the FBI or possibly, in the State's central identification agency.

CONTESTING RECORD PROCEDURES:

The subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in his record or provide the information needed to make the record complete.

RECORD SOURCE CATEGORIES:

Information contained in the NCIC system is obtained from local, State, Federal and international criminal justice agencies.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H), (e)(8) (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the Federal Register.

[FR Doc. 81-26013 Filed 9-15-81; 8:45 am]
BILLING CODE 4410-02-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting Addendum

The Agenda for the meeting of the National Advisory Committee on Oceans and Atmosphere (NACOA) scheduled for September 22-24, 1981 published in the Federal Register of September 9, 1981 (Page 45053), has changed. The closed session scheduled September 23, 1981 from 8:30 a.m. to 10:00 a.m. has been deferred. The amended Agenda is as follows:

Tuesday, September 22, 1981

Plenary

9:00 a.m.—9:30 a.m.—Announcements
9:30 a.m.—12:00 noon—To Be Announced
12:00 noon—1:00 p.m.—Lunch
1:00 p.m.—5:00 p.m.—Panel meetings
1:00 p.m.—3:00 p.m.—Hydrology, Chairman: Paul Bock (Room B-100)
1:00 p.m.—3:00 p.m.—Coastal Zone, Topic: Coastal Barriers, Co-Chairmen: Sharron Stewart, Jack R. Van Lopik
3:00 p.m.—5:00 p.m.—Environment and Regulations, Topic: Review of Several Regulating Areas, Co-Chairmen: Sylvia A. Earle, Peter Emerson
5:00 p.m.—Recess

Wednesday, September 23, 1981

8:30 a.m.—12:00 noon—Panel meetings
8:30 a.m.—12:00 noon—Costal Zone, Topic: OCS Revenue Sharing, Co-Chairmen: Sharron Stewart, Jack R. Van Lopik

Note.—Session on Global Positioning System deferred to subsequent meeting.

10:00 a.m.—12:00 noon—Weather Services, Topic: Provision of Weather Services; User Fees. Guest: Richard E. Hallgren, Director, National Weather Service, National Oceanic & Atmospheric Administration, Chairman: Warren Washington (Room B-100)
12:00 noon—1:00 p.m.—Lunch
1:00 p.m.—3:00 p.m.—Plenary
Panel Reports
3:00 p.m.—Adjourn (Regular NACOA Meeting)
3:00 p.m.—6:30 p.m.—Panel meeting
Marine Minerals, Chairman: Burt Keenan
3:00 p.m.—3:15 p.m.—Opening Remarks: Burt Keenan
3:15 p.m.—4:00 p.m.—Strategic metals stockpiling policy: Charles Fontana, FEMA
4:00 p.m.—5:00 p.m.—Continental Shelf Minerals: J. Robert Moore
5:00 p.m.—5:45 p.m.—Financing of Deep Ocean Mining: Richard Tinsley
5:45 p.m.—6:30 p.m.—Mineral Marketing and Ocean Mining: Jim Johnston
6:30 p.m.—Recess

Thursday, September 24, 1981

Panel Meeting

8:30 a.m.—12:00 noon—Marine Minerals (Cont'd)
NOAA Presentation
Regulations: Amor Lane, John Padan
Environmental Issues/Assessment: Jim Lawless
Negotiations of Like-Minded Nations: Jim Lawless
Sea Grant: Dave Duane
Polymetallic Sulfides: Dave Duane
12:00 noon—1:00 p.m.—Lunch
1:00 p.m.—1:30 p.m.—Report on Administration Review of the draft Law of the Sea Treaty: Conrad Welling
1:30 p.m.—3:00 p.m.—Review of task statement; Discussion of issues
3:00 p.m.—3:15 p.m.—Coffee break
3:15 p.m.—5:30 p.m.—Discussion of issues (cont'd); November meeting date
5:30 p.m.—Adjourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman has the prerogative to impose limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Steven N. Anastasion, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, 3300 Whitehaven Street, NW., (Room 438, Page Building #1), Washington, DC 20235. The telephone number is (202) 653-7818.

Dated: September 14, 1981.

Steven N. Anastasion,
Executive Director.

[FR Doc. 81-26002 Filed 9-15-81; 8:45 am]
BILLING CODE 3510-12-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for PCM; Subcommittee on Genetic Biology; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Genetic Biology of the Advisory Committee for Physiology, Cellular & Molecular Biology.
Date and time: October 8-10, 1981, 9:00 AM.
Place: Room 421, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550.
Type of meeting: Closed.
Contact person: Dr. DeLill Nasser, Program Director, Genetic Biology Program, Room 329, National Science Foundation, Washington, D.C. 20550, telephone (202) 357-9687.
Purpose of subcommittee: To provide advice and recommendations concerning support for research in genetic biology.
Agenda: To review and evaluate research proposals as part of the selection process for awards.
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee

Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

September 11, 1981.

[FR Doc. 81–28973 Filed 9–15–81; 8:45 am]

BILLING CODE 7555–01–M

Committee on Equal Opportunities in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act, Pub.L. 92–463, the National Science Foundation announces the following meeting:

Name: Committee on Equal Opportunities in Science and Technology

Place: Rm. 540, National Science Foundation, 1800 G Street, N.W., Washington, D.C. 20550

Date: Tuesday, October 6 and Wednesday, October 7, 1981

Time: 9:00 a.m. to 5:00 p.m. both days

Type of meeting: Open

Contact person: Mrs. Mary Poats, Executive Secretary of the Committee, National Science Foundation, Rm. 537, 1800 G Street, NW., Washington, D.C. 20550 Telephone: 202/357–9571

Purpose of committee: To provide advice to the Foundation on policies and activities of the Foundation to encourage full participation of women, minorities and other groups currently underrepresented in scientific, engineering, professional and technical fields.

Summary minutes: May be obtained from the contact person at the above stated address.

Agenda: To review progress by the two subcommittees of the NSF Committee on Equal Opportunities in Science & Technology and to meet with the Director and the Deputy Director and NSF staff.

M. Rebecca Winkler,

Committee Management Coordinator.

September 11, 1981.

[FR Doc. 81–28975 Filed 9–15–81; 8:45 am]

BILLING CODE 7555–01–M

Subcommittee on Regulatory Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Regulatory Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology

Date and time: October 7, 8, 9, 1981 (8:30 am to 5:00 pm)

Place: Conference Room 338, National Science Foundation, 1800 G Street, NW., Washington, DC 20550

Type of meeting: Closed

Contact person: Dr. Bruce L. Umminger, Program Director, Regulatory Biology, Room 332, National Science Foundation, Washington, DC 20550, Telephone 202/357–7975

Purpose of subcommitte: To provide advice and recommendations concerning support for research in regulatory biology.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. R. Winkler,

Committee Management Coordinator.

September 11, 1981.

[FR Doc. 81–28971 Filed 9–15–81; 8:45 am]

BILLING CODE 7555–01–M

Subcommittee on Metabolic Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Metabolic Biology of the Advisory Committee for Physiology, Cellular and Molecular Biology.

Date and time: October 1, 1981 (11:00 am to 6:00 pm); October 2, 1981 (8:30 am to 6:00 pm); October 3, 1981 (8:30 am to 4:00 pm).

Place: Conference Room 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Elijah B. Romanoff, Program Director, Metabolic Biology, Room 325, National Science Foundation, Washington, D.C. 20550, Telephone 202/357–7987.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in metabolic biology.

Agenda: To review research proposals and advise the program staff as part of the selection process for awards.

Reason for: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of section 10(d) of Pub. L. 92–463. The Committee Management Officer delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

September 11, 1981.

[FR Doc. 81–28972 Filed 9–15–81; 8:45 am]

BILLING CODE 7555–01–M

Subcommittee on Mechanical Engineering and Applied Mechanics; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Mechanical Engineering and Applied Mechanics (MEAM) of the Advisory Committee for Engineering

Date and time: October 5 and 6, 1981—9 am to 5 pm each day

Type of meeting: 10/5—9:00 am to 12:15 pm—open; 1:30 pm to 5:00 pm—closed; 10/6—9:00 am to 1:00 pm—open; 2:00 pm to 5:00 pm—closed

Contact person: Dr. A. M. Strauss, Division Director, Mechanical Engineering and Applied Mechanics, Room 1108, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357–9542

Summary minutes: May be obtained from Hope Duckett, Division of Mechanical Engineering and Applied Mechanics, Room 1108, National Science Foundation, Washington, D.C. 20550, Telephone (202) 357–9542

Purpose of subcommittee: To provide directions for Mechanical Engineering and Applied Mechanics research

Agenda:

Monday, October 5—Open—9 am to 12:15 pm, Rm. 543

9:00—Welcome by Dr. J. Slaughter, Director, NSF and Dr. J. Sanderson, Assistant Director for Engineering

10:00—Questions and Answers

10:15—Briefing of Division Programs

11:45—Questions and Answers

12:15—Recess for Lunch

Monday, October 5—Closed—1:30 pm to 5:00 pm, Rm. 543

1:30—Review and comparison of declined proposals (and supporting documentation) with successful awards under the Mechanical Engineering and Applied Mechanics Division, including review of peer review materials and other privileged material

Tuesday, October 6—Open—9:00 am to 1:00 pm, Rm. 642

9:00—Oral reports from Subcommittee

9:30—Subcommittee discussion of future directions of programs
10:30—Subcommittee discussion of division-wide concerns
11:30—Drafting of preliminary Subcommittee response

Tuesday, October 6—Closed—2:00 pm to 5:00 pm, Rm. 642

2:00—Further review of peer review process on individual grants and declinations
5:00—Adjourn
Reason for closing: The Subcommittee will be reviewing grant and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
September 11, 1981.
[FR Doc. 81-26974 Filed 9-15-81; 8:45 am]
BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Subcommittee on Anticipated Transients Without Scram; Meeting

The ACRS Subcommittee on Anticipated Transients Without Scram (ATWS) will hold a meeting on October 2, 1981, Room 1046, at 1717 H Street, NW., Washington, DC. The Subcommittee will discuss the ATWS Rule recently proposed by the Commission. Discussion will focus on the portion of the Rule that incorporates risk assessment methodology. Notice of this meeting was published August 21.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members to the public in attendance.

The agenda for subject meeting shall be as follows:

Friday, October 2, 1981—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this topic.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehnert (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: September 10, 1981.
John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 81-26961 Filed 9-15-81; 8:45 am]
BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Subcommittee on Transportation of Radioactive Materials; Meeting

The ACRS Subcommittee on Transportation of Radioactive Materials will hold a meeting on October 1 and 2, 1981 at the Oak Ridge National Laboratory, Engineering Division Conference Room, Building 1000, Room 101–C, Oak Ridge, TN. The Subcommittee will discuss NRC procedures for certifying packages used for transportation of radioactive materials. Notice of this meeting was published August 21.

In accordance with the procedures outlined in the Federal Register on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Thursday, October 1, 1981—1:00 p.m. Until the Conclusion of Business

Friday, October 2, 1981—8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Sam Duraiswamy (telephone 202/634–3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: September 10, 1981.
John C. Hoyle,
Advisory Committee Management Officer.
[FR Doc. 81-26960 Filed 9-15-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50–348 and 50–364]

Alabama Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 24 to Facility Operating License No. NPF–2 and Amendment No. 6 to Facility Operating License No. NPF–8 issued to Alabama Power Company (the licensee), which revised Technical Specifications for operation of the Joseph M. Farley Nuclear Plant, Unit Nos. 1 and 2 (the

facilities) located in Houston County, Alabama. The amendments were effective August 7, 1981.

On July 31, 1981, Amendment No. 21 to Facility Operating License No. NPF–2 and Amendment No. 3 to Facility Operating License No. NPF–8 authorized a six day extension from Technical Specification requirements to allow repairs to diesel generator 1C. The planned maintenance evolved into a major overhaul and more time is necessary to complete the repairs.

The present amendments were authorized by telephone on August 7, 1981. The amendments revise the previously granted extension from diesel generator operability and surveillance frequency requirements to allow continued plant operation for a total of fifteen days during repairs to diesel generator 1C. The amendments were authorized on an expedited basis to maintain the plant at a steady-state condition and avoid a shutdown transient shown by our evaluation to be unnecessary but required by Technical Specifications unless amended.

The application for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since these amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the request for amendments dated August 7, 1981, (2) Amendment No. 24 to License No. NPF–2, (3) Amendment No. 6 to License No. NPF–8, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 35303. A copy of items (2), (3) and (4) 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 27th day of August 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81–26949 Filed 9–15–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–358]

Cincinnati Gas and Electric, et al.; William H. Zimmer Nuclear Power Station, Unit 1; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Cincinnati Gas and Electric, et al.* (William H. Zimmer Nuclear Power Station, Unit 1) Docket No. 50–358, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. John H. Frye III. Mr. Charles Bechhoefer was a member of this Board but, because of a schedule conflict, is presently unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

John H. Frye III, Chairman
Dr. M. Stanley Livingston
Dr. Frank F. Hooper

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Mr. John H. Frye III, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland this 10th day of September 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81–26951 Filed 9–15–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket 50–341–OL]

Detroit Edison Co., et al.; Enrico Fermi Atomic Power Plant, Unit 2; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Detroit Edison Company, et al.* (Enrico Fermi Atomic Power Plant, Unit 2), Docket No. 50–341–OL, is hereby reconstituted by appointing the following Administrative Judge to the Board: Dr. Peter A. Morris. Mr. Frederick Shon was a member of this Board but, because of a schedule conflict, is presently unable to continue to serve.

As reconstituted, the Board is comprised of the following Administrative Judges:

Gary L. Milhollin, Chairman
Dr. David R. Schink
Dr. Peter A. Morris

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Dr. Peter A. Morris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland this 10th day of September 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81–26952 Filed 9–15–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–423]

Northeast Nuclear Energy Company, et al.[1]; Millstone Nuclear Power Station, Unit No. 3; Issuance of Amendment to Construction Permit

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Construction Permit No. CPPR–113. The amendment adds Connecticut Municipal Electric Energy Cooperative as a co-owner and reflects a transfer of 1.739% ownership shares from Public Service Company of New Hampshire to Connecticut Municipal Electric Energy Cooperative for the Millstone Nuclear Power Station, Unit No. 3 (the facility), located in New London County,

[1] The following are holders of Construction Permit No. CPPR–113: Ashburnham Municipal Light Plant, Boylston Municipal Lighting Plant, Central Maine Power Company, Central Vermont Public Service Corporation, Chicopee Municipal Lighting Plant, City of Burlington, Vermont, City of Holyoke, Connecticut Municipal Electric Energy Cooperative, Massachusetts Gas and Electric Department, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Green Mountain Power Corporation, The Hartford Electric Light Company, Marblehead Municipal Light Department, Massachusetts Municipal Wholesale Electric Company, Middleton Municipal Light Department, Montaup Electric Company, New England Power Company, North Attleborough Electric Department, Northeast Nuclear Energy Company, Paxton Municipal Light Department, Peabody Municipal Light Plant, Public Service Company of New Hampshire, Shrewsbury Light Plant, Templeton Municipal Lighting Plant, Town of South Hadley Electric Light Department, The United Illuminating Company, Vermont Electric Cooperative, Inc., Vermont Electric Power Company, Inc., The Village of Lyndonville Electric Department, Wakefield Municipal Light Department, West Boylston Municipal Lighting Plant, Western Massachusetts Electric Company, Westfield Gas and Electric Light Department.

Connecticut. The amendment is effective as of its date of issuance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment, dated June 10, 1981; (2) Amendment No. 7 to Construction Permit CPPR-113; and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. Items 2 and 3 may be requested by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Director, Technical Information and Document Control.

Dated at Bethesda, Maryland, this 9th day of September 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-26953 Filed 9-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-354 and 50-355]

Public Service Electric and Gas Co.; Atlantic Electric Co.; Hope Creek Generating Station, Units 1 and 2; Order Extending Construction Completion Dates

Public Service Electric and Gas Company and Atlantic Electric Company (the permittees) are the holders of Construction Permits CPPR-120 and CPPR-121 issued by the Atomic Energy Commission * on November 4, 1974. These permits authorize the construction of the Hope Creek Generating Station, Units 1 and 2, presently under construction at the Public Service Electric and Gas Company's site on Artificial Island, near the town of Salem in the State of New Jersey.

On April 29, 1981, the Permittees filed a request pursuant to the Code of Federal Regulations, Title 10, Part 50, section 50.55(b) for an extension of the construction completion dates for these units because construction has been delayed by the following factors beyond their control:

1. Less then anticipated growth in electrical demand.
2. Continuing forecasts of relatively low growth.
3. Reduction in anticipated revenues.
4. Inadequate rate relief which has prompted the Permittees to reduce capital outlays which, in turn, has led to a reduction in the construction budget.

This action involves no significant hazards consideration; good cause has been shown for the delays; and the requested extension is for a reasonable period, the bases for which are set forth in the staff's evaluation of the request for extension.

The Commission has determined that this action will not result in any significant environmental impact and, 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.

The NRC staff evaluation of the request for extension of the construction permits is available for public inspection at the Commission's public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Salem Free Public Library, Salem, New Jersey.

It is hereby ordered that the lastest completion date for CPPR-120 is extended from May 31, 1981 to December 31, 1986 and that the lastest completion date for CPPR-121 is extended from May 31, 1982 to December 31, 1989.

Dated of issuance: September 10, 1981.

For the Nuclear Regulatory Commission.

Darrell B. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulations.

[FR Doc. 81-26950 Filed 9-15-81; 8:45 am]

BILLING CODE 7590-01-M

[NUREG-0800]

"Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants"; Issuance and Availability

The U.S. Nuclear Regulatory Commission (NRC) has published a revision to the "Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants," LWR Edition (NUREG-0800), dated July 1981.

The Standard Review Plan revision program was designed to satisfy three major objectives. The first of these was to assure congruence of the Standard Review Plan with the regulations of the NRC, i.e., to more clearly identify which requirements were to be satisfied in each phase of the review process and to collectively show that all requirements were met. The second objective was to describe more fully how each requirement shall be satisfied. In this effort, the acceptance criteria employed by the NRC to determine satisfaction were amplified and clarified; extensive use of references to Regulatory Guides, codes and standards, and NUREGs has been made. The third objective was to incorporate in the Standard Review Plan many new and revised regulatory positions established in the past two years, primarily as a result of the Three Mile Island accident in March 1979.

This revision is effective immediately. Applications near completion or under review for which TMI-related items are addressed in a separate supplement will be processed in that form; a TMI supplement will not be needed for applications which incorporate the TMI-related items in the manner described in the revised Standard Review Plan.

The revised Standard Review Plan, NUREG-0800, Accession No. PB-81-920199, is available upon written request from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 3rd day of September, 1981.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Division of Safety Technology, Office of Nuclear Reactor Regulation.

[FR Doc. 81-26954 Filed 9-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-259, 50-260, and 50-296-OLA]

Tennessee Valley Authority; Browns Ferry, Units 1, 2, and 3; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for *Tennessee Valley Authority* (Browns Ferry Units 1, 2 and 3), Docket Nos. 50-259, 50-260 and 50-296-OLA, is hereby reconstituted by appointing the following Administrative Judge to the Board: Mr. John H. Frye III. Mr. Herbert Grossman was a member of this Board but, because of schedule conflict, is presently unable to continue to serve.

* Effective January 19, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day were continued under the authority of the Nuclear Regulatory Commission.

As reconstituted, the Board is comprised of the following Administrative Judges:

John, Frye III, Chairman
Ms. Elizabeth B. Johnson
Dr. Quentin J. Stober

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is:

Mr. John H. Frye III Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Issued at Bethesda, Maryland this 9th day of September 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-26955 Filed 9-15-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket Nos. 50-445 and 446-0L]

Texas Utilities Generating Company, et al.; Comanche Peak, Units 1 and 2; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board for Texas Utilities Generating Company, Et Al. (Comanche Peak, Units 1 and 2), Dockets Nos. 50-445-OL and 50-446-OL is hereby reconstituted by appointing the following Administrative Judge to the Board: Dr. Kenneth A. McCollom

As reconsitituted, the Board is comprised of the following Administrative Judges:

Marshall E. Miller, Chairman
Dr. Richard F. Cole
Dr. Kenneth A. McCollom

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is:

Dr. Kenneth A. McCollom Dean, Division of Engineering, Architecture and Technology, Oklahoma State University, Stillwater, Oklahoma 74074.

Issued at Bethesda, Maryland this 9th of September 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-26956 Filed 9-15-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 27-39-SP]

U.S. Ecology, Inc.; Sheffield, Ill. Low-Level Radioactive Waste Disposal Site; Reconstitution of Board

Pursuant to the authority contained in 10 CFR 2.721 (1980), the Atomic Safety and Licensing Board U.S. Ecology, Incorporated (Sheffield, Illinois Low-Level Radioactive Waste Disposal Site), Docket No. 27-39-SP, is hereby reconstituted by appointing the following Administrative Judge to the Board: Dr. Emmeth A. Luebke.

As reconstituted, the Board is comprised of the following Administrative Judges:

Andrew C. Goodhope, Chairman
Dr. Jerry R. Kline
Dr. Emmeth A. Luebke

All correspondence, documents and other materials shall be filed with the Board in accordance with 10 CFR 2.701 (1980). The address of the new Board member is: Dr. Emmeth A. Luebke, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20055.

Issued at Bethesda, Maryland this 9th day of September 1981.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 81-26957 Filed 9-15-81; 8:45 am]
BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18091 (SR-CBOE-81-14)]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

On July 24, 1981, the Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act ofd 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which limits the imposition of restrictions on selling options at a discount in connection with a public distribution of securities underlying the options to those instances when requested by underwriters of the public distribution.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 18005, August 5, 1981) and by publication in the **Federal Register** (46 FR 40853, August 12, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchanges and, in particular, the requirements of Section 6 of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26916 Filed 9-15-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 18089 (SR-Phlx-81-11)]

Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

On July 27, 1981, the Philadelphia Stock Exchange, Inc., 1900 Market Street, Philadelphia, PA 19103 ("Phlx") filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and rule 19b-4 thereunder, copies of a proposed rule change which amends Commendary .10 of its rule 1014 to provide that a Registered Options Trader ("ROT"), when initiating an opening transaction from on the trading floor, will be required to yield priority and parity to all off-floor orders, even if the ROT places his on-floor order on the specialist's book.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-17991, July 31, 1981) and by publication in the **Federal Register** (46 FR 40124, August 6, 1981). No written statements with respect to the proposed rule change were filed with the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-26917 Filed 9-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22190; 70-6639]

Connecticut Light & Power Co., et al.; Proposed Financing of Nuclear Fuel Through Fuel-Trust Arrangements

September 11, 1981.

In the Matter of the Connecticut Light & Power Co., the Hartford Electric Light Co., Selden Street, Berlin, Connecticut 06037; Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, Massachusetts 01089.

The Connecticut Light and Power Company ("CL&P"), The Hartford Electric Light Company ("HELCO"), and Western Massachusetts Electric Company ("WMECO") (collectively the "Applicants"), each a public-utility subsidiary of Northeast Utilities, a registered holding company, have filed an application-declaration with this commission pursuant to Sections 6(a), 7, 9(a), 10, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder.

The Applicants have ownership interests in three nuclear electric generating units located at Millstone Point in Waterford, Connecticut. CL&P, HELCO, and WMECO have a 53%, 28% and 19% (aggregating 100%) ownership interest, respectively, in Millstone Unit Nos. 1 and 2. Millstone Unit No. 1 ("Millstone 1") has a capacity of approximately 660,000 kw and was placed in operation in late 1970. Millstone Unit No. 2 ("Millstone 2") has a capacity of approximately 870,000 kw and was placed in operation in late 1975. The Applicants collectively own 65% (CL&P 34.45%, HELCO 18.20%, and WMECO 12.35%) of Millstone Unit No. 3 ("Millstone 3"), which is presently under construction. This unit will have a capacity of approximately 1,150,000 kw and is presently scheduled for service in 1986.

The Applicants are presently financing their fuel expenses for Millstone 1 and 2 during the "on-site" portions of the nuclear fuel cycle (that is, during the period after the arrival of fabricated fuel assemblies at the Millstone site) through Northeast Nuclear Energy Company ("NNEC"), a subsidiary of Northeast Utilities, pursuant to a Fuel Supply Contract dated as of December 1, 1972, between NNEC and the Applicants, as amended (the "Fuel Supply Contract"). NNEC has become the owner of the fuel for Millstone 1 and 2 and has supplied the fuel to the Applicants for use in these Units. In turn, the Applicants have obligated themselves, pursuant to the Fuel Supply Contract, to pay to NNEC all costs incurred by NNEC in connection with the ownership and financing of the nuclear fuel for these Units.

NNEC presently has in effect several contracts which, in the aggregate, supply the requisite nuclear fuel assemblies for use in Millstone 1 and 2. NNEC has effected long-term financing of this nuclear fuel after it arrives at the Millstone site through the issuance and sale of this Secured Notes under a Trust Indenture dated as of December 1, 1972, as amended and supplemented ("Indenture"). Under the terms of the Indenture, the Secured Notes are secured by a lien on all fuel for Millstone 1 and 2 located at the Millstone site.

Although the Indenture provides a vehicle for financing fabricated fuel assemblies after their arrival at the Millstone site, it does not provide a basis for the financing of nuclear fuel during the "off-site" portions of the nuclear fuel cycle, that is, during the period when the fuel is undergoing processing and fabrication, prior to its arrival at the Millstone site. As a result, the Applicants are presently financing a substantial portion of their capital requirements with respect to the "off-site" portion of the fuel cycle for Millstone 1 and 2 through the Waterford Fuel Supply Trust ("Waterford Trust") and short-term unsecured borrowings by NNEC.

Due to the limitations of the Waterford Fuel Supply Trust, the restrictions of the Indenture, the growth of the Applicants' nuclear fuel program, and in order to provide a single comprehensive framework for the financing of nuclear fuel through the burn-up stage of the nuclear fuel cycle for Millstone 1 and 2 as well as the Applicants' 65% ownership interest in the nuclear fuel required for millstone 3, the Applicants propose to enter into arrangements with Bankers Trust Company, not in its individual capacity but solely as trustee ("Trustee") of the Niantic Bay Fuel Trust ("Trust"), which will be specially created for the purpose of such financing pursuant to a proposed Trust Agreement ("Trust Agreement") between The Connecticut Bank and Trust Company as trustor ("Trustor"), the Trustee, and the Applicants, as beneficiaries. Pursuant to a proposed Nuclear Fuel Lease Agreement ("Lease Agreement") between the Applicants and the Trustee, the Applicants will agree to assign to the Trustee all of their right, title, and interest in and to all or part of certain nuclear fuel contracts and nuclear fuel (including the nuclear fuel and nuclear fuel contracts for Millstone 1 and 2 at any time that such fuel can be assigned to the Trustee free of the lien of the Indenture and the existing arrangements with respect to the Waterford Trust) pursuant to one or more assignments ("Assignments"). The Trustee, in turn, will agree to either reimburse the Applicants for payments made to contractors under the assigned nuclear fuel contracts or to make such payments directly to the contractors. The Lease Agreement and the Assignments will allow the Applicants to assign to the Trustee the nuclear fuel contract or to make such payments directly to the contractors. The Lease Agreement and the Assignments will allow the Applicants to assign to the Trustee the nuclear fuel contract rights with respect to one or more reload batches of fuel, and to request the Trustee to finance such reload batches, without assigning or asking the Trustee to finance all of the reload batches covered by a given contract. This "partial assignment" approach will afford the Applicants maximum flexibility to finance the purchase of nuclear fuel under these or other arrangements, as they deem appropriate.

Upon making a payment with respect to nuclear fuel, the Trustee will acquire title to such nuclear fuel and the related nuclear fuel contract rights (or under certain circumstances, relating to enrichment contracts with the United States Government, the right to acquire title in the future). The Lease Agreement will obligate the Trustee to finance the nuclear fuel for the entire period through acquisition and processing of uranium, fabrication of the fuel assemblies, delivery of such fuel assemblies to the plant site, and the insertion and use of such assemblies in the reactors. Prior to the insertion of fuel into a reactor, finance charges and administrative expenses will be capitalized and added to the Trustee's investment in the fuel. When the fuel is inserted in the reactor and heat production begins, the Lease Agreement will require the Applicants to pay the Trustee quarterly lease payments which will be structured to fully amortize the cost of the fuel as it is burned up in the reactor. Such payments will be computed so as to pay to the Trustee its full cost with respect to the fuel. Under the Lease Agreement, the Applicants will be responsible for operating, maintaining, repairing, replacing, and insuring the nuclear fuel

and for paying all taxes arising out of the ownership, possession, and use thereof.

The commitment of the Bank will have an initial term of five years. Thereafter, such commitment will automatically be extended each year for an additional term of one year, unless the Bank has given notice on or before the anniversary date of the closing in any year that the commitment will terminate, in whole or in part, on the anniversary date of the closing in the fourth following year. The commitment shall terminate in any event no later than June 1, 2040. The Applicants may terminate the Lease Agreement at any time upon 5 days written notice to the Trustee.

Pursuant to a proposed Credit Agreement ("Credit Agreement") between the Trustee and The First National Bank of Boston ("Bank"), the Trustee will finance its own payments to the Applicants and the contractors through a variety of sources, including (i) the sale of the Trust's commercial paper notes, which notes will be backed by an irrevocable master letter of credit issued by the Bank, and (ii) revolving credit loans from the Bank. The Credit Agreement also permits the Trustee to raise funds by selling its intermediate term notes to institutional investors in the private placement market ("IT Notes"). The Applicants will select the form of financing to be used by the Trustee to fund any payment obligation.

The Applicants believe that the proposed fuel trust arrangements constitute the most practical and economical method presently available to them for financing their fuel requirements. They estimate that the weighted average composite cost, on an after-tax basis, of letter-of-credit backed commercial paper and IT notes issued by a special purpose trust would be approximately 3½ to 4% per annum lower than the weighted average composite cost, on an after-tax basis, of the traditional methods of financing which are presently available to them.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 7, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28938 Filed 9-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22189; 70-6208]

September 11, 1981.

System Fuels, Inc., et al.; Proposed Extension of Time for the Issuance and Sale of Commercial Paper by a Nonutility Subsidiary To Finance Nuclear Fuel Procurement

In the matter of System Fuels, Inc., 666 Poydras, Noro Plaza, New Orleans, Louisiana 70130; Arkansas Power & Light Company, First National Building, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Middle South Energy, Inc., 225 Baronne Street, New Orleans, Louisiana 70112; Mississippi Power & Light Company, Electric Building, Jackson, Mississippi 39205; New Orleans Public Service Inc., 317 Baronne Street, New Orleans, Louisiana 70112.

Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc., (collectively referred to as "Operating Companies"), and Middle South Energy, Inc., all subsidiary companies of Middle South Utilities, Inc., a registered holding company, and System Fuels, Inc. ("SFI"), a jointly-owned non-utility subsidiary company of the Operating Companies, have filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act").

Pursuant to the Commission's order in the proceeding dated October 31, 1978 (HCAR No. 20753), SFI has entered into a Participation Agreement, dated as of October 31, 1978, as amended ("Participation Agreement"), between SFI and The Aetna Casualty and Surety Company ("Aetna") whereby SFI may issue its commercial paper notes ("Notes") and Aetna, under a Bond of Indemnity ("Bond"), undertakes to pay any Note in the event that SFI does not pay any such Note when presented. The maximum principal amount of the Notes outstanding at any one time may not exceed $60,000,000, less the amount, if any, of Notes paid by Aetna for which Aetna shall not have been reimbursed.

Aetna, with SFI's consent, has elected to extend the term of the Bond, and, therefore, the term of the Participation Agreement, through the twelve-month period ending October 31, 1983. SFI proposes to continue to issue Notes past the original October 31, 1981 termination date and through the extended term. No changes in the transactions previously authorized, other than the extension of the term, have been or are expected to be effected. Authorization is further requested to permit SFI to continue to issue Notes pursuant to the arrangement during further twelve-month extensions of the Participation Agreement without seeking further Commission authorization prior to entering such twelve-month extensions. SFI believes that such a procedure would avoid the administrative necessity of making subsequent filings with the Commission concerning these transactions and would permit SFI to avoid placing its nuclear-fuel financing in doubt and adopting contingency mechanisms in the event timely Commission approval is not obtained for such further extensions.

The amended declaration and any further amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by October 7, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as now amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-28939 Filed 9-15-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0154]

Heritage Venture Group Inc.; Issuance of a Small Business Investment Company License

On May 27, 1981, a notice was published in the Federal Register (46 FR 28548) stating that an application has been filed by Heritage Venture Group, Inc., 3375 One Indiana Square, Indianapolis, Indiana 46204, with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 C.F.R. 107. 102 (1980)) for a license as a small business investment company.

Interested parties were given until close of business June 11, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0154 to Heritage Venture Group, Inc. to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: September 11, 1981.

Peter F. McNeish,

Acting Associate Administrator for Investment.

[FR Doc. 81-26070 Filed 9-15-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2010]

Indiana; Declaration of Disaster Loan Area

St. Joseph County and adjacent counties within the State of Indiana constitute a disaster area as a result of damage caused by heavy rains and flooding which occurred on July 25-28, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 9, 1981, and for economic injury until the close of business on June 10, 1982, at:

Small Business Administration, District Office, New Federal Building, 5th Floor, 575 North Pennsylvania Street, Indianapolis, Indiana 46204

or other locally announced locations.

For recent changes in the disaster loan eligibility, see 46 FR 182527 dated March 25, 1981.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: September 9, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-26069 Filed 9-15-81; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2008]

Maine; Declaration of Disaster Loan Area

Aroostook County within the State of Maine constitutes a disaster area as a result of damage caused by torrential rains and flash flooding which occurred on August 17, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 2, 1981, and for economic injury until the close of business on June 2, 1982, at: SMALL BUSINESS ADMINISTRATION, District Office, 40 Western Avenue, Augusta, Maine 04330.

or other locally announced locations.

Information on recent regulatory changes (Pub. L. 97-35, approved August 13, 1981) is available at the above mentioned office(s)

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: September 2, 1981.

Robert A. Turnbull,

Acting Administrator.

[FR Doc. 81-26828 Filed 9-15-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. S-702]

Lykes Bros. Steamship Co., Inc.; Application for Written Permission

Notice is hereby given that Lykes Bros. Steamship Co., Inc. (Lykes) by letters of December 22, 1980, August 17, 1981 and September 4, 1981, has requested written permission under section 805(a) of the Merchant Marine Act, 1936, as amended (Act) for the carriage of passengers between the west and gulf coasts of the United States and Hawaii on voyages engaged in foreign trade, and intercoastal between the gulf and west coast of the United States on voyages to the Far East. Such written permission is required since Lykes is party to an operating-differential subsidy contract.

Lykes advises that it expects to provide passenger service, for the most part, with its RO/RO vessels operating between the U.S. west coast and the Far East. However, due to the existing interchange and transfer privileges, and the several Lykes services involved, any of Lykes' ships may be permitted to engage in the requested service.

Any person, firm, or corporation having any interest in such application (within the meaning of section 805(a)) and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, by close of business on October 2, 1981 together with petition for leave to intervene. The petition shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Acting Maritime Administrator.

Dated: September 11, 1981.

Robert J. Patton, Jr.,

Secretary.

[FR Doc. 81-26962 Filed 9-15-81; 8:45 am]

BILLING CODE 3510-15-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Print Advisory Panel; Closed Meeting

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Closed Meeting of Art Print Advisory Panel.

SUMMARY: A closed meeting of the Art Print Advisory Panel will be held in Washington, D.C.

DATE: The meeting will be held October 14, 1981.

FOR FURTHER INFORMATION CONTACT: Karen Carolan, T:C:E:V, 1111 Constitution Avenue, NW., Washington, D.C. 20224, Telephone No. (202) 566–4196, (not a toll free number).

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1976), that a closed meeting of the Art Print Advisory Panel will be held on October 14, 1981, beginning at 9:30 a.m. in Room 3313, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of fair market value appraisals and allocations of value of the assets in art print publishing ventures involved in Federal income tax returns. This will involve the discussion of material in individual tax returns made confidential by the provisions of section 6103 of Title 26 of the United States Code.

A determination as required by section 10(d) of the Federal Advisory Committee Act has been made that these meetings are concerned with matters listed in section 552b(c) (3), (4), (6), and (7) of Title 5 of the United States Code, and that the meetings will not be open to the public.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the **Federal Register** for Wednesday, November 8, 1978. (43 FR 52122.)

Joseph T. Davis,

Acting Commissioner.

[FR Doc. 81-26873 Filed 9-15-81; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TREASURY

Office of Revenue Sharing

Final Date of Adjustment Demands; Correction

AGENCY: Office of Revenue Sharing, Department of the Treasury.

ACTION: Correction notice.

In the notice of September 2, 1981 (46 FR 44121), misprints appeared in a sentence in the SUPPLEMENTARY INFORMATION section. The sentence should read:

Therefore, the allocations to recipient governments for Entitlement Period 11 (October 1, 1979–September 30, 1980) will become final, unless a government or the Secretary of the Treasury has a demand for adjustment pending with the Office of Revenue Sharing on September 30, 1981.

Dated: September 9, 1981.

Judith A. Denny,

Acting Director, Office of Revenue Sharing.

[FR Doc. 81-26882 Filed 9-15-81; 8:45 am]

BILLING CODE 4410-01-M

[Order No. 103-2]

Delegation of Authority to the Assistant Secretary (Domestic Finance) To Act as a Voting Member of the Chrysler Corporation Loan Guarantee Board

Dated: August 25, 1981.

By virtue of the authority vested in me as Secretary of the Treasury, I hereby delegate to the Assistant Secretary (Domestic Finance) the authority to exercise any power and perform any duty of a voting member and the Chairperson of the Chrysler Corporation Loan Guarantee Board (the "Board"), established under Public Law 96–185, in connection with all actions to be taken by the Board in writing without a meeting pursuant to § 400.5(g) of the Board's Rules of Procedure.

Donald T. Regan,

Secretary of the Treasury.

[FR Doc. 81-26859 Filed 9-15-81; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 179
Wednesday, September 16, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL COMMUNICATIONS COMMISSION.

Open Commission Meeting

The Federal Communications Commission will hold an Open Meeting on the subject listed below on Thursday, September 17, 1981, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Legislative proposals. *Summary:* The Commission will consider legislative proposals to amend the Communications Act of 1934.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: September 10, 1981.

William J. Tricarico,
Secretary, Federal Communications Commission.

[S-1397-81 Filed 9-14-81; 4:00 pm]

BILLING CODE 6712-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, September 21, 1981, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Application for Federal deposit insurance and for consent to establish a branch:

Chemical Bank Houghton-Higgins, a proposed new bank, to be located at 8025 Highway M-55, Houghton Lake Heights, Michigan, for Federal deposit insurance, and for consent to establish a branch at the southwest corner of Highway M-55 at Maplegrove Street, Prudenville, Michigan.

Application for consent to establish a remote service facility:

Bank of Breckenridge, Breckenridge, Colorado, for consent to establish a remote service facility at 435 Columbine Street, Breckenridge, Colorado.

Application for consent to purchase assets and assume deposit liabilities and to establish one branch:

First-Citizens Bank and Trust Company of South Carolina, Columbia, South Carolina, for consent to purchase certain assets of and assume the liability to pay certain deposits made in the Irby Street Branch, Florence, South Carolina, of First National Bank of South Carolina, Columbia, South Carolina, and to establish the Irby Street Branch as a branch of First-Citizens Bank and Trust Company of South Carolina.

Request for reconsideration of a previous denial of an application for consent to acquire assets and assume liabilities, establish two branches, and for advance consent to retire capital notes:

Santa Ana State Bank, Santa Ana, California, for consent to purchase certain assets of and assume the liability to pay certain deposits made in the Main Office and the Whittier-Vancouver Unit Branch of Pan American National Bank of Los Angeles, Los Angeles, California, and to establish these two offices as branches of the resultant bank, and for advance consent to the retirement provisions of subordinated capital notes to be issued to Pan American National Bank of Los Angeles.

Requests for exemptions pursuant to Part 348 of the Corporation's rules and regulations entitled "Management Official Interlocks":

Peoples Bank of Pasco County, Land O'Lakes, Florida, and Peoples Bank of Hillsborough County, Tampa, Florida, for an exemption pursuant to section 348.6(a)(2).

Adair State Bank, Adair, Oklahoma, for an exemption pursuant to section 348.4(b)(2).

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,902-L—Franklin National Bank, New York, New York

Case No. 44,904-NR—Coronado National Bank, Denver, Colorado

Case No. 44,907-L—The Mission State Bank & Trust Company, Mission, Kansas

Memorandum and Resolution re: American Bank & Trust Company, New York, New York

Memorandum and Resolution re: The Metro Bank of Huntington, Inc., Huntington, West Virginia

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Kaye, Scholer, Fierman, Hays & Handler, New York, New York, in connection with the receivership of American Bank & Trust Company, New York, New York.

Memorandum re: Attorneys' Fees Paid During the Second Quarter 1981.

Memorandum and Resolution re: Proposed amendments to policy statements regarding applications (1) for deposit insurance; (2) to establish a domestic branch; and (3) to relocate main office or branch.

Appeal from an initial partial denial of a request for records pursuant to the Freedom of Information Act.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with resect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Director of the Division of Bank Supervision, entitled "Regulation of Interest Rates in Uninsured Mutual Savings Banks in Massachusetts."

Reports of the Director, Office of Corporate Audits:

Audit Report re: Security of Data Stored on Magnetic Tape, dated April 17, 1981.

Audit Report re: Liquidation Audits, dated July 29, 1981.

Reports of the Director, Division of Liquidation:
Memorandum re: Reports Required Under Delegated Authority Status of Approved Committee Cases as of April 1, 1981.
Memorandum re: Reports Required Under Delegated Authority Status of Approved Committee Cases as of July 1, 1981.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: September 14, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1394-81 Filed 9-14-81; 11:20 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, September 21, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Application for Federal deposit insurance (United States branch of a foreign bank):

Dai-Ichi Kangyo Bank, Ltd., Tokyo, Japan, for Federal deposit insurance of deposits received at and recorded for the account of its proposed branch to be located at 111 South Wabash Avenue, Chicago, Illinois.

Application for consent to establish a branch:

Hudson City Savings Bank, Jersey City, New Jersey, for consent to establish a branch within the Lacey Shopping Center, Lacey Road and Manchester Avenue, Lacey Township, New Jersey.
Richmond County Savings Bank, New York (Staten Island), New York, for consent to establish a branch at 525–27 86th Street, New York (Brooklyn), New York.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: September 14, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1395-81 Filed 9-14-81; 11:21 am]

BILLING CODE 6714-01-M

4

FEDERL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 9:30 a.m., Monday, September 21, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previsouly announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452–3204.

Dated: September 11, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1391-81 Filed 9-14-81; 8:49 am]

BILLING CODE 6210-01-M

5

NATIONAL COMMISSION ON STUDENT FINANCIAL ASSISTANCE.

Notice of Public Meeting

DATE: September 25, 1981.

PLACE: 412 First Street, SE.

TIME: 9:00 a.m. until Noon.

PURPOSE: The Commission was established by Public Law 96–374 to analyze the federal role in providing student financial assistance and to advise the President and the Congress as to what direction this role should take in the future. The purpose of this meeting is to discuss the recent activities of the Commission, to establish the Commission's agenda for the coming year, and to review the Commission's budget requests and proposed activities for fiscal year 1983.

FOR FURTHER INFORMATION CONTACT: Richard T. Jerue, Executive Director, 202–472–9023.

The meeting was called by the Commission today, September 11, 1981.

Submitted the 11th day of September, 1981.

Richard T. Jerue,

Executive Director.

[S-1392-81 Filed 9-14-81; 8:50 am]

BILLING CODE 6820-BC-M

6

NATIONAL MEDIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 43944.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2:00 p.m., September 9, 1981.

CHANGES IN THE MEETING: Addition to matters considered—

The Board determined that representation election ballot return envelopes returned to Washington, D.C. will be maintained at the Board's offices in lieu of the Washington, D.C. Post Office. A fire-proof security safe will be obtained for this purpose and maintained under the custody of the Board's Chief Hearing Officer. This action was required by the Postal Service's decision to terminate the storage of NMB ballot return envelopes in the Washington, D.C. Post Office as well as to charge a fee for the sorting of envelopes in each case. An announcement of the details for conducting mail ballot elections in Washington, D.C. will be provided to all persons on the Board's mailing lists.

SUPPLEMENTARY INFORMATION:
Chairman Brown and Board Member Harris have determined by recorded vote that Agency business required this change and that no earlier announcement of such change was possible.

Date of Notice: September 10, 1981.

[S-1393-81 Filed 9-14-81; 11:12 am]

BILLING CODE 7550-01-M

7

POSTAL SERVICE.

Change of Place, Time and Agenda of Meeting

By notice published in the **Federal Register** on September 10, 1981, 46 FR 45244, the Board of Governors of the United States Postal Service announced its intention to hold a meeting on Tuesday, September 22, 1981, at Honolulu, Hawaii. Because of changed circumstances, the Chairman of the Board, acting pursuant to its Bylaws (39 CFR 6.1), has changed the place of this meeting from Honolulu to the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260, and the time from 9:00 a.m. to 8:00 a.m. EDT. The date of the meeting remains unchanged as Tuesday, September 22, 1981.

The Board will consider as the first item of its agenda at this meeting the Opinion and Recommended Decision Upon Further Reconsideration of the Postal Rate Commission encaptioned Postal Rate and Fee Changes, 1980 (Commission Docket R80–1), if such Opinion and Recommended Decision has been issued at that time. The Board anticipates that it will consider after approximately 2:00 p.m. on September 22 such of the agenda items previously announced as time permits, except that the report of the Regional Postmaster General, Western Region, will not be presented.

It is noted that the Government in the Sunshine Act (5 U.S.C. 552b) provides that an agency may close a portion of a meeting to the public, following public announcement of the time, place, and subject matter of the meeting, under certain circumstances. It is possible that the Board may determine on September 22 that the nature of its discussion requires closure of a portion of this meeting, having in mind that the instant rate proceeding is in litigation.

W. Allen Sanders,

Acting Secretary.

[S-13961-81 Filed 9-14-81; 3:27 pm]

BILLING CODE 7710-12-M

federal register

Wednesday
September 16, 1981

Part II

Department of Agriculture

Federal Grain Inspection Service

Grain Standards Inspection Points; Hastings Grain Inspection Inc. and Aberdeen Grain Inspection Inc., et al.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

Request for Comments on the Applicant for Designation in the Area Currently Assigned to Hastings Grain Inspection, Inc.

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicant for designation as the official agency in the area currently assigned to the Hastings Grain Inspection, Inc. Hastings' designation terminates effective 12 p.m., October 31, 1981.

DATE: Comments to be postmarked on or before October 16, 1981.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127, Auditors Building, 1400 Independence Avenue, SW., Washington, DC 20250, telephone (202) 447-3910. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 447-3910.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291; therefore the Executive Order does not apply to this action.

The July 30, 1981, issue of the Federal Register (46 FR 39078) contained a notice from the Federal Grain Inspection Service (FGIS) requesting applications for designation to perform official inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the area currently assigned to the Hastings Grain Inspection, Inc. (Hastings) Hastings, Nebraska. Applications were to be postmarked by August 31, 1981.

One applicant requested designation for all of the geographic area currently assigned to Hastings. That applicant is Hastings Grain Inspection, Inc., Hastings, Nebraska, President and Chief Inspector: Theodore Hoelck. Hastings applied for a renewal of designation for an additional 3-year period.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicant. All comments must be submitted to the Issuance and Coordination Staff, specified in the address section of this notice, and postmarked not later than October 16, 1981.

The Administrator of FGIS has determined that a 30-day comment period would not impose any undue obligations on others and, under the circumstances, provides a sufficient period of time for comments while expediting the designation process.

Consideration will be given to all comments filed and to all other information available to the Administrator of FGIS before a final decision is made with respect to this matter. Notice of the final decision will be published in the Federal Register and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: September 10, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81-26870 Filed 9-15-81; 8:45 am]

BILLING CODE 3410-EN-M

Request for Comments on Applicants for Designation in the Areas Currently Assigned to Aberdeen Grain Inspection, Inc., McGregor Grain Inspection and Weighing, and the Missouri Department of Agriculture

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for designation as the official agency in the areas currently assigned to Aberdeen Grain Inspection, Inc. (Aberdeen), McGregor Grain Inspection and Weighing (McGregor), and the Missouri Department of Agriculture (Missouri). The three designations terminate effective 12 p.m., November 30, 1981.

DATE: Comments to be postmarked on or before October 16, 1981.

ADDRESS: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, USDA, FGIS, Room 1127, Auditors Building, 1400 Independence Avenue, SW., Washington, DC 20250, telephone (202) 447-3910. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr., telephone (202) 447-3910.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291; therefore the Executive Order does not apply to this action.

The July 30, 1981, issue of the Federal Register (46 FR 39078) contained a notice from the Federal Grain Inspection Service (FGIS) requesting applications for designation to perform official inspection services under the U.S. Grain Standards Act, as amended (7 U.S.C. 71 *et seq.*) (Act), in the areas currently assigned to Aberdeen, McGregor, and Missouri. Applications were to be postmarked by August 31, 1981.

One applicant requested designation for all of the geographic area currently assigned to Aberdeen. That applicant is Aberdeen Grain Inspection, Inc., Aberdeen, South Dakota, Manager and Chief Inspector: John Schroeder. Aberdeen applied for a renewal of designation for an additional 3-year period.

One applicant requested designation for all of the geographic area currently assigned to McGregor. That applicant is McGregor Grain Inspection and Weighing, McGregor, Iowa, Owner and Chief Inspector: Robert E. Kepple. McGregor applied for a renewal of designation for an additional 3-year period.

Two applicants requested designation for all of the geographic area currently assigned to Missouri. One applicant is the Missouri Department of Agriculture, Jefferson City, Missouri, Director: James B. Boillot. Missouri applied for a renewal of designation for an additional 3-year period. A second existing official agency has also applied for designation; if designated, this action would result in an amendment to their presently assigned geographic area in accordance with section 800.207 of the regulations under the Act. That applicant is the Southern Illinois Grain Inspection Service, Inc., Fairview Heights, Illinois, Owner and Manager: Holger C. Danielsen.

In accordance with § 800.206(b)(2) of the regulations under the Act, this notice provides interested persons the opportunity to present their views and comments concerning the applicants. All comments must be submitted to the Issuance and Coordination Staff, specified in the address section of this notice, and postmarked not later than October 16, 1981.

The Administrator of FGIS has determined that a 30-day comment period would not impose any undue obligations on others and, under the circumstances, provides a sufficient

period of time for comments while expediting the designation process.

Consideration will be given to all comments filed and to all other information available to the Administrator of FGIS before a final decision is made with respect to this matter. Notice of the final decision will be published in the **Federal Register** and the applicants will be informed of the decision in writing.

(Sec. 8, Pub. L. 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: September 10, 1981.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 81–26871 Filed 9–15–81; 8:45 am]

BILLING CODE 3410-EN-M

federal register

Wednesday
September 16, 1981

Part III

Office of Management and Budget

Budget Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report two new deferrals totaling $6.7 million and revisions to three previously reported deferrals.

The deferrals affect programs in International Development Assistance, the Department of Health and Human Services, the Department of Transportation, the Pennsylvania Avenue Development Corporation, and the Motor Carrier Ratemaking Study Commission.

The details of each deferral are contained in the attached reports.

Ronald Reagan

THE WHITE HOUSE,
September 10, 1981.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(In thousands of dollars)

Deferral #	Item	Budget Authority
	Funds Appropriated to the President	
	International Development Assistance	
D81-130	Functional development assistance program	4,922
	Department of Health and Human Services	
	Social Security Administration	
D81-112A	Refugee assistance	10,000
	Department of Transportation	
	Federal Railroad Administration	
D81-91A	Rail service assistance	35,341
	Other Independent Agencies:	
	Pennsylvania Avenue Development Corporation	
D81-40A	Land acquisition and development fund	30,896
	Motor Carrier Ratemaking Study Commission	
D81-131	Salaries and expenses	1,800
	Total deferrals	82,959

* *

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981
(In thousands of dollars)

	Rescissions	Deferrals
Thirteenth special message:		
New items	---	6,722
Effect of thirteenth special message	---	6,722
Previous special messages	15,361,937	9,477,741
Total amount proposed in special messages	15,361,937 a/	9,484,463 b/

a/ This amount represents budget authority except for $751.8 million involving authority to incur obligations for direct loans.

b/ This amount represents budget authority except for $51,756 thousand involving the deferral of outlays only (D81-198).

Deferral No: D81-130

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Funds Appropriated to the President
Bureau: International Development Assistance
Appropriation title & symbol: Functional development assistance program (Food and Nutrition) 11X1023

New budget authority (P.L. _____) $ _____
Other budgetary resources 5,538,279
Total budgetary resources 5,538,279

Amount to be deferred:
Part of year $ _____
Entire year 4,922,400

CFS identification code: 11-1021-0-1-151

Grant program: ☐ Yes ☒ No

Type of account or fund:
☐ Annual
☐ Multiple-year _____ (expiration date)
☒ No-year

Legal authority (in addition to sec. 1013):
☒ Antideficiency Act
☐ Other _____

Type of budget authority:
☒ Appropriation
☐ Contract authority
☐ Other _____

Justification:

The Agency for International Development functional development assistance program provides economic resources to developing countries with the aim of bringing the benefits of development to the poor. AID recently identified $29 million of prior-year and current funds for development projects which had not accomplished their objectives, and subsequently deobligated these funds. Of the amounts deobligated, $4.9 million are no-year funds in the functional development assistance program that remain available for reprogramming. These funds cannot be used effectively in FY 1981 and are being deferred for use in FY 1982 and subsequent years. The remaining $0.6 million in budgetary resources in this account remain available for use in FY 1981.

Estimated Effects:

This deferral action would preserve these no-year funds for use in FY 1982 or subsequent years.

Outlay Effect:

This deferral action will not affect outlays.

D81-112A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report revises Deferral No. D81-112A transmitted to the Congress on June 19, 1981.

This revision reduces the amount deferred for Refugee assistance (Social Security Administration) in the Department of Health and Human Services from $35 million to $10 million and extends the deferral for the entire fiscal year. The $25 million was released after the shortfall in FY 81 funding for cash and medical assistance was resolved. The $10 million remaining is deferred until the Department completes a review to determine whether the FY 1982 cash and medical assistance appropriation is adequate to meet actual State needs for FY 1982.

Deferral No: D81-112A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. 97-12) $648,552,000
Bureau Social Security Administration *	Other budgetary resources ---
Appropriation title & symbol	Total budgetary resources 648,552,000
Refugee assistance 751/20473	Amount to be deferred: Part of year $ ---; Entire year $ 10,000,000*
OMB identification code: 75-0473-0-1-609	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program [X] Yes [ ] No	
Type of account or fund: [ ] Annual; [X] Multiple-year September 30,1982 (expiration date); [ ] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification:*

The Refugee Assistance Program reimburses States for cash and medical assistance, and social services to refugees. The Department has completed a review indicating a cash and medical assistance shortfall for FY 1981. This shortfall was met through the use of unexpended prior year funds and reprogrammed FY 1981 funds. The Department continues to defer $10 million in social service funds until the completion of a review to determine whether the FY 1982 cash and medical assistance appropriation is adequate to meet actual State needs for FY 1982. Deferral of the social service funds pending the outcome of this study will preserve the flexibility of the Administration and Congress if the results of the review indicate the FY 1982 cash and medical assistance appropriation is inadequate to meet State needs. This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:*

Deferral of funds pending the outcome of this study should not cause a significant interruption in the provision of services to refugees in most States. These funds are used by States to contract for services to be provided in FY 1982.

Outlay Effect:*

This deferral will shift an estimated $6 million in outlays from FY 1981 to FY 1982.

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* Revised from previous report.

D81-91A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report revises Deferral No. D81-91, transmitted to the Congress on March 10, 1981.

This revision to the previous report for Rail service assistance (Federal Railroad Administration) in the Department of Transportation reflects a reduction in the amount deferred from $80,341 thousand to $35,341 thousand, extends the deferral for the remainder of the year (previously $80,000 thousand was deferred for part of the year), and changes the justification for $35 million of the funds currently deferred. This amount is now reserved as part of the Administration's effort to reduce Federal spending.

Deferral No: D81-91A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 96-400&97-12): $120,492,380*
Bureau: Federal Railroad Administration	Other budgetary resources: 14,882,555*
Appropriation title & symbol: Rail service assistance 69X0132	Total budgetary resources: 135,374,935*
	Amount to be deferred: Part of year: $ ____
	Entire year: 35,341,000*
OMB identification code: 69-0122-0-1-401	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ($341,000) ☐ Other ____
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification:* This appropriation provides financial assistance to states for continuing rail services on low-volume branch lines, providing assistance to minority businesses, monitoring Conrail and Amtrak operations, facilitating rail restructuring projects, and liquidating loan guarantee defaults.

Funds totalling $35 million for continuing services on low-volume branch lines are deferred in FY 1981. This deferral action is part of the Administration's effort to reduce Federal spending by postponing lower priority activities wherever feasible. Obligation of these funds is planned for FY 1982.

Savings associated with staffing reductions, travel restrictions, and reductions in equipment purchases and use of consulting services total $341,000 for FY 1981. These funds are deferred for the remainder of this fiscal year and will be used to help offset administrative costs in FY 1982. This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:* The low-volume branch line program will be discontinued after the remaining $35 million is obligated in 1982.

Outlay Effects:* This deferral action will shift $3.5 million from low volume branch lines and $341,000 from administrative expenses into FY 1982.

*Revised from previous report.

D81-40A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344.

This report revises Deferral No. D81-40, transmitted to the Congress on January 15, 1981.

This revision to the previous report is necessary to report a change in the period of time that $30,895,523 will be deferred in the Land acquisition and development fund of the Pennsylvania Avenue Development Corporation. This amount was originally deferred for part of the FY 1981, pending completion of a feasibility study. The study is now scheduled for completion in October 1981; consequently these funds will be deferred until October 1, 1981.

Deferral No: D81-40A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Pennsylvania Avenue Development Corporation	New budget authority (P.L. 9 -514): $ 15,000,000
Bureau:	Other budgetary resources: 43,895,523
Appropriation title & symbol: Land acquisition and development fund 42X4084	Total budgetary resources: 58,895,523
	Amount to be deferred: Part of year: $ ____ Entire year: 30,895,523*
OMB identification code: 42-4084-0-3-451	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [ ] Appropriation [ ] Contract authority [X] Other Borrowing

Justification:* The land acquisition and development project for the eastern sector of the Pennsylvania Avenue Development plan (east of the FBI headquarters building) is being reevaluated. The study is designed to determine if it is feasible to construct residential housing within the Pennsylvania Avenue Development area in downtown Washington, D.C. The change in property values and demand for space that has occurred since the development of the 1974 plan makes this study desirable.

The study initially was scheduled for completion by the spring of 1981; however, the project has slipped and the earliest study completion date is set for October 1981.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: The Corporation presently is refraining from all actions that would unduly restrict options during the preliminary stages of the study. This deferral action will postpone new design and construction activity for the eastern sector of the Pennsylvania Avenue Development Project.

Outlay Effects: This deferral has the effect of shifting $20.0 million in FY 1981 outlays into FY 1982 and $10.8 million in outlays from FY 1982 into 1983.

* Revised from previous report.

Deferral No: D81-131

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Motor Carrier Ratemaking Study Commission	New budget authority (P.L. 97-12) $2,000,000
Bureau	Other budgetary resources
Appropriation title & symbol: Salaries and Expenses 48X2700	Total budgetary resources 2,000,000
	Amount to be deferred: Part of year $; Entire year 1,800,000
OMB identification code: 48-2700-0-1-401	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Motor Carrier Ratemaking Study Commission is authorized to study the collective ratemaking process for all rates of motor common carriers. The Commission is to determine whether motor carriers require antitrust immunity in this process. The study is scheduled to last until January 1, 1983 and was fully funded in P.L. 97-12. The funds being deferred will not be needed until FY 1982 and FY 1983.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral is in accord with the Commission's plans. It will have no effect on the study.

Outlay Effects: This deferral will have no effect on outlays.

[FR Doc. 81-27108 Filed 9-15-81; 8:45 am]
BILLING CODE 3110-01-C

federal register

Wednesday
September 16, 1981

Part IV

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals; September 1, 1981

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

September 1, 1981.

This report is submitted in fulfillment of the requirements of Section 1014 (e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014 (e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of September 1, 1981 of 166 rescission proposals and 129 deferrals contained in the first twelve messages for fiscal year 1981. These messages were transmitted to the Congress on October 1 and December 2, 1980, January 15 and 29, February 13, March 10, 17, and 19, April 27, June 8 and 19, and July 16, 1981.

Rescissions (Table A and Attachment A)

Congressional action has been completed on the 155 rescission proposals contained in the first nine special messages for fiscal year 1981. Eleven rescission proposals, totaling $608.1 million, contained in the tenth, eleventh, and twelfth special messages are currently pending before the Congress. Table A summarizes the status of rescissions proposed by the President as of September 1, 1981, while Attachment A shows the history and status of each rescission proposed during fiscal year 1981.

Deferrals (Table B and Attachment B)

As of September 1, 1981, $3,647.0 million in 1981 budget authority was being deferred from obligation and another $6.3 million in 1981 obligations was being deferred from expenditure. Attachment B shows the history and status of each deferral reported during fiscal year 1981.

Information from special messages

The special messages containing information on the rescissions and the deferrals covered by the cumulative report are printed in the **Federal Registers** of:

Monday, October 6, 1980 (Part VIII, Vol. 45, No. 195)
Friday, December 5, 1980 (Part VII, Vol. 45, No. 236)
Wednesday, January 21, 1981 (Part XII, Vol. 46, No. 13)
Tuesday, February 3, 1981 (Part III, Vol. 46, No. 22)
Thursday, February 19, 1981 (Part II, Vol. 46, No. 33)
Friday, March 13, 1981 (Part VI, Vol. 46, No. 49)
Monday, March 23, 1981 (Part III, Vol. 46, No. 55)
Tuesday, March 24, 1981 (Part III, Vol. 46, No. 56)
Friday, May 1, 1981 (Part IV, Vol. 46, No. 84)
Thursday, June 11, 1981 (Part IV, Vol. 46, No. 112)
Wednesday, July 1, 1981 (Part IV, Vol. 46, No. 126)
Tuesday, July 21, 1981 (Part IV, Vol. 46, No. 139)

David A. Stockman,

Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1981 RESCISSIONS

	Amount (In millions of dollars)	
Rescissions proposed by the President	$ 16,504.3	
Rescission proposals withdrawn	-1,142.4	
Accepted by the Congress	-11,715.1	a.
Rejected by the Congress	-3,038.7	b.
Pending before the Congress	$ 608.1	

a. Of the $12,023.2 million identified in Attachment A (page 18) as rescinded by the Congress in action on the Administration's proposals, $308.1 million exceeded the amounts proposed for rescission. This amount excludes the $308.1 million not proposed by the Administration.

b. Of the $15,920.9 million identified in Attachment A (page 18) as made available, $1,142.4 million was released when the related proposals were withdrawn and $11,525.6 million was subsequently rescinded. In addition, as noted in footnote (e) on page 19, $189.5 million related to a rescission of Temporary Employment Assistance funds (R81-92) was not withheld.

* *

TABLE A

STATUS OF 1981 DEFERRALS

	Amount * (In millions of dollars)	
Deferrals proposed by the President	$ 9,477.7	
Routine Executive releases (-5,482.2 million) and adjustments (+19.1 million) through September 1, 1981	-5,463.1	
Overturned by the Congress	-361.4	
Currently before the Congress	$ 3,653.3	a.

a. This amount includes $6.3 million in outlays for a Department of the Treasury deferral (D81-19B).

* Detail does not add to total due to rounding

Attachments

PAGE 1 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 09/02/81 08:19

AS OF SEPTEMBER 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
EXECUTIVE OFFICE OF THE PRESIDENT							
Council on Env. Quality and Office of Env. Quality							
Council on Env. Quality and Office of Env. Quality							
BA	R81- 38	708		3 17 81	708	708a	5 18 81
Council on Wage and Price Stability							
Salaries and expenses							
BA	R81- 34	1,500		1 29 81	1,500	1,500a	3 26 81
Office of Science and Technology Policy							
Salaries and expenses							
BA	R81- 39	595		3 17 81	595	595a	5 18 81
EXECUTIVE OFFICE OF THE PRESIDENT TOTAL BA		2,808			2,803	2,803	
FUNDS APPROPRIATED TO THE PRESIDENT							
Appalachian Regional Development Programs							
Appalachian Regional Development programs							
BA	R81- 40	110,000		3 17 81	40,000	110,000b	5 18 81
Disaster Relief							
Disaster relief							
BA	R81- 41	8,000		3 17 81	8,000	8,000a	5 18 81
International Development Assistance							
Sahel development program							
BA	R81- 42	2,000		3 17 81	1,500	2,000b	5 18 81
Inter-American Foundation							
Inter-American Foundation							

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81- 43	138		3 17 81	138	138a	5 18 81
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA		120,138			49,638	120,138	
DEPARTMENT OF AGRICULTURE							
Agricultural Stabilization Conservation Service							
Dairy and beekeeper indemnity programs BA	R81- 44	1,500		3 17 81		1,500	5 18 81
Rural Electrification Administration							
Rural communication development fund BA	R81- 45	16,341		3 17 81			
BA	R81- 45A	-341		4 27 81	16,000	16,000a	5 18 81
Farmers Home Administration							
Rural development planning grants BA	R81- 46	2,000		3 17 81		2,000	5 18 81
Rural community fire protection grants BA	R81- 47	1,500		3 17 81		1,500	5 18 81
Rural housing supervisory assistance grants BA	R81- 48	500		3 17 81	500	500a	5 18 81
Rural housing insurance fund BA	R81-119	316,000c		3 17 81	150,000	316,000b	5 18 81
Agricultural credit insurance fund BA	R81-120	88,850c		3 17 81	50,000	88,850b	5 18 81
Rural development insurance fund BA	R81-121	160,000c		3 17 81		160,000	5 18 81

PAGE 3 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 09/02/81 08:19

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Forest Service							
Construction and land acquisition							
BA	R81-160		20,000	6 19 81			
DEPARTMENT OF AGRICULTURE TOTAL BA		586,350	20,000		216,500	586,350	
DEPARTMENT OF COMMERCE							
Economic Development Administration							
Economic development assistance programs							
BA	R81- 49	342,350		3 17 81	187,850	342,350b	5 18 81
Regional Development Programs							
Regional development programs							
BA	R81- 50	21,000		3 17 81	21,000	21,000a	5 18 81
United States Travel Service							
Salaries and expenses							
BA	R81- 51	41		3 17 81	41	41a	5 18 81
National Oceanic and Atmospheric Administration							
Operations, research, and facilities							
BA	R81- 1	30,493d		1 15 81		30,493	2 13 81
BA	R81-123	36,493		3 19 81	23,640	36,493b	4 28 81
Construction							
BA	R81- 52	9,000		3 17 81	11,000	9,000b	5 18 81
Coastal energy impact fund							
BA	R81- 53	40,000		3 17 81		40,000	5 18 81
Science and Technical Research							
Scientific and technical research and services							

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	BA	R81- 54	3,370		3 17 81	3,370	3,370a	5 18 81
National Telecommun. and Info Administration								
Salaries and expenses								
	BA	R81- 55	313		3 17 81	163	313b	5 18 81
Public telecommun. facil., plan. and construction								
	BA	R81- 2	4,000d		1 15 81		4,000	2 13 81
	BA	R81-124	25,717		3 19 81	6,000	25,717b	4 28 81
Maritime Administration								
Research and development								
	BA	R81- 56e	2,500		3 17 81	2,500	2,500a	5 18 81
DEPARTMENT OF COMMERCE TOTAL	BA		515,277			255,564	515,277	
DEPARTMENT OF EDUCATION								
Office of Elementary and Secondary Education								
Elementary and secondary education								
	BA	R81- 4	52,150d		1 15 81		52,150	2 13 81
	BA	R81-126	982,385		3 19 81	462,646	982,385b	4 28 81
School assistance in federally affected areas								
	BA	R81- 3	148,000d		1 15 81		148,000	2 13 81
	BA	R81-125	66,500		3 19 81	33,250	66,500b	4 28 81
Equal educational opportunities								
	BA	R81- 57	73,253		3 17 81	97,563	73,253b	5 18 81
Office of Special Education and Rehab. Services								
Education for the handicapped, gifted and talented								
	BA							

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	R81- 58	267,938		3 17 81	76,819	267,938b	5 18 81
Rehabilitation services and handicapped research							
BA	R81- 59	22,323		3 17 81	12,126	22,323b	5 18 81
Office of Vocational and Adult Education							
Vocational and adult education							
BA	R81- 5	11,862d		1 15 81		11,862	2 13 81
BA	R81-127	238,777		3 19 81	132,565	238,777b	4 28 81
Office of Postsecondary Education							
Student financial assistance							
BA	R81-161		14,800	6 19 81			
Student loan insurance							
BA	R81- 6	78,728d		1 15 81		78,728	2 13 81
BA	R81-128	103,270		3 19 81		103,270	4 28 81
Higher and continuing education							
BA	R81- 7	30,989d		1 15 81		30,989	2 13 81
BA	R81-129	49,239		3 19 81	33,970	49,239b	4 28 81
College housing loans							
BA	R81- 60	14,550		3 17 81	14,271	14,550b	5 18 81
Office of Educational Research and Improvement							
Libraries and learning technologies							
BA	R81- 61	42,750		3 17 81	12,250	42,750b	5 18 81
Institute of museum services							
BA	R81- 62	12,357		3 17 81		12,357	5 18 81
School improvement programs							
BA	R81- 63	36,606		3 17 81	37,843	36,606b	5 18 81

ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981

AS OF 09/02/81 08:19

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF EDUCATION							
TOTAL BA		2,231,677	14,800		913,303	2,231,677	
DEPARTMENT OF ENERGY							
Energy Programs							
Energy supply R&D- operating expenses							
BA	R81- 8	25,026d		1 15 81		25,026	2 13 81
BA	R81-130	126,609		3 19 81			
BA	R81-130A	-327		4 27 81	82,511	126,282b	4 28 81
Energy supply R&D- plant and capital equip.							
BA	R81- 9	3,650d		1 15 81		3,650	2 13 81
BA	R81-131	7,967		3 19 81	2,500	7,967b	4 28 81
Fossil energy research and development							
BA	R81- 10	25,450d		1 15 81		25,450	2 13 81
BA	R81-132	65,932		3 19 81	53,036	65,932b	4 28 81
Fossil energy construction							
BA	R81-166			7 16 81			
BA	R81- 64	246,900		3 17 81	89,400	246,900b	5 18 81
BA	R81-166		173,000	7 16 81			
Energy production demo. and distribution							
BA	R81- 65	12,649		3 17 81	10,348	12,649b	5 18 81
Energy conservation							
BA	R81- 11	47,800d		1 15 81		47,800	2 13 81
BA	R81-133	306,045		3 19 81	153,180	306,045b	4 28 81
Energy information administration							
BA	R81- 66	13,443		3 17 81	13,700	13,443b	5 18 81

PAGE 7 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 09/02/81 08:19

AS OF SEPTEMBER 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Economic regulation								
	BA	R81- 67	33,155		3 17 81	17,167	33,155b	5 18 81
Geothermal resources development fund								
	BA	R81- 68	22,066		3 17 81	21,982	22,066b	5 18 81
Alternative fuels production								
	BA	R81- 69	300,000		3 17 81	300,000	300,000a	5 18 81
Departmental Administration								
Departmental administration								
	BA	R81- 70	11,500		3 17 81	11,500	11,500a	5 18 81
DEPARTMENT OF ENERGY								
TOTAL	BA		1,247,865.	173,000		755,324	1,247,865	
DEPARTMENT OF HEALTH AND HUMAN SERVICES								
Health Services Administration								
Health services								
	BA	R81- 12	8,057d		1 15 81		8,057	2 13 81
	BA	R81-134	11,616		3 19 81	49,776	11,616b	4 28 81
Indian health facilities								
	BA	R81- 71	8,871		3 17 81	3,916	8,871b	5 18 81
Centers for Disease Control								
Preventive health services								
	BA	R81- 13	27,000d		1 15 81		27,000	2 13 81
	BA	R81-135	38,520		3 19 81	54,381	38,520b	4 28 81
National Institutes of Health								
National Cancer Institute								
	BA	R81- 14	13,565d		1 15 81		13,565	2 13 81

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81-136	17,986		3 19 81	10,785	17,986b	4 28 81
National Heart, Lung, and Blood Institute							
BA	R81- 15	10,324d		1 15 81		10,324	2 13 81
BA	R81-137	11,120		3 19 81	9,950	11,120b	4 28 81
National Institute of Dental Research							
BA	R81- 16	302d		1 15 81		302	2 13 81
BA	R81-138	700		3 19 81		700	4 28 81
Nat. Inst. of Arth., Metab. and Diges. Diseases							
BA	R81- 17	3,232d		1 15 81		3,232	2 13 81
BA	R81-139	3,943		3 19 81	2,113	3,943b	4 28 81
Nat. Inst. of Neurol. and Comm. Disord. and Stroke							
BA	R81- 18	2,031d		1 15 81		2,031	2 13 81
BA	R81-140	4,388		3 19 81	997	4,388b	4 28 81
Nat. Inst. of Allergy and Infectious Diseases							
BA	R81- 72	1,088		3 17 81		1,088	5 18 81
Nat. Inst. of General Medical Sciences							
BA	R81- 73	18,682		3 17 81	1,571	18,682b	5 18 81
Nat. Inst. of Child Health and Human Develop.							
BA	R81- 19	3,285d		1 15 81		3,285	2 13 81
BA	R81-141	4,119		3 19 81	2,694	4,119b	4 28 81
National Eye Institute							
BA	R81- 20	2,353d		1 15 81		2,353	2 13 81
BA	R81-142	3,856		3 19 81	2,137	3,856b	4 28 81
Nat. Inst. of Environmental Health Sciences							
BA	R81- 21	3,258d		1 15 81		3,258	2 13 81

AS OF SEPTEMBER 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
	BA	R81-143	2,178		3 19 81	3,630	2,179b	4 28 81
National Institute of Aging								
	BA	R81- 22	588d		1 15 81		588	2 13 81
	BA	R81-144	1,593		3 19 81	377	1,593b	4 28 81
Research resources								
	BA	R81- 23	10,561d		1 15 81		10,561	2 13 81
	BA	R81-145	3,714		3 19 81	8,623	3,714b	4 28 81
National Library of Medicine								
	BA	R81- 24	341d		1 15 81		341	2 13 81
	BA	R81-146	341		3 19 81		341	4 28 81
Office of the Director								
	BA	R81- 25	360d		1 15 81		360	2 13 81
	BA	R81-147	360		3 19 81		360	4 28 81
Alcohol, Drug Abuse, and Mental Health Admin.								
Const. and renovation, St. Elizabeths Hospital								
	BA	R81- 74	1,020		3 17 81	1,500	1,020b	5 18 81
Alcohol, drug abuse, and mental health								
	BA	R81- 26	67,140d		1 15 81		67,140	2 13 81
	BA	R81-148	98,370		3 19 81	112,244	98,370b	4 28 81
Health Resources Administration								
Health resources								
	BA	R81- 27	78,683d		1 15 81		78,683	2 13 81
	BA	R81-149	131,751		3 19 81	158,189	131,751b	4 28 81
Office of Assistant Secretary for Health								
Salaries and expenses								

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81- 75	30,724		3 17 81	38,270	30,724b	5 18 81
Health Care Financing Administration							
Payments to health care trust funds							
BA	R81- 76	8,693		3 17 81	6,520	8,693b	5 18 81
Program management							
BA	R81- 77	6,992		3 17 81	7,494	6,992b	5 18 81
Social Security Administration							
Refugee assistance							
BA	R81- 78	25,100		3 17 81	41,805	25,100b	5 18 81
Human Development Services							
Grants to states for social services							
BA	R81-162		100,000	6 19 81		100,000	8 12 81
Human development services							
BA	R81- 28	10,000d		1 15 81		10,000	2 13 81
BA	R81-150	10,100		3 19 81	13,500	10,100b	4 28 81
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL BA		686,906	100,000		530,472	786,906	
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Housing Programs							
Subsidized housing programs							
BA	R81- 79	5,099,104		3 17 81	5,219,104	5,099,104b	5 18 81
Congregate services program							
BA	R81- 29	10,000d		1 15 81		10,000	2 13 81
BA	R81-151	10,000		3 19 81	10,000	10,000a	4 28 81

AS OF SEPTEMBER 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Solar Energy and Energy Conservation Bank							
Assistance for solar and conserv. improvements							
BA	R81- 80	121,000		3 17 81	121,000	121,000a	5 18 81
Community Planning and Development							
Planning assistance							
BA	R81- 81	34,976		3 17 81	34,976f	34,976a	5 18 81
Rehabilitation loan fund							
BA	R81- 82	110,857		3 17 81	110,857f	110,857a	5 18 81
Urban development action grants							
BA	R81-163		130,000	6 19 81			
Community development grants							
BA	R81-164		50,000	6 19 81			
Neighborhoods, Vol. Assoc. and Consumer Prot.							
Housing counseling assistance							
BA	R81- 83	6,000		3 17 81	3,000	6,000b	5 18 81
Neighborhood self-help devel. program							
BA	R81- 84	8,119		3 17 81	8,119	8,119a	5 18 81
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
TOTAL BA		5,400,056	180,000		5,507,056	5,400,056	
DEPARTMENT OF THE INTERIOR							
Office of Water Research and Technology							
Salaries and expenses							
BA	R81- 85	11,800		3 17 81	5,900	11,800b	5 18 81
United States Fish and Wildlife Service							
Construction and anadromous fish							

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
BA	R81- 86	2,500		3 17 81	2,500	2,500a	5 18 81
National Park Service							
Urban park and recreation grants							
BA	R81- 87	35,000		3 17 81	19,000	35,000b	5 18 81
Land and water conservation fund							
BA	R81- 88	250,000		3 17 81	90,000	250,000b	5 18 81
Historic preservation fund							
BA	R81- 89	8,000		3 17 81	6,500	8,000b	5 18 81
Construction (trust fund)							
BA	R81- 90	15,500		3 17 81	12,000	15,500b	5 18 81
Office of Surface Mining Reclam. and Enforcement							
Regulation and technology							
BA	R81- 91	1,954		3 17 81	3,154	1,954b	5 18 81
Office of the Solicitor & Office of the Secretary							
Youth conservation corps							
BA	R81- 35	38,194		3 10 81	34,000	38,194b	5 11 81
DEPARTMENT OF THE INTERIOR TOTAL BA		362,948			173,054	362,948	
DEPARTMENT OF LABOR							
Employment and Training Administration							
Temporary employment assistance							
BA	R81- 92	234,475g		3 17 81	234,475	45,000b	5 18 81

AS OF SEPTEMBER 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF LABOR							
TOTAL BA		234,475			234,475	45,000	
DEPARTMENT OF STATE							
Bureau of Refugee Programs							
Migration and refugee assistance							
BA	R81- 93	22,500		3 17 81	17,500	22,500b	5 18 81
Bureau for International Narcotics Matters							
International narcotics control							
BA	R81- 94	3,100		3 17 81	12,785	3,100b	5 18 81
DEPARTMENT OF STATE							
TOTAL BA		25,600			30,285	25,600	
DEPARTMENT OF TRANSPORTATION							
Urban Mass Transportation Administration							
Urban mass transportation fund							
BA	R81- 95	24,700		3 17 81	20,700	24,700b	5 18 81
Research and Special Programs Administration							
Cooperative automotive research							
BA	R81- 96	11,500		3 17 81	11,500	11,500a	5 18 81
DEPARTMENT OF TRANSPORTATION							
TOTAL BA		36,200			32,200	36,200	
DEPARTMENT OF THE TREASURY							
Bureau of Government Financial Operations							
Biomass energy development							
BA	R81- 97	1,245,500		3 17 81	974,500	1,245,500b	5 18 81

AS OF SEPTEMBER 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
DEPARTMENT OF THE TREASURY							
TOTAL BA		1,245,500			974,500	1,245,500	
ENVIRONMENTAL PROTECTION AGENCY							
Salaries and expenses							
BA	R81-165		6,200	6 19 81			
Res. and dev. (pollution and abatement)							
BA	R81- 98	149		3 17 81	499	149b	5 18 81
BA	R81-156		56,300	6 8 81		56,300	8 5 81
Abatement control and compliance							
BA	R81- 99	1,253		3 17 81	4,953	1,253b	5 18 81
BA	R81-157		43,700	6 8 81		43,700	8 5 81
Construction grants							
BA	R81-100	1,700,000		3 17 81	1,700,000	1,700,000a	5 18 81
ENVIRONMENTAL PROTECTION AGENCY							
TOTAL BA		1,701,402	106,200		1,705,452	1,801,402	
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION							
Research and development							
BA	R81-101	4,500		3 17 81	4,500	4,500a	5 18 81

PAGE 15 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 09/02/81 08:19

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION TOTAL BA		4,500			4,500	4,500	
VETERANS ADMINISTRATION							
Construction, major projects BA	R81-102	162,160		3 17 81	162,160	162,160a	5 18 81
VETERANS ADMINISTRATION TOTAL BA		162,160			162,160	162,160	
OTHER INDEPENDENT AGENCIES							
Action							
Operating expenses, domestic programs BA	R81-103	3,207		3 17 81			
BA	R81-103A	-3,007		4 23 81	5,187	200b	5 18 81
Arms Control and Disarmament Agency							
Arms control and disarmament activities BA	R81-104	1,500		3 17 81	1,500	1,500a	5 18 81
Community Services Administration							
Community services program BA	R81- 30	6,000d		1 15 81		6,000e	2 13 81
BA	R81-152	6,000		3 19 81	16,915	6,000b	4 28 81

AS OF SEPTEMBER 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT	RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Corporation for Public Broadcasting							
Salaries and expenses							
BA	R81-105	95,000		3 17 81	35,000h	95,000b	5 18 81
Federal Mediation and Conciliation Service							
Salaries and expenses							
BA	R81-106	687		3 17 81		687	5 18 81
Federal Mine Safety and Health Review Commission							
Salaries and expenses							
BA	R81- 31	163d		1 15 81		163	2 13 81
BA	R81-153	186		3 19 81	273	186b	4 28 81
Federal Trade Commission							
Salaries and expenses							
BA	R81-107	226		3 17 81	226	226a	5 18 81
Marine Mammal Commission							
Salaries and expenses							
BA	R81-108	4		3 17 81		4	5 18 81
Merit Systems Protection Board							
Office of the special counsel							
BA	R81-109	210		3 17 81	210	210a	5 18 81
National Consumer Cooperative Bank							
Investment in Nat. Consumer Cooperative Bank							
BA	R81- 36	59,849		3 10 81		59,849	5 11 81
Self-help development and technical assistance							
BA	R81- 37	29,990		3 10 81	16,990	29,990b	5 11 81
National Foundation on the Arts and Humanities							

PAGE 17 ATTACHMENT A - STATUS OF RESCISSIONS - FISCAL YEAR 1981 AS OF 09/02/81 08:19

AS OF SEPTEMBER 1, 1981 AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
National Endowment for the Arts: sal. & expen.								
	BA	R81-158		6,650	6 8 81		6,650	8 5 81
National Endowment for the Human.: sal. & expen.								
	BA	R81-159		7,417	6 8 81		7,417	8 5 81
National Science Foundation								
Research and related activities								
	BA	R81-110	66,000		3 17 81	46,000	66,000b	5 18 81
	BA	R81-110A	i		4 27 81			
Science and engineering activities								
	BA	R81-111	16,000		3 17 81	10,000	16,000b	5 18 81
	BA	R81-111A	i		4 27 81			
Occupational, Safety, and Health Review Comm.								
Salaries and expenses								
	BA	R81-112	39		3 17 81	54	39b	5 18 81
Office of Fed. Insp. for the Alaska Nat. Gas Sys.								
Salaries and expenses								
	BA	R81-113	445		3 17 81	445	445a	5 18 81
Pennsylvania Avenue Development Corporation								
Salaries and expenses								
	BA	R81-114	60		3 17 81		60	5 18 81
Postal Service								
Payment to the Postal Service Fund								
	BA	R81- 32	250,000d		1 15 81		250,000	2 13 81
	BA	R81-154	250,000		3 19 81	250,000	250,000a	4 28 81
Selective Service System								

AS OF SEPTEMBER 1, 1981
AMOUNTS IN THOUSANDS OF DOLLARS

AGENCY/BUREAU/ACCOUNT		RESCISSION NUMBER	AMOUNT PREVIOUSLY CONSIDERED BY CONGRESS	AMOUNT CURRENTLY BEFORE THE CONGRESS	DATE OF MESSAGE MO DA YR	AMOUNT RESCINDED	AMOUNT MADE AVAILABLE	DATE MADE AVAILABLE MO DA YR
Salaries and expenses								
	BA	R81-115	1,940		3 17 81	1,940	1,940a	5 18 81
Small Business Administration								
Salaries and expenses								
	BA	R81-116	1,405		3 17 81	700	1,405b	5 18 81
Tennessee Valley Authority								
Tennessee Valley Authority fund								
	BA	R81- 33	177,000d		1 15 81		177,000	2 13 81
	BA	R81-117	500		3 17 81		500	5 18 81
	BA	R81-155	177,000		3 19 81	85,500	177,000b	4 28 81
Water Resources Council								
Water resources planning								
	BA	R81-118	5,000		3 17 81	5,000	5,000a	5 18 81
OTHER INDEPENDENT AGENCIES								
TOTAL	BA		1,145,404	14,067		475,940	1,159,471	
OFF-BUDGET FEDERAL ENTITIES								
Department of Agriculture								
Rural electr. and telephone revolving fund								
	BA	R81-122	187,000c		3 17 81			
	BA	R81-122A	1		4 27 81		187,000	5 18 81
TOTAL	BA		15,896,261	608,067		12,023,226	15,920,853	

NOTE: This report does not include Congressionally-initiated rescissions.

FOOTNOTES

a. These funds were made available for obligation on the date shown in the column to the right. Subsequently, the funds were rescinded by the Supplemental Appropriations and Rescission Act, 1981 (PL 97-12), signed into law on June 5, 1981.

b. These funds were made available for obligation on the date indicated in the column to the right. Subsequently, the amount listed in the column to the left was rescinded by PL 97-12.

c. This amount represents a proposed reduction in authority to incur obligations for direct loans.

d. This rescission proposal was withdrawn on February 13, 1981.

e. This rescission proposal was submitted to and acted on by the Congress prior to the transfer of the Maritime Administration from the Department of Commerce to the Department of Transportation, which became effective on August 9, 1981.

f. This amount reflects the Administration's estimate of unreserved funds for FY 1981 and prior years that were proposed for rescission at the time the special message was transmitted. The current estimate of unreserved funds that were rescinded by PL 97-12 is $17,225,000 for Planning Assistance and $121,351,000 for the Rehabilitation Loan Fund.

g. The amount withheld totals $45,000,000, which is $189,475,000 less than the amount proposed for rescission.

h. This amount represents a rescission of 1983 funds.

i. This supplementary report was transmitted solely to report a technical correction to the appropriation language accompanying the original report. This change did not affect amounts proposed for rescission.

END OF REPORT

PAGE 1 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 09/02/81 12:49

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
FUNDS APPROPRIATED TO THE PRESIDENT								
Appalachian Regional Development Programs								
Appalachian regional development programs								
BA	D81- 79	10,000		3 10 81				10,000
International Security Assistance								
Foreign military credit sales								
BA	D81- 23	659,250		12 2 80	-659,250			
Economic support fund								
BA	D81- 24	1,984,500		12 2 80	-1,965,500			19,000
FUNDS APPROPRIATED TO THE PRESIDENT TOTAL BA		2,653,750			-2,624,750			29,000
DEPARTMENT OF AGRICULTURE								
Foreign Assistance Programs								
Expenses, P.L. 480, for. assist. prog., Agric.								
BA	D81-107	28,000		6 19 81				
BA	D81-107A		20,000	7 16 81	-48,000			
Agricultural Stabilization & Conservation Service								
Dairy and beekeeper indemnity programs								
BA	D81-120	1,500		7 16 81				1,500
Farmers Home Administration								
Rural development planning grants								
BA	D81-121	2,000		7 16 81				2,000
Rural housing insurance fund								
BA	D81-122	166,000		7 16 81				166,000
Agricultural credit insurance fund								
BA	D81-123	35,000		7 16 81				35,000
Soil Conservation Sevice								

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
Watershed and flood prevention operations	BA	D81-108	11,000		6 19 81				11,000
Forest Service									
Construction and land acquisition	BA	D81-124	13,578		7 16 81				13,578
Timber salvage sales	BA	D81- 1	16,481		10 1 80				
	BA	D81- 1A		237	6 19 81				16,718
Expenses, brush disposal	BA	D81- 2	37,342		10 1 80				
	BA	D81- 2A		3,228	4 27 81				40,570
DEPARTMENT OF AGRICULTURE TOTAL	BA		310,901	23,465		-48,000			286,366
DEPARTMENT OF COMMERCE									
General Administration									
Participation in U.S. expositions	BA	D81- 3	2,867		10 1 80				
	BA	D81- 3A		184	1 15 81				3,051
Minority Business Development Agency									
Minority business development	BA	D81-103	3,400		3 17 81				3,400
National Oceanic and Atmospheric Administration									
Operations, research, and facilities	BA	D81- 42	30,493a		2 13 81	-30,493			
Construction	BA	D81- 4	10,230		10 1 80	-5,230			5,000
Coastal zone management	BA	D81-125	33,000		7 16 81				33,000

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
Promote and develop fishery products and research	BA	D81-105	5,000		4 27 81	-2,500	-2,500b		
National Telecom and Information Admin.									
Public telecom facilities, plan. & constr.	BA	D81- 43	4,000a		2 13 81	-4,000			
Maritime Administration									
Ship construction	BA	D81- 80c	92,000		3 10 81		-55,000b		37,000
DEPARTMENT OF COMMERCE TOTAL	BA		180,990	184		-42,223	-57,500		81,451
DEPARTMENT OF DEFENSE-MILITARY									
Procurement									
Shipbuilding and conversion, Navy	BA	D81- 27	1,125,000		1 15 81				1,125,000
Procurement activities	BA	D81- 5	139,700		10 1 80	-139,700			
Research, Development, Test, and Evaluation									
RDT&E Activities	BA	D81- 6	46,500		10 1 80	-46,500			
Military Construction									
Military construction (medical facilities)	BA	D81- 25	111,300		12 2 80	-111,300			
Military construction, all services	BA	D81- 7	6,983		10 1 80				
	BA	D81- 7A		600,344	12 2 80	-569,624		1,134	38,837
Family Housing, Defense									
Family housing, Defense	BA	D81- 8	18,651		10 1 80	-18,651			
	BA	D81- 28	1,992		1 15 81				1,992

PAGE 4 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 09/02/81 12:49

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
DEPARTMENT OF DEFENSE-MILITARY TOTAL BA			1,450,126	600,344		-885,775		1,134	1,165,829
DEPARTMENT OF DEFENSE-CIVIL									
Cemeterial Expenses, Army									
Salaries and expenses	BA	D81-126	659		7 16 81				659
Corps of Engineers									
Construction, general	BA	D81- 81	10,000		3 10 81				
	BA	D81- 81A		57,600	6 19 81				67,600
Operation and maintenance, general	BA	D81-109	30,000		6 19 81				30,000
Flood control, Mississippi River & tributaries	BA	D81-110	5,000		6 19 81				5,000
Wildlife Conservation, Military Reservations									
Wildlife conservation, all services	BA	D81- 9	667		10 1 80	-136d			
	BA	D81- 9A		147	1 15 81	-154		136	660
DEPARTMENT OF DEFENSE-CIVIL TOTAL BA			46,326	57,747		-290		136	103,919
DEPARTMENT OF EDUCATION									
Office of Elem. and Secondary Education									
Elementary and secondary education	BA	D81- 45	52,150a		2 13 81	-52,150			
School assist. in federally affected areas	BA	D81- 44	148,000a		2 13 81	-148,000			
Office of Vocational and Adult Education									
Vocational and adult education	BA	D81- 46	11,862a		2 13 81	-11,862			

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
Office of Postsecondary Education									
Student loan insurance	BA	D81- 47	78,728a		2 13 81	-78,728			
Higher and continuing education	BA	D81- 48	30,989a		2 13 81	-30,989			
Higher education facilities loan and ins.	BA	D81- 82	25,000		3 10 81		-25,000b		
DEPARTMENT OF EDUCATION TOTAL	BA		346,729			-321,729	-25,000		
DEPARTMENT OF ENERGY									
Atomic Energy Defense Activities									
Operating expenses	BA	D81- 29	5,000		1 15 81	-5,000			
	BA	D81- 29A		5,000	3 10 81		-10,000b	5,000	
Plant and capital equipment	BA	D81- 30	12,000		1 15 81	-12,000			
Energy Programs									
Fossil energy R&D	BA	D81- 51	25,450a		2 13 81	-25,450			
Fossil energy construction	BA	D81- 33	42,000		1 15 81				
	BA	D81- 33A		163,000	3 10 81				
	BA	D81- 33B		e	4 27 81	-205,000			
Energy supply R&D-operating expenses	BA	D81- 31	23,860		1 15 81				
	BA	D81- 49	25,026a		2 13 81	-48,886			
Energy supply R&D-plant and capital equip.	BA	D81- 32	3,690		1 15 81				
	BA	D81- 50	3,650a		2 13 81	-7,340			
Energy conservation	BA	D81- 34	10,450		1 15 81				
	BA	D81- 52	47,800a		2 13 81	-58,250			

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
Strategic Petroleum Reserve	BA	D81- 83	8,000		3 10 81				8,000
DEPARTMENT OF ENERGY TOTAL BA			206,926	168,000		-361,926	-10,000	5,000	8,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Health Services Administration									
Health Services	BA	D81- 53	8,057a		2 13 81	-8,057			
Centers for Disease Control									
Preventive Health Services	BA	D81- 54	27,000a		2 13 81	-27,000			
National Institutes of Health									
National Cancer Institute	BA	D81- 55	13,565a		2 13 81	-13,565			
Nat. Heart, Lung, and Blood Institute	BA	D81- 56	10,324a		2 13 81	-10,324			
Nat. Institute of Dental Research	BA	D81- 57	302a		2 13 81	-302			
Nat. Inst. of Arth., Metab., and Digest. Dis.	BA	D81- 58	3,232a		2 13 81	-3,232			
Nat. Inst. of Neuro. and Commun. Dis. and Stroke	BA	D81- 59	2,031a		2 13 81	-2,031			
Nat. Inst. of Child Health and Human Development	BA	D81- 60	3,285a		2 13 81	-3,285			
National Eye Institute	BA	D81- 61	2,353a		2 13 81	-2,353			
Nat. Inst. of Environ. Health Sciences	BA	D81- 62	3,258a		2 13 81	-3,258			
National Institute of Aging	BA	D81- 63	588a		2 13 81	-588			

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
Research Resources									
	BA	D81- 64	10,561a		2 13 81	-10,561			
National Library of Medicine									
	BA	D81- 65	341a		2 13 81	-341			
Office of the Director									
	BA	D81- 66	360a		2 13 81	-360			
Alcohol, Drug Abuse & Mental Health Administration									
Alcohol, drug abuse & mental health									
	BA	D81- 67	67,140a		2 13 81	-67,140			
Construction & renovation, St. Elizabeths Hospital									
	BA	D81- 10	10,698a		10 1 80				
	BA	D81- 10A		25,375	7 16 81				36,073
Health Resources Administration									
Health resources									
	BA	D81- 68	78,683a		2 13 81	-78,683			
Office of Assistant Secretary for Health									
Special foreign currency program									
	BA	D81- 11	8,000		10 1 80				
	BA	D81- 11A		1,118	4 27 81				9,118
Social Security Administration									
Refugee assistance									
	BA	D81-112	35,000		6 19 81	-25,000			10,000
Limitation on administrative expenses									
	BA	D81-104	8,004		3 19 81				8,004
Human Development Services									
Grants to states for social & child welfare serv.									
	BA	D81-111	20,000		6 19 81				20,000
Human development services									
	BA	D81- 69	10,000a		2 13 81	-10,000			
White House Conference on Children and Youth									
	BA	D81- 12	562		10 1 80	-562			

PAGE 8 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 09/02/81 12:49

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
White House Conference on Aging	BA	D81-127	1,152		7 16 81				1,152
DEPARTMENT OF HEALTH AND HUMAN SERVICES TOTAL	BA		324,496	26,493		-266,642			84,347
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT									
Housing Programs									
Congregate services program	BA	D81- 70	10,000a		2 13 81	-10,000			
Policy Development and Research									
Research and technology	BA	D81- 84	5,000		3 10 81	-5,000			
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TOTAL	BA		15,000			-15,000			
DEPARTMENT OF THE INTERIOR									
Bureau of Land Management									
Acquisition, construction and maintenance	BA	D81-113	2,600		6 19 81				2,600
Oregon and California grant lands	BA	D81- 71	1,849		2 13 81				
	BA	D81- 71A		71	6 19 81				1,920
Bureau of Reclamation									
Construction program	BA	D81-114	21,430		6 19 81	-21,430			
General investigations	BA	D81-115	570		6 19 81	-570			
Heritage Conservation and Recreation Service									
Land and water conservation fund	BA	D81- 13	30,000		10 1 80				30,000

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
National Park Serivice									
Construction	BA	D81-116	14,720		6 19 81	-14,720			
Geological Survey									
Surveys, investigations and research	BA	D81-117	6,000		6 19 81	-6,000			
Exploration of National Petroleum Res. in Alaska	BA	D81- 35	10,710		1 15 81	-7,960			2,750
Payments from proceeds, sale of water	BA	D81- 14	41		10 1 80				41
Bureau of Mines									
Drainage of anthracite mines	BA	D81- 15	765		10 1 80				
	BA	D81- 15A/		226	6 19 81				991
DEPARTMENT OF THE INTERIOR TOTAL BA			88,685	297		-50,680			38,302
DEPARTMENT OF JUSTICE									
General Administration									
Salaries and expenses	BA	D81- 85	7,485		3 10 81	-4,320	-3,165b		
Federal Prison System									
Buildings and facilities	BA	D81- 16	15,750		10 1 80				
	BA	D81- 16A		4,050	1 15 81				
	BA	D81- 16B		9,083	7 16 81	-19,800			9,083
Salaries and expenses	BA	D81- 86	4,385		3 10 81		-4,385b		
Office of Justice Assist., Res., and Statistics									
Law enforcement assistance	BA	D81- 87	670		3 10 81	-670			

PAGE 10 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 09/02/81 12:49

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
DEPARTMENT OF JUSTICE								
TOTAL BA		28,290	13,133		-24,790	-7,550		9,083
DEPARTMENT OF LABOR								
Employment and Training Administration								
Employment and training assistance								
BA	D81- 36	76,699		1 15 81				
BA	D81- 36A		652,488	3 10 81				
BA	D81- 36B		21,968	7 16 81				751,155
DEPARTMENT OF LABOR								
TOTAL BA		76,699	674,456					751,155
DEPARTMENT OF STATE								
Other								
Emergency refugee and migration assistance fund								
BA	D81- 37	15,000		1 15 81				
BA	D81- 37A		20,000	6 19 81				35,000
DEPARTMENT OF STATE								
TOTAL BA		15,000	20,000					35,000
DEPARTMENT OF TRANSPORTATION								
Office of the Secretary								
Transportation planning, res. and dev.								
BA	D81- 88	1,040		3 10 81	-1,040			
Federal Aviation Administration								

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
Various activities									
	BA	D81- 72	3,403		2 13 81				3,403
Facilities & equip. (Airport & airway trust fund)									
	BA	D81- 17	133,823		10 1 80				
	BA	D81- 17A		240,603	12 2 80	-14,893			
	BA	D81- 17B		f	3 10 81		-30,000b	6,250	335,783
Federal Highway Administration									
Trust fund share of other highway programs									
	BA	D81- 89	21,500		3 10 81				
	BA	D81- 89A		e	4 27 81	-3,765			17,735
Federal Railroad Administration									
Railroad research and development									
	BA	D81- 90	383		3 10 81				383
Rail service assistance									
	BA	D81- 91	80,341		3 10 81	-5,000	-40,000b		35,341
Northeast corridor improvement program									
	BA	D81- 92	125,000		3 10 81				125,000
Urban Mass Transportation Administration									
Urban mass transportation fund									
	BA	D81- 93	210,000		3 10 81	-210,000			
Research and Special Programs Administration									
Research and special programs									
	BA	D81- 94	3,100		3 10 81	-1,000			2,100
DEPARTMENT OF TRANSPORTATION TOTAL BA			578,590	240,603		-235,698	-70,000	6,250	519,745
DEPARTMENT OF THE TREASURY									
Office of Revenue Sharing									
State and local government fiscal assistance fund									
	BA	D81- 18	111,773		10 1 80	-2,302		267	109,738

PAGE 12 ATTACHMENT B - STATUS OF DEFERRALS - FISCAL YEAR 1981 AS OF 09/02/81 12:49

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
	O	D81- 19	5,485		10 1 80				
	O	D81- 19A		5,209	12 2 80	-3,959			
	O	D81- 19B		51,062	2 13 81	-57,797		6,287	6,287
Bureau of the Mint									
Construction of mint facilities									
	BA	D81- 20	5,730		10 1 80	-5,730			
DEPARTMENT OF THE TREASURY									
TOTAL BA			117,503			-8,032		267	109,738
TOTAL O			5,485	56,271		-61,756		6,287	6,287
Veterans Administration									
Medical care									
	BA	D81- 95	29,389		3 10 81		-29,389b		
Medical and prosthetic research									
	BA	D81- 96	1,690		3 10 81		-1,690b		
Medical admin. and misc. operating expenses									
	BA	D81- 97	515		3 10 81		-515b		
Construction, major projects									
	BA	D81- 98	183,493		3 10 81		-85,965b		97,528
Veterans Administration									
TOTAL BA			215,087				-117,559		97,528
OTHER INDEPENDENT AGENCIES									
Board for International Broadcasting									
Grants and expenses									
	BA	D81-106	1,370		4 27 81	-1,370			
Community Services Administration									

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
Community services program	BA	D81- 73	6,000a		2 13 81	-6,000			
Federal Emergency Management Agency									
Emergency planning, preparedness, and mobilization	BA	D81- 21	80		10 1 80	-80			
Federal Mine Safety & Health Review Commission									
Salaries and expenses	BA	D81- 74	163a		2 13 81	-163			
General Services Administration									
Office of Inspector General	BA	D81- 99	444		3 10 81	-444			
Allowances and office staff for former Presidents	BA	D81-100	8		3 10 81	-8			
Consumer information center	BA	D81-101	50		3 10 81	-50			
Intelligence Community Staff									
Intelligence Community Staff	BA	D81- 38	2,000		1 15 81	-2,000			
International Communication Agency									
Salaries & expenses	BA	D81- 75	1,500		2 13 81		-350b		1,150
Acquisition & construction of radio facilities	BA	D81- 76	1,252		2 13 81				
	BA	D81- 76A		12,074	4 27 81				13,326
National Consumer Cooperative Bank									
Self-help development fund	BA	D81- 39	13,133		1 15 81	-13,133			
National Foundation on the Arts & Humanities									
National endowment for the arts: sal. & expen.	BA	D81-118	25,356g		6 19 81	-25,356			

AMOUNTS IN THOUSANDS OF DOLLARS AGENCY/BUREAU/ACCOUNT		DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 9-01-81
Nat. endowment for the human.: sal. and expen.	BA	D81-119	20,460h		6 19 81	-20,460			
Pennsylvania Avenue Development Corporation									
Land acquisition and development	BA	D81- 40	30,896		1 15 81				30,896
Postal Service									
Payment to the Postal Service fund	BA	D81- 77	250,000a		2 13 81	-250,000			
Railroad Retirement Board									
Milwaukee railroad restructuring, administration	BA	D81-128	179		7 16 81				179
Small Business Administration									
Business loan and investment fund	BA	D81- 41	57,500		1 15 81				
	BA	D81- 41A		55,900	3 10 81		-73,400b		40,000
Surety bond guarantees revolving fund	BA	D81-102	6,000		3 10 81	-6,000			
Tennessee Valley Authority									
Tennessee Valley Authority fund	BA	D81- 22	17,000		10 1 80	-17,000			
	BA	D81- 26	15,800		12 2 80	-15,800			
	BA	D81- 78	177,000a		2 13 81	-177,000			
United States Railway Association									
Payments for purchase of Conrail securities	BA	D81-129	242,000		7 16 81				242,000
OTHER INDEPENDENT AGENCIES TOTAL	BA		868,191	67,974		-534,864	-73,750		327,551
TOTAL	BA		7,523,289	1,892,696		-5,420,399	-361,359	12,787	3,647,014
TOTAL	O		5,485	56,271		-61,756		6,287	6,287

NOTE: This report does not include Congressionally-initiated deferrals.

FOOTNOTES

a. These funds were proposed for rescission from January 15, 1981 until February 13, 1981. The former rescission proposal related to these funds is listed in Attachment A.

b. This amount was disapproved by the Congress in the Supplemental Appropriations and Rescission Act, 1981 (PL 97-12), signed into law on June 5, 1981.

c. This deferral was made prior to the transfer of the Maritime Administration from the Department of Commerce to the Department of Transportation, which took effect on August 9, 1981.

d. This amount was released before the special message containing the deferral was transmitted to the Congress.

e. This report was transmitted solely to reflect technical adjustments to the previous report.

f. This report was transmitted solely to reflect a change in justification for $30 million of the deferred funds.

g. This amount excludes the effect of a release totaling $12 million made prior to the transmittal of the special message.

h. This amount excludes the effect of a release totaling $5 million made prior to the transmittal of the special message.

END OF REPORT

[FR Doc. 81-27108 Filed 9-15-81; 8:45 am]
BILLING CODE 3110-01-C

Reader Aids

Federal Register

Vol. 46, No. 179

Wednesday, September 16, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Library and Public Inspection Desk	633-6930
Scheduling of Documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
Privacy Act Compilation	523-3517
United States Government Manual	523-5230

SERVICES

Agency services	523-3408
Automation	523-3408
Dial-a-Reg	
Chicago, Ill.	312-663-0884
Los Angeles, Calif.	213-688-6694
Washington, D.C.	202-523-5022
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public briefings: "The Federal Register—What It Is and How To Use It"	523-5235
Public Inspection Desk	633-6930
Regulations Writing Seminar	523-5240
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1701.....44472, 45783–45784
2852.....43836, 43838, 44473, 45357

8 CFR

108.....45116
207.....45116
209.....45116
212.....45326, 45328
214.....45933
235.....43826
236.....43955
242.....43955
251.....43826

9 CFR

331.....43827, 43956, 44417
381.....43827

Proposed Rules:

112.....45616

10 CFR

30.....44418
31.....44149
40.....44418
50.....44734
70.....44418
150.....44149
800.....44686

Proposed Rules:

Ch. I.....44992
Ch. II.....44192
35.....43840
70.....45144
205.....44696
211.....45151
590.....44696

11 CFR

Proposed Rules:

114.....44964, 45784

12 CFR

11.....45747
217.....44420
553.....45593
556.....45120
561.....45593
701.....43829, 44421, 44422, 45329
720.....45330
1204.....45121

Proposed Rules:

701.....45365
720.....45365

14 CFR

21.....44735
39.....44153, 45124, 45593, 45598
71.....44154–44157, 44737–44739, 45598
91.....44424, 44740, 45125
95.....44748
97.....44753
221a.....43957
252.....45934
291.....43958
296.....43958
297.....43959
298.....43959
372.....43959
374.....43960
1204.....45127

Proposed Rules:

1.....45256
21.....45256, 45617, 45619
43.....45256
45.....45256
47.....45256
61.....45256
63.....45256
65.....45256
71.....44193, 44763, 44764, 45620
75.....44194, 45154
91.....45256
93.....45256
99.....45256
121.....45256
123.....45256
125.....45256
127.....45256
133.....45256
135.....45256
137.....45256
141.....45256

15 CFR

379.....43961
399.....43961, 45939
970.....45890

Proposed Rules:

Ch. III.....43842
935.....44764
936.....44764

16 CFR

3.....45749
4.....45749
13.....43830, 43962
1201.....45750
1208.....45940

Proposed Rules:

Ch. II.....45621
13.....44765
1205.....44992
1208.....45963

17 CFR

240.....43962

Proposed Rules:

201.....44194
230.....44194
240.....44194, 44775

18 CFR

270.....45599
281.....45127
282.....43830, 45752
375.....45755

Proposed Rules:

2.....45624
35.....45624
154.....44777
271.....43843–43847, 45155
711.....45368
713.....45368
714.....45368
716.....45368

19 CFR

18.....45600
112.....45600

Proposed Rules:

24.....44195
101.....45625
111.....44195
141.....44195
151.....45128
162.....45626

20 CFR

404.....43963, 45756
410.....45942
675.....44730
676.....44730
677.....44730
680.....44730

Proposed Rules:

214.....43998
218.....43998
232.....43998
237.....43998

21 CFR

5.....44754
135.....44432
184.....44434
193.....43964, 45130
444.....45332
452.....44442
510.....45333
520.....44443
522.....43831
524.....44755
558.....43832, 45333
680.....43832

Proposed Rules:

203.....45785
1308.....45156

22 CFR

Ch. XIV.....45854, 45881

23 CFR

476.....45602

Proposed Rules:

140.....45744
646.....45744
740.....45627

24 CFR

201.....44444
203.....44157, 44444
205.....44444
207.....44157, 44444
213.....44444
220.....44157, 44444
221.....44444
232.....44444
234.....44444
235.....44444
236.....44444
241.....44444
242.....44444
244.....44444
570.....45603

27 CFR

Proposed Rules:

5.....44000
19.....44000
170.....44000
173.....44000
194.....44000
250.....44000
251.....44000

28 CFR

Proposed Rules:

31.....44408

29 CFR

102.....45922
1910.....45333, 45758
2530.....43833
2619.....45761
2673.....43965

Proposed Rules:

800.....43848
1620.....43848
2530.....43852

30 CFR

221.....44755

Proposed Rules:

251.....44994
270.....44778
800–809.....45082
920.....44475
950.....44995

32 CFR

212.....43965

Proposed Rules:

57.....45368

33 CFR

117.....44756

Proposed Rules:

109.....44779
110.....44779, 44782
204.....44006
402.....45318

34 CFR

350.....45300
351.....45300
352.....45300
353.....45300
354.....45300
355.....45300
356.....45300
362.....45300
510.....44140
606.....43966

36 CFR

810.....45334

Proposed Rules:

296.....44007
1190.....45376

37 CFR

Proposed Rules:

307.....45785

38 CFR

Proposed Rules:

1.....45785

39 CFR

960.....45943

Proposed Rules:

111.....44998, 45787
3001.....45376

40 CFR

50.....44159
51.....44159
52.....43968, 43970, 44172–44188, 44447, 44448, 44757, 44979, 45130, 45335, 45337, 45605–45610, 45762
58.....44159
62.....43833
180.....43971
261.....44970

413 43972

Proposed Rules:

33 45963
35 45963
52 ..... 43855, 44476, 44783–44785, 45157–45160, 45378–45383, 45628
62 45160
65 44196
80 44477
81 ..... 44787, 45162
163 44197
180 45162

41 CFR

Ch. 1 45948
101 43973
101-39 45948
101-43 45950
101-47 45950

Proposed Rules:

101-11 44788
101-38 45163

42 CFR

Proposed Rules:

447 45964

43 CFR

35 45951
2710 44677
3100 45887
3110 45887

Public Land Orders:

1608 (Amended by by PLO 5979) 44188
1930 (Revoked by PLO 5986) 44983
4522 (Amended by PLO 5988) 44984
5868 (Corrected by PLO 5983) 44450
5979 44188
5980 43974
5981 44189
5982 44189
5983 44450
5984 44984
5985 44983
5986 44983
5987 44984
5988 44984
5989 44982
5990 45131
5991 45131
5992 45132
5993 45137
5994 45611

Proposed Rules:

2650 45164
3200 43950

44 CFR

64 ..... 45763, 45766
65 ..... 45768, 45769
200 45137
201 45137
205 45137

45 CFR

1000 44189
1005 44189
1006 44189
1012 44189
1015 44189
1026 44189
1062 44189
1063 44189
1176 45953

46 CFR

56 45611
502 45138
510 45612
536 44190

Proposed Rules:

Ch. I 45631
251 45164
538 44998

47 CFR

0 45342
22 44758
73 ..... 43975, 44190, 45140
90 45953

Proposed Rules:

1 44789
2 45635
15 ..... 44790, 44793
21 45635
73 ..... 44008–44012, 44478–44481, 45166–45170
74 45635
94 45635

49 CFR

387 45612
1033 ..... 44190, 44450, 45774
1100 44191
1121 45342
1206 45959
1207 45959
1244 45141

Proposed Rules:

Ch. X 44999, 45000
100–199 44197
173 ..... 44198, 45652
175 45652
395 44198
571 ..... 44202, 45171
826 44797
1057 44013
1241 45966
1247 45967
1310 44482

50 CFR

12 44759
14 43834
20 ..... 44760, 45098
23 44460
32 45142
227 43976
285 ..... 44985, 45353
611 44985
652 44988
661 ..... 43977, 44989, 45615, 45960
672 44985

Proposed Rules:

14 43857
17 44960
23 ..... 45172, 45652
32 43858
33 43853
611 ..... 44203, 45656, 45969
655 45174
656 45174
657 45174
662 45969
674 44203

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/FSIS**		DOT/FAA	USDA/FSIS**
DOT/FHWA	USDA/FSQS**		DOT/FHWA	USDA/FSQS**
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA*	MSPB/OPM		DOT/MA*	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Maritime Administration will begin Mon./Thurs. publication as of Oct. 1, 1981.
**Note: As of September 14, 1981, documents received from Food Safety and Inspection Service (formerly Food Safety and Quality Service) will no longer be assigned to the Tues./Fri. publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of September 20 through September 26, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

44680 9-4-81 / Federally licensed warehouses; fees for services; comments by 9-24-81

43980 9-2-81 / Milk marketing order; New England; comments by 9-22-81

Federal Grain Inspection Service—

43056 8-26-81 / Adjustment of fees for certain Federal inspection services; comments by 9-25-81

38336 7-27-81 / Grain regulations; comments by 9-25-81

Food Safety and Inspection Service—

37514 7-21-81 / Official export certificates, marks and devices; comments by 9-21-81

CIVIL AERONAUTICS BOARD

35664 7-10-81 / Proposing to allow foreign indirect air carriers to organize charters and consolidate freight in interstate and overseas markets; reply comments by 9-23-81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

44764 9-8-81 / Channel Islands and Point Rexes—Farallon Islands National Marine Sanctuaries; partial suspension of regulations; comments by 9-25-81

40228 8-7-81 / Fishing vessel and gear damage compensation fund; comment by 9-21-81

CONSUMER PRODUCT SAFETY COMMISSION

41081 8-14-81 / Omnidirectional citizens band base station antennas; proposed consumer product safety standard; Proposed nonmandatory test method; comments by 9-22-81

ENERGY DEPARTMENT

Economic Regulatory Administration—

44192 9-3-81 / Procedures for owners and operators of electric powerplants; comments by 9-21-81

Federal Energy Regulatory Commission—

43843 9-1-81 / Colorado; high-cost gas produced from tight formations; comments by 9-24-81

43844 9-1-81 / New Mexico; high-cost gas produced from tight formations; comments by 9-24-81

43845 9-1-81 / Oklahoma; high-cost gas produced from tight formations; comments by 9-24-81

43847 9-1-81 / Texas; high-cost gas produced from tight formations; comments by 9-24-81

ENVIRONMENTAL PROTECTION AGENCY

42289 8-20-81 / Approval and promulgation of Idaho State Implementation Plan; extension of comment period to 9-21-81

[Originally published at 46 FR 36869, 7-16-81]

42290 8-20-81 / Approval and promulgation of Illinois State Implementation Plan; comments by 9-21-81

42292 8-20-81 / Approval and promulgation of implementation plan attainment status designations; New Hampshire; comments by 9-21-81

42683 8-24-81 / Captan feed additive regulation; comments by 9-23-81

42685 8-24-81 / Captan; tolerances; comments by 9-23-81

42293 8-20-81 / Designation of areas for air quality planning purposes; attainment status designations; Washington; comments by 9-21-81

37724 7-22-81 / Designation of areas for air quality planning purposes; Indiana; comments by 9-21-81

42880 8-25-81 / Fully halogenated chlorofluoroalkanes; essential use exemption spinnerette release agents; comments by 9-24-81

42299 8-20-81 / Hexakis; proposed tolerance; comments by 9-21-81

41103 8-14-81 / New Hampshire Application for Interim Authorization, Phase I, Hazardous Waste Management Program; comments by 9-21-81

42298 8-20-81 / Paraquat; proposed tolerance; comments by 9-21-81

42878 8-25-81 / Standards of performance for new stationary sources; proposed alternative performance test requirement for primary aluminium plant; comments by 9-24-81

42878 8-25-81 / Texas; designation of areas for air quality planning purposes; comments by 9-24-81

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

37523 7-21-81 / Procedural regulations; 706 State and local agencies; comments by 9-21-81

FEDERAL COMMUNICATIONS COMMISSION

37920 7-23-81 / FM broadcast station, Delhi, Louisiana; changes in table of assignments; comments by 9-21-81

35534 7-9-81 / FM broadcast station in Martin and Salyersville, KY; changes in table of assignments; reply comments by 9-21-81

40536 8-10-81 / Frequency allocations and radio treaty matters general rules and regulations; reply comments by 9-23-81

39185 7-31-81 / Inland expansion of non-government radiolocation in the 420-450 MHz frequency band including use of spread spectrum technology; comments by 9-21-81

41535 8-17-81 / Licensing of nonprofit corporations and associations of eligible users in the business and special industrial radio services; reply comments by 9-25-81

40899 8-13-81 / Policy regarding character qualifications in broadcast licensing; comments by 9-25-81

43068 8-26-81 / Process regarding Equal Access to Justice Act rules; reply comments by 9-25-81

GENERAL SERVICES ADMINISTRATION

Automated Data and Telecommunications Service—

27940 5-22-81 / Data telecommunications service requests; comments by 9-22-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Social Security Administration—

37521 7-21-81 / Federal old-age, survivors and disability insurance benefits; benefits for remarried widowers and surviving divorced husbands; comments by 9-21-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

33063 6-26-81 / Endangered and threatened wildlife; Wiest's Sphinx moth; status review; comments by 9-24-81

45172 9-10-81 / Export of bobcats, lynx, river otter, Alaskan gray wolf, Alaskan brown bear, American alligator and American Ginseng taken in 1981-82 season; comments by 9-25-81

Geological Survey—

32885 6-25-81 / Announcement of study of adequacy of existing safety and health regulations and of technology available for exploration drilling, development, and production of oil and gas on the Outer Continental Shelf; comments by 9-22-81

37524 7-21-81 / Clarifying regulations concerning appeals; comments by 9-21-81

42286, 42287 8-20-81 / Oil and gas and sulphur operations on the Outer Continental Shelf; comments by 9-21-81 (2 documents)

Land Management Bureau—

39964, 39968 8-5-81 / Proposed elimination of certain rights-of-way provisions under the Mineral Leasing Act; comments by 9-21-81 (2 documents)

Surface Mining Reclamation and Enforcement Office—

42873 8-25-81 / Modified portions of the Arkansas Permanent Regulatory Program; comments by 9-25-81

42874 8-25-81 / Modified portions of the Kansas Permanent Regulatory Program; comments by 9-25-81

42875 8-25-81 / Modified portions of the Missouri Permanent Regulatory Program; comments by 9-25-81

42684 8-24-81 / Surface coal mining and reclamation operations permanent regulatory program; availability of summary of meeting on two-acre exemption and haul roads, Virginia; comments by 9-23-81

INTERSTATE COMMERCE COMMISSION

40060 8-6-81 / Railroad Classification Index; comments by 9-21-81

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

40221 8-7-81 / Contract delivery or performance, cost principles, and contractor liability for loss of or damage to property of the government; comments by 9-23-81

NATIONAL CREDIT UNION ADMINISTRATION

38527 7-28-81 / Minimum security devices and procedures; comments by 9-25-81

NATIONAL TRANSPORTATION SAFETY BOARD

44797 9-8-81 / Equal Access to Justice Act; implementation; comments by 9-25-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

38054 7-23-81 / "Major repairs"; maintenance and repair procedures for aircraft, airframes, aircraft engines, propellers, and appliances; comments by 9-21-81

38062 7-23-81 / Parts manufactured approval; falsification of airworthiness certification documents; reply comments by 9-21-81

37905 7-23-81 / Summary of petitions received and dispositions of petitions denied; comments by 9-20-81

TREASURY DEPARTMENT

Internal Revenue Service—

42285 8-20-81 / Books and records of foreign corporations and operations; outlines of oral comments by 9-22-81

VETERANS ADMINISTRATION

43058 8-26-81 / Interest on debts; comments by 9-25-81

Deadlines for Comments on Proposed Rules for the Week of September 27 through October 3, 1981

ACTION

43707 8-31-81 / Grants and contracts; suspension and termination and denial of application for refunding; comments by 9-30-81

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

43824 9-1-81 / Handling of almonds grown in California; salable; reserve, and export percentages for 1981-82 crop year; comments by 10-1-81

Agricultural Stabilization and Conservation Service—

39162 7-31-81 / Conservation and environmental programs; comments by 9-29-81

Food and Nutrition Service—

44712 9-4-81 / Food Stamp Program; household composition, income standards, initial month benefits, adjustments, deductions, and outreach; comments by 10-1-81

Food Safety and Inspection Service—

38525 7-28-81 / Official establishment numbers on meat and poultry products; comments by 9-28-81

39159 7-31-81 / Sale, transportation, and marketing of meat and meat food products; comments by 9-29-81

72197 10-31-80 / U.S. standards for grades of frozen strawberries; comments by 9-30-81

Forest Service—

44007 9-2-81 / Wild and scenic rivers; water resource projects; comments by 10-2-81

43057 8-26-81 / Elimination of rules tariff; notice to passengers of conditions of carriage; comments by 9-28-81

[*See also* 45 FR 25817, 4-16-80; 45 FR 42629, 7-25-80; 46 FR 35936, 7-13-81; 46 FR 38656, 7-28-81; 46 FR 40703, 8-11-81 and 46 FR 42872, 8-25-81]

38930 7-30-81 / Tariffs; sum of segments fares; permission to use rather than higher through fare; comments by 9-28-81

CONSUMER PRODUCT SAFETY COMMISSION

43452 8-28-81 / Full-size and non-full-size baby cribs; safety requirements; comments period extended to 9-28-81

[*See also* 45 FR 82660, 12-16-80]

DEFENSE DEPARTMENT

Air Force Department—

43187 8-27-81 / Air Force Privacy Act Program; comments by 9-28-81

Engineers Corps, Army Department—

44006 9-2-81 / Danger zone; California; Pacific Ocean at San Miguel Island; comments by 10-2-81

ENVIRONMENTAL PROTECTION AGENCY

43188 8-27-81 / Approval and promulgation of implementation plan for nonattainment areas in Indiana; comments by 9-28-81

43704 8-31-81 / Approval and promulgation of State Implementation Plan; Michigan; comments by 9-30-81

43701 8-31-81 / Approval and promulgation of State Implementation Plans; State of Kansas; comments by 9-30-81

38725 7-29-81 / California; approval and promulgation of State Implementation Plans; comments by 9-28-81

38732 7-29-81 / Nebraska; attainment status designations; comments by 9-28-81

31677 6-17-81 / Technological feasibility of 1985 light-duty diesel particulate standard; comments by 10-1-81

EXPORT-IMPORT BANK OF THE UNITED STATES

39165 7-31-81 / Standards of conduct for employees; comments by 9-29-81

FEDERAL COMMUNICATIONS COMMISSION

40902 8-13-81 / Bell operating company procurement of telecommunications equipment; comments by 10-1-81

39629 8-4-81 / FM broadcast station in Brookville and Versailles, Ind.; changes in table of assignments; comments by 9-29-81

39627 8-4-81 / FM broadcast station in Carnelian Bay and South Lake Tahoe, Calif.; changes in table of assignments comments by 9-28-81

37058 7-17-81 / FM broadcast station in Natchitoches, La.; changes in tables of assignments; reply comments by 9-28-81

37921 7-23-81 / FM Broadcast Station in Redmond, Oregon; changes in table of assignments; reply comments by 9-28-81

43709 8-31-81 / Operation of computing equipment prior to certification or verification; comments by 10-2-81

43475 8-28-81 / Overseas communications services; reply comments period extended to 9-28-81

[*See also* 45 FR 76498, 11-19-80]

40899 8-13-81 / Radio frequency interference to electronic equipment; comments by 9-30-81

41820 8-18-81 / Short-term operation without prior approval; creation of new auxiliary broadcast service license class to permit non-broadcast station license holders to be licensed and operate radio relay stations for direct rebroadcast of program material; reply comments by 9-29-81

FEDERAL RESERVE SYSTEM

37905 7-23-81 / Data processing and electronic funds transfer activities; comments by 10-1-81

19824 4-1-81 / Semiannual agenda of regulations and regulatory flexibility agenda; comments by 10-1-81

FEDERAL TRADE COMMISSION

38710 7-29-81 / Premerger notification; reporting and waiting period requirements; comments by 9-28-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

43415 8-28-81 / Food additivies permitted in animal feed and drinking water; selenium; objections by 9-28-81

43413 8-28-81 / Iron fortification of flour and breads; standards of identity; comments by 9-28-81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Secretary—

39434 8-3-81 / Regulations implementing authority of the Secretary of Housing and Urban Development over conduct of secondary market operations of Federal National Mortgage Association; change in definition; comments by 10-2-81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

44960 9-8-81 / Endangered and threatened wildlife and plants; Leopard reclassification; comments by 9-30-81

43857 9-1-81 / Excepting taxidermists from the import/export license requirement; comments by 10-1-81

43858 9-1-81 / Proposed addition of fourteen National Wildlife Refuges to the list of open areas; migratory bird hunting, upland game hunting, and big game hunting, and sport fishing; comments by 10-1-81

National Park Service—

43471 8-28-81 / Fire Island National seashore, New York; seaplane regulations; comments by 9-28-81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

37891 7-23-81 / Occupational exposure to lead; new levels for medical removal protection; variance applications; comments by 9-30-81

Pension and Welfare Benefit Programs Office—

43695 8-31-81 / Minimum standard for employee benefit plans; suspension of benefit rules; comments by 9-30-81

MANAGEMENT AND BUDGET OFFICE

42303 8-20-81 / Types of contracts; draft Federal acquisition regulations; comments by 9-30-81

NUCLEAR REGULATORY COMMISSION

39610 8-4-81 / Modification of Classification Guide for Safeguards Information; comments by 10-2-81

39440 8-3-81 / Need for power and alternative energy issues in operating license proceedings; comments by 10-2-81

PERSONNEL MANAGEMENT OFFICE

38521 7-28-81 / Incentive awards; comments by 9-28-81

POSTAL RATE COMMISSION

45376 9-11-81 / Rules of Practice and Procedures for Introducing Studies and Analyses into Testimony; comments by 9-30-81

POSTAL SERVICE

43187 8-27-81 / Second-class novelty pages; inclusion of all-purpose envelopes; comments by 9-28-81

Next Week's Meetings

ENVIRONMENTAL PROTECTION AGENCY

42910 8-25-81 / National Air Pollution Control Techniques Advisory Committee, Alexandria, Va. (open), 9-22 and 9-23-81

FEDERAL LABOR RELATIONS AUTHORITY

45419 9-11-81 / Professional Air Traffic Controllers Organization, oral argument, Washington, D.C. (open), 9-16-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—

40579 8-10-81 / Alcohol Abuse and Alcoholism National Advisory Council, Bethesda, Md. (partially open), 9-24 and 9-25-81

40579 8-10-81 / Drug Abuse National Advisory Council, Bethesda, Md. (partially open), 9-22 and 9-23-81

40579 8-10-81 / Mental Health Small Grant Review Committee, Washington, D.C. (partially open), 9-24 through 9-26-81

Centers for Disease Control—

45425 9-11-81 / Editorial group to review proposed Biosafety Guidelines for Microbiological and Biomedical Laboratories, Atlanta, Ga. (open), 9-16-81

Food and Drug Administration—

41212 8-14-81 / Arthritis Advisory Committee (Subcommittee on Disease Modifying Anti-Rheumatic Drugs), Rockville, Md. (open), 9-24-81

44504 9-4-81 / Consumer Participation, Cincinnati, Ohio (open), 9-22-81

41212 8-14-81 / Dermatologic Drugs Advisory Committee, Rockville, Md. (open), 9-21-81

42531 8-21-81 / Immunology and Microbiology Devices Panel, Mircrobiology Device Section, Silver Spring, Md. (partially open) 9-22 and 9-23-81

44506 9-4-81 / Prescription topical anti-infective drug products for dermatologic use, Washington, D.C. (open), 9-24-81

42531 8-21-81 / Surgical and Rehabilitation Devices Panel, General and Plastic Surgery Device Section, Washington, D.C. (partially open) 9-24 and 9-25-81

[*See also* 46 FR 43883; 9-1-81]

Human Development Services Office—

45197 9-10-81 / White House Conference on Aging National Advisory Committee, Arlington, VA. (open), 9-24 and 9-25-81

National Institutes of Health—

41567 8-17-81 / Behavioral and Neurosciences Study Section 1, Bethesda, Md. (partially open), 9-25-81

41567 8-17-81 / Biomedical Sciences Study Section 3, Bethesda, Md. (partially open), 9-24 and 9-25-81

41563 8-17-81 / Bladder and Prostatic Cancer Review Committee, Prostatic Cancer Review Subcommittee, Buffalo, N.Y. (partially open), 9-23 and 9-24-81

38143 7-24-81 / Cancer Research Manpower Review Committee, Bethesda, Md. (open), 9-24-81

41567 8-17-81 / Clinical Sciences Study Section 4, Chevy Chase, Md. (partially open), 9-25-81

41566 8-17-81 / Eye National Advisory Council, Vision Research Program Planning Subcommittee, Bethesda, Md. (open), 9-20 through 9-23-81

39475 8-3-81 / National Advisory Allergy and Infectious Diseases Council, Allergy and Immunology Subcommittee, Microbiology and Infectious Diseases Subcommittee, Bethesda, Md. (partially open), 9-24 and 9-25-81

42769 8-24-81 / National Arthritis, Diabetes, and Digestive and Kidney Disease Advisory Council, Bethesda, Md. (partially open), 9-23 through 9-25-81

38143 7-24-81 / National Heart, Lung and Blood Advisory Council, Manpower and Research Subcommittees, Bethesda, Md. (open), 9-23 through 9-26-81

41568 8-17-81 / Perspectives on Prevention and Treatment of Cancer in the Elderly Working Conference, Bethesda, Md. (open), 9-21 through 9-23-81

INTERIOR DEPARTMENT

Land Management Bureau—

42920 8-25-81 / Battle Mountain District Advisory Council, Battle Mountain, Nev. (open), 9-25-81

44290 9-3-81 / Cedar City District Multiple Use Advisory Council, Cedar City, Utah (open), 9-24 and 9-25-81

42357 8-20-81 / Prineville District Office, Brothers Planning Area, grazing management program, environmental impact, Portland, Oreg. (open), 9-21-81; Prineville, Oreg. (open), 9-22-81 and Bend, Oreg. (open), 9-23-81

National Park Service—

44293 9-3-81 / Cuyahoga Valley National Recreation Area Advisory Commission, near Peninsula, Ohio (open), 9-24-81

44293 9-3-81 / Golden Gate National Recreation Area Advisory Commission, Point Reyes, Calif. (open), 9-26-81

43090 8-26-81 / Western Region; environmental assessments, Redding, Calif., 9-21 Fresno, Calif., 9-22 and San Francisco, Calif., 9-23-81 (all open)

Office of the Secretary—

44065 9-2-81 / Fiscal Accountability of the Nation's Energy Resources Commission, Washington, D.C. (open), 9-22 and 9-23-81

INTERNATIONAL CONVENTION ADVISORY COMMISSION

42372 8-20-81 / Report on the CITES permit system; report on trade in cactus and miscellaneous other business, Wash., D.C. (open), 9-23-81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

44311 9-3-81 / NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on General Aviation Technology, Langley Field, VA. (open), 9-24 and 9-25-81

44311 9-3-81 / NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Transport Aircraft, Edwards, Calif. (open), 9-21, 9-22 and 9-23-81

NUCLEAR REGULATORY COMMISSION

45226 9-10-81 / Reactor Safeguards Advisory Committee, Subcommittee on Fluid Dynamics, San Francisco, Calif. (partially open), 9-24 and 9-25-81

45227 9-10-81 / Reactor Safeguards Advisory Committee, Subcommittee on Metal Components, Washington, D.C. (partially open), 9-25-81

44111 9-2-81 / Regional State Liaison Officers, Chicago, Ill. (open), 9-23 and 9-24-81

44939 9-8-81 / Nuclear safety research and nuclear power regulation, Washington, D.C. (open), 9-23-81

OCEANS AND ATMOSPHERE NATIONAL ADVISORY COMMITTEE

45053 9-9-81 / Meetings, Washington, D.C. (partially open), 9-22 and 9-23-81

STATE DEPARTMENT

45462 9-11-81 / International North Pacific Fisheries Commission Advisory Committee, United States Section Anchorage, Alaska (partially open), 9-26 and 9-27-81

45056 9-9-81 / Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Washington, D.C. (open), 9-24-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

42398 8-20-81 / Radio Technical Commission for Aeronautics, Special Committee 136—Installation of Emergency Locator Transmitters (ELT) in Aircraft, Washington, D.C. (open), 9-24 and 9-25-81

44332 9-3-81 / Radio Technical Commission for Aeronautics (RTCA), Special Committee 142—Air Traffic Control Radar Beacon System/Discrete Address Beacon System (AT CR BS/DABS) Airborne Equipment, Washington, D.C. (open), 9-22 and 9-23-81

National Highway Traffic Safety Administration—

44333 9-3-81 / Rulemaking, Research and Enforcement Programs, Ann Arbor, Mich. (open), 9-23-81

TREASURY DEPARTMENT

Internal Revenue Service—

40774 8-12-81 / Installment sales; general rules for reporting gains, Washington, D.C., 10-1-81

Next Week's Hearings

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

38524 7-28-81 / Milk in the Puget Sound, Washington, and Inland Empire Marketing Areas, Seattle, Wash., 9-15-81; Spokane, Wash., 9-21-81

COMMERCE DEPARTMENT

Foreign-Trade Zones Board—

42894 8-25-81 / Proposed Foreign-Trade Zone, Phoenix, Ariz., 9-24-81

ENERGY DEPARTMENT

Southeastern Power Administration—

42748 8-24-81 / Georgia-Alabama System, proposed rate adjustment, Spartanburg, S.C., 9-24-81

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office—

42873 8-25-81 / Arkansas Permanent Regulatory Program, Little Rock, Arkansas, 9-21-81

42874 8-25-81 / Kansas Permanent Regulatory Program, Pittsburg, Kans., 9-23-81

44475 9-4-81 / Maryland Permanent Regulatory Program, Modified portions, Frostburg, Md., 9-24-81

42875 8-25-81 / Missouri Permanent Regulatory Program, Kansas City, Missouri, 9-22-81

45082 9-9-81 / Surface Coal Mining and Reclamation Operations Permanent Regulatory Programs; Performance Bonding, Washington, D.C., 9-24-81

INTERNATIONAL TRADE COMMISSION

43121 8-26-81 / Probable economic effects of possible tariff reductions under section 123 of the Trade Act of 1974, Washington, D.C., 9-23 and 9-24-81 if required

INTERSTATE COMMERCE COMMISSION

42705 8-24-81 / Motor Carrier Fuel Surcharge Program, Washington, D.C., 9-22-81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

40704 8-11-81 / Quantitative fit testing provision (occupational lead exposure standards), Washington, D.C., 9-22 through 9-25-81

SMALL BUSINESS ADMINISTRATION

42681 8-24-81 / Minority Small Business and Capital Ownership and Development Assistance Program, Chicago, Ill., 9-21-81 and Washington, D.C., 9-23-81

TRANSPORTATION DEPARTMENT

Federal Railroad Administration—

39461 8-3-81 / General Safety Inquiry, Washington, D.C., 9-22-81

TRADE REPRESENTATIVE, OFFICE OF UNITED STATES

41666 8-17-81 / Trade Policy Staff, Washington, D.C., 9-23 and 9-24-81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing August 26, 1981

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

APPLICATIONS DEADLINES

44807 9-8-81 / ED—Program for Research Grants on Law and Government Studies in Education; cancellation of application notice for FY 1982 funding

45012 9-9-81 / ED—Research on Institutions of Postsecondary Education Grants Program; cancellation of closing date for grant applications for FY 1982 funding

[*See also* 45 FR 29414, 5-2-80]

45012 9-9-81 / ED—Special Projects and Demonstrations for providing Vocational Rehabilitation Services to severely handicapped individuals (Spinal Cord Inqury System Projects); closing date for applications for awards during FY 1981 extended to 9-21-81

[*See also* 46 FR 18758, 3-26-81]

MEETINGS

45054 9-9-81 / NFAH—Dance Panel (Choreography Fellowships), Wash., D.C., (closed), 9-23 through 9-25-81

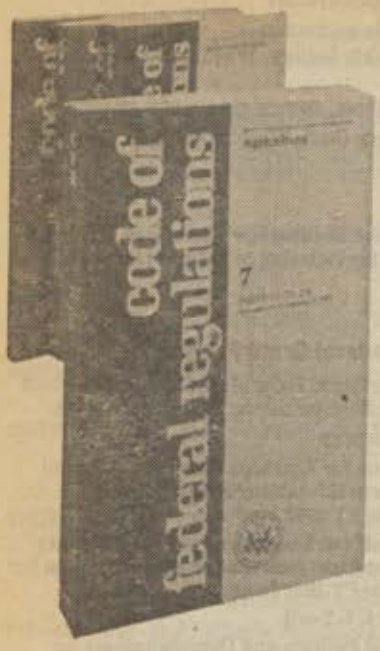
45054 9-9-81 / NFAH—Visual Arts Panel (Policy Section), Wash., D.C. (closed), 9-28 through 9-30-81

45054 9-9-81 / NFAH—Visual Arts Panel (Conceptual/ Performance/New Gences), Wash., D.C., (closed), 9-23 through 9-25-81

OTHER ITEMS OF INTEREST

45027 9-9-81 / HHS/ADAMHA—Research and Research Training; revised program announcements

44806 9-8-81 / ED—Office of Special Education and Rehabilitative Services; Handicapped Personnel Preparation Program; Closing date of transmittal of applications for fiscal year 1982



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