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Thursday
November 5, 1981

Highlights

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Highlights

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MEETINGS ANNOUNCED IN THIS ISSUE

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Federal Register
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Presidential Documents

Title 3—

The President

Proclamation 4882 of November 3, 1981

National Family Week

By the President of the United States of America

A Proclamation

The family is the basic unit of our society, the heart of our free democracy. It provides love, acceptance, guidance, support, and instruction to the individual. Community values and goals that give America strength also take root in the home. In times of change and challenge, families keep safe our cultural heritage and reinforce our spiritual foundation.

As the mainstay of our national life, family life must be preserved. When a family needs external assistance to help it to perform its unique role, this assistance should not interfere with the family's fundamental responsibilities and prerogatives. Rather, aid should be supportive and purposeful in strengthening the family's stability, self-sufficiency and permanence.

National Family Week is a time to be thankful for the family as a national heritage and resource. It is a time to recommit ourselves to the concept of the family—a concept that must withstand the trends of lifestyle and legislation. Let us pledge that our institutions and policies will be shaped to enhance an environment in which families can strengthen their ties and best exercise their beliefs, authority, and resourcefulness. And let us make our pledge mindful that we do so not only on behalf of individual family members, but for America.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, in accordance with Senate Joint Resolution 4, do hereby proclaim the week beginning November 22, 1981, as National Family Week. I call upon the people of the United States to observe this week with appropriate activities in their homes and communities.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of November, 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. 81-32222
Filed 11-3-81; 4:32 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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Thursday, November 5, 1981

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 53

Increase in Fees for Federal Livestock Grading and Certification Services

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: The Agricultural Marketing Service revises the rates for Federal livestock grading and certification services because of increased program costs. This amendment is being implemented on an interim basis without a prior proposal because of the Agency's need to increase these rates to cover increased costs of providing service. It is also being published for comment as a means of providing full public participation in the rulemaking process.

DATES: Interim rule effective November 29, 1981; comments must be received on or before December 31, 1981.

ADDRESS: Written comments may be mailed to James A. Ray, Chief, Livestock and Grain Market News Branch; Livestock, Meat, Grain, and Seed Division; Agricultural Marketing Service; U.S. Department of Agriculture; Room 2623, South Agriculture Building; Washington, D.C. 20250. (For further information regarding comments, see "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: James A. Ray (202/447-6231).

SUPPLEMENTARY INFORMATION:

Executive Order 12291

It has been determined that this final rule is not a major rule under Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more; a major increase in production costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation has been reviewed for cost effectiveness under USDA Secretary's Memorandum 1512-1 implementing Executive Order 12291. It increases fees to cover escalating costs of providing Federal livestock grading and certification services. Federal law requires that users pay for these services. It is anticipated that these increases will not have a significant economic effect on producers, meatpackers, and other members of the livestock industry. An alternative to increasing fees would be to significantly reduce the amount of supervision and training of livestock grading and certification personnel. This could result in nonuniform application of U.S. grade standards and specifications causing economic inequities among segments of the livestock industry. The uniform and accurate application of grade standards and specifications nationwide is essential to maintaining the effectiveness and integrity of grading and certification services.

Pursuant to the authority in U.S.C. 553, it is found that other public procedure and notice with respect to these amendments are impracticable and unnecessary, and good cause is found for making these amendments effective November 29, 1981.

Effect on Small Entities

The Department has determined that this action will not have a significant economic impact on a substantial number of small entities, because the fees merely reflect a minimal increase in the cost-per-unit graded and/or certified currently borne by those entities utilizing the services. Additionally, the increased fees will not affect normal competition in the marketplace.

Comments

Interested persons are invited to submit written comments concerning these interim amendments. Comments must be sent in duplicate to the Livestock and Grain Market News Branch and should bear a reference to the date and page number of this issue of the Federal Register. Comments submitted pursuant to this document will be made available for public inspection in the Washington, D. C., Livestock and Grain Market News Branch office during regular business hours.

Background

The Agricultural Marketing Act of 1946, as amended, provides for the collection of fees approximately equal to the cost of providing livestock grading and certification services. The fees for these services are determined by the grader's salary and fringe benefits, cost of supervision, travel, training, and other overhead and administrative costs.

Since the last fee increase on October 8, 1978, program costs have continued to rise. Federal employees have received pay increases in conformity with the Federal Pay Comparability Act of 1970. In addition, the grade level or pay scale of graders currently performing service has shifted to a higher level due to longevity and progressive promotion to the journeyman market reporter level. Similarly, there have been significant increases in other costs such as supervisory travel, rent, and other associated overhead and administrative costs.

In view of the situations described above, the base hourly rate for livestock grading and certification services performed between the hours of 6 a.m. and 6 p.m., Monday through Friday, except on legal holidays, is increased from $20.00 to $23.20 per hour. For work performed on Saturday or Sunday and before 6 a.m. or after 6 p.m., Monday through Friday, except on legal holidays, the hourly rate is increased from $23.00 to $28.20 per hour. For all work performed on legal holidays, the hourly rate is increased from $40.00 to $46.40 per hour.

Because increased revenues are needed immediately to cover the costs of providing services, it has been determined that the following amendment must be adopted, effective November 29, 1981, on an interim basis. A final rule will be promulgated after evaluation of comments received in response to this notice.

Accordingly, under the authority contained in sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Certification of livestock (7 CFR, Part 53) as follows:

PART 53—LIVESTOCK (GRADING, CERTIFICATION, AND STANDARDS)

1. Section 53.18 is amended by revising paragraph (a) to read as follows:

§ 53.18 Fees and other charges for services.

* * * * *

(a) *Fees based on hourly rates.* Except as otherwise provided in this section, fees for service shall be based on the time required to render the service, calculated to the nearest 15-minute period, including time required for the preparation of certificates and travel of the official grader in connection with the performance of service. A minimum charge for one-half hour shall be made for service pursuant to each request notwithstanding that the time required to perform service may be less than 30 minutes. The base hourly rate shall be $23.20 per hour for work performed between the hours of 6 a.m. and 6 p.m., Monday through Friday, except on legal holidays; $28.20 per hour for work performed before 6 a.m. or after 6 p.m., Monday through Friday, and anytime Saturday or Sunday except on legal holidays; and $46.40 per hour for all work performed on legal holidays.

* * * * *

(Agricultural Marketing Act of 1946, as amended, sec. 203 and 205, 60 Stat. 1087, 1090; 7 U.S.C. 1622, 1624)

Done at Washington, D.C., October 30, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-32134 Filed 11-4-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 928

[Papaya Reg. 11, Amdt. 1]

Papayas Grown in Hawaii; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment changes the effective date of grade and size requirements for shipments of fresh Hawaiian papayas from November 1-December 31, 1981, to November 29-December 31, 1981. Such action will afford the papaya industry time to review minimum grade and size requirements in view of changed marketing conditions.

EFFECTIVE DATE: November 29, 1981.

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

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

This amendment is issued under the marketing agreement and Order No. 928 (7 CFR Part 928) regulating the handling of papayas grown in Hawaii. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendations and information submitted by the Papaya Administrative Committee and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

The Papaya Administrative Committee at its meeting on September 24, 1981, unanimously recommended grade and size requirements for shipments of fresh papayas during the period November 1—December 31, 1981. Papaya Regulation 11 was published in the **Federal Register** on October 20, 1981 (46 FR 51368).

The California Occupational Safety and Health Administration recently put into effect a new standard concerning the handling of commodities that have been treated with ethylene dibromide (EDB). As a result, it is not likely that any Hawaiian papayas will be marketed in that State. In addition, Japan is expected to adopt regulations similar to the new California standard and thus that market will not likely be an outlet.

Approximately 23.5 million pounds of 1981 crop papayas are expected to be available for fresh shipments during the final three months of this year. Of this quantity, about 13.7 million pounds would likely have been exported to the mainland and 2.9 million pounds to Japan. The bulk of shipments to the mainland are normally to California.

The minimum grade and size requirements recommended by the Papaya Administrative Committee to become effective November 1, 1981, were based upon a market which included California and Japan. Since these major markets may be unavailable, the committee has recommended that the effective date of such minimum requirements be changed to afford the committee time to consider whether any modifications in the requirements may be necessary in view of the changed marketing conditions. The committee has recommended that the effective date of the minimum grade and size requirements be changed from November 1–December 31, 1981, to November 29–December 31, 1981.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this amendment unitl 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient. This amendment relieves restrictions on the handling of papayas. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provisions and the effective time.

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

PART 928—PAPAYAS GROWN IN HAWAII

§ 928.311 [Amended]

In §928.311 (Papaya Regulation 11; 46 FR 51368) paragraph (a) is amended by changing "November 1, 1981" to "November 29, 1981".

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

Dated: November 2, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-32114 Filed 11-4-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 981

Handling of Almonds Grown in California; Administrative Rules and Regulations Governing Quality Control

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule changes the quality control provisions of the administrative rules and regulations established under the Federal marketing order for California almonds. The change is designed to improve the quality of almond shipments by lowering the tolerance for inedible almonds from one and one-half percent to one percent.

EFFECTIVE DATE: November 5, 1981.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified a "non-major" rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated 25 handlers.

It is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553), in that: (1) It is intended that the regulation apply to 1981 crop almonds which handlers now are receiving, processing, and marketing in volume; (2) handlers are aware of this action and need no additional time to comply; and (3) no useful purpose would be served by delaying the effective date of this action.

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

Notice of this action was published in the September 30, 1981, issue of the **Federal Register** (46 FR 47799), and interested persons were afforded an opportunity to submit written comments. No comments were received.

This final action revises § 981.442(a)(4) of Subpart—Administrative Rules and Regulations (7 CFR 981.401–981.474; 46 FR 51602). Section 981.442(a)(4) is issued under § 981.42 of the marketing agreement and Order No. 981 (7 CFR 981), both as amended, regulating the handling of almonds grown in California. The marketing agreement and order are effective under the Agricultural Marketing Act of 1937, as amended (7 U.S.C. 601–674). The action was recommended unanimously by the Almond Board of California, hereinafter referred to as the Board, which works with USDA in administering the order.

Section 981.442(a)(4) currently requires the weight of inedible kernels in each variety in excess of one and one-half percent of the kernel weight received by handlers to be reported to the Board. This weight constitutes a handler's disposition obligation which must be accumulated during processing and delivered to the Board or Board-accepted crushers, feed manufacturers, or feeders.

This final rule amends § 981.442(a)(4) so that the quantity of inedible kernels in each variety in excess of one percent, instead of the current one and one-half percent, constitutes a handler's disposition obligation.

The almond industry believes that a tolerance of one percent will best accomplish its long-term objective of providing an increasingly higher quality product to almond users and consumers. This action allows for stricter quality control while still maintaining ample supplies of almonds to meet trade demand. The industry has the capability of implementing such stricter control

due to long-term improvements in crop quality and in almond processing equipment.

After consideration of all relevant matter presented, including that in the notice, the Board's recommendation, and other available information, it is further found that to amend § 981.442(a)(4) will tend to effectuate the declared policy of the act.

PART 981—ALMONDS GROWN IN CALIFORNIA

§ 981.442 [Amended]

Therefore, § 981.442(a)(4) of Subpart—Administrative Rules and Regulations (7 CFR 981.401–981.474; 46 FR is amended by changing "one and one-half percent" to "one percent".

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

Dated: November 2, 1981, to become effective November 5, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 81-32136 Filed 11-4-81; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 569a

[No. 81-653]

Technical Amendment Relating to Receiverships

Dated: October 29, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board has adopted a technical amendment to Part 569a of the rules and regulations of the Federal Savings and Loan Insurance Corporation. The amendment changes the return to be paid as post-default interest in receiverships established pursuant to section 406(c)(2) of the National Housing Act, as amended, in order to allow adjustment of the rate of return. This amendment is consistent with the Boards goals fostering flexibility in long-term investment commitments.

EFFECTIVE DATE: November 30, 1981.

FOR FURTHER INFORMATION, PLEASE CONTACT: David J. Bristol, Office of General Counsel, (202–377–6461), Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On May 18, 1981, by Resolution No. 81–262 (46 FR 29246, June 1, 1981), the Board amended 12 CFR section 569a.7 to provide for the payment of post-default interest by the Federal Savings and Loan Insurance Corporation ("Corporation") on unsecured claims against receiverships established under section 406(c)(2) of the National Housing Act, as amended (12 U.S.C. section 1729(c)(2)), at a rate equal to the Corporation's current investment opportunity rate at the time of default. Prior to this amendment, the rate on post-default interest was set by regulation at five percent.

The Board changed the post-default interest rate to a fixed rate based on the Corporation's current investment opportunity rate at the time of default because it believed that the previous rate was outdated. The Board also suggested in Resolution No. 81–262 that an interest rate that varies with changing interest cost might be more consistent with its recent initiatives to foster flexibility in long-term investment commitments. Therefore, in that Resolution the Board solicited recommendations from its staff and the public within 120 days as to the advisability of a further amendment to provide for adjusting the rate of post-default interest for receiverships periodically to reflect subsequent changes in interest rates. No public comments have been received.

The staff has recommended that post-default interest payments be adjusted to reflect market sensitivity in investments. The staff has advised that it would be feasible to provide for an adjustable rate of post-default interest during a receivership, recommending that the post-default interest rate be adjusted monthly and that in order to simplify the calculation and provide greater public access to the rate used, such interest be paid at a rate equal to an unweighted average of the 91-day U.S. Treasury bill rate for the preceding three months. The Board finds these recommendations to be consistent with its goal of fostering flexibility in long-term investment commitments, and therefore is amending § 569a.7 to provide for the payment of post-default interest on claims arising under section 406(c)(2) at the described adjustable rate.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 569a, Subchapter D, Chapter V of Title 12, Code of Federal Regulations, as set forth below.

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 569a—RECEIVERS FOR INSURED INSTITUTIONS OTHER THAN FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Revise paragraph (a)(6) of § 569a.7, to read as follows:

§ 569a.7 Priority of claims.

(a) * * *

(6) Interest from the date of default on the outstanding principal amount of all claims that qualify under subparagraphs (3), (4), and (5) of this paragraph, such interest to be adjusted monthly to reflect the average rate for U.S. Treasury bills with maturities of 91 days during the preceding three months; and if the surplus is not sufficient to pay such post-default interest in full on all claims specified in this paragraph, the payment of interest shall be made pro rata on all such claims without regard to any priorities as to the payment of principal on said claims.

* * * * *

(Secs. 402, 406, 48 Stat. 1256, 1259, as amended; 12 U.S.C. 1725, 1729. Reorg. Plan No. 3 of 1947; 3 CFR 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-32189 Filed 11-4-81; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-WE-8-AD; Amdt. 39-4248]

Airworthiness Directives; Garrett (AiResearch) TFE 731-2, -3, -3R, -3A, -3B Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires an inspection of the rear mount weld attachments to the engine interstage turbine duct on Garrett TFE 731–2, –3, –3R, –3A and –3B engines. The AD is needed to detect and remove from service ducts with improperly welded

engine mount clevises. Separation of the rear mount on certain aircraft may result in an unsafe engine installation.

DATE: Effective January 6, 1982. Compliance schedule—As prescribed in the body of the AD unless already accomplished.

ADDRESSES: The applicable service information may be obtained from: Garrett Turbine Engine Company, P.O. Box 5217, Phoenix, Arizona 85010.

Also, a copy of the service information may be reviewed at, or a copy obtained from:

Rules Docket in Room 916, FAA, 800 Independence Avenue, S.W., Washington, D.C. 20591, or

Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, California 90261.

FOR FURTHER INFORMATION CONTACT: William C. Moring, Aerospace Engineer, Federal Aviation Administration, Western-Pacific Region, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009. Telephone: (213) 536-6383.

SUPPLEMENTARY INFORMATION: On June 19, 1981, the FAA proposed to amend Part 39 of the Federal Aviation Regulations (14 CFR Part 39) by adding a new AD applicable to Garrett TFE 731 model engines (46 FR 33280). This AD establishes an inspection interval for, and modification to, the rear mount weld attachments of certain engine interstage turbine ducts. The proposal was prompted by two reported failures of the TFE 731 rear engine mounts. Inspections since that time have resulted in the rejection of sixteen additional ducts. Separation of the rear mount on certain aircraft may result in an unsafe engine installation.

Interested persons have been afforded an opportunity to participate in the making of the amendment, and due consideration has been given to all comments received in response to the notice of proposed rulemaking.

The National Business Aircraft Association (NBAA) concurred with the proposed rule and offered two comments. They suggested that the FAA and Garrett resolve whether the addition of the auxiliary mount bracket is a temporary or permanent fix, and further, that the AD contain a new chart in paragraph (e)(4) which would allow any combination of auxiliary mount brackets to be installed. The FAA has approved an engineering report which documents the testing and analysis adequate to substantiate the load carrying capabilities of the auxiliary rear mount bracket assembly to the same FAA approved standards used for the original rear mount design. For this reason, the auxiliary rear mount is considered a permanent fix. Garrett has advised the FAA that they wish to remove the auxiliary brackets and return the interstage turbine ducts to their original design configuration as soon as is practicable to relieve a logistical burden. While the FAA has no objection to the manufacturer's request, it wishes to provide the operators with the broadest means of compliance. Regarding the second request to allow any combination of auxiliary mount brackets to be installed, the FAA concurs and has expanded the list of possible interstage transition duct configurations allowed by paragraph (e)(4).

There were several similar comments received on these same two issues. Operators, however, should be advised that not all rear mount bracket combinations are compatible in all aircraft installation configurations. An approved aircraft service bulletin will be necessary for each type aircraft installation.

One commenter considered the proof-pull test specified in paragraph (e) of the proposed AD and described in Garrett Service Bulletin TFE 731-72-3159 to be damaging to the engine mount structure in a particular aircraft application. The FAA has reevaluated the adequacy of this procedure and has verified its suitability. These provisions are retained in the final rule.

One commenter requested extension of compliance time to the next periodic inspection on a particular model airplane. Consultation with the FAA Region responsible for administering this aircraft type certificate indicated nonconcurrence with this request based on safety evaluation. The FAA has, therefore, left the compliance schedule for inspecting the interstage turbine ducts as set forth in the proposed AD.

After careful review of all available data, including the comments submitted by the operators and the additional comments described above, the FAA has determined that sufficient evidence exists in the public interest and aviation safety to adopt the proposed rule with the relieving addition of any combination of auxiliary mount brackets to be installed in the interstage turbine duct.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, (14 CFR 11.89), § 39.13 of the Federal Aviation Regulations, is amended, by adding the following new Airworthiness Directive:

Garrett Turbine Engine Company *(formerly the AiResearch Manufacturing Company of Arizona):* Applies to all Model TFE 731-2, -3, -3R, -3A and -3B turbofan engines installed in aircraft certified in all categories equipped with turbine interstage transition ducts, Part No. 3071486-3, -4, -5, -6, or 3072318-1, (hereafter referred to as duct(s)).

Compliance required as indicated, unless already accomplished.

To prevent separation of the engine rear mount from the duct, accomplish the following:

(a) Prior to the accumulation of 350 hours additional time in service from the effective date of this AD, determine from aircraft records or physical inspection whether or not the installed engine model number and serial number is included in the list of engines identified in paragraph 2.C. (Table 1) of Garrett Service Bulletin TFE 731-72-3159 dated April 23, 1981, hereafter referred to as Bulletin -3159. Comply with paragraph (b) or (c) of this AD, as applicable. The engines listed had acceptable ducts installed during manufacture.

(b) For the TFE 731 engines listed in paragraph 2.C. of Bulletin -3159, for which it can be ascertained that the duct has not been replaced since manufacture; prior to the accumulation of 1050 hours additional time in service from accomplishment of paragraph (a), determine the part number and serial number of the installed duct by inspection of the duct identification marking.

(1) Determination that the installed duct, by specific part number and serial number, is one of the listed ducts in paragraph 2.D. of Bulletin -3159, constitutes terminating action for this AD.

(2) All other part numbers 3071486-3, -4, -5, -6 and 3072318-1 ducts require accomplishment of paragraph (c)(2) of this AD prior to return to service.

(c) Prior to return to service after accomplishment of paragraph (a) and with a determination that the installed TFE 731 engine is not one of those listed in paragraph 2.C. of Bulletin -3159; or is listed in paragraph 2.C. of Bulletin -3159 but the duct has been replaced or has an unknown history, determine the installed duct part number and serial number from aircraft records or inspection of the duct identification marking.

(1) Determination that the installed duct, by specific part number and serial number, is one on the list of serviceable ducts in paragraph 2.D. of Bulletin -3159 constitutes terminating action for this AD.

Note.—The ducts listed in paragraph 2.D. of Bulletin -3159 have been radiographic (x-ray) inspected during the manufacturing process and may be continued in service with no further action required by this AD.

(2) All other Part Numbers 3071486-3, -4, -5, -6, and 3072318-1 ducts must be replaced with a serviceable duct, or x-ray inspected in accordance with paragraph (d), or proof load inspected in accordance with paragraph (e), or modified by installing an aft mount auxiliary bracket in accordance with paragraph (f) of this AD, before the engine may be returned to service.

(d) Radiographic (x-ray) inspect the electron beam weld attachment of all three engine rear mount clevises on each duct in accordance with instructions provided in Paragraph 2.D of Bulletin –3159.

(1) If the x-ray inspection of all three engine mount clevises is acceptable, reidentify the duct with identifier code of the x-ray facility and new part number as follows:

Part Number 3072318–1 is reidentified as Part Number 3072318–3.
Part Number 3071486–3 is reidentified as Part Number 3071486–7.
Part Number 3071486–4 is reidentified as Part Number 3071486–8.
Part Number 3071486–5 is reidentified as Part Number 3071486–9.
Part Number 3071486–6 is reidentified as Part Number 3071486–10.

(2) If the x-ray inspection of the three engine mount clevises reveals an unsatisfactory weld penetration at a position which is not used to mount the engine to the aircraft, the mount is to be destroyed by cutting through the unsatisfactory clevis mounting bolt hole and the duct reidentified. The bolt hole cut through and duct reidentification must be in accordance with Paragraph 2.F. of Bulletin –3159 as follows:

Part Number 3072318–1 is reidentified as Part Number 3076070–1.
Part Number 3071486–3 is reidentified as Part Number 3071486–11.
Part Number 3071486–4 is reidentified as Part Number 3071486–12.
Part Number 3071486–5 is reidentified as Part Number 3071486–13.
Part Number 3071486–6 is reidentified as Part Number 3071486–14.

(3) If the x-ray inspection of the three engine mount clevises reveals an unsatisfactory weld penetration at a position which is used to mount the engine to the aircraft, the duct must either be rejected or modified by incorporating an aft mount auxiliary bracket in accordance with paragraph (f) of this AD. All unsatisfactory engine mount clevises not used to mount the engine are to have those unsatisfactory clevis mounting bolt holes cut through in accordance with Paragraph 2.F.(1) of Bulletin –3159. Reidentify ducts in accordance with paragraph (f) of this AD.

(e) Inspect the electron beam weld attachment of all three engine rear mount clevises on the duct by performing a proof load inspection in accordance with instructions provided in Paragraph 2.E. of Bulletin –3159.

(1) If the proof load inspection of all three engine mount clevises is acceptable, reidentify the duct by electrochemically etching "PL1" (0.0004 inch maximum depth) as a suffix to the existing duct part number. The duct may then be returned to service for a period not to exceed 1050 hours additional time in service, at which time either reinspect the duct by performing the proof load inspection again, or perform a radiographic (x-ray) inspection in accordance with Paragraph (d) of this AD, or modify the duct using the aft mount auxiliary bracket in accordance with Paragraph (f) of this AD, or replace with a serviceable duct.

(2) If a second proof load inspection of all three engine mount clevises is acceptable, reidentify the duct by electrochemically etching "PL2" (0.0004 inch maximum depth) as a suffix to the existing duct part number. The duct may be returned to service for a second and final period not to exceed 1050 hours additional time in service. At or before the completion of this additional period of service, the duct must be either inspected by radiographic (x-ray) inspection in accordance with Paragraph (d) of this AD, or modified using the aft mount auxiliary bracket in accordance with Paragraph (f) of this AD, or replaced with a serviceable duct.

"PL1" adjacent to the unchanged duct part number indicates the first successful accomplishment of the proof load inspection of all three engine mount clevises. "PL2" adjacent to "PL1" following the unchanged duct part number indicates the second successful accomplishment of the proof load inspection of all three engine mount clevises.

(3) If the proof load inspection of the three engine mount clevises reveals an unsatisfactory weld penetration at a position which is not used to mount the engine to the aircraft, provided the engine mount clevis which is to be used for aircraft installation is found acceptable, the ducts are to be modified by cutting through the unacceptable mounting bolt hole of the engine mount clevis in accordance with paragraph 2.F.(1) of Bulletin –3159. Ducts are to be reidentified by electrochemically etching a new part number thereon, (0.0004 inch maximum depth) as follows:

Part Number 3072318–1 is reidentified as Part Number 3076070–1 PL1
Part Number 3071486–3 is reidentified as Part Number 3071486–11 PL1
Part Number 3071486–4 is reidentified as Part Number 3071486–12 PL1
Part Number 3071486–5 is reidentified as Part Number 3071486–13 PL1
Part Number 3071486–6 is reidentified as Part Number 3071486–14 PL1

The duct may be returned to service for a period not to exceed 1050 hours additional time in service, at which time the duct must be replaced with a serviceable duct, reinspected by a second proof load inspection (PL2), inspected by radiographic (x-ray) inspection in accordance with paragraph (d) of this AD, or modified using the auxiliary aft mount bracket, in accordance with paragraph (f) of this AD.

(i) Ducts with a second satisfactory proof load inspection of the engine mount clevis used for aircraft installation are to be reidentified by electrochemically etching "PL2" as suffix to the previously reidentified duct part number, i.e., 3071486–14PL1 PL2.

At or before a period not to exceed 1050 hours additional time in service after the second proof load inspection of the engine mount clevis the duct must be replaced with a serviceable duct, radiographic (x-ray) inspected in accordance with paragraph (d) of this AD, or modified using the aft mount auxiliary bracket, as allowed in paragraph (f) of this AD.

(ii) Ducts which fail the second proof load inspection must comply with paragraph (d) or (f) of this AD or be removed from service.

(4) If the proof load inspection of the three engine mount clevises reveals an unsatisfactory weld penetration at a position which is used to mount the engine to the aircraft on which it is to be installed, the duct may be modified by incorporating an aft mount auxiliary bracket in accordance with paragraph 2.B., omitting paragraph 2.B.(10), of Garrett Service Bulletin TFE 731–72–3170, dated April 23, 1981. Reidentify as designated in following paragraph. Engine mount clevises found to have unsatisfactory weld penetration at other positions not used to mount the engine are to have those unsatisfactory clevis mounting bolt holes cut through in accordance with paragraph 2.F.(1) of Bulletin –3159.

Ducts modified by incorporating an aft mount auxiliary bracket after failing proof load inspection are to be reidentified by electrochemically etching (to a maximum depth of 0.0004 inch) the duct with the following part numbers:

Old part No.	Auxiliary bracket location	New part No.
	Looking forward along engine axis from the rear:	
3071486-3/-4/-5/-6	Left.	3073362-1 PL1 PL2 as applicable.
3071486-3/-4/-5/-6	Top.	3073362-2 PL1 PL2 as applicable.
3071486-3/-4/-5/-6	Right.	3073362-3 PL1 PL2 as applicable.
3072318-1	Left.	3073362-4 PL1 PL2 as applicable.
3072318-1	Top.	3073362-5 PL1 PL2 as applicable.
3072318-1	Right.	3073362-6 PL1 PL2 as applicable.
3071486-3/-4/-5/-6	Left and Top.	3073362-7 PL1 PL2 as applicable.
3071486-3/-4/-5/-6	Top and Right.	3073362-8 PL1 PL2 as applicable.
3071486-3/-4/-5/-6	Left and Right.	3073362-9 PL1 PL2 as applicable.
3071486-3/-4/-5/-6	Left, Top and Right.	3073362-10 PL1 PL2 as applicable.
3072318-1	Left and Top.	3073362-11 PL1 PL2 as applicable.
3072318-1	Top and Right.	3073362-12 PL1 PL2 as applicable.
3072318-1	Left and Right.	3073362-13 PL1 PL2 as applicable.
3072318-1	Left, Top and Right.	3073362-14 PL1 PL2 as applicable.

The aft mount auxiliary bracket requires a longer rear engine mount bolt which is a new aircraft part. Therefore, each type aircraft will require an FAA approved service bulletin to complete the installation. If an FAA approved aircraft service bulletin is not available for the particular installation required, the duct must be returned to the engine manufacturer.

(f) Modify the duct by installing an aft mount auxiliary bracket at the mount clevis position which is to be used to mount the engine to the aircraft in accordance with paragraph 2.B. of Garrett Service Bulletin TFE 731–72–3170 dated April 23, 1981.

The aft mount auxiliary bracket requires a longer rear engine mount bolt which is a new aircraft part. Therefore, each type aircraft

will require an FAA approved service bulletin to complete the installation.

If an approved aircraft service bulletin is not available for the particular installation required, the duct must be returned to the engine manufacturer.

Ducts which are modified by incorporating this aft mount auxiliary bracket may not have the bracket removed and be returned to service unless the radiographic (X-ray) inspection of all three engine mount clevises in accorance with paragraph (d)(1) of this AD is performed and the weld penetration of all three clevises is found to be satisfactory. If the X-ray inspection of all three engine mount clevises is acceptable, reidentify the duct with identifier code of the X-ray facility and new part number as provided for in paragraph 2.D.(4) of Bulletin −3159.

Note.—Ducts with an engine mount clevis found to have improper weld penetration or which have had any clevis cut through in accordance with paragraph 2.F. of Bulletin −3159 may be returned to the engine manufacturer.

The duct may be returned to service when it is determined to be serviceable.

Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections or modifications required by this AD.

Alternative inspections, modifications or other actions which provide an equivalent level of safety may be used when approved by the Chief, Engineering and Manufacturing Branch, FAA Western-Pacific Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to:

Garrett Turbine Engine Company, P.O. Box 5217, Phoenix, Arizona 85010

These documents may also be examined at:

FAA Western-Pacific Region Office, Rules Docket in Room 6W14, 15000 Aviation Boulevard, Hawthorne, California 90261

And at: FAA Headquarters, Rules Docket in Room 916, 800 Independence Avenue SW., Washington, D.C. 20591

A historical file on this AD, which includes the incorporated material in full, is maintained by the FAA at its Headquarters in Washington, D.C. and at FAA Western-Pacific Region Office.

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

Note.—The FAA has determined that this proposed regulation involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves engines used on only a few aircraft owned by small entities. A draft evaluation has been prepared for this proposed regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

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

Issued in Los Angeles, California on October 23, 1981.

H. C. McClure,

Director, FAA Western-Pacific Region.

[FR Doc. 81-32043 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-31]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area: Weatherford, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will designate a transition area at Weatherford, OK. The intended effect of the amendment is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Thomas P. Stafford Airport. This amendment is necessary to provide protection for aircraft executing an instrument approach procedure using the proposed nondirectional radio beacon (NDB) located on the airport.

EFFECTIVE DATE: January 21, 1982.

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

SUPPLEMENTARY INFORMATION: On September 3, 1981, a notice of proposed rulemaking was published in the **Federal Register** (46FR44193) stating that the Federal Aviation Administration proposed to designate the Weatherford, OK, transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. Comments were received without objections. Except for editorial changes this amendment is that proposed in the notice.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71.181) as republished (46 FR 540) is amended, effective 0901 GMT, January 21, 1982, by adding:

Weatherford, OK

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Weatherford, Oklahoma, Thomas P. Stafford Airport (latitude 35°32'38", longitude 98°40'08") and within 3 miles each side of 002° bearing from the NDB (latitude 35°31'48"N, longitude 98°40'13"W) extending from the 6.5-mile radius area to 8.5 miles north of the NDB.

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

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

Issued in Fort Worth, TX, on October 27, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-32001 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 81-ASW-56]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area: Zuni, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the Federal Register on September 8, 1981, Vol. 46, page 44738, altering the transition area at Zuni, NM, an error occurred in the description of the radials defining the transition area at Zuni, NM. This action corrects that error, thereby altering the description of the transition area intended for the protection of aircraft executing instrument approach procedures to the Black Rock Airport while holding at Zuni, NM, VORTAC.

EFFECTIVE DATE: November 5, 1981.

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

SUPPLEMENTARY INFORMATION: Federal Register Document 81-25993, published on September 8, 1981, [46 FR 44738] altered the transition area at Zuni, NM, to designate the necessary controlled airspace for instrument approach procedures and holding to the Black Rock Airport, Zuni, NM. In describing the transition area, an error occurred in computing the required airspace, therefore, inadequately describing the required protected area. This amendment corrects the error. Subpart G of Part 71 of the Federal Aviation Regulations [14 CFR Part 71] was published in the Federal Register on January 2, 1981 [46 FR 540]. Since this amendment is a minor matter upon which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary.

Adoption of the Amendment

In Federal Register Document No. 81-25993 as published in 46 FR 44738 on September 8, 1981, under Zuni, NM 14 CFR 71.181, substitute the following:

Zuni, New Mexico

That airspace extending upward from 700 feet above the surface within a 7.0-mile radius of the Black Rock Airport (latitude 35°04'51"N., longitude 108°47'56"W.) and airspace extending upward from 8,200 feet MSL within 7 miles north and 10 miles south of Zuni VORTAC 248° and 068° radials extending from 12 miles east to 20 miles west of the VORTAC, excluding the portion within the State of New Mexico.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. § 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11/61(c))

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

Issued in Fort Worth, Texas, on October 27, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-32052 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AAL-12]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Revocation of Lonely DEW Station, AK, Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revokes the Lonely DEW Station Control Zone. The control zone is no longer needed for the intended purpose for which it was designated. Weather observation information and communications services are no longer available. Thus, continued designation of controlled airspace to the airport surface is no longer justified.

DATES: Effective November 5, 1981. Comments must be received on or before December 7, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 81-AAL-12, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:
John Watterson, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

This action is in the form of a final rule, which involves the revocation of the Lonely DEW Station, AK, Control Zone. This action is required because weather observation and communications services are no longer available and continued control zone designation is no longer justified. Thus, the rule was not preceded by notice and public procedure. However, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of this amendment to § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revoke the Lonely DEW Station, AK, Control Zone. The Lonely DEW Station Control Zone was established in March 1980. The control zone was established because Husky Oil Company had launched a major oil/gas exploration in the National Petroleum Reserve and was using Lonely DEW Station as a main supply base. This resulted in a large increase in the amount of air traffic and instrument operations occurring at Lonely and established the need for a control zone. Husky Oil Company also provided hourly and special weather obstructions and communications for the control zone.

We have been advised by Husky Oil Company that they have concluded their operations in the National Petroleum Reserve. Aircraft operations have been greatly reduced and since October 21, 1981, weather observations and communications will no longer be provided by Husky Oil Company. There is no longer a need for a control zone. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in the Federal Register on January 2, 1981 (46 FR 455). Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest and that good cause exists for making this amendment effective in less than 30 days after its publication in the Federal Register.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.171 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 455), is amended, effective 0901 GMT, November 5, 1981 as follows:

Lonely DEW Station, AK [Revoked]

By revoking the Lonely DEW Station, AK, Control Zone.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a).

1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69)

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

Issued in Washington, D.C., on October 28, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-31911 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 71 and 73

[Airspace Docket No. 81-AEA-37]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points, Special Use Airspace; Alteration of Patuxent River, MD, Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: These amendments extend the expiration date of Restricted Area, R-4007B, Patuxent River, MD, to July 1, 1982. These actions are necessary because of the U.S. Navy's continued requirement to flight test the F-18 aircraft beyond the current January 1, 1982, expiration date. The restricted area extension is required to provide for the safe and efficient use of the navigable airspace by prohibiting unauthorized flight operations of nonparticipating aircraft within the restricted area during the designated period.

DATES: Effective January 1, 1982. Comments must be received on or before December 7, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 81-AEA-37, Federal Aviation Administration, John F. Kennedy International Airport, Jamaica, NY 11430.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, S.W., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: John Watterson, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

Although these actions are in the form of a final rule, which involve a necessary extension of the expiration date for R-4007B, to July 1, 1982, to allow the U.S. Navy to complete flight testing for the F-18 aircraft and, thus, were not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, and energy aspects of the rule that might suggest the need to modify the rule. Send comments on environmental and land use aspects to: Commanding Officer, Naval Air Station, Patuxent River, MD 20670.

The Rule

The purpose of these amendments to § 73.40 and § 71.151 of Parts 73 and 71 of the Federal Aviation Regulations (14 CFR Parts 73 and 71) is to extend the expiration date of R-4007B, Patuxent River, MD, to July 1, 1982. Airspace Docket 78-EA-5, effective September 7, 1978, modified R-4007 in part by designating R-4007B to overlie R-4007A with designated altitudes from 5,000 feet to 17,000 feet MSL. An expiration date of January 1, 1982, for R-4007B was established with provision for an extension on the basis of future review and necessity. This review has been conducted and it has been determined that an extension of the expiration date of R-4007B to July 1, 1982, is required by the U.S. Navy to complete additional flight testing of the F-18 aircraft. Sections 71.151 and 73.40 of Parts 71 and 73 of the Federal Aviation Regulations were republished in the **Federal Register** on January 2, 1981 (46 FR 446, 806). Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, § 71.151 and § 73.40 of Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (46 FR 446, 806), are amended, effective 0901 GMT, January 1, 1982, as follows:

§ 71.151 [Amended]

R-4007B Patuxent River, MD

By deleting the words "January 1, 1982" and substituting for them the words "July 1, 1982."

§ 73.40 [Amended]

R-4007B Patuxent River, MD

By deleting the words "January 1, 1982" and substituting for them the words "July 1, 1982."

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

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

Issued in Washington, D.C., on October 28, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-31910 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Parts 71 and 75

[Airspace Docket No. 81-AEA-35]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points, Establishment of Jet Routes and Area High Routes; Alternation of Federal Airways, Transition Area and Jet Route

AGENCY: Federal Aviation Administration (FFA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment alters the description of: (a) VOR Federal Airways, V-29, V-157, V-166, V-170, and V-433, (b) Jet Route 40, and (c) the Wilmington, DE, transition area, by substituting the name "DUPONT" for "New Castle" or "FATIMA" wherever it appears in the airspace description. This action is required because the "FATIMA" VORTAC is being renamed "DUPONT" to eliminate potential confusion in air ground communications occasioned by similar sounding names.

DATES: Effective January 21, 1982. Comments must be received on or before December 7, 1981.

ADDRESSES: Send comments on the rule in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 81-AEA-35, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FFA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, D.C.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: John Watterson, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Request for Comments on the Rule

These actions are in the form of a final rule, which involve the alteration of designated airspace. These actions were required because of a VORTAC name change that was made to enhance safety by eliminating potential confusion caused by similar sounding VORTAC names. Thus, they were not preceded by notice and public procedure. Comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the rule that might suggest the need to modify the rule.

The Rule

The purpose of these amendments to §§ 71.123, 71.181 and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) is to substitute the name "DUPONT" for "FATIMA" or "New Castle" wherever it appears in the description of designated airspace. The New Castle VORTAC was recently relocated and renamed "FATIMA." The FATIMA VORTAC is located 15 miles south of the Modena, PA, VORTAC. Some pilots pronounce "FATIMA" as "FA-TEE-MA" and this causes a potential safety problem because of its similar sound to "MODENA" when pronounced "MO-DEE-NA." Sections 71.123, 71.181, and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations were republished in the **Federal Register** on January 2, 1981, (46 FR 409, 540, and 834).

Under the circumstances presented, the FAA concludes that there is an immediate need for a regulation to rename the FATIMA VORTAC and to substitute the name DUPONT wherever FATIMA or New Castle appears in associated airspace descriptions. Therefore, I find that notice or public procedure under 5 U.S.C. 553(b) is contrary to the public interest.

Adoption of the Amendments

Accordingly, pursuant to the authority delegated to me, §§ 71.123, 71.181, and 75.100 of Parts 71 and 75 of the Federal Aviation Regulations (14 CFR Parts 71 and 75) as republished and amended (46 FR 409, 540, 834, 23047, 11508, 45 FR 71773, 77418), are further amended, effective 0901 GMT, January 21, 1982, as follows:

§ 71.123 [Amended]

1. Section 71.123

V-29, V-157, V-166, V-170, V-433 [Amended]

By amending V-29, V-157, V-166, V-170, V-433 by deleting the word "FATIMA" and substituting for it the word "DUPONT" wherever it appears in the descriptions.

§ 71.181 [Amended]

2. Section 71.181

Wilmington, DE [Amended]

By amending the Wilmington, DE transition area by deleting the words "New Castle" and substituting the word "DUPONT" wherever it appears in the description.

§ 75.100 [Amended]

3. Section 75.100

Jet Route 40 [Amended]

By amending Jet Route 40 by deleting the word "FATIMA" and substituting for it the word "DUPONT" wherever it appears in the description.

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

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

Issued in Washington, D.C., on October 28, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-31913 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 91

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

Emergency Air Traffic Regulations; Update

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Update of emergency air traffic regulations.

SUMMARY: Section 91.100 of the Federal Aviation Regulations (14 CFR 91.100) requires aircraft operators to comply

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

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

ADDRESSES: Send comments on the listed regulations, in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 21022A, 800 Independence Avenue, SW., Washington, DC 20591. Comments may be examined in the Rules Docket, Room 915, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

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

Effect of Publication

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

Availability Prior to Publication: Preflight Requirement

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

Air Traffic Controller Strike: SFAR No. 44, as Amended

The emergency air traffic regulations listed in this amendment to Notice 91-100 follow the adoption, by the FAA, on August 3, 1981, of SFAR No. 44, as amended, in response to the threat of a strike by Air Traffic Controllers Organization (PATCO), and the subsequent organized controller action that in fact occurred. The emergency aspects of that action are described at 46 FR 39997, *et seq.* As a result, air traffic control facilities have experienced staffing shortages that have reduced the level of air traffic that can be handled with the required levels of safety and efficiency. To insure that these levels of safety and efficiency are fully maintained during this shortage of air traffic personnel, the emergency regulations listed in section 2 of this notice have been issued under § 91.100. Emergency regulations adopted for the period October 16, 1981 through October 28, 1981, are included herein, and will be supplemented, for the indefinite future, with additional regulations until staffing levels improve.

Regulatory Impact

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

identified under the caption "For Further Information Contact."

Notice of Adoption

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

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

In consideration of the foregoing, section 2 of Notice 91-100 is hereby amended by adding the following emergency regulations following the regulation numbered FDC 1/2615.

Air Traffic Controller Shortage of 1981, and Related Emergency Conditions (SFAR-44, as Amended, Docket No. 21022A)

FDC 1/1549 Cancel FDC 1/1547.
FDC 1/1679 Cancel FDC 1/1637.
FDC 1/1721 Cancel FDC 1/1717.
FDC 1/1788 Cancel FDC 1/1771.
FDC 1/1791 Cancel FDC 1/1785.
FDC 1/1816 Cancel FDC 1/1799.

FDC 1/2646 Emergency Flight Rules October 16, 1981

Effective October 19, 1981, 0600 EDT because of reduced facility staffing and IFR capacity in certain ARTCC areas the practice of obtaining an IFR clearance while airborne places a burden on the air traffic control system and disrupts efforts to implement flow management procedures. Accordingly, pursuant to Special Federal Aviation Regulation 44, as amended, and Federal Aviation Regulation § 91.100, the following rule is effective in the Anchorage ARTCC area to provide for the safe, orderly handling and movement of IFR traffic.

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

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

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

FDC 1/2659 Cancel FDC 1/2528

FDC 1/2760 Emergency Flight Rules October 28, 1981

IFR Flight Plan Filing/General Aviation Reservation Rule effective October 30, 1981, 0600 local time. Reduced facility staffing and the resultant reduced IFR capacity in ARTCC airspace has made the practice of IFR Flight Planning with other than FSS an unacceptable burden on the air traffic control system. Also, aircraft operators currently not included in any structured program to limit their operations have either saturated the air traffic system or have been excessively delayed. These actions have disrupted efforts to implement efficient and effective flow management procedures. Accordingly, pursuant to Special Federal Aviation Regulation Number 44, as amended, and Federal Aviation Regulation § 91.100, the following regulation is effective in the 20 conterminous ARTCC areas to provide for the safe, orderly handling and movement of IFR traffic.

1. All aircraft operators planning a flight under IFR with a proposed departure/en route pick-up time from 0600 LCL to 1959 LCL shall file a flight plan with and obtain a departure/en route pick-up reservation from an FAA Flight Service Station at least 30 minutes before but not more than 24 hours before his/her proposed departure/en route time if any segment of the flight will enter ARTCC airspace.

2. ATC clearance must be requested not later than 30 minutes after proposed departure/en route pick-up time.

3. Multiple-Leg Flight Plans may be filed provided—

A. The conditions of paragraph 1, above, are met.

B. The last proposed departure/en route pick-up time does not exceed the 24-hour filing time limitation specified in paragraph 1, above.

C. The same departure/en route pick-up point is not specified twice in the request.

D. The request does not involve more than three departure/en route pick-up points.

4. The provisions of paragraphs 1 and 2 of this regulation do not apply to the following operators and flights:

A. FAR Part 121 or Part 135 operators with FAA/ICAO approved two-letter and three-letter call signs.

B. Military flights.

C. Medical emergency flights.

D. Presidential or Vice-Presidential flights.

E. FAA critical flights.

F. FAR Part 93 Subpart K flights to or from high density airports during the period airport reservations are required. Reservations at these airports; John F. Kennedy Airport, La Guardia Airport, Chicago O'Hare Airport, and Washington National Airport, may be adjusted consistent with the pro rata reductions in effect for the time the reservation is requested.

G. Flights originating within the airspace areas of Anchorage and Honolulu Air Route Traffic Control Centers.

H. Turbojet aircraft operations at FL290 and above.

I. Nonstop flights destined for airports outside the continental United States.

5. Limitations on obtaining an IFR clearance while airborne remain in effect in the Anchorage ARTCC area as specified in the pertinent regulatory NOTAM.

Issued in Washington, D.C. on October 29, 1981.

Ramon A. Alvarez,

Acting Director, Air Traffic Service.

[FR Doc. 81-32055 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Part 399

Amendment of Commodity Control List Footnote

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

ACTION: Final rule.

SUMMARY: In view of the recent acceptance by the Government of Spain of International Atomic Energy Agency safeguards on all peaceful nuclear facilities, the Export Administration Regulations are amended to allow certain nuclear reactor and nuclear power plant-related equipment, to be exported to Spain under general license.

This amendment accords with current Nuclear Regulatory Commission treatment of export applications for the export of nuclear equipment, facilities and materials.

EFFECTIVE DATE: November 5, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Archie Andrews, Director, Exporters, Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 telephone: (202) 377-5247 or 377-4811).

SUPPLEMENTARY INFORMATION:

Background

Following consultation with the Department of State and the Subgroup on Nuclear Export Coordination, it has been determined that Spain should be given more favorable treatment under Department of Commerce export control procedures governing the supply of nuclear reactor and nuclear power plant-related equipment. This determination will permit export of such items to Spain under general license.

Rulemaking Requirements

Section 13(a) of the Export Administration Act of 1979 ("the Act") exempts regulations promulgated thereunder from the public participation in rulemaking procedures of the Administrative Procedure Act. Section 13(b) of the Act, which expresses the intent of Congress that to the extent practicable "regulations imposing controls on exports" be published in proposed form, is not applicable because this regulation does not impose controls on exports. Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

It has been determined that this rule does not impose a burden under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and that it is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Supplement No. 1 to § 399.1 [Amended]

Accordingly, Supplement No. 1 to § 399.1 of the *Export Administration Regulations* (15 CFR Part 368 *et seq.*) is amended to revise footnote 1 for CCL entry 4363B to read as follows:

[1] Exports to Spain and to countries listed in Supplements 2 and 3 to Part 373 are exempted from validated license requirements.

* * * * *

Secs. 17(d), 13, 15, Pub. L. 96–72, 93 Stat. 503, (50 U.S.C. app. 2401 *et seq.*); sec. 309(c), Pub. L. 95–242, 92 Stat. 141, (42 U.S.C. 2139a); Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10–3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41–1 (45 11862, February 22, 1980) and 41–4 (45 FR 65003, October 1, 1980.

Dated: October 9, 1981.

William V. Skidmore,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 81-32062 Filed 11-2-81; 1:46 pm]

BILLING CODE 3510-25-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-2925]

Cooga Mooga, Inc., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: In response to the Commission's adoption of the material connection Endorsement Guide, this order reopens the proceeding and modifies the Commission's order issued on August 9, 1978 (43 FR 40804, 92 F.T.C. 310) by deleting the words "any financial interest in the sale of the product or service which is the subject of the endorsement or" from the definition of material connection contained in Paragraph I.D. This modification relieves petitioners of the obligation of disclosing any financial interest they may have in the sale of an endorsed product.

DATES: Order issued August 9, 1978. Modifying order issued October 15, 1981.

FOR FURTHER INFORMATION CONTACT: FTC/PF, Melvin H. Orlans, Washington, D.C. 20580. (202) 724–1529.

SUPPLEMENTARY INFORMATION: In the matter of Cooga Mooga, Inc., et al., a corporation. The codification, appearing at 43 FR 40804, remains unchanged.

The Order Reopening the Proceeding and Modifying Cease and Desist Order is as follows:

Charles E. "Pat" Boone and Cooga Mooga, Inc., (hereinafter "Petitioners") have filed, pursuant to Rule 2.51 of the Commission's Rules of Practice, a Petition to Reopen, Modify, Alter or Set Aside Parts of Consent Order (hereinafter "Petition"). The Petition seeks the modification or elimination of two provisions of the Commission's Order of August 9, 1978. The Order concerns petitioners' representations as advertisers and as endorsers, and requires them to contribute a pro rata share to a restitution program for purchasers of Acne-Statin, a product endorsed by petitioners.

The first issue raised by the Petition concerns the "material connection" disclosure provision of Paragraph I.D. of the Order. This provision requires petitioners, when they act as endorsers, to disclose "any financial interest in the sale of the product or service which is the subject of the endorsement or any familial connection between the endorser and the advertiser or its advertising agency." Petitioners argue that this provision unfairly discriminates against them because no other celebrity endorser is required to disclose such interests. Petitioners further contend that the Order provision conflicts with the Commission's "Guides Concerning Use of Endorsements and Testimonials in Advertising." 16 CFR Part 255 (1980). In addition, they maintain that the material connection disclosure requirement is harmful to small business and infringes petitioners' First Amendment rights.

The Petition does not present any evidence of changed circumstances regarding the familial connection portion of the material connection definition, nor is there any indication that the modification of this language would be in the public interest. The Commission therefore declines to set aside or alter the requirement that petitioners disclose familial connections with the advertiser or its advertising agency.

The financial interest portion of the material connection definition requires petitioners to disclose any interest in the sale of the endorsed product. This covers situations in which the compensation received by petitioners for the endorsement is related to the volume of sales of the product, i.e., a "share of the action." The Order does not require petitioners to disclose remuneration if it is in the form of a fixed sum in advance of the endorsement, or if it is based upon the extent of the dissemination of the advertisement.

On January 16, 1980, the Commission promulgated its Endorsement Guides. Guide 5, regarding the disclosure of material connections between advertisers and endorsers, provides:

> When there exists a connection between the endorser and the seller of the advertised product which might materially affect the weight or credibility of the endorsement (i.e., the connection is not reasonably expected by the audience) such connection must be fully disclosed. An example of a connection that is ordinarily expected by viewers and need not be disclosed is the payment or promise of payment to an endorser who is an expert or well known personality, as long as the advertiser does not represent that the endorsement was given without compensation. However, when the endorser is neither represented in the advertisement as an expert nor is known to a significant portion of the viewing public, then the

advertiser should clearly and conspicuously disclose either the payment or promise of compensation prior to and in exchange for the endorsement or the fact that the endorser knew or had reasons to know or to believe that if the endorsement favors the advertised product some benefit such as an appearance on TV, would be extended to the endorser.

The Commission has determined that under this Guide, advertisers are not required to disclose that celebrity endorsers are compensated for endorsements, regardless of the method of compensation. This is because the Commission believes that the manner in which celebrities are compensated does not materially affect the weight or credibility of an endorsement. The Commission further finds that the adoption of the material connection Endorsement Guide constitutes a change in the law regarding the obligation of celebrity endorsers to disclose their financial interest in the sale of the advertised product. The Commission therefore concludes that petitioners have made a satisfactory showing, as required by Section 5(b) of the Federal Trade Commission Act, 15 U.S.C. 45, that the section of the definition of material connection pertaining to petitioners' financial interest in the sale of the advertised product should be deleted from the Order.

Petitioners also seek relief from their obligation under the Order to contribute a pro rata share to the restitution program for purchasers of Acne-Statin. This claim is based on the alleged disparity in the Commission's treatment of petitioners versus other endorsers subject to Commission Orders. The two other Orders cited by petitioners are those against Gordon Cooper and against Harvey Glass, M.D. (C-3004). The factual circumstances of these cases differed substantially, however, from those involved in the instant case; the cases involve disparities in *inter alia*, the volume of sales of the endorsed product and the remuneration received by the endorser. These differences amply justify the differential remedies selected in each case. The *Cooper* and *Glass* Orders do not, therefore, constitute a change in law. Nor do any changes in fact or the public interest warrant the alteration or elimination of petitioners' restitution obligations.

It is therefore ordered, That the proceeding is hereby reopened and the Decision and Order issued on August 9, 1978, in Docket No. C-2925 is hereby modified by deleting from the definition of material connection contained in Order Paragraph I.D. the words, "any financial interest in the sale of the product or service which is the subject of the endorsement or." Petitioners' request for the modification of Paragraph II of the Order is hereby denied.

It is further ordered, That the foregoing modification shall become effective upon service of this Order.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-32163 Filed 11-4-81; 8:45 am]

BILLING CODE 6750-01-M

16 CFR Part 13

[Docket No. C-3076]

Aldens, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, a Chicago, Illinois mail order house to cease, in connection with collection or debts, improperly contacting consumers or third parties. Except to advise consumers of legal remedies usually taken to collect debts, respondents are prohibited from communicating with consumers who have written the firm indicating that they will not pay the debt or wish no further contact regarding the debt. Additionally, for a five-year period, the order requires the insertion of a prescribed statement in all charge account agreements, which states that the company will limit discussions with third parties to information necessary to locate the consumer. The order also provides that should the Commission promulgate a trade regulation rule applicable to respondent's third party contacts, compliance with that rule will be considered part of the order.

DATES: Complaint and order issued October 8, 1981.*

FOR FURTHER INFORMATION CONTACT: FTC/PD, John F. Lefevre, Washington, D.C. 20580. (202) 724-1175.

SUPPLEMENTARY INFORMATION: On Wednesday, July 29, 1981, there was published in the **Federal Register**, 46 FR 38705, a proposed consent agreement with analysis In the Matter of Aldens, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements, 13.533-20 Disclosures. Subpart—Enforcing Dealings or Payments Wrongfully: § 13.1045 Enforcing dealings or payments wrongfully.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Carol M. Thomas,

Secretary.

[FR Doc. 81-32184 Filed 11-4-81; 8:45 am]

BILLING CODE 6750-01-M

* Copies of the Complaint and the Decision and Order filed with the original document.

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1205

Walk-Behind Power Lawn Mowers; Amendment of Blade Control Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission amends its consumer product safety standard for walk-behind power lawn mowers to implement a specific direction by Congress. The standard originally required that a mower blade stop within 3 seconds of the release of the handle and that mowers with only manual starting controls must stop the blade without stopping the engine. The amendment provides that a lawn mower with only manual starting controls, which meets the requirements of the present standard except that the blade control system stops the blade by stopping the engine, shall be allowed if (1) the engine starting controls for the lawn mower are located within 24 inches of the top of the mower's handle or (2) the mower has a protective foot shield which extends 360 degrees around the mower housing.

EFFECTIVE DATE: The amendments to the standard apply to walk-behind power lawn mowers manufactured after June 30, 1982.

FOR FURTHER INFORMATION CONTACT:
Paul Galvydis, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C., 20207, phone (301) 492–6400.

SUPPLEMENTARY INFORMATION:

Background

On February 15, 1979, the Commission published a final consumer product safety standard to reduce the estimated 77,000 injuries that occur each year from contact with the moving blades of walk-behind power lawn mowers (44 FR 9990) (16 CFR Part 1205). The effective date of the standard was originally to be December 31, 1981. However, in the 1980 appropriations bill, (Pub. L. 96–526), the Congress delayed the effective date until June 30, 1982. (The labeling requirement of § 1205.6 of the standard went into effect on December 31, 1979.)

A detailed explanation of the background and rationale for the standard is given in the **Federal Register** notice that issued the standard. Briefly, the standard reduces the risk of injury from blade contact with rotary power lawn mowers by mandating two main performance requirements. First, in order to reduce injuries to the hand of the operator, § 1205.5(a)(1) of the standard requires that the mower have a blade control that will stop the blade within 3 seconds of the time that the operator releases the handle of the mower. This is intended to ensure that when the operator's hands leave the handle, the blade will stop before the operator can put his or her hands in the vicinity of the blade. This requirement will also reduce foot injuries that occur when the operator is working or moving around the mower and is not holding on to the handle.

In order to further reduce foot injuries, § 1205.4(a) of the standard currently requires that areas of the mower that can be reached by the operator's foot when he or she is holding the handle (the rear 120° of the mower) shall be constructed so that a specified probe that approximates the human foot cannot be brought into contact with the blade from these areas.

Section 1205.6 of the standard provides for a warning label on rotary and reel-type walk-behind power lawn mowers to warn of the hazard of contacting the blade.

The requirement that the blade stop within 3 seconds of the release of the handle can be accomplished in two ways. First, the blade can be disconnected from the mower's power source and brought to a stop while the power source continues to operate. This approach is usually expected to involve a brake-clutch unit to disconnect the blade and brake it to a stop within the allowable 3 seconds. The other way of accomplishing this requirement is to turn off the power source, thereby bringing the blade and the power source to a stop together.

If the blade is stopped by stopping the engine ("engine-kill"), § 1205(a)(1)(iv) of the standard originally required that the mower have a power restart mechanism. This requirement was included because it seemed likely that users inconvenienced by the need to manually restart a mower that stopped every time the handle was released would attempt to disable the blade-stop control.

Section 1205.5(c) of the standard originally required mowers whose blades begin rotating when the power source starts to have their normal starting controls within an "operating control zone". This zone is defined in §1205.3(a)(11) as "the space enclosed by a cylinder with a radius of 15 in. (381 mm) having a horizontal axis that is (1) perpendicular to the fore-aft centerline of the mower and (2) tangent to the rearmost part of the mower handle, extending 4 in. (102 mm) beyond the outermost portion of each side of the handle." See Fig. 1 of the standard. This requirement is intended to ensure that the operator is not required to leave the area that is protected by the foot probe requirement when starting the power source.

Recent Congressional Amendment

In the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, 95 Stat. 357, signed by the President on August 13, 1981), there are the following provisions concerning the power lawn mower standard.

Lawn Mower Standard

Sec. 1212. (a) Not later than 90 days after the date of the enactment of this Act, the Consumer Product Safety Commission shall amend its consumer product safety standard for walk-behind power lawn mowers to provide that a manually started rotary type lawn mower which has a blade control system which meets the requirements of the standard relating to blade controls (16 CFR 1205.5) except that the system stops the engine and requires a manual restart of the engine shall be considered in compliance with such requirements if the engine starting controls for the lawn mower are located within twenty-four inches from the top of the mower's handles or the mower has a protective foot shield which extends three hundred and sixty degrees around the mower housing. The Consumer Product Safety Act shall not apply with respect to the promulgation of the amendment prescribed by this subsection.

(b) The Commission shall conduct a study of the effect on consumers of the amendment prescribed by subsection (a) and shall report the results of such study two years after the date the standard, as amended in accordance with subsection (a), takes effect. The Commission may not amend the amendment prescribed by subsection (a) before the report is filed under this subsection.

The amendment directed by subsection (a) allows mowers with only manual starting controls to stop the blade, after release of the handle, by stopping the engine, provided the starting controls are within 24 inches of the top of the mower's handle or the mower has a protective foot shield which extends 360° around the mower housing. These latter conditions are apparently intended to ensure that the operator will not be able to contact the blade with his or her foot while starting the engine. Electric mowers and mowers with power restart mechanisms are not manually started mowers. See § 1205.3(a)(7).

The statute directing these amendments also provides that the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) shall not apply to the promulgation of the amendments. Therefore, the procedures of sections 7 and 9 of the act need not be followed and the findings required by these sections need not be made.

On September 9, 1981, the Commission published a **Federal Register** notice proposing the amendments described above (46 FR 44992). In making these amendments, the Commission is merely carrying out the congressional directive and did not make findings concerning the desirability or effectiveness of the directed amendments. For this reason, and as noted in the Conferees' report on the legislation (H.R. Rep. 97–208, 97th Cong., 1st Sess. 888), the scope of public comment on the proposal of these amendments was limited to whether the Commission accurately implemented the congressional direction to amend the standard or what the best way to accomplish this goal might be.

Amendments to the Standard

In issuing the final amendments, the Commission has made no change in the amendments that were proposed. The ways in which the Commission is amending the standard in order to achieve these congressional-directed changes are explained below.

The basic amendment mandated by Congress is incorporated in an amendment to § 1205.5(a)(1)(iv). Since some mowers have intermediate handle support portions that are higher than the

handle gripped by the operator, a definition of "top of the mower's handles" is provided in § 1205.3(a) to clarify that the "handle" is what is gripped by the operator in normal operation.

Originally, § 1205.5(c) required that mowers whose blades begin operation when the power source starts must have their normal starting control within 15 inches of the rearmost portion of the handle. The congressionally-directed amendments have the effect of eliminating this requirement for manual start/engine-kill mowers which have a 360 degree protective foot shield. These amendments also change the original requirement as it applied to manual start/engine-kill mowers without 360 degree foot shields, so that now their starting controls need only be within 24 inches of the top of the handle. The only known types of mowers to which the original requirement would still apply will be power restart/engine-kill mowers and electrically powered mowers whose blades begin operation when the power source starts.

The language of the statutory direction to amend the standard to allow manual restart/engine-kill mowers that have a 360 degree protective foot shield around the mower's housing does not specify the features that such a shield should include. However, since the original standard contains requirements that the rear 120 degrees of the mower contain shielding to protect the foot and that this shielding meet stated performance requirements, the Commission believes that Congress intended that mowers using a 360 degree protective foot shield to comply with the standard would use shields around the entire periphery of the mower capable of passing the same performance requirements.

Therefore, if a manufacturer uses the 360 degree foot shield feature to make a complying manual restart/engine-kill mower, the current requirements of § 1205.4 of the standard that are applicable to foot shields within the rear 120 degrees of the mower would also apply to the remainder of the periphery of the mower. These would include the shield strength requirement of § 1205.4(a)(2) and the requirements of the obstruction test of § 1205.4(a)(3). The foot probe test of § 1205.4(b)(1) would be applied around the entire periphery of the mower.[1] The requirement of § 1205.4(c) concerning movable shields would apply to any movable shield provided with the mower that is intended to be movable for the purpose of attaching auxiliary equipment.

The Commission believes that the amendments described above implement the congressional directive to amend the standard and that they give specific guidance on how the features allowed by the amendments could comply with the standard.

Comments on the Proposal

The Commission received 2 comments that were responsive to the September 9, 1981, proposal. One was on behalf of the Outdoor Power Equipment Institute, and the other was from Consumers Union of United States, Inc. Both of these comments indicated that the proposed amendments accurately implement the congressional directive, and they recommend no changes to the standard. After considering these comments, the Commission decided to issue the amendments as proposed.

In addition to its comment on the proposal, Consumers Union also suggested that the Commission consider requiring a tag or label on mowers that have only manual starting controls and that stop the blade by stopping the engine. The tag or label would remind users of the importance of the blade control handle as a safety device. This suggestion for a mandatory tag or label on mowers permitted by the congressional amendment raises complex issues that are outside the scope of the proposal and need not be responded to in this notice. However, the Commission intends to discuss the possibility that industry voluntarily adopt such labeling in meetings it plans to hold with industry and consumers on how best to inform consumers of features available on mowers that comply with the standard.

Conclusion

PART 1205—SAFETY STANDARD FOR WALK-BEHIND POWER LAWN MOWERS

Therefore, for the reasons given above, the Commission amends Subpart A of Part 1205, Subchapter B, Chapter II, of Title 16 of the Code of Federal Regulations, as follows: [2]

1. The authority citation for Part 1205 is amended by adding the following at the end:

* * *; Sec. 1212, Pub. L. 97–35, 95 Stat. 357.

2. Section 1205.4 is amended by redesignating paragraph (b)(1)(ii)(A) as paragraph (b)(1)(ii)(A)(*1*), by redesignating and revising paragraph (b)(1)(ii)(B) as paragraph (b)(1)(ii)(A)(*2*) and by revising paragraph (b)(1)(ii)(B) to read as follows:

§ 1205.4 Walk-behind rotary power mower protective shields.

* * * * *

(b) * * *

(1) * * *

(ii) * * *

(A) * * *

(*2*) For a mower with a swing-over handle, the areas to be probed shall be determined as in paragraph (b)(1)(ii)(A)(*1*) of this section from both possible rear positions. (See Fig. 5.)

(B) Where a 360 degree foot protective shield is required by § 1205.5(a)(1)(iv)(B) or § 1205.5(c), the entire periphery of the mower shall be probed (including any discharge chute comprising part of the periphery).

* * * * *

3. Section 1205.3 is amended by redesignating paragraph (a)(18) as paragraph (a)(19) and adding new paragraph (a)(18) to read as follows:

§ 1205.3 Definitions.

(a)* * *

(18) "Top of the mower's handles" means the uppermost portion(s) of the handle that would be gripped by an operator in the normal operating position.

* * * * *

4. Section 1205.5 is amended by revising paragraphs (a)(1)(iv) and (c) to read as follows (note 1 below will be published in the CFR).

§ 1205.5 Walk-behind rotary power mower controls.

(a) * * *

(1) * * *

(iv) For a mower with an engine and with only manual starting controls, this blade control shall stop the blade without stopping the engine, unless

[1] This would include probing of any discharge chute accessible while performing the foot probe test around the periphery of the mower. Although the requirement for probing the discharge chute that was originally in the standard was vacated on judicial review (Southland Mower Co. vs. CPSC, 619 F.2d 499 (5th Cir. 1980)), the subsequent statutory requirement for a 360 degree foot shield requires probing of any discharge chute at the periphery of the mower.

[2] In considering the amendments described below, it should be noted that § 1205.4(b)(1)(ii)(B) was inadvertently omitted from the 1981 edition of the CFR. The amendment in paragraph 3 reflects the redesignation of § 1205.4(b)(1)(ii)(A) and deletes the previous reference to the discharge chute, which could be inaccurately interpreted as requiring the probing of a discharge chute outside the two 120 degree sectors to be probed. As to this latter aspect, refer to note 1 and 45 FR 86416; December 31, 1980. Also, in the 1981 edition of the CFR, the drawings designated at pp. 198–200 as Figs. 3, 4, and 5 are incorrect, since these figures were amended in a **Federal Register** notice published on December 31, 1980 (45 FR 86416). The correct figures are shown in the 1981 edition of the CFR as the "superseded" figures at pp. 202–203.

(A) The engine starting controls for the lawn mower are located within 24 inches from the top of the mower's handles, or

(B) The mower has a protective foot shield which extends 360 degrees around the mower housing (see § 1205.4 (b)(1)(ii)(B)).[1]

* * * * *

(C) *Starting controls location.* Walk-behind mowers with blades that begin operation when the power source starts shall have their normal starting means located within the operating control zone unless the requirements of paragraph (a)(1)(iv(A) or paragraph (a)(1)(iv)(B) of this section apply to the mowers.

Dated: October 30, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-32084 Filed 11-4-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 100 and 165

[CGD 81-084]

Safety and Security Zones

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary rules issued.

SUMMARY: Periodically the Coast Guard must issue safety and security zones for limited periods of time in limited areas. These zones are established, for example, around areas where there has been a marine casualty or when a vessel carrying a particularly hazardous cargo is transiting a restricted or congested area. The local Captain of the Port (COTP) has been delegated authority to issue these zones. The affected public is informed by means of local notice to mariners, press releases or other means. Actual notification is frequently provided by Coast Guard patrol vessels enforcing the restrictions imposed in the zone to keep the public informed of the regulatory activity.

The local COTP must be immediately responsive to the safety needs of the area. Since these events usually take place without advance notice, this precludes timely publication of notice in the **Federal Register.** Because most mariners are notified by the local notice to mariners and Coast Guard officials on scene, **Federal Register** notice is not required to place the security zone or safety zone in effect. However, the Coast Guard, by law, must publish in the **Federal Register** notice of substantive rules adopted. To discharge this legal obligation without imposing undue expense on the public, the Coast Guard publishes a periodic list of temporary security and safety zones which have been established throughout the United States. Permanent safety zones are not included in this list. Permanent zones are published in their entirety in the **Federal Register** just as any other rulemaking.

Non-major safety zones, security zones, and regatta regulations have been exempted from the OMB review requirements because of their emergency nature and temporary effectiveness.

DATES: The following list includes zones that were established between June 23, 1981 and October 29, 1981.

ADDRESS: The complete text may be examined at, and is available upon request from Executive Secretary, Marine Safety Council (G-CMC), U.S. Coast Guard Headquarters, 2100 Second St. SW., Washington, D.C. 20593.

FOR FURTHER INFORMATION CONTACT: Ens. John Williams, (202) 426-1477.

SUPPLEMENTARY INFORMATION: The following list includes zones that were established between June 23, 1981 and October 29, 1981.

Docket No.	Location	Type	Date
1. CGD 1-81-2R	Cape Cod Bay, Plymouth Bay, Massachusetts	Safety Zone	Sept. 19, 1981.
2. CGD 3-81-13-R	Hudson River, Verplanck, New York	Safety Zone	July 26, 1981.
3. CGD 3-81-14R	Liberty Island, Upper New York Bay, New York	Safety Zone	June 23, 1981.
4. CGD 7-81-04	Vicinity Bascule Bridge, Ft. Lauderdale, Florida	Safety Zone	Oct. 29, 1981.
5. CGD 8-81	Vicinity of Berwick Bay, Atchafalaya, Louisiana	Safety Zone	Sept. 6, 1981.
6. CGD 8-81	Vicinity of New Orleans, Lower Mississippi River, Louisiana	Safety Zone	Sept. 7, 1981.
7. CGD 8-81-10	Vicinity of Bayou Chene and the Atchafalaya River, Louisiana.	Safety Zone	June 12, 1981 through June 16, 1981.
8. CGD 9-81-04	1981 Coast Guard Festival, Grand Haven, Michigan	Regatta Regulation.	Aug. 1, 1981.
9. CGD 9-81-05	St. Joseph Venetian Festival, Michigan	Safety Zone	Aug. 1, 1981 through Aug. 2, 1981.
10. CGD 9-81-06	Chicago Air and Water Show, Illinois	Regatta Regulation.	July 24, 1981 through July 27, 1981.
11. CGD 9-81-07	Coral Gables Challenge Cup, Michigan	Safety Zone	Aug. 8, 1981 through Aug. 9, 1981.
12. CGD 9-81-08	L.S.C.O.R.A. Downriver Offshore Classic, Michigan	Safety Zone	Aug. 22, 1981.
13. CGD 9-81-10	Michelob Light 200 Race, Chicago, Illinois	Safety Zone	Sept. 5 1981 through Sept. 7, 1981.
14. CGD 9-81-11	Stock Outboard Marathon Nationals, Saginaw River, Michigan.	Safety Zone	Aug. 22, 1981 through Aug. 23, 1981.
15. CGD 9-81-11	Cleveland National Air Show, Ohio	Safety Zone	Sept. 5, 1981 through Sept. 7, 1981.
16. CGD 09-81-12	Eighth Annual Frostbite Regatta, Niagara River, New York	Safety Zone	Oct. 3, 1981 through Oct. 4, 1981.
17. CGD 11-81-03	San Pedro Bay and Long Beach Harbor, California	Safety Zone	Aug. 6, 1981.
18. CGD 11-81-04	San Pedro Bay and Los Angeles Harbor, California	Safety Zone	Aug. 8, 1981.
19. CGD 11-81-05	Long Beach Harbor, California	Safety Zone	Sept. 1, 1981.
20. CGD 11-81-06	Long Beach Harbor, California	Safety Zone	Sept. 10, 1981.
21. CGD 12-81-1	Diablo Canyon, California	Safety Zone	Sept. 10, 1981.

A. D. Utara,

Commander, Coast Guard Regulations Officer.

[FR Doc. 81-32162 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 115

[CGD 81-076]

Bridge Location and Clearances; Administrative Procedures Advance Approval of Bridges

AGENCY: Coast Guard, DOT.

ACTION: Final rule; revocation.

SUMMARY: The Coast Guard is amending its regulations governing the advance approval of bridge construction projects over waterways that carry only insubstantial navigation by deleting two unnecessary provisions.

EFFECTIVE DATE: This amendment is effective on December 5, 1981.

FOR FURTHER INFORMATION CONTACT: Alfred T. Meschter, Assistant Chief, Bridge Administration Division (G-NBR/24), Room 2418, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

SUPPLEMENTARY INFORMATION: The Coast Guard is authorized under a number of statutes to approve the location and plans of bridges constructed over navigable waters of the United States. Procedures governing the approval process are found in 33 CFR Part 115. Section 115.70 provides a means for advance approval to be given

[1] Paragraphs (A) and (B) of § 1205.5(a)(1)(iv), permitting mowers that stop the blade by stopping the engine but that do not have power restart, were added to the standard as directed by Sec. 1212 of the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35, 95 Stat. 357.

to bridge construction projects over reaches of waterways that are navigable in law, but not actually navigable other than by logs, log rafts, rowboats, canoes, and small motorboats. There is no need for the Coast Guard to approve the locations and plans of bridges constructed over these "advance approval" waterways. The Coast Guard merely verifies that the location in question is over a portion of a waterway that is within the advance approval category. Information on waterways that have been so identified is available from Coast Guard district offices.

Paragraph (a) of § 115.70 reflects the existence of the advance approval program and identifies the Commandant of the Coast Guard as the approving official. The advance approval concept was first developed by the U.S. Army Corps of Engineers, which identified the waterways eligible for designation. In the 14 years that it has administered the bridge laws, the Coast Guard has never designated any other advance approval waterways. Designation procedures in paragraph (b) of § 115.70 have remained unused and are therefore being deleted. Paragraph (c) of § 115.70 defines the term "small motorboat" as it is used in the section. This provision is being redesignated as paragraph (b). Paragraph (d) of § 115.70 limits advance approval designations to "routine and obvious" cases and requires specific approval of a bridge project's location and plans in instances where there is reasonable doubt whether a waterway would qualify for advance approval designation. This provision is also being deleted because the Coast Guard has not been designating advance approval waterways. New procedures for authorizing bridge construction over minor waterways are currently being considered by the Coast Guard.

Because this amendment is concerned solely with a matter of agency practice and procedure, the notice and comment requirements of 5 U.S.C. 553 do not apply. This amendment will only result in the deletion of two unnecessary provisions from the Code of Federal Regulations and will have no economic effect. It has therefore been found not to be a major rule under Executive Order 12291 or significant under the Department of Transportation's Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5), and no final evaluation has been prepared. Because no notice of proposed rulemaking is required under 5 U.S.C. 553, this action is exempt from the Regulatory Flexibility Act (94 Stat. 1164). However, the requirements of the Act have been taken into consideration, and for the reason given above, this rule will have no effect on small entities.

DRAFTING INFORMATION: The principal persons involved in drafting this amendment are Alfred T. Meschter, Project Manager, Office of Navigation, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

PART 115—BRIDGE LOCATIONS AND CLEARANCES; ADMINISTRATIVE PROCEDURES

§ 115.70 [Amended]

In consideration of the foregoing, Part 115 of Title 33, Code of Federal Regulations is amended by removing paragraphs (b) and (d) of § 115.70 and redesignating paragraph (c) of § 115.70 as paragraph (b).

(14 U.S.C. 633; 33 U.S.C. 401, 491, and 525; 49 U.S.C. 1655(g); and 49 CFR 1.46(c))

Dated: September 14, 1981.

Peter J. Rots,

Captain, U.S. Coast Guard Acting Chief, Office of Navigation.

[FR Doc. 81-32154 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 117

[CGD 78-171]

Drawbridge Operation Regulations; Gulf Intracoastal Waterways, Pinellas County, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Florida Department of Transportation, the Coast Guard is amending the regulations governing the operation of the Clearwater Memorial, Welsh Causeway, Corey Causeway, and Treasure Island Causeway drawbridges across the Gulf Intracoastal Waterway (GIWW), Pinellas County, to provide restricted periods which may assist the flow of vehicular traffic. This action may accommodate the needs of vehicular traffic while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on December 5, 1981.

FOR FURTHER INFORMATION CONTACT: Frank L.Teuton, Jr., Chief, Drawbridge Regulations Branch (G-NBR/24), Room 2418, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

SUPPLEMENTARY INFORMATION: On February 12, 1979, the Coast Guard published a proposed rule (44 FR 8903) concerning this amendment. The Commander, Seventh Coast Guard District, also published these proposals as a Public Notice dated February 16, 1979. Interested persons were given until March 16, 1979 to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Navigation, and Lt. Michael Tagg, Project Attorney, Office of the Chief Counsel.

Discussion of Comments

News media coverage, passage of various resolutions favoring regulations and the June 20, 1978 public hearing generated a great deal of public interest regarding the regulation of the Pinellas County bridges. Numerous letters were received from individuals and groups such as the Boaters Drawbridge Committee of Pinellas County. The comments seemed to be evenly distributed between the proponents and opponents of bridge regulations.

The proposal for special drawbridge regulations was published in the Federal Register (44 FR 8903) of February 12, 1979, as a Notice of Proposed Rule Making. On February 16, 1979, a Public Notice was issued to all known interested parties and published in the Local Notice to Mariners 10-79. This proposal was for openings on the hour and half-hour.

In response to the public notice, a total of 43 comments were received. Eighteen were in support of the proposed regulations and 25 were in opposition. Of the 18 letters of support, seven were from municipalities, four from civic organizations and the remaining seven were from concerned citizens. In addition to expressing general support of the proposal, several specific areas of concern were identified. Commenters felt that the regulations would help solve the traffic problems that plague the beach communities. It is hoped that in reducing the traffic problem two benefits will accrue; first, the reduction of the unnecessary waste of energy in idling vehicles; and second, a reduction in the amount of pollutants in the air.

Supporters of the proposal expressed a feeling that sailboats under power should be treated as powerboats and should be accorded no special privileges to accommodate their masts. Unrestricted bridge openings were addressed as being a special privilege. Finally, the idea of openings every 30 minutes was considered too liberal and should be reduced to once every hour.

Of the 25 letters of opposition, 20 were from concerned citizens, three were from boating organizations and one from a local business. The comments

addressed four major areas of concern. First, numerous hazards to navigation are presented by implementing regulations. These include few if any holding areas in the narrow channel of the Gulf Intracoastal Waterway, the low vertical clearance (8.7 feet at mean high water) on the Treasure Island bridge, swift moving currents making holding difficult for sailboats with relatively small auxiliary engines, and that regulations of these bridges would send more boats out of the safety of the Intracoastal Waterway into the Gulf of Mexico. Second, the regulations present an undue restriction on navigation by severely limiting the times vessels are allowed to pass, and allowing too much exclusive use time to vehicular traffic. Third, Florida has spent many years as a tourist mecca. In promoting this idea, water related activities have been a major drawing card. By continually regulating the Intracoastal Waterway bridges, tourists are being discouraged from coming to Florida. Fourth, there are several alternatives to regulations that would help with the traffic congestion problems and would be more equitable to boaters. These alternatives include the installation of VHF radiotelephone communications, the installation and use of time-sharing clocks and the placement of buoy marked zones upstream and downstream of the bridges. (The buoy zone would serve to identify to the bridge tender those vessels close enough to the bridge to pass through during a single opening).

In addressing the four areas of concern: *First:* The navigation objections have some validity. The Gulf Intracoastal Waterway is a completed federal project with a project width of 100 feet. In some locations, the waterway has shoaled and narrowed the navigable width. The major problems with holding areas is at the Treasure Island bridge. At this point, the waterway provides very narrow approaches with large amounts of unnavigable water on both sides. Vessels holding are limited to between 100 and 125 feet of horizontal clearance before they enter those areas that are not navigable. The swift currents in this area are the most treacherous at the Treasure Island Causeway bridge and the Welch Causeway. At both bridges, it is considered hazardous to cause sailboats to hold against the current for extended periods of time. Low vertical clearance on the Treasure Island Causeway bridge is a recognized fact. Due to the low clearance, it is required to open for almost all types of vessels.

The concern over forcing boaters into the Gulf of Mexico is not substantiated. It has been proposed to exempt tugboats with tows from regulation and a large number of vessels passing through these bridges are proceeding to the Southern Bays or the Gulf of Mexico for sailing, fishing, and cruising. Transient traffic, due to inexperience with the open waters, is likely to remain in the Intracoastal Waterway with the slight delays of regulations rather than risk the open water passage.

Second: The limitations of the proposed regulations were based upon an evaluation of the available statistical data, conferences with the applicant and municipalities involved, and the navigational concerns in the area. There is some validity to the objection that the regulations are unduly restrictive. Under some conditions, the transit time from the Treasure Island bridge through the Welch Causeway bridge, a distance of 3.8 miles could require one and one-half hours. Most vessels would normally require one and one-half hours to complete a trip from the Corey Causeway bridge through the Welch Causeway, a distance of 5.1 miles. This time frame is a result of delays encountered at the bridges.

Third: There appears to be little basis for the argument that regulation of these bridges will discourage tourists from traveling to Florida with their boats. Although there has been much discussion relating to this problem on the east coast of Florida, the two situations are not the same. The Atlantic Ocean provides numerous alternatives to cruising the inland waters. Those wishing to avoid bridges have the alternative of cruising to the Bahamas, Bermuda, and the Islands south in the Caribbean. The Atlantic Intracoastal Waterway (AIWW) has approximately 30 regulated bridges in Florida. The Gulf of Mexico does not provide the alternative of numerous islands within a few hours or few days sailing distance and the Gulf Intracoastal Waterway (GIWW) does not present the multitude of regulated bridges that are characteristic of the AIWW. These bridges are in a central location effecting only a relatively small portion of the GIWW. It can be argued that by regulating these bridges, tourism in the beach communities of Pinellas County is enhanced due to easier access and fewer traffic problems.

Fourth: The installation of VHF radiotelephone communications will not help to solve the problem of peak-hour usage of the subject bridges. Although their installation might be advantageous by providing an effective means of communication between bridges and vessels, the bridges would still be required to open upon demand and no solution to the current problems would be reached. At the present time, it is not within the authority of the Coast Guard to require a bridge owner to install timeclocks; this would require legislative action.

Currently, the Florida Department of Transportation considers the cost of installing timeclocks prohibitive. Their current estimate for installation is $30,000 per bridge. A zone marked by buoys on both sides of each of the bridges might provide an equitable solution. The Coast Guard does not currently have the funds to establish and maintain such a buoy system at these bridges and the state is not willing to absorb these costs.

After a thorough review of the objections, the Coast Guard found that those based on navigational hazards and the regulations being unduly restrictive had some validity. We were unable to resolve these objections to our satisfaction. Although there were valid objections, it was felt that the necessity for regulations existed on these bridges. In an effort to obtain further information to be used in resolving objections the Coast Guard advised the Florida Department of Transportation on 10 April 1980 that temporary special regulations would be placed on the bridges.

The Commander, Seventh Coast Guard District, established special temporary drawbridge regulations on the Clearwater Memorial Drawbridge, Welch Causeway Drawbridge, Treasure Island Causeway Drawbrige, and the Corey Causeway Drawbridge to ascertain their effect and workability. Temporary regulations were advertised by a public notice dated 11 April 1980 and published in Local Notice to Mariners 16–80 which provided for openings on the hour and half-hour. A news release was issued to Associated Press, United Press, United Press International, and 11 newspapers in the Tampa-Clearwater-St. Petersburg area.

In response to the public notice, a total of 67 comments were received. Thirty-nine were in support of the proposed regulations, 26 were in opposition and three were Congressional inquiries. Of the 39 letters of support, 35 were from concerned citizens, 2 were from civic organizations, one from a municipality, and one was a petition with 2,220 signatures. In addition to voicing general support for the regulations, comments identified two specific reasons for support: First, the saving of energy by reducing the number of idling vehicles; and second, the relief of traffic congestion at the bridges.

Of the 26 letters of opposition, 22 were from concerned citizens, three were from boating organizations and one was from a commercial interest. The comments addressed two major areas of concern: One, the navigational hazards to which the mariner is exposed while waiting for bridge openings; two, the regulations unduly restrict navigation by opening only on the hour and half-hour.

Alternatives suggested by objectors included, openings every 15 minutes, openings every 20 minutes and installation of timeclocks on all bridges.

In addressing the two areas of concern:

First: Evaluating the effects of regulations on navigation there appear to be numerous hazards associated with openings every 30 minutes. Numerous reports were received regarding vessels that had run aground in the vicinity of the Treasure Island bridge. The situation at the Treasure Island bridge combines narrow navigable channels with swift currents and extremely low vertical clearances. As a result, opening the Treasure Island bridge on the hour and half-hour only creates a highly congested area. Problems in the area are compounded during summer squalls and on windy days.

The objections on navigational grounds are justified at the Treasure Island bridge. There appears to be little basis for objection at the remaining three bridges. These bridges provide vertical clearances from 23.5 feet to 25.0 feet above mean high water. As a result, much of the vessel traffic required to wait at the Treasure Island bridge can proceed under these bridges. Additionally, the currents are not as strong, the holding areas are larger and there is room to anchor. On this basis, navigational objections at the Clearwater Memorial bridge, Welch Causeway bridge, and Corey Causeway bridge are not considered justified.

Second: The evaluation of the data gathered during the period of temporary regulations showed occasions when 8 to 12 vessels were waiting at the Clearwater Memorial and Corey Causeway bridges for a single opening. For this number of vessels to transit a bridge requires that bridge remain open from two to three minutes longer than a normal passage of one to four vessels. Depending on the bridge and time of day, these longer openings can delay an average of 50 additional vehicles per minute.

To require this number of vessels to routinely wait for bridge openings is considered unduly restrictive to navigation on the Clearwater Memorial and Corey Causeway bridges. Although the total number of vessels that pass through the bridges averages out to a reasonable number of vessels per opening, the vessel flow is not even due to weather and currents.

The heavy vessel backup at the Corey and Clearwater bridges is reflective of an undue restriction on the free flow of navigation.

The alternatives provided by objectors to the temporary regulations provide solutions to the problems faced by mariners at the four bridges. The cost of installing time clocks on the bridges remains prohibitive in the eyes of the Florida Department of Transportation. The alternative of opening every quarter-hour does provide a solution to the navigational problems at the Treasure Island bridge. The longest that a vessel would be required to wait would be 14 minutes with an average wait of about 10 minutes. The shortened holding time means fewer vessels in a confined area and a greatly reduced time to hold against the wind and currents.

Opening the Clearwater Memorial and Corey Causeway bridges every quarter-hour is considered to be excessive to the needs of navigation; however, opening the bridge every 20 minutes will meet the needs of navigation while still helping to alleviate the traffic problems on these bridges. For the ease of vessel passage on the waterway, it is advantageous for the Welch Causeway bridge to open every 20 minutes, in conjunction with the Clearwater Memorial and Corey Causeway bridges.

Due to objections to 20-minute intervals received from the City of Clearwater, the Clearwater Memorial Causeway was placed on temporary regulations from 13 May 1981 through 27 May 1981. This was done to evaluate the impact on traffic of opening the bridge every 20 minutes. Based on an on-site investigation and traffic flow information, it has been determined that openings at 20-minute intervals on weekends and legal holidays from 2 p.m. to 6 p.m. are not in the best public interest.

A review of the proposed regulations, the justifying data and the navigational considerations showed that restrictions are not advantageous to the mariner past 6 p.m. at any time. During winter months, darkness occurs at approximately 6 p.m. and to require vessels to hold in the waterway during hours of darkness is considered by the Coast Guard to be hazardous to prudent navigation.

These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5/22/80). An economic evaluation has not been conducted since its impact is expected to be minimal.

In accordance with § 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities.

These regulations will be reviewed at a later date to determine their effect on navigation and vehicular traffic.

Part 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.466 to read as follows:

§ 117.466 Gulf Intracoastal Waterway (GIWW), Pinellas County, FL.

(a) Clearwater Harbor, GIWW, mile 136.0, Clearwater Memorial Causeway, S.R. 60, Clearwater, Florida. From 9 a.m. to 6 p.m., the draw need not open except on the hour, 20 minutes past the hour, and 40 minutes past the hour to allow any accumulated vessels to pass. From 2 p.m. to 6 p.m. Saturdays, Sundays, and legal holidays, the draw need open only on the hour and half-hour to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(b) Boca Ciega Bay, GIWW, mile 122.8, Welch Causeway bridge, S.R. 699, Madiera Beach, Florida. From 9:30 a.m. to 6 p.m., on Saturdays, Sundays, and legal holidays, the draw need not open except on the hour, 20 minutes after the hour and 40 minutes after the hour, to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(c) Boca Ciega Bay, GIWW, mile 117.7, Corey Causeway bridge, S.R. 693, South Pasadena, Florida. From 8 a.m. to 7 p.m., Monday through Friday, and 10 a.m. to 7 p.m., Saturdays, Sundays, and legal holidays, the draw need not open except on the hour, 20 minutes after the hour, and 40 minutes after the hour, to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(d) Boca Ciega Bay, GIWW, mile 119.0, Treasure Island Causeway bridge, Central Avenue, Treasure Island, Florida. From 3 p.m. to 6 p.m., Monday through Friday, and from 11 a.m. to 6 p.m., Saturdays, Sundays, and legal holidays, the draws need not open except on the hour, quarter-hour, half-

hour, and three-quarter hour, to allow any accumulated vessels to pass. At all other times, the draw shall open on signal.

(e) The draws of these bridges shall open at any time for the passage of public vessels of the United States, tugs with tows, and vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, other sound producing device, or by shouting.

(f) The owner of or agency controlling the bridges shall post notices containing the substance of these regulations both upstream and downstream, on the bridges or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Dated: September 24, 1981.

R. A. Bauman,

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation.

[FR Doc. 81-32153 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-1975-6]

Approval and Promulgation of Implementation Plans; Receipt of Inventories To Meet Massachusetts Conditions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of receipt of submittal to satisfy conditions of plan approval.

SUMMARY: The purpose of this Notice is to announce the receipt of State Implementation Plan (SIP) revisions for Massachusetts. The revisions were submitted on September 3, 1981, to satisfy conditions of EPA's approval of Massachusetts' Attainment Plan SIP revisions, which were required under Part D of the Clean Air Act. EPA's rulemaking enumerating the conditions was published on September 16, 1980 (45 FR 61293).

DATES: See Supplementary Information.

ADDRESSES: Copies of the Massachusetts submittal are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460; and the Division of Air Pollution Control, 8th Floor, One Winter Street, Boston, Massachusetts 02110.

FOR FURTHER INFORMATION CONTACT: Cynthia Greene, Air Branch, Region I, Room 1903, JFK Building, Boston, Massachusetts 02203, (617) 223-5630.

SUPPLEMENTARY INFORMATION: EPA published a Final Rulemaking Notice in the **Federal Register** on September 16, 1980 (45 FR 61293), conditionally approving Massachusetts' Attainment Plan SIP revisions submitted on December 31, 1978 and May 16, 1979. The revisions were submitted to comply with the requirements of Part D of the Clean Air Act by implementing new measures for controlling air pollution which are designed to achieve attainment of the primary and secondary National Ambient Air Quality Standards by December 31, 1982. EPA's conditional approval was based on a commitment by the state to meet several conditions. One specified that by December 1, 1980 the state must submit a stationary source inventory including sources emitting under 100 tons per year. Another condition required submission of a comprehensive mobile source inventory.

Massachusetts has submitted these revisions, and EPA is presently reviewing the state's submittals to determine compliance with Clean Air Act requirements. The Agency intends to publish a Final Rulemaking Notice in the **Federal Register** by February 28, 1982. The conditional approval of Massachusetts' attainment plan is continued pending EPA's final action on the September 3, 1981 submittal.

Dated: October 16, 1981.

Lester A. Sutton,

Regional Administrator.

[FR Doc. 81-32181 Filed 11-4-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 52

[A-10-FRL 1958-8]

Approval and Promulgation of Implementation Plans; Revision to Oregon Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The purpose of this notice is to delete all of EPA's conditions of approval published June 24, 1980 (45 FR 42265) on portions of Oregon's State Implementation Plan (SIP). The SIP was submitted on June 20, 1979 to satisfy Part D (Plan Requirements for Nonattainment Areas) of the Clean Air Act as amended in 1977 (hereafter referred to as the Act) (42 U.S.C. 1857 et seq.).

EFFECTIVE DATE: November 5, 1981.

ADDRESSES: Copies of materials submitted to EPA may be examined during normal business hours at:

Central Docket Section (10A-79-2), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Oregon, Department of Environmental Quality, 522 S.W. Fifth, Yeon Building, Portland, Oregon 97207

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

FOR FURTHER INFORMATION CONTACT: Clark Gaulding, Air Programs Branch, M/S 629, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101; Telephone No. (206) 442-1275, (FTS) 399-1275.

SUPPLEMENTARY INFORMATION: On September 8, October 16, December 5 and December 19, 1980 the Department of Environmental Quality (DEQ) submitted SIP revisions to satisfy all the conditions of approval published by EPA on June 24, 1980 (45 FR 42265). On April 28, 1981 (46 FR 23770) EPA proposed to approve the revisions submitted as satisfying the conditions of approval and requested comments.

The proposed rulemaking provided several clarifications as to how the submitted materials satisfied the conditions of approval. Since no comments were received on the proposed rulemaking, EPA is now taking final approval action on the same basis as set forth in Section II of the April 28, 1981 Notice of Proposed Rulemaking with the following additional clarification:

Conditions 2 and 5—DEQ was to submit approvable source test procedures for Volatile Organic Compounds (VOC) sources in the Salem/Portland and Medford/Ashland areas. In the proposed rulemaking EPA indicated that DEQ had submitted its source test manual for VOC sources, that it was substantially approvable and that any remaining improvements in the manual could be the subject of further negotiation with DEQ.

DEQ submitted additional revisions to their source test procedures on May 29, 1981. All corrections requested by EPA were made. EPA is approving these source test rule procedures. However, DEQ inadvertently omitted reference in the rule to test method 24 for determining volatile matter content, water content, density, volume solids

and weight solids of surface coatings. DEQ and EPA have agreed that DEQ test method 24 will be used in conjunction with DEQ method 25 until the rule is revised to refer to method 24.

Additionally, OAR 340-22-107(1) requires proof of compliance to be determined "in most cases," by methods described in the source test manual. DEQ provided assurance that this section is intended to allow determination of compliance at 1200 gasoline service stations by observing whether specific emission control equipment, selected from an approved list on file at DEQ, is in place and operating properly. EPA and DEQ agreed that this interpretation adequately explains the operation of the phrase in question.

Conditions 7 and 8—The Oregon new source review (NSR) regulations (OAR-340-22-190 through 197) are to be modified to include an adopted emission offset program. Also, the Oregon NSR regulation (OAR 340-22-192(3)) governing multiple sources under single ownership is to be modified to require that other sources owned by the company applying for the permit be in compliance "with all applicable emission limitations and standards under the Act."

As noted in the proposed rulemaking, Oregon's draft revised NSR regulations would satisfy these two conditions. On August 28, the State adopted the proposed revisions, which corrected the SIP to meet the requirements of Section 173 of the Act. These corrections to the NSR procedure were submitted to EPA on September 9, 1981. Therefore, EPA considers conditions 7 and 8 satisfied.

EPA finds that good cause exists for making the action taken in this notice immediately effective for the following reasons: (1) implementation plan revisions are already in effect under State law and EPA approval poses no additional regulatory burden, and (2) EPA has a responsibility under the Clean Air Act to take final action on the portion of the SIP which addresses Part D regulations by July 1, 1979 or as soon thereafter as possible.

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

Pursuant to the provisions of 5 U.S.C. 605(b), I certify that the SIP approvals under 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of regulatory impact analysis. This regulation is not major because EPA is approving an action taken by the State and, therefore, not establishing new requirements.

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

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart MM—Oregon

1. In Section 52.1970, paragraph (c)(36) is added as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(36) On September 8, October 16, December 5, December 19, 1980, May 29, 1981 and September 9, 1981, DEQ submitted revisions to the SIP designed to satisfy the conditions of approval published by EPA on June 24, 1980 (45 FR 42265).

2. Section 52.1982 is revised as follows:

§ 52.1982 Control strategy: Ozone.

(a) Part D—Approval. (1) The Salem/Portland and Medford/Ashland area attainment plans are approved as satisfying Part D requirements with the following clarification as to their implementation:

(i) DEQ source test method 24 will be used in conjunction with method 25 for determining compliance of surface coating operations.

(ii) The phrase "in most cases" in rule OAR 340-22-107(1) applies to approximately 1,200 gasoline service stations where compliance is determined by observing whether specific emission control equipment, selected from a specific list on file at DEQ, is in place and operating properly.

3. Section 52.1985 is revised as follows:

§ 52.1985 Rules and regulations.

(a) Part D—Approval

(1) The paper coating rule is RACT. Due to enforceability questions introduced by the last sentence of OAR 340-22-170(5) EPA is approving this rule with the exception of the last sentence.

Dated: October 30, 1981.

Anne M. Gorsuch,

Administrator.

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

[FR Doc. 81-32137 Filed 11-4-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL-1953-6]

Approval and Promulgation of Implementation Plans; Georgia: Lead Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: As required by section 110 of the Clean Air Act and the October 5, 1978 promulgation of a National Ambient Air Quality Standard for Lead (43 FR 46246), the State of Georgia has submitted for approval to EPA a State Implementation Plan (SIP) for lead. The lead SIP provides for the attainment of the National Ambient Air Quality Standard (NAAQS) for lead in all areas of the State. EPA hereby approves the SIP. Copies of the SIP are available to the public as noted below. This action will be effective January 4, 1982 unless notice is received within 30 days that someone wishes to submit adverse or critical comments.

DATE: This action is effective January 4, 1982.

ADDRESSES: Written comments should be addressed to Barry Gilbert of EPA Region IV's Air Programs Branch (see EPA Region IV address below). Copies of the material submitted by Georgia may be examined during normal business hours at the following locations:

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

Georgia Department of Natural Resources, Environmental Protection Division, 270 Washington Street SW., Atlanta, Georgia 30334

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

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

FOR FURTHER INFORMATION CONTACT: Barry Gilbert at the EPA Region IV address above or call 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On October 5, 1978, National Ambient Air Quality Standards (NAAQS) for lead were promulgated by the Environmental Protection Agency (EPA) (43 FR 46246). As required by section 110(a)(1) of the Clean Air Act (the Act), within nine months after promulgation of a NAAQS each State is required to submit a State implementation plan (SIP) which provides for implementation, maintenance, and enforcement of the primary and secondary NAAQS within the State. The State of Georgia has developed and submitted a SIP for the attainment of the lead NAAQS. The plan includes a strategy for attainment of the lead NAAQS in all parts of the State and shows attainment of the NAAQS by October 31, 1982.

The basic requirements for a SIP in general are outlined in section 110(a)(2) of the Clean Air Act and EPA regulations at 40 CFR Part 51, Subpart B. Specific requirements for developing a SIP for lead concerning lead air quality data, emission inventory for lead, control strategies for lead, etc., are outlined in 40 CFR Part 51, Subpart E.

On December 18, 1980, the Georgia Environmental Protection Division (EPD) submitted the Georgia lead SIP to EPA for approval. The major elements of the SIP include: a summary of measured air quality data from 1974 to present, a base-year emission inventory for stationary and mobile sources, control strategies showing reductions in lead emissions from stationary and mobile sources, calculations of projected ambient air lead concentrations in areas that have shown exceedances of the standard, and provisions for the review of new and modified sources of lead emissions.

EPA also finds that the State's approved SIP for the other criteria pollutants contains regulations satisfying other general SIP requirements which have not received specific mention in this notice. EPA finds that these regulations can be incorporated into the State's lead SIP. Therefore, EPA approves the lead plan as satisfying all of the requirements in section 110(a)(2) of the Act and 40 CFR Part 51, Subpart B.

Action: EPA today approves the Georgia lead SIP. This is being done without prior proposal because the SIP is noncontroversial, being based on accepted procedures, has limited impact, and no comments are expected. The public should be advised that this action will be effective January 4, 1982. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and subsequent notices will be published before the effective date. The subsequent notices will withdraw the final action and begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this revision is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before January 4, 1982. Under section 307(b)(2) of the Clean Air Act, the requirments which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Note.—Pursuant to the provisions of 5 U.S.C 605(b) I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only demonstrates that the lead NAAQS can be attained by the statutory deadline. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it imposes no new burden on sources.

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

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

(Section 110 of the Clean Air Act (42 U.S.C.7410)).

Dated: October 30, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart L—Georgia

In § 52.570, (c) is amended by adding paragraph (25) to read as follows:

§ 52.570 Identification of plan.

* * * * *

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

* * * * *

(25) Georgia lead SIP submitted on December 18, 1980, by the Georgia Department of Natural Resources.

[FR Doc. 81-32138 Filed 11-4-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A5-FRL 1954-6]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On March 27, 1980 (45 FR 20431) EPA proposed rulemaking actions on numerous revisions submitted by Indiana to the Indiana state implementation plan (SIP). EPA is today taking action on two of these proposed revisions. One of these revisions relates to the total suspended particulate (TSP) emission limits for Knauf Fiberglass in Shelby County; the other revision involves the general definition section of the Indiana regulations. Since submission of these regulations, Indiana has recodified them as 325 IAC 11-4 (Knauf Fiberglass) and 325 IAC 1.1-1 (general definitions) and has resubmitted them. Today's rulemaking approves as revisions to Indiana's SIP both the Knauf emission limits, 325 IAC 11-4, and the general definition regulation, 325 IAC 1.1-1. It takes no action on the definition of "State Implementation Plan (SIP)", 325 IAC 1.1-1-82.

EFFECTIVE DATE: This final rulemaking becomes effective December 7, 1981.

ADDRESSES: Copies of the SIP revision, public comments on the Notice of Proposed Rulemaking and other materials relating to this rulemaking are available for inspection at the following addresses. (It is recommended that you telephone the contact given below before visiting the Region V Office).

Environmental Protection agency, Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, Illinois 60604

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

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

Indiana Air Pollution Control Division, Indiana State Board of Health, 1330

West Michigan Street, Indianapolis, Indiana 46206.

FOR FURTHER INFORMATION CONTACT: Robert B. Miller, Air Programs Branch, USEPA, Region V, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: On June 26, 1979, Indiana submitted to EPA new emission limits for Knauf Fiberglass in Shelby County, Indiana. This revision relaxes the TSP emission limits from approximately 0.10 grains per dry standard cubic foot per minute (gr/DSCFM) to 0.25 gr/DSCFM for emissions from the "Superfine" furnace process on lines 203, 204 and 205. Additionally, it relaxes emission limits on the forming process for these same lines from 0.021 gr/DSCFM to 0.025 gr/DSCFM. Shelby County is designated as attainment for TSP (40 CFR 81.315).

On March 27, 1980 (45 FR 20431) EPA proposed to approve this revision if the State submitted technical support which demonstrated that the revision emission limits will attain and maintain the national ambient air quality standards (NAAQS) and protect the applicable prevention of significant deterioration (PSD) increments. The State had submitted information on November 21, 1979 which upon review demonstrated that the standards and increments would be protected if the SIP revision were approved. No adverse comments were received concerning approval of the revision. The State recodified these emission limits and submitted them on October 6, 1980 as 325 IAC 11-4 and 11-4 Appendix A. EPA is today approving 325 IAC 11-4 and 11-4 Appendix A because the State has demonstrated that the NAAQS and PSD increments are still protected with this relaxation.

Another portion of the June 26, 1979 SIP submittal was the general definition section which was submitted as APC-1. EPA proposed on March 27, 1980 to approve these definitions with the following reservations:

1. EPA required that the definition of "positive net air quality benefit" be revised to clarify that a source could not claim offset credits by bringing an existing source into compliance with applicable emission limits.

2. EPA requested the State to delete the potentially harmful chemicals methyl chloroform and methylene chloride from the definition of "Nonphotochemcially Reactive Hydrocarbons." EPA stated, however, that it would approve the definition even if these compounds were not deleted.

3. EPA expressed concern that the regulation defining "State Implementation Plan" was confusing and recommended that the definition be clarified to indicate that in order to be a part of the SIP, all State actions must additionally be approved by the EPA.

The State responded on June 25, 1980 that:

1. It would modify the definition of "positive net air quality benefit."

2. It planned to keep the compounds methyl chloride and methylene chloride defined as "nonphotochemically reactive." The State maintained that if these compounds should be controlled, they should be controlled because they are hazardous substances and not by arbitrarily defining them to be photochemically reactive.

3. It declined to insert the phrase "federally-approved" in the definition of "state implementation plan". It noted, however, that its permit regulation, APC-19, requires the State to submit all operating permits to EPA as SIP revisions.

No other comments were received on these definitions. On October 6, 1980, Indiana submitted a recodified version of APC-1. The new codification is 325 IAC 1.1-1.

Discussion

1. On January 21, 1981, Indiana submitted a revised definition of "Positive Net Air Quality Benefit." This revised definition now includes the sentence: "However, in no event will credit for positive net air quality benefit be given for sources which merely achieve compliance with the applicable allowable emission limits by reducing actual emissions to said allowable limits." The revised definition of "Positive Net Air Quality Benefit" satisfies the objections which EPA raised in its March 27, 1980 proposal. Therefore, EPA is approving this definition.

2. Although the State did not exclude methylene chloride or methyl chloride from the list of compounds in the definition for "nonphotochemically reactive," EPA is approving the State's definitions as it proposed to do on March 27, 1980. EPA cautions Indiana sources, however, that there may be future regulatory action to control these compounds. EPA's policy in this matter was stated in the May 16, 1980 **Federal Register** (45 FR 32424).

3. Section 110(d) of the Clean Air Act defines state implementation plan as "the implementation plan, or most recent revision thereof, which has been approved under subsection (a), or promulgated under subsection (c), and which implements the requirements of this section." Indiana defines a state implementation plan as that which the Indiana Air Pollution Control Division administers. However, a definition of "state implementation plan" is not a required element of a plan under Section 110(a); thus, how the State defines state implementation plan has no bearing on the approvability of the SIP. Therefore, EPA will take no action on the State's definition of "state implementation plan." For Federal purposes, EPA will enforce the Indiana state implementation plan on the basis of its definition in Section 110(c), in other words, the plan as approved by the EPA. To prevent confusion, EPA recommends that the State change its definition so that it comports with Section 110(d) of the Clean Air Act. EPA is approving the remainder of the definitions.

Finally, on August 7, 1980 (45 FR 52675), EPA redefined certain terms to comport with the decision of the U.S. Court of Appeals for the D.C. Circuit in *Alabama Power Company* v. *Costle*, 606 F.2d, 1068 (1979). Certain of the definitions contained in 325 IAC 1.1-1 are inconsistent with EPA's most recent definitions. As discussed in EPA's recent approval of Indiana's new source review (NSR) regulations, Indiana is currently revising its NSR regulations (including offsets, prevention of significant deterioration, and bubbles) to be consistent with EPA's most recent requirements. In these revised regulations it is including those revised definitions which are specific to the new source review program. EPA will rulemake on these revised regulations, including definitions, upon their submittal. However, its present definitions meet the requirements of the Clean Air Act for purposes other than new source review. Therefore, EPA is today approving, with the exception of the definition of state implementation plan, Indiana's general definition regulation, 325 IAC 1.1-1, for use with the Indiana regulations.

The measures promulgated today will be in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations for any source will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations or if it chooses, challenging the new regulations. In some instances, the present emission control regulations contained in the federally-approved SIP are different from the regulations currently being enforced by the State. In these situations, the present federally-approved SIP will remain applicable and enforceable until there is compliance with the newly promulgated and federally-approved regulations. Failure

of a source to meet applicable pre-existing regulations will result in appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability of the new regulations, because of a court order or for any other reason, the pre-existing regulations will be applicable and enforceable.

The only exception to this rule is in cases where there is a conflict between the requirements of the new regulations and the requirements of the existing regulations such that it would be impossible for a source to comply with the pre-existing SIP while moving toward compliance with the new regulations. In these situations, the State may exempt a source from compliance with the preexisting regulations. Any exemption granted will be reviewed and acted on by EPA.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. These regulations are not major because they only approve State actions and do not impose any additional requirements in and of themselves.

EPA's action was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

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

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

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 7410))

Dated: October 30, 1981.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart P—Indiana

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

Section 52.770 is amended by adding paragraphs (c) (25) and (26) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(25) On June 26, 1979 the Governor submitted revised emission limits for Knauf Fiberglass, Shelby County. Additional information was submitted by November 21, 1979. The emission limitations were recodified as 325 IAC 11–4 and 11–4 Appendix A and were resubmitted on October 6, 1980.

(26) On June 26, 1979 the Governor submitted Indiana's definition regulation, APC–1. The definitions were recodified as 325 IAC 1.1–1 and resubmitted on October 6, 1980. On January 21, 1981 Indiana submitted a revised definition for "positive net air quality benefit." EPA is taking no action on 325 IAC 1.1–1–82, definition of "State Implementation Plan (SIP)."

[FR Doc. 81–32139 Filed 11–4–81; 8:45 am]

BILLING CODE 6560–38–M

40 CFR Part 65

[EN–5–FRL 1941–3]

Delayed Compliance Order for the Andersons; Grain Ship Loadout Spouts, Toledo, Ohio

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA issues a Delayed Compliance Order to The Andersons. The Order requires The Andersons to bring its grain ship loadout spouts at Toledo, Ohio into compliance with Regulations AP–3–07, AP–3–08 and AP–3–12 parts of the federally approved Ohio State Implementation Plan (SIP). The Andersons compliance with the Order will preclude suits under section 113 of the Clean Air Act (Act) and from citizen enforcement action under section 304 of the Act for violations of the SIP regulations covered in the Order during the period the Order is in effect and the source is complying with its terms.

DATE: This rule takes effect November 5, 1981.

FOR FURTHER INFORMATION CONTACT: Pamela Rekar, Attorney, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, telephone (312) 886–6857.

SUPPLEMENTARY INFORMATION: On July 17, 1981 the Acting Regional Administrator of U.S. EPA's Region V Office published in the **Federal Register** a notice setting out the provisions of a proposed Federal Delayed Compliance Order for The Andersons. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. Copies of the comment received on the proposed rulemaking are available upon request.

Therefore, a Delayed Compliance Order effective this date is issued to The Andersons by the Administrator of U.S. EPA pursuant to the authority of section 113(d) of the Act, 42 U.S.C. 7413(d). The Order places The Andersons on a schedule to bring its ship loadout spouts at Toledo, Ohio into compliance as expeditiously as practicable with Regulations AP–3–07, AP–3–08 and AP–3–12, as approved by U.S. EPA on April 15, 1974, 39 FR 13542, 40 CFR 52.1873. The Andersons is unable to immediately comply with these regulations. The Order also imposes interim requirements which meet sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit The Andersons to delay compliance with the SIP regulations covered by the Order until April 15, 1982.

Compliance with the Order by The Andersons will preclude Federal enforcement action under section 113 of the Act for violations of the SIP regulations covered by the Order. Citizen suits under section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulations covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that The Andersons is in violation of a requirement contained in the Order, one or more of the actions required by section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice (November 5, 1981) because of the need to immediately place The Andersons on a schedule for compliance with the Ohio State Implementation Plan.

(42 U.S.C. sections 7413(d), 7601)

Dated: November 1, 1981.

Anne M. Gorsuch,

Administrator.

In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By amending the table in § 65.400 by adding the following entry in alphabetical sequence to read as follows:

§ 65.400 Federal Delayed Compliance Orders issued under section 113(d) (1), (3) and (4) of the Act.

Source	Location	Order No.	Dated of FR proposal	SIP regulation involved	Final compliance date
*	*	*	*	*	*
The Andersons	Toledo, Ohio	EPA-5-81-A(d)-11.	July 17, 1981	AP-3-07, AP-3-08, AP-3-12	April 15, 1982.
*	*	*	*	*	*

[FR Doc. 81-32141 Filed 11-4-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 180

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Atrazine Residues

CFR Correction

In the July 1, 1981 revision of Title 40, Parts 150–189 of the Code of Federal Regulations, § 180.220(a) appears incorrectly. In § 180.220(a) on pp. 211–212 the four commodity entries shown below should be deleted and inserted in paragraph (b) under "Grass, range . . . 4".

Commodity	Parts per million
Proso millet, fodder	5
Proso millet, forage	5
Proso millet, grain	0.25
Proso millet, straw	5

BILLING CODE 1505-01-M

40 CFR Part 180

[PP 0E2411/0E2412/R355; PH-FRL-1976-6]

Chlorpyrifos; Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on Chinese cabbage at 2 parts per million (ppm), turnips (greens) at 1 ppm, and turnips (roots) at 3 ppm. The rule was requested by the Interregional Research Project No. 4 (IR-4). This rule establishes the maximum permissible level for residues of chlorpyrifos in or on the commodities.

EFFECTIVE DATE: Effective on November 5, 1981.

ADDRESS: Written objections may 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: Donald Stubbs, Rm. 502B, CM#2, Office of Pesticide Programs, Registration Division (TS-767), Environmental Protection Agency, 401 M St. SW., Washington, DC 20460, telephone (703) 557-1123.

SUPPLEMENTARY INFORMATION: EPA issued a notice published in the **Federal Register** of August 19, 1981 (46 FR 42089) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, PO Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petitions numbers 0E2411 and 0E2412 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Colorado, Idaho, Michigan, New York, Oregon, Utah, Washington, and Wisconsin (0E2411) and Massachusetts (0E2412).

These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for the combined residues of chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities turnips (greens) at 1 ppm and turnips (roots) at 3 ppm (0E2411) and Chinese cabbage at 2 ppm (0E2412).

No comments or requests for referral were received in response to this notice of proposed rule. The data submitted in the petitions and all other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought.

It is concluded that the tolerances will protect the public health, therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before December 7, 1981, file written objections with the Hearing Clerk (A-110), EPA, Rm. M-3708, 401 M St., SW., Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective date: November 5, 1981.

(Sec. 408(e)(2), 68 Stat. 514; (21 U.S.C. 346a(e))

Dated: October 26, 1981.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

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

Therefore, 40 CFR 180.342 is amended by alphabetically inserting the raw agricultural commodities "Chinese cabbage", "turnips (roots)", and "turnips (greens)" to read as follows:

§ 180.342 Chlorpyrifos; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Cabbage, Chinese	2
* * * * *	
Turnips (greens)	1
Turnips (roots)	3
* * * * *	

[FR Doc. 81-32085 Filed 11-4-81; 8:45 am]

BILLING CODE 6560-32-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1001, 1002, and 1116

[Ex Parte 382 (Sub-1)]

Recordation of Documents

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

SUMMARY: This document adopts final rules revising 49 CFR Part 1116, *Recordation of documents.* These rules outline requirements for submission of documents to be recorded. The administrative procedure for handling the documents have also been modified slightly. The purpose of the revision is to simplify and clarify the filing requirements.

Additionally, 49 CFR 1001.1, *Records available at the Commission's Washington office,* is amended to reflect the recodification of the Interstate Commerce Act. 49 CFR 1002.2(d), *Schedule of filing fees,* is amended by adding § 1002.2 (d)(47) and (d)(48) which list the filing fees for recordation of documents.

EFFECTIVE DATE: These rules are effective November 5, 1981.

FOR FURTHER INFORMATION CONTACT: Kathleen King 202-275-0956.

SUPPLEMENTARY INFORMATION: On February 26, 1981, the Commission instituted this proceeding by issuing a notice of proposed rulemaking (46 FR 14362, February 27, 1981) to revise its rules governing the filing of documents for recordation under 49 U.S.C. 11303.

The following persons submitted comments to our proposal: The Atchison, Topeka and Santa Fe Railroad; North American Car Corporation; Cravath, Swain, and Moore; The Association of American Railroads; and two individuals, Mr. Larry Rudolph, and Mr. Alan Harrison, on their own behalf. Most of the comments generally favored the revision of these rules. Several provided specific suggestions for clarification and modification.

A. Definitions

The definition of a primary document is revised to follow more closely the language of 49 U.S.C. 11303 to avoid confusion between the definition of a recordable document under 49 U.S.C. 11303, and the proposed rules, and to recognize current industry practice of filing assignments of leases, rather than the leases themselves, as primary documents. The definition of a secondary document is amended by adding to the list of secondary documents the term "supplement," which was inadvertently omitted from the proposed rule.

B. Requirements for Submission

Several changes were made to conform to current Commission and industry practice.

We have changed the forms of acknowledgement slightly. Section 1116.3(b) is also revised to clarify the requirement for the certification of true copies of these documents by a notary, or by affidavit executed before a notary.

The language regarding the fees for submission of assignments executed *prior* to the filing of a primary document which are submitted concurrently with primary documents is clarified to show that a fee of $50 is charged for such a submission. Section 1116.3(d), which outlines the requirements for the letter of transmittal, has been revised. Specifications for the dimensions of the paper and margin size are deleted as unnecessary. A sentence is added to reflect the fact that all documents, primary or secondary, filed concurrently under the same recordation number (such as a primary document and any secondary documents filed with it), require only one letter of transmittal. Otherwise, each separately filed document must have its own letter of transmittal.

Section 1116.3(d)(2), requiring that a secondary document have a reference to the recordation number of the primary document to which it is connected, is revised to note that a secondary document filed concurrently with a primary document would not yet have a recordation number. In this situation, the letter of transmittal need not contain the recordation number of the primary document.

Some confusion seems to exist about cross indexing. Any assignment of an interest will be recorded in our indexes by adding the assignee's name to the index, and recording the assignment under the assignor's name. Cross indexing means listing this assignment of interest in the index under the name of the party to the original agreement who is not involved in the particular assignment. For example, if parties A and B enter into an agreement, this is recorded in our index under both A's name and B's name. If a should assign his or her interest to C, we would record this assignment on the index by adding C to the index and noting the interest assigned to him or her, and by noting on the index under A's name that he or she had assigned his or her interest to C. Cross indexing means that the assignment would also be reflected in the index under B's name, so that persons researching these documents are aware that B's agreement is now with C, rather than A. Such cross indexing will be made only upon request, and no additional fee will be charged for it. The language of § 1116.3(d)(3) is revised to more clearly explain the intent of cross-indexing in the recordations index.

The phrasing of the equipment descriptions in the requirements for the transmittal letter is revised as several comments noted that the language of the existing rules is a more accurate description.

As current industry practice is to have the attorney handling the matter for the parties to sign the transmittal letter, we have revised our regulations to permit this.

Finally, language in the note following paragraph (d) pertaining to mortgages and deeds of trust that cover "hereinafter acquired" equipment is amended to conform more closely to language in 49 U.S.C. 11303.

C. Administrative Procedure

A sentence is being added to paragraph (a) of § 1116.5 to show the method of assigning numbers for secondary documents. We have revised paragraph (b) of § 1116.5

D. Other Matters

Section 1001.1, Inspection of records, Records available at the Commission's Washington office, will be changed to

remove references to the old Interstate Commerce Act and replace them with the appropriate sections of recodified Subtitle IV of Title 49 of the U.S. Code.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

In our notice of proposed rulemaking, we stated that our action did not significantly affect small entities. We affirm that finding here. These regulations govern the procedure for filing and recording security interests in railroad cars, locomotives and other types of rolling stock and vessels subject to the Interstate Commerce Commission's jurisdiction. The parties to such agreements normally are railroads and financial or lending institutions. Small entities, as defined by Section 3 of the Small Business Act, small organizations and small governmental jurisdictions generally are not involved in such financial arrangements. Therefore, the Commission certifies that the regulations will not have a significant economic impact on a substantial number of small entities.

We adopt the rules set forth in the appendix. This action is taken under the authority of 5 U.S.C. 553 and 49 U.S.C. 10301, 10303.

Decided: October 23, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam. Commissioner Gresham did not participate.

Agatha L. Mergenovich,

Secretary.

Appendix

1. Title 49 CFR Chapter X Subchapter B, Part 1116, Recordation of Documents, shall be revised as follows:

PART 1116—RECORDATION OF DOCUMENTS

Sec.

Authority: 49 U.S.C. 10301 and 11303 and 5 U.S.C. 553.

§ 1116.11 Definitions and classifications of documents.

(a) A "primary document" is a mortgage (excluding those under the Ship Mortgage Act of 1920, as amended—46 U.S.C. et seq.), lease, equipment trust agreement, conditional sales agreement, assignment of a lease or leases which have not previously been filed, or other instrument evidencing the mortgage, lease, conditional sale, or bailment of one or more vessels operated subject to Interstate Commerce Commission jurisdiction, railroad cars, locomotives, or other rolling stock for a use related to interstate commerce.

(b) A "secondary document" is any assignment of rights or interest, supplement, or amendment to any primary or other secondary document. These include releases, discharges, or satisfactions, either total or partial.

§ 1116.2 To whom documents should be submitted for recordation.

Documents to be recorded shall be submitted in person or by mail addressed to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. All documents submitted by mail should clearly state "Documents for Recordation" on the envelope.

§ 1116.3 Requirements for submission.

In order to be accepted for recordation, an original of any primary or secondary document must: (a) Be in writing and executed by the parties to the document, and acknowledged or verified either in a form

(1) Authorized by the law of the state, territory, district or possession where executed for the acknowledgement or verification of deeds of land *or*

(2) Substantially as follows:

Individual Form of Acknowledgement

State of ————

County of ————, ss:

On this ———— day of ————, 19—, before me, personally appeared (name of signor), to me known to be the person described in and who executed the foregoing instrument and (s)he acknowledged that (s)he executed the same as his/her free act and deed.

[Seal]

————————————

Signature of notary public

My commission expires ————

Corporate Form of Acknowledgement

State of ————

County of ———— ss:

On this ———— day of ————, 19— before me personally appeared, (name of signor), to me personally known, who being by me duly sworn, says that (s)he is the (title of office) of (name of corporation), that the seal affixed to the foregoing instrument is the corporate seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and (s)he acknowledged that the execution of the foregoing instrument was the free act and deed of said corporation.

[Seal]

————————————

Signature of notary public

My Commission expires ————

(b) Be accompanied by at least one fully executed and acknowledged or verified counterpart, or if no counterpart has been executed and acknowledged by the parties, one certified true copy. A certified true copy of an original document is a complete and identical copy in all respects to the original, attached with a certificate executed by a notary public, stating that he or she has compared the copy with the original and has found the copy to be complete and identical in all respects to the original document. Alternatively, there may be attached to the copy affidavits, wherein the affiant states that he or she has compared the copy with the original document and found the copy to be complete and identical in all respects to the original documents.

(c) Be accompanied by a fee in the appropriate amount. For each of the primary documents described under § 1116.1(a), a fee of $50 will be assessed. For each separate secondary document described in § 1116.1(b), a fee of $10 will be assessed. However, assignments which are executed prior to the filing of the primary document and which are submitted concurrently with the primary document will be treated along with the primary document as one for fee purposes, and will be assessed a fee of $50. A lease and agreement (Philadelphia Plan) shall be similarly treated.

(d) Be accompanied by a letter of transmittal requesting the recording of the document. For a sample of a letter, see § 1116.4 Documents submitted concurrently under the same recordation number may be included in a single transmittal letter. Otherwise, each document must have its own letter of transmittal. The letter should be addressed to the Secretary and include the following information:

(1) *Type of Agreement.* (equipment trust, mortgage, assignment, etc.).

(2) *Whether document is a primary document or a secondary document* (see § 1116.1). If the document is a secondary document, it must contain the recordation number of the primary document to which it is connected, unless it is being filed concurrently with a primary document to which a recordation number has not yet been assigned.

(3) *A request for cross-indexing.* If the document is an assignment, parties may request the listing of the assignment in the index under the name(s) of parties

with continuing interest not involved in this particular assignment.

(4) *A description of the equipment covered in the document.* (i) *For railway equipment*—the type of equipment; whether locomotives, cars, or other rolling stock; with any A.A.R. mechanical designation; the number of each type; any identifying marks such as the name or initials of the lessee, mortgagee, or vendee, and the road or serial number, or if more than one for each type of equipment, the first and last inclusive numbers.

(ii) *For water carrier equipment*—whether tow boats, barges or other vessels; type of equipment; description as contained in the United States Coast Guard certificate of enrollment; number of each type of equipment; and any identifying marks such as the name or initial of the lessee, mortgagee, or vendee.

(5) Parties to the agreement, as follows:

(i) Conditional sale-vendor, purchaser, guarantor.

(ii) Mortgage—mortgagor, mortgagee, guarantor.

(iii) Equipment Trust—vendor, trustee, lessor, lessee, guarantor of lease.

(iv) Lease—lessee, lessor, guarantor.

(v) Bailment—bailor, bailee, guarantor.

(vi) Other transactions—principal debtor, trustee, guarantor, and other parties.

(6) Parties to whom original document should be returned.

(7) The amount of the enclosed fee.

(8) A short summary (1 or 2 sentences) of the type of document and a very brief description of the equipment and identifying numbers. This summary will be entered into the index as an aid to researching the encumbrances to title. (For a sample of a summary, see § 1116.4).

(9) The letter must be signed by an executive officer of one of the parties having knowledge of the matters described in the letter, or their attorney or representative in fact.

Note.—If the document is a mortgage or deed of trust which contains a "hereafter acquired" or similar clause, the following statement may be included in the letter of transmittal in lieu of the equipment description above:

"Included in the property covered by the aforesaid mortgage (or deed of trust) are (here identify generally the equipment such as "barges, tow boats, or other vessels, railroad cars, locomotives and other rolling stock") intended for use related to interstate commerce, or interests therein, owned by (name of mortgagor) at the date of said mortgage or thereafter acquired by it or its successors as owners of the water carriers or the lines of railway covered by the mortgage."

When such a mortgage or deed of trust is filed, it is not necessary to refile the document whenever additional rolling stock is acquired in order to perfect the lien of the document upon the addition of vessels or rolling stock.

§ 1116.4 Sample forms.

(a) Sample short summary for the Index.

(1) *Primary documents.* [Type of document] between [name and address of lessor, mortgagor, bailor, etc.] and [name and address of lessee, mortgagee, bailee, etc.] dated [date], and covering [briefly list amount and types of equipment].

(2) *Secondary documents.* (i) If an assignment—Assignment between [name and address of assignor] and [name and address of assignee] dated [date of assignment] and covering [list amount and types of equipment], and connected to [type of document primary document is] with Recordation No. [recordation number of the primary document if known, at time recorded].

(ii) Other secondary documents—[Type of document] to [type of primary document] with Recordation No. [Recordation number of the primary document], dated [date of amendment, supplement, release, etc.] and covering [list amount and types of equipment].

(b) *Sample Letter of Transmittal.*

[Secretary's Name] *Secretary, Interstate Commerce Commission, Washington, D.C.*

Dear Secretary: I have enclosed an original and one copy/counterpart of the document(s) described below, to be recorded pursuant to Section 11303 of Title 49 of the U.S. Code.

This document is a [mortgage, lease, equipment trust, supplement, etc.], a [primary or secondary] document, dated [date].

(If a secondary document)—The primary document to which this is connected is recorded under Recordation No. ——.

(If an assignment)—We request that this assignment be cross-indexed.

The names and addresses of the parties to the documents are as follows:

Vendor, Lessor, Mortgagor, etc: [name and address]

Vendee, Lessee, Mortgagee, etc: [name and address].

A description of the equipment covered by the document follows:

[Type of equipment, amount of each, AAR designation if any, identifying marks, road or serial numbers, etc., as outlined in 1116.3(d)(4).]

A fee of ———— is enclosed. Please return the original and any extra copies not needed by the Commission for recordation to [party to whom documents should be returned].

A short summary of the document to appear in the index follows: [a short summary as described in 1116.4(a).].

Very truly yours,

———————————

[signature of an executive officer of one of the parties, their attorney, or representative in fact.]

§ 1116.5 Administrative procedure.

(a) At the time of filing of a document with the Commission for recordation, a consecutive number will be stamped upon the original document and upon the copies or the counterparts, with the date and hour of the filing. A notation acknowledging that the document has been filed pursuant to 49 U.S.C. 11303 will be made. The original document, along with the notation, will be returned to the party named in the transmittal letter and a copy or counterpart will be retained by the Commission. For a secondary document, the number assigned will be the recordation number of the primary document plus the next available letter suffix.

(b) The Commission will maintain an index for public use as required by 49 U.S.C 11303(b). There will be an index of parties to documents recorded at the Commission in alphabetical order by the party's name. If requested by the letter of transmittal, this index will also be amended to reflect an assignment under the name of the party other than the assignor or assignee to the document. There will also be an index of documents by number, which will list secondary documents referenced to the primary ones. The indexes will contain the pertinent information furnished by the parties in the transmittal letter.

(c) The Commission cannot judge the validity of documents, nor judge the status of encumbrances to property as reflected by documents recorded at the Commission. The public is welcome to research the records or use an agent or attorney to do so, provided that Commission rules concerning handling of the documents are respected.

(d) The public should note that filing documents with the Commission is discretionary and encumbrances exist which are not on file with the Commission.

PART 1002—FEES

2. In Part 1002, § 1002.2, is amended by adding paragraphs (d)(47) and (48) to Part IV, Other Proceedings, as follows:

§ 1002.2 Filing fees.

* * * * *

(d) * * *

PART IV: OTHER PROCEEDINGS

* * * * *

(47) Filing of any primary document as defined in 49 CFR 1116.1(a) for recordation under 49 U.S.C. 11303 and 49 CFR 1116.3(c) . . . $50 per document.

(48) Filing of any secondary document as defined in 49 CFR 1116.1(b) for recordation under 49 U.S.C 11303 and 49 CFR 1116.3(c) . . . $10 per document.

PART 1001—INSPECTION OF RECORDS

3. In Part 1001, § 1001.1, *Records available at the Commission's Washington Office,* is revised to read as follows:

§ 1001.1 Records available at the Commission's Washington office.

The following specific files and records in the custody of the Secretary are available to the public under 49 U.S.C 10303 and may be inspected at the Commission's Washington office upon reasonable request during business hours between 8:30 a.m. and 5:00 p.m., Monday through Friday.

(a) Copies of tariffs, rate schedules, quotations or tenders under 49 U.S.C. 10721(b)(2); classifications, powers of attorney, concurrences, and contracts filed with the Commission pursuant to 49 U.S.C. 10762, 10764, 10765, 10766, 10721.

(b) Annual and other periodic reports filed with the Commission pursuant to 49 U.S.C. 11145.

(c) Annual and other periodic reports, maps, profiles, and other data filed with the Commission pursuant to 49 U.S.C. 10783.

(d) All docket files, including pleadings, depositions, exhibits, transcripts of testimony, recommended and proposed reports, exceptions, briefs, and reports and decisions of the Commission in any proceeding and carrier operating authorities granted in such proceedings. This does not apply to matters arising under 49 U.S.C 10928, Temporary Authority for Motor and Water Carriers, which are filed in a Regional Office until a petition for reconsideration is ripe for decision.

(e) File and index of instruments or documents recorded pursuant to 49 U.S.C 11303.

(f) ICC Manual—Administration.

[FR Doc. 81-32165 Filed 11-4-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1034

[Third Revised Service Order No. 1344]

Rerouting of Traffic; Appointment of Agents

AGENCY: Interstate Commerce Commission.

ACTION: Third revised service order No. 1344.

SUMMARY: Third Revised Service Order No. 1344 revises the appointment of agents of the Commission, vested with the authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever, in their opinion, an emergency exists whereby any railroad is unable to move traffic currently over its lines.

EFFECTIVE DATES: 12:01 a.m., November 2, 1981, continuing in effect until 11:59 p.m., May 18, 1982.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: October 30, 1981.

When, for any reason, a carrier by railroad, subject to Section 10501 of the Recodified Interstate Commerce Act, is unable to transport traffic offered, car service will be promoted in the interest of the public and the commerce of the people by the appointment of agents with authority to reroute and divert such traffic. Notice and public procedure are impracticable and contrary to the public interest, and good cause exists for making this order effective upon less than thirty days' notice.

PART 1034—ROUTING OF TRAFFIC

It is ordered.

§ 1034.1344 Rerouting of Traffic—Appointment of Agents.

(a) J. Warren McFarland, Director, and Bernard Gaillard, Associate Director, Office of Consumer Protection, Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Interstate Commerce Commission and vested with authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever, in their opinion, an emergency exists whereby any railroad is unable to move traffic currently over its lines.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(c) *Effective date.* This order shall become effective at 12:01 a.m., November 2, 1981.[1]

(d) *Expiration date.* This order shall expire 11:59 p.m., May 18, 1982, unless otherwise modified, amended or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304-10305 and 11124.

This order shall be served upon the Association of American Railroads, Transportation, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-32135 Filed 11-4-81; 8:45 am]

BILLING CODE 7035-01-M

[1] Change in agent and effective date.

Proposed Rules

Federal Register
Vol. 46, No. 214
Thursday, November 5, 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

Farmers Home Administration

7 CFR Part 1900

Appeal Procedure

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulations regarding the appeals procedure for FmHA administrative actions directly and adversely affecting persons or organizations. This revision is necessary due to the lengthy process of an appeal. The change will clarify present FmHA regulations, reduce the number of reviews held in the National Office and simplify internal reporting requirements. The proposed changes are expected to reduce the burden on the public and the FmHA administrative costs by reducing the number and complexity of FmHA administrative reviews. The intended effect of this action is to expedite the FmHA administrative appeals process while affording appellant an adequate opportunity to be heard.

DATE: Comments must be received on or before January 4, 1982.

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

FOR FURTHER INFORMATION CONTACT: The below listed persons at Farmers Home Administration, USDA, South Agriculture Building, 14th and Independence Avenue, SW, Washington, DC 20250, for:

- *Single Family Housing*—Frank Colon, Room 5347, Telephone (202) 382–1482.
- *Farmer Programs*—Ron Thelen, Room 5314, Telephone (202) 447–4669.
- *Community Programs*—John Madding, Room 6304, Telephone (202) 382–1490.
- *Multiple Family Housing*—Cliff Herron, Room 5337, Telephone (202) 382–1626.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under U.S. Department of Agriculture procedures established in Secretary's Memorandum 1512–1 which implements Executive Order 12291 and has been determined to be "nonmajor."

This proposed action has been determined "nonmajor" since the annual effect on the economy is less than $100 million and there will be no increase in costs or prices for individuals, organizations or other government agencies affected. There will be no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets since it will not affect FmHA loan eligibility requirements or loan servicing requirements. Charles W. Shuman, Administrator, has determined that this action will not have a significant economic impact on a substantial number of small entities because the changes will have little or no effect on any State or local government receiving grants from the FmHA.

The present FmHA administrative appeal process significantly increased the workload of FmHA personnel. The process also imposes lengthy delays on appellants.

In order to assist FmHA in these problem areas, a study was completed in May 1980 by Systems Services, Inc., 4340 East-West Highway, Bethesda, Maryland. Some of the major findings and recommendations were: (1) The number of reviews be reduced to no more than one in the National Office, (2) the District Directors continue to be the hearing officer in their own districts, (3) revise the adverse decision letters to strongly encourage appellant to meet informally with the initial decision maker before filing a formal appeal, and (4) maintain better records of appeals caseload.

From an informal random study of recently concluded appeal cases involving County Supervisor and County Committee adverse decisions, FmHA learned that it took an average of 5.9 months to go through the entire administrative appeal process.

The proposed changes will reduce the appeals process to not more than two steps in the field and one in the National Office.

FmHA has reviewed the proposed changes and determined that they are cost-effective since they will afford an adequate opportunity for appellants to be heard while reducing FmHA administrative costs.

The FmHA programs and projects which are affected by this regulation are subject to State and local clearinghouse review in the manner delineated in FmHA Instruction 1901–H.

This proposed change will affect all of the listed FmHA programs.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE REFERENCE LIST

CFDA No.	Program title
10.404	Emergency Loans.
10.405	Farm Labor Housing Loans and Grants.
10.406	Farm Operating Loans.
10.407	Farm Ownership Loans.
10.408	Grazing Association Loans.
10.409	Irrigation, Drainage, and Other Soil and Water Conservation Loans.
10.410	Low to Moderate Income Housing Loans (Rural Housing Loans-Section 502-Insured).
10.411	Rural Housing Site Loans (Section 523 and 524 Site Loans).
10.413	Recreation Facility Loans.
10.414	Resource Conservation and Development Loans.
10.415	Rural Rental Housing Loans.
10.416	Soil and Water Loans (SW Loans).
10.417	Very-Low-Income Housing Repair Loans and Grants.
10.418	Water and Waste Disposal Systems for Rural Communities.
10.419	Watershed Protection and Flood Prevention Loans.
10.420	Rural Self-Help Housing Technical Assistance (Section 523 Technical Assistance).
10.421	Indian Tribes and Tribal Corporation Loans.
10.422	Business and Industrial Loans.
10.423	Community Facilities Loans.
10.424	Industrial Development Grants.
10.425	Emergency Livestock Loans.
10.426	Area Development Assistance Planning Grants (Section 111).
10.427	Rural Rental Assistance Payments.
10.428	Economic Emergency Loans.
10.429	Above-Moderate Income Housing Loans (Guaranteed Rural Housing Loans).
10.430	Energy Impacted Area Development Assistance Program.
10.431	Technical and Supervisory Assistance Grants.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy

Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

It is the intention of FmHA that ongoing appeals will be handled in the following manner: where a notice of a decision has been sent to an appellant, the appeal step described in that notice will be in accordance with the existing appeal regulation. Any future steps will be in accordance with the new regulation.

The FmHA proposes to amend Subpart B of Part 1900, Chapter XVIII, Title 7, Code of Federal Regulations. This proposal incorporates the following amendments:

1. Renumbering of several sections and minor editorial changes are made to conform with the proposed amendments. Also, all dates proposed are calendar days for uniformity in time allowed for action periods.

2. Section 1900.51—The word *Purpose* has been changed to *General*. The section has been reorganized and revised to make it clear that the procedure is not one based on the Administrative Procedure Act; and, therefore, is not subject to the Equal Access to Justice Act.

3. Section 1900.52(b)—The term "directly and adversely affected" is removed from this section and inserted between the first and second sentences in § 1900.56(a) of the regulation.

4. Sections 1900.52(d) and (f)—Designation of hearing and review officers are removed from these sections and presented in chart form in added Exhibit D, to make it more easily understood.

5. Sections 1900.52(i), 1900.56(a)(4)(v), and 1900.56(c) concerning stayed decisions are deleted. Foreclosure actions will not be pursued while an appeal is being considered. No other action requires a stay to adequately protect appellants.

6. Section 1900.53(a) has been revised to include the use of Exhibit C to notify applicants and organizations of a denial of assistance based on nonappealable actions.

7. Section 1900.53(c) has been added to identify a nonappealable action when FmHA initiates foreclosure of a junior lien when a senior lienholder has initiated foreclosure action.

8. Section 1900.53(d) has been added to clarify the handling of appeals when denial of assistance is based upon both appealable and nonappealable actions.

9. Section 1900.54 concerning review of appraisals is deleted and reserved. Appraisals will be nonappealable.

10. Section 1900.55(c) concerning pre-hearing meeting between affected parties and decision maker is revised to replace the phrase "affected parties will be required to meet," with the phrase "A meeting usually will be required* * *" It also allows the decision maker to determine if a pre-hearing meeting is to be required, and to eliminate such meetings in cases involving acceleration of accounts, since at that stage it is assumed adequate discussions have been held between the servicing office and the borrower.

11. Section 1900.56 has been revised to remove items to be contained in the letter with denial of assistance to the applicant, from the body of the regulation. These items are now contained in Exhibits B–1, B–2, B–3, and B–4 of this Subpart, the use of which is mandated.

12. Section 1900.56(a)(3)—The requirement for the FmHA to provide certain information beyond the scope of FmHA programs and services is deleted.

13. Section 1900.56(a)(4)(vii) concerning acceleration notices is revised to require that the notice of acceleration include "The request for this hearing must be made within 30 calendar days from the date of this notice," and is changed to § 1900.56(a)(3).

14. Section 1900.56(d) is revised to allow a choice by applicant when an appeal is requested. At any time up to the day of the scheduled hearing, the appellant may waive the opportunity for a hearing and, instead, request the hearing officer make a decision based on the file and any written statements or evidence. This section is changed to § 1900.56(c).

15. Section 1900.56(d)(1) and (2) are revised to explain how the appeal will be handled and to arrange for the decision maker to make files available for inspection, upon request by the appellant, before they are mailed to the hearing officer. The inspection may be performed by the appellant or the appellant's representative (or legal counsel).

16. Section 1900.56(e)—This section is expanded to include "remote areas in Alaska," with those areas where a gathering of the parties involved in a hearing is not practical due to time and distances involved.

17. Section 1900.57(a)—This section has been expanded to provide for availability of FmHA witnesses requested by the appellant at the hearing. The clarification is needed as a result of several inquiries received from the field.

18. Section 1900.57(d)—This section concerning inspection of files by the appellant is deleted from the body of the Instruction and inserted in the letters to the appellant, which are Exhibits of this Subpart.

19. Section 1900.57(e)—This section concerning new evidence to be presented by FmHA at the hearing is revised to require that new evidence be presented to the appellant at least 7 calendar days, if available, rather than 3 working days before the date of the hearing.

20. Section 1900.57(f)—This section is revised to indicate that "FmHA may tape record hearings" rather than "FmHA will tape record hearings." The change is necessary as taping facilities may not be available at all field offices. Also, instructions for disposition of tapes were added as they will be part of the hearing record, but are not covered by present FmHA instructions for disposition of records.

21. Section 1900.57(f)(3)—This section is revised to incorporate provisions of § 1900.57(f)(4) and to provide the appellant with a copy of the hearing notes together with the hearing officer's decision letter and to delete the 15-day requirement. The action is taken to expedite the hearing process and will not interfere with due process since any appellant's changes to the hearing notes will be part of the material presented by the appellant to a review officer should there be a request for a review of the hearing officer's decision.

22. Section 1900.57(j)—The second sentence of this section concerning the requirement for the State Director to sign reversals of decision by County Committees is deleted from the section, and inserted in Exhibit D of this Subpart, and instructions are added for handling appeals when the hearing officer is the Administrator or designee.

23. Section 1900.58(a)—The statement for further appeal in this section is revised to substitute "30 calendar days" for "20 calendar days," to allow more adequate appeal time for appeal by the appellant. Also, the appellant is advised to include any changes to the hearing notes, together with additional information submitted in appeals to the review officer and the provision for presenting information in person is deleted. The final review will be on the written record only.

24. Section 1900.58(c) is revised to allow the appellant access to additional or new information obtained by the review officer prior to a final decision on the appeal.

25. Section 1900.58(c)(1)—This section concerning a request by the review officer for the file is deleted since the hearing officer will mail the file together with the request for review, to the review officer.

26. Section 1900.58(c)(6)—The statement in this section advising the appellant of further appeal rights is deleted and a statement concluding the appeal is entered in its place. The appeal process is limited as set out in Exhibit D of this Subpart.

27. Section 1900.60—Has been revised to refer to 1992–C (available in any FmHA office) for records and reporting requirements.

28. *Exhibit A* has been revised to conform with changes in the body of the Instruction.

29. *Exhibit B* has been revised to conform with the amendments in the Instruction as Exhibits B–1, B–2, B–3 and B–4.

30. *Exhibit C* has been added to handle those adverse decisions when part of all of the decision is not appealable.

31. *Exhibit D* has been added to more clearly set forth the hearing and review officers.

Therefore, it is proposed that Subpart B of Part 1900, Chapter XVIII of Title 7, Code of Federal Regulations be revised to read as follows:

PART 1900—GENERAL

Subpart B—Farmers Home Administration Appeal Procedure

Sec.

Authorities: 7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart B—Farmers Home Administration Appeal Procedure

§ 1900.51 General.

This subpart provides a uniform procedure whereby a person or organization may appeal any program administrative decision made by Farmers Home Administration (FmHA) which directly affects that person or organization. This subpart does not replace any existing procedures for handling discrimination complaints. This procedure does not apply to:

(a) Guaranteed loans.

(b) Debt settlement action found in Part 1864 of this chapter (FmHA Instruction 456.1).

(c) Freedom of Information Act appeals.

(d) Privacy Act appeals.

(e) Suspension and Debarment procedure in Subpart E of Part 1924 of this chapter.

(f) Procurement activity that may be appealed to the Department of Agriculture Board of Contract Appeals.

(g) Tenant appeals, which are covered in Subpart L of Part 1944 of this chapter.

This procedure supersedes all other FmHA appeals procedures affecting applicants, borrowers, or grantees including the foreclosure appeal procedure found in § 1955.15, Part 1955 of this chapter. The provisions of 5 U.S.C. 551–559, Administrative Procedure Act, as amended, are not applicable to proceedings under this subpart except for the requirements concerning public information.

§ 1900.52 Definitions.

(a) *Appellant* is an applicant for FmHA assistance or an FmHA borrower or grantee, either individual or organizational, that is directly and adversely affected by an administrative decision by FmHA.

(b) *Hearing* as used in this subpart, is an informal proceeding at which an appeal from an adverse decision is heard.

(c) *Decision maker* is the FmHA official who actually makes the specific decision but not the official who serves in an advisory capacity in interpreting instructions, policies, or technical items, or who performs routine supervision. For example, if an FmHA official reviews a preapplication for an organization and directs a subordinate to include specific items in Form AD 622, "Notice of Preapplication Review Action," the official is the decision maker. However, when the official or designee serves only in an advisory capacity and is not significantly involved in the decision, the subordinate will be considered the decision maker.

(d) *Hearing officer* is the FmHA official who has the authority to uphold, reverse, or modify decisions of the decision maker. See Exhibit D of this subpart for the designations of hearing officers.

(e) *Review officer* is the FmHA official who has the authority to uphold, reverse, or modify the decision of the hearing officer. See Exhibit D of this subpart for the designations of review officers.

(f) *Record* means the FmHA file, papers filed by an appellant, notes, or transcript (if any) of a hearing, and decisions made by FmHA.

(g) *Official positions.* The terms County Supervisor and District Director may vary in a few geographical areas. These terms will also mean Assistant Area Loan Specialist and Area Loan Specialist, respectively, in Alaska.

§ 1900.53 Decisions which are not appealable.

(a) FmHA decisions based on statutory requirements or on objective standards that are included in published regulations may not be appealed. Exhibit C will be used without revision to notify applicants or organizations of a denial of assistance based on this type of action. The letter will state that if there is objection as to whether the action is appealable, the individual or organization may write to the State Director requesting review of the determination. Examples of types of action which are not appealable include but are not limited to the following:

(1) Denial of a Section 504 grant to an applicant less than 62 years of age.

(2) Denial of a loan and/or grant to an individual or organization in an ineligible area.

(3) Denial of a loan and/or grant to a type of organization not identified as an eligible applicant by the regulations.

(4) Applications for Emergency loans not filed before a prescribed termination date.

(5) Decision not to release basic security for unauthorized purposes.

(6) Denial of a loan because of *confirmed* income that is above FmHA published limits.

(7) Interest credit reduction that is the result of a *confirmed* income increase.

(8) A determination of ineligibility for Emergency loans based on confirmation or verification by the Agricultural Stabilization and Conservation Service (ASCS) or the Federal Crop Insurance Corporation (FCIC) that the applicant did not have the required production losses of 30 percent or more.

(9) A finding that a cooperative, corporation, or partnership applying for

an Economic Emergency loan is not eligible when it has been *confirmed* that less than 50 percent of the applicant's total income is from farming.

(10) Denial of compensation for construction defects when it has been determined that the contractor is willing and able to correct the deficiencies.

(11) Requirements and conditions designated by law to be developed by agencies other than FmHA. They include, but are not limited to: Davis-Bacon wage rates; flood plain determinations; archaeological and historical areas preservation requirements, and designation of areas that have been determined to be inhabited by endangered species.

(12) Minimum property standards for construction and other development. An appeal may only be made when the appellant claims FmHA is missapplying the written standards.

(13) Appraisals of property value.

(14) Interest rates as set forth in FmHA procedure.

(15) A rent increase rejection when the borrower fails or refuses to apply for rental assistance according to Exhibit C of Subpart C of Part 1930 of this chapter.

(b) A decision to deny a new application or request for FmHA assistance, when a previous adverse decision has been appealed and upheld, and when the applicant provides no new supportive information or substantive change, may not be appealed.

(c) A decision to initiate foreclosure action where FmHA holds a junior lien and the senior lienholder has already initiated foreclosure action.

(d) In cases where denial of assistance is based upon both appealable and nonappealable actions, the denial of assistance is not appealable. Exhibit C will be used in these cases and will include all reasons for the decision, both appealable and nonappealable.

§ 1900.54 [Reserved]

§ 1900.55 FmHA actions to limit the need for appeals.

Without jeopardizing the rights of the appellant, the following steps should be taken to minimize the need for appeals:

(a) FmHA personnel should carefully check the accuracy of any adverse actions to be taken.

(b) The specific reasons for adverse actions should be clearly explained when the applicant or borrower is notified. Vague reasons such as "you lack repayment ability" should be avoided and the applicant or borrower should be specifically advised why they lack repayment ability.

(c) A meeting usually will be required to be held between the affected parties and the decision maker to explain the adverse decision before the appeals process will begin. In those cases when a meeting is required, Exhibit B–1 will be used without revision to inform the applicant. If the decision maker previously met with or advised the affected parties of the specific reasons for the denial, or determines that a meeting would likely not avoid an appeal, Exhibit B–2 with attachment Exhibit B–4 will be used without revision, except in cases involving acceleration of accounts which are provided for in § 1900.56(a) of this subpart.

§ 1900.56 Appeal from an initial FmHA decision.

(a) If an applicant for FmHA assistance, an FmHA borrower, or an FmHA grantee is directly and adversely affected by an FmHA decision or action, the official taking action or making the decision will inform that person or organization by letter of the action taken within 15 calendar days of the action. The term "directly and adversely affected" includes having a request for FmHA assistance denied in whole or in part or having FmHA assistance reduced, canceled, or not renewed. Letters, as indicated in § 1900.53 or § 1900.55 of this subpart, as appropriate, will be used to notify the applicant. The following actions will also be taken if the adverse action is an acceleration on an FmHA loan:

(1) Foreclosure action will not be pursued until time for appeal has expired or the appeal is terminated or resolved.

(2) When an appeal from a decision to accelerate or foreclose includes an appeal of corollary matters such as denial of a moratorium or interest credits, the letter will include a statement that all such matters are merged into a single appeal.

(3) In acceleration notices, the letter shall read substantially as found in Exhibit C, "Notice of Acceleration * * *," Subpart A, Part 1955 of this chapter or Form FmHA 455–21, "Notice of Acceleration and Demand for Payment," with attachment Exhibit B–4. The term "hearing" will be used in lieu of "meeting" in the "Notice of Acceleration * * *." The following language must be included in the acceleration notice, "The request for this hearing must be made within 30 calendar days from the date of this notice."

(b) When the person or organization officials attend a meeting with the decision making official and the meeting results in a resolution of the matter, the official will send the person or organization a letter within 7 calendar days of the meeting, setting forth the conclusions reached at the meeting. If the meeting does not result in a resolution of the matter, Exhibit B–3 with attachment Exhibit B–4 will be used without revision to notify the person or organization of appeal rights within 7 calendar days of the meeting.

(c) When an applicant appeals a decision and requests a hearing, the appeal will be handled as follows:

(1) Upon receipt of the request, the decision maker will verify whether the appeal was submitted within the authorized period. If the appeal was not submitted within the authorized time period, appeal rights are terminated unless the delay of the appeal was for good reason.

(2) If the appellant has made a request to examine or copy the FmHA material concerning the case, the material (unless privileged) will be made available to the appellant or the appellant's representative (or legal counsel) at the FmHA decision maker's office for 10 calendar days following the receipt of the request for appeal. An FmHA employee should ensuree that no material is destroyed or removed from the files at that time. The decision maker will then submit the request for hearing with the complete file to the hearing officer.

(3) If, upon receipt of the file, the hearing officer determines that the decision will be reversed, he or she will notify all parties of the determination and of the actions to be taken. Otherwise, the hearing officer will arrange for a hearing to be held as soon as possible, but within 45 calendar days of the receipt by the decision maker of the request for a hearing. The hearing will be held at a location convenient to the appellant, decision making official and hearing officer. If no place can be agreed on, the hearing officer will select the location. The hearing officer, after reviewing the file, should keep it and, after completion or cancellation of the hearing, return it to the FmHA field office unless it is sooner requested by the decision maker for other processing actions.

(4) If the appellant or appellant's representative (or legal counsel) without reasonable cause, fails to appear at the hearing, the appellant's appeal will be considered concluded. If the appellant's failure to appear or a request for postponement is with reasonable cause, the hearing officer will reschedule the hearing at a time convenient to all interested parties, but usually not later than 15 calendar days after the initially scheduled date.

(5) At any time up to the day of the scheduled hearing, the appellant may waive the opportunity for a hearing and, instead, request that the hearing officer make a decision based on the file, any written statements or evidence the appellant may submit and any other information the hearing officer deems necessary.

(d) Cases originating in Samoa, Guam, remote areas of Alaska, and the Western Pacific Territories and submitted to the State Office for a hearing, may be acted upon without a hearing when circumstances due to travel and time involved preclude it. In those cases, the decision maker will allow a reasonable period of time for the appellant or the appellant's representative (or legal counsel) to, upon request, examine or copy documents pertaining to the case. The decision maker will advise the appellant within 7 calendar days of the request for appeal to provide written documentation to support the allegations and/or any written statements from other witnesses which supports the appellant's position. Appellant is to provide the information to the decision maker within 30 days from the date of request for appeal. Exhibit B–1 will be modified as necessary. The decision maker must obtain and mail to the hearing officer the complete FmHA file for the case together with any available documents from the appellant supporting the allegations, and written statements from other witnesses who would have appeared at the hearing.

(e) When interest rates change during an appeal involving a loan application, and the decision is reversed or modified, the rate used will be either that in effect at the time of the original decision or the time of the final appeal decision, whichever is most favorable to the appellant, if authorized by statute.

§ 1900.57 The hearing.

(a) The hearing will be an informal proceeding at which the appellant will bear the burden of proving the initial decision erroneous. To do so the appellant may provide any information or witnesses the appellant believes should be considered in reaching a proper decision. The appellant may present evidence, witnesses (when practicable, FmHA witnesses requested by the appellant will be made available at the hearing) and arguments in support of appellant's complaint, controvert evidence relied on by FmHA, and may question all witnesses. Any evidence may be received by the hearing officer without regard to whether that evidence could be employed in judicial proceedings. A suggested guide for the order of presentation at a hearing is included in Exhibit A to this Subpart.

(b) The decision making official (or successor) or informed delegate will be at the hearing and will present evidence if necessary. Any other witnesses or FmHA personnel the decision making official thinks necessary to support the initial decision will be at the hearing to present evidence.

(c) During the hearing, the hearing officer may request additional witnesses to appear or request further information if the hearing officer considers this necessary to reach a proper decision.

(d) The decision maker or hearing officer, as appropriate, will provide the appellant any new reasons for adverse action to be presented by FmHA, if available, at least 7 calendar days before the hearing. If the reasons cannot be given at that time, the appellant will be advised that a rebuttal may be made in writing within 7 days after the hearing.

(e) Hearing record:

(1) The hearing officer may tape record hearings, and may use the tapes as a backup to support the outline notes taken at the hearing. Tapes may be destroyed (erased) 6 months after the final determination has been made and the last appeal of the appellant has been completed.

(i) Appellants may tape record the proceedings at their own expense or may obtain a copy of a tape made by FmHA for the cost of reproduction. The other party must be notified when the taping begins.

(ii) The taking of transcripts is neither required nor prohibited. Either party may arrange to have a transcript of the hearing made at their own expense. When one party has a transcript made the other will make their own arrangements to obtain a copy. Ordinarily, FmHA will not have transcripts made. Prior approval of the Administrator is required when transcripts are made or copied for FmHA.

(2) An FmHA employee (not the decision maker) will take notes at the hearing. The hearing officer may take the notes or assign this responsibility to another FmHA employee.

(3) The notes will *informally reflect* the pertinent information presented and essential positions by both parties. The notes *may be in outline form,* and *need not repeat proceedings* verbatim. The notes will indicate if the appellant arranged for a transcript or a copy of the FmHA tape. A typed copy of the notes will be mailed or presented to the appellant together with the letter informing the appellant of the hearing officer's decision. The letter should also advise the appellant of further appeal rights, if any.

(4) File documents and other written materials used in the hearing will be included as part of the FmHA record.

(f) For good cause, the hearing officer will, at the request of either the appellant or an FmHA official, continue the hearing to a future time. However, the length of the continuance will be at the hearing officer's complete discretion and will usually not exceed 15 calendar days.

(g) The decision of the hearing officer shall be based on facts presented at the hearing or in writing, rebuttal by appellant of new evidence, additional information requested by the hearing officer, appropriate FmHA files, applicable statutes and regulations, and the hearing officer's general knowledge of FmHA program functions.

(h) Within 30 calendar days of the hearing, the hearing officer will determine what action to take with regard to the appeal, unless FmHA has ordered a transcript, in which case the decision will be made within 15 calendar days of receipt of the transcript. If the appellant waives the opportunity for a hearing and the hearing officer reviews any information the appellant has not previously reviewed, the appellant will be advised by the hearing officer of the additional information and be allowed an opportunity to review it and respond accordingly. Usually, the total time given the appellant to review and respond to this additional information will not exceed 15 calendar days. The hearing officer will render a decision within 30 calendar days of the date set for the hearing, unless this would not allow sufficient time to consider the appellant's response to any additional information.

(i) If the initial decision is reversed, the hearing officer will inform the appellant and original decision making official by letter of the decision, the reason for it, and what action will be taken.

(j) If the initial decision is upheld or modified but not reversed, the hearing officer will send a copy of the notes and inform the appellant by letter of the decision giving specific reasons, with a copy to the decision making official. When the hearing officer is the Administrator or dèsignee, the letter will state "this reviw concludes the administrative appeal of your case." When the hearing officer is someone other than the Administrator or designee, the letter must contain the following statement:

If you wish to have the above decision further reviewed, you may appeal in writing to (*review officer/address*) within 30 calendar days of the date of this letter explaining why you believe the decision is incorrect. Your request for review should be submitted through this office. Since this review will be based on the record, including papers filed, FmHA files, notes, or transcripts of the appeal meeting, my decision, applicable statutes and regulations, and any *additional written* information you wish to submit, you should include any additional information you think is important, including any changes you believe should be made on the attached hearing notes.

(k) If the appellant does not request in writing a review of the hearing officer's decision within the 30 calendar day period provided in the letter, the appeal will be considered concluded.

§ 1900.58 The review.

If the appellant appeals to the review officer:

(a) With prior approval of the Administrator, the review officer may obtain a copy of the transcript of the hearing if one was arranged for by the appellant.

(b) The review officer will review the case record, applicable law and regulations, any additional written information furnished by the appellant including appellant's review of the hearing notes, and any additional information as the review officer deems necessary. However, if the review officer reviews any information the appellant has not previously reviewed, the appellant will be advised by the review officer of the additional information and be allowed an opportunity to review it and respond accordingly. Usually, the total time given the appellant to review and respond to this additional information will not exceed 15 calendar days. The review officer will render a decision within 30 calendar days of receipt of the appeal from the hearing officer, unless additional information has been submitted or obtained. The review officer will then render a decision within 15 calendar days of receipt of any timely comments by the appellant.

(c) The review officer's decision will be base on written facts presented for the review, the hearing notes, appellant's review of the hearing notes, additional information requested by the review officer, appellant's written response to the additional information reviewed by the review officer, appropriate FmHA files, applicable statutes and regulations, and the review officer's general knowledge of FmHA program functions.

(d) The appellant will be informed of the final decision by letter. A copy will be sent to the decision maker and the hearing officer. If the decision is upheld, the letter must contain the following statement:

This review concludes the administrative appeal of your case.

§ 1900.59 Effect of appeal decision.

(a) *Effective date.* When an appeal is concluded, the effective date of the action to be taken will be the date of the initial decision from which the appeal was taken. Regulations in effect on the effective date will govern the action unless those requirements would not be authorized under statutory or case law at the time the appeal is concluded. When an emergency loan appellant is given relief, it will include the right to file a new application (if necessary) within 30 days of the date of the decision letter or before the termination date established for the disaster, whichever, is later. Effective interest rates are covered in § 1900.56(e).

(b) *Legal effect.* A decision made when an appeal is concluded will be administratively conclusive. It will not, however, be determinative of the legality of the action to be taken.

§ 1900.60 Records and reporting requirements.

(a) *Appeal records.* Appeal records will be maintained in the applicant's or borrower's case folder.

(b) *Reporting requirements.* See FmHA Instruction 1992–C (available in any FmHA office).

§§ 1900.61–1900.100 [Reserved]

FmHA Instruction 1900–B Exhibit A.—Guide To Conducting a Hearing

A. Upon receipt of the file, the hearing officer will become familiar with the case to be sure that pertinent information is presented at the hearing.

B. The hearing officer will arrange a hearing to be held within 45 calendar days of receipt of the notice of appeal at a place convenient to the appellant, decision making official, and hearing officer.

C. Be an unbiased presiding officer.

1. The hearing officer is not representing the decision maker nor is the hearing officer an advocate for the initial decision.

2. The hearing officer should have no preconceived opinions concerning the issues.

3. To preserve this unbiased atmosphere—

a. It is preferable that the hearing not be held in an FmHA office. We suggest places such as Conference Room—Agricultural Service Center, SCS, ASCS, Extension Service, etc. This may not be possible, but an attempt should be made to hold the hearing at a neutral place.

b. The hearing officer should not fraternize with the decision maker or other FmHA personnel in the presence of the appellant before, during, or after the hearing. This can be accomplished by having the hearing officer seated separate from the others at the hearing.

D. Conduct an informal proceeding. (Pass attendance sheet which will be made part of the record.)

1. The appellant will bear the burden of proving the initial decision erroneous.

2. The hearing officer may receive evidence without regard to whether that evidence could be employed in judicial proceedings.

3. The hearing must be conducted in a manner to get facts on the record. Therefore, the hearing must deal in facts and professional opinions.

4. The hearing officer should keep control over the hearing and not allow any of the participants, including counsel for the appellant or the decision maker, to unduly attempt to set the tone of the hearing. If any person(s) becomes uncontrollable, they may be requested to leave. If they refuse to leave, the hearing may be terminated.

5. As a fact-finder, the hearing officer may question any witness, request additional witnesses to appear, and/or request further information if this information is necessary to reach a proper decision. If the hearing officer is going to request additional witnesses, these witnesses should be given adequate notice of the time and place of the hearing.

E. Order of presentation. The order listed below should be followed:

1. The opening statement by appellant setting forth why original decision was erroneous. This is an outline of how appellant plans to proceed.

2. The opening statement by decision maker to show why decision is correct.

3. The appellant presents evidence including documents, witnesses, and arguments supporting their position. The decision maker can be questioned at this time by the appellant. Any witnesses presented by the appellant can be questioned by the decision maker or other Government representative.

4. The decision maker or other Government representative then has an opportunity to rebut appellant's arguments and/or evidence by presenting evidence, including witnesses. Any witnesses may be questioned by appellant.

5. The hearing should be concluded with a summary by both sides.

6. If the appellant has arranged to have a transcript of the hearing made at the appellant's expense, the hearing officer, with the prior approval of the Administrator, may purchase a copy of the transcript.

F. Attach typed notes of the hearing to the hearing officer's letter with decision to the appellant.

G. Make a decision based on the following:

1. Facts presented at the hearing.

2. Appropriate FmHA files.

3. Applicable statutes and regulations.

4. The hearing officer's general knowledge of FmHA program functions.

H. After reaching a decision, the hearing officer must prepare the appropriate letter setting out the decision and forward it to the appellant, with a copy to the decision maker.

1. This letter must set out *specific* reasons for the decision, and *the facts on which the decision is based.*

2. The decision will be communicated by letter to the appellant within 30 calendar days of the hearing.

a. If the initial decision is reversed, the letter will so inform the appellant and the decision maker, giving the reasons and action to be taken.

b. If the initial decision is upheld or modified, the letter will contain a statement set out in the regulations that the appellant may have the decision reviewed further if the appellant files an appeal within 30 calendar days of the date of the letter.

Exhibit B–1—Letter for Notifying Applicants and Borrowers of Adverse Decisions Where the Decision is Appealable

(Use when meeting with Decision Maker is required)

U.S. Department of Agriculture

Farmers Home Administration

(Insert address)

_____

(Date)

Dear _____: After careful consideration, we were unable to take favorable action on your application/request for Farmers Home Administration services. The specific reasons for our decision are: (Insert here the adverse decision and all of the *specific* reasons for the adverse action.)

If you have any questions concerning the decision or the facts used in making our decision and desire further explanation, you may request a meeting with (this office) (the County Committee) within 15 calendar days of the date of this letter. You may present new information or evidence along with possible alternatives for our consideration. You may also bring a representative (or legal counsel) with you. Should we be unable to satisfactorily resolve your case, you will be advised of your appeal rights and how to begin the appeal process.

(The following paragraph for individual applicants only):

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, handicap, or age (provided that the applicant has the capacity to enter into a binding contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with the law concerning this creditor is the Federal Trade Commission, Equal Credit Opportunity, Washington, D.C. 20580.

Very truly yours,

_____

(Decision Maker)
(County Supervisor for County Committee)
(Title)_____

Exhibit B–2.—Letter for Notifying Applicants and Borrowers of Adverse Decisions Where the Decision Is Appealable

(Use when meeting with Decision Maker is not required)

U.S. Department of Agriculture

Farmers Home Administration

(Insert address)

_____

(Date)

Dear _____: After careful consideration, FmHA was unable to approve your application/request for service. The specific reasons for our decision are as follows: (Insert here the adverse decision and all of the *specific* reasons for the adverse action.)

See attachment for your appeal rights.

The hearing officer will be _____ (name and title). A request for a hearing should be sent to the hearing officer in care of this office _____ (address).

(The following paragraph for individual applicants only):

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, handicap, or age (provided that the applicant has the capacity to enter into a binding contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with the law concerning this creditor is the Federal Trade Commission, Equal Credit Opportunity, Washington, D.C. 20580.

Very truly yours,

_____

(Decision Maker)
(County Supervisor for County Committee)
(Title) _____

Exhibit B–3.—Letter for Notifying Applicants and Borrowers of Unfavorable Decision Reached at the Pre-Hearing Meeting

U.S. Department of Agriculture

Farmers Home Administration

(Insert address)

_____

(Date)

Dear _____: We appreciated the opportunity to review the facts relative to your application/request for FmHA services. We regret that our meeting with your did not result in a satisfactory conclusion.

See attachment for your appeal rights.

The hearing officer will be _____ (name and title). A request for a hearing should be sent to the hearing officer in care of this office _____ (address).

(The following paragraph for individual applicants only):

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, handicap, or age (provided that the applicant has the capacity to enter into a binding contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with the law concerning this creditor is the Federal Trade Commission, Equal Credit Opportunity, Washington, D.C. 20580.

Very truly yours,

_____

(Decision Maker)
(County Supervisor for County Committee)
(Title) _____

Exhibit B–4

Use as an Attachment to Exhibit B–2, B–3, or Notice of Acceleration, as Applicable.

Appeals of Adverse Actions

The decision described in the attached letter did not grant you the FmHA assistance you requested or will terminate the assistance you are presently receiving. You have the right to appeal this decision to the Hearing Officer identified in the letter and to have a hearing or a review in lieu of a hearing. In order for this decision to be changed, you will have to show the decision is wrong. If you wish to appeal the decision, the request for a hearing must be received in this office within 30 days after the date of this letter.

The hearing will generally be completed within 45 days of the receipt of your request.

You or your representative (or legal counsel) may come to this office anytime during regular office hours in the 10 days following our receipt of your request for a hearing to examine or copy relevant non-confidential material in your file. Photostatic copies will be provided in accordance with the Freedom of Information Act.

Eleven days after the time allotted for you to examine your file elapses, we will forward the file, any additional documents, and your request to the Hearing Officer.

The Hearing Officer will contact you regarding a time and place for the hearing. You may have a representative (or legal counsel) with you and may present your own witnesses. The FmHA decision maker or representative will be there and available for you to cross-examine, as will all other witnesses presented by FmHA. If you wish to have other FmHA employees present as your witnesses, let the Hearing Officer know and, if possible, they will be there.

At your own expense, you may tape record the hearing or have a transcript made. If FmHA records the hearing you may purchase a copy of the tape for the cost of reproducing it.

At any time up to the day of the scheduled hearing you may request the hearing officer make a decision without a hearing. If you do, the hearing officer's decision will be based on the FmHA file, any written statements or evidence you may provide and any additional information the hearing officer thinks necessary.

Within 30 calendar days after the hearing (or the date set for the hearing, if you elect to waive the opportunity for a hearing) the Hearing Officer will advise you by letter of the decison made, the reasons for it, and, if your request for assistance is not granted,

what further administrative appeals may be available to you.

A more complete description of the hearing (A guide to Conducting an Appeals Hearing) may be obtained from any FmHA office.

Exhibit C.—Letter for Notifying Applicants and Borrowers of Adverse Decisions When Part or All of the Decision is Not Appealable

U.S. Department of Agriculture

Farmers Home Administration

(Insert address)

(Date)

Dear ———: After careful consideration we were unable to take favorable action on your application/request for Farmers Home Administration services.
(Insert and number all of the *specific* reasons for the adverse action. Examples of nonappealable reasons are listed in § 1900.53(a).)

If you have any questions about this action, we would like the opportunity to explain in detail why your request has not been approved, explain any possible alternative, or provide any other information you would like. You may bring any additional information you may have and you may bring a representative (or legal counsel) if you wish. Please call *(telephone number)* for an appointment.

Applicants and borrowers generally have a right to appeal adverse decisions, but certain FmHA decisions are not appealable. We have determined that the decision(s) numbered ——— in this case (is/are) not appealable under FmHA regulations. You may however, write the State Director (insert name and address) for a review of the accuracy of our finding that this decision is not appealable. (Substitute the appropriate hearing officer's name and address in the event the decision was made by a State Director or National Office Official.)

The Federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, handicap, or age (provided that the applicant has the capacity to enter into a binding contract), because all or part of the applicant's income derives from any public assistance program, or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The Federal agency that administers compliance with the law concerning this creditor is the Federal Trade Commission, Equal Credit Opportunity, Washington, D.C. 20580.

Very truly yours,

(Decision Maker)
(County Supervisor for County Committee)
(Title)

Exhibit D.—Hearing/Review Officers Designations

Decision maker or decision	Hearing officer	Review officer
County Supervisor	District Director or person designated by State Director	State Director or designee (who has not been significantly involved with the case)
County Committee	District Director	State Director or designee.
District Director	State Director or designee	Administrator or designee.
State Director	Administrator or designee	(No review).
Division Director	do	Do.
Assistant Administrator	do	Do.
Decision to Foreclose Chattels	District Director	State Director or designee.
Decision to Foreclose Real Estate	District Director who did not review the initial decision, or other person not involved in the initial decision designated by State Director.	Administrator or designee.

Notes: 1. District Director also means Assistant District Director.

2. *Designee:* A person designated by the Hearing or Review Officer to conduct hearing or review. Except in the case of hearing or review actions for County Committee recommendations, the Designee signs the letter with decision to appellant, upon concurrence by original Hearing/Review Officer.

3. For decisions not directly covered above, the Hearing/Review Officer is the person in the next higher level of FmHA authority.

Dated: October 28, 1981.

Charles W. Shuman,
Administrator, Farmers Home Administration.

[FR Doc. 81-31955 Filed 11-4-81; 8:45 am]
BILLING CODE 3410-07-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 19

Establishment of NRC Staff Authority To Call Meetings With Licensees

AGENCY: Nuclear Regulatory Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Nuclear Regulatory Commission is withdrawing a proposed rulemaking, notice of which was published in the **Federal Register** on March 26, 1980, in which the Commission solicited public comments on the proposed rulemaking, which would:

1. Provide NRC staff the authority to call meetings with licensees during inspections,

2. Provide both the NRC and the licensee the option of inviting individuals with legitimate interests in matters pertaining to the inspection, to these meetings,

3. Extend the provisions of § 19.14 to all Part 50 licensees including holders of contruction permits and limited work authorizations.

The analysis of public comments which was prepared, and a review of inspection and enforcement cases during the past several years, indicates that the amendments are in fact not needed at this time. NRC's intention to involve workers to a greater extent in discussions of radiation protection is being accomplished on a voluntary basis. Requests for meetings with licensees are seldom denied because of the mutual need to discuss planning of inspections and inspection findings.

Accordingly, the Commission concludes that it should withdraw the proposed amendments published March 26, 1980. The withdrawal of the proposed rule will not affect any person because it is not an action that adds, amends, or rescinds any NRC regulation.

EFFECTIVE DATE: This action is effective on November 5, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Alan K. Roecklein, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, (301) 443-5970.

SUPPLEMENTARY INFORMATION: On March 26, 1980 the Nuclear Regulatory

Commission published in the **Federal Register** (45 FR 19564) proposed amendments to 10 CFR Part 19 as described in the summary.

Fifty-six letters of public comment were received on the proposed amendment, forty-eight suggesting changes and eight opposed to the concept. Major concerns expressed by the commenters were that the proposed rule was vague as to who could be invited to meetings with licensees, that the rule might open inspection meetings to the general public, and that there was no limit on the extent of participation by invite. As a result of an analysis of public comments and a review of inspection and enforcement cases during the past several years, the Commission has concluded that the amendments are not needed at this time. Requests for meetings with licensees are seldom denied because of the mutual need to discuss planning of inspections and inspection findings. The NRC intention of involving workers to a greater extent in discussions of radiation protection is being accomplished on a voluntary basis.

In view of these considerations, the proposed rule is hereby withdrawn. The withdrawal of this proposed rule, however, does not preclude the Commission from issuing similar notices in the future or commit the Commission to any course of action with regard to revision of 10 CFR Part 19.

Dated at Bethesda, MD this 20th day of October, 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-32144 Filed 11-4-81; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

[Summary Notice No. PR-81-15]

Summary of Petitions Received and Dispositions of Petitions Denied or Withdrawn

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking and of dispositions of petitions denied or withdrawn.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR Part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments or petitions received must identify the petition docket number involved and be received on or before: January 5, 1982.

ADDRESSES: Send comments on the petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No.———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on October 28, 1981.

John H. Cassady,

Deputy Assistant Chief Counsel, Regulations and Enforcement Division, Federal Aviation Administration.

PETITIONS FOR RULEMAKING

Docket No.	Petitioner	Description of the rule requested
		DESCRIPTION OF PROPOSAL
22062	Robert H. Waddle	To amend 14 CFR Part 91 to prohibit aircraft takeoff and landing operations on a closed runway.
22095	Air Line Pilots Association	To amend 14 CFR 121.307(e) to include operational accuracy requirements for fuel indication systems. Petitioner proposes revising the section to read: "A fuel quantity indicator system for each fuel tank to be used and for a total fuel quantity indicator system that is accurate, within + 3 percent of the amount indicated, ± .5 percent of full fuel throughout the full range (zero to full fuel)".
		PETITIONER'S REASON FOR CHANGE
	Petitioner contends there are no operational accuracy requirements in the current regulations; there are no accuracy requirements for full and partial fuel indication, only that each fuel indicator must be calibrated to read "zero" during level flight when the remaining fuel is unusable, and there are no standards concerning fuel indicator systems in turbine or jet engine aircraft.	

PETITIONS FOR RULEMAKING: WITHDRAWN OR DENIED

Docket No.	Petitioner	Description of the rule requested
		DESCRIPTION OF PETITION
None this period		

[FR Doc. 81-31909 Filed 11-4-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Ch. I

Microwave Landing Systems (MLS) Airborne Receiving Equipment

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Request for comments on draft Technical Standard Order (TSO).

SUMMARY: The draft TSO-C104 prescribes the minimum performance standard that MLS receiving equipment must meet in order to be identified with the TSO marking "TSO-C104."

DATES: Comments must identify the TSO file number and be received on or before February 5, 1982.

ADDRESS: Send all comments on the draft Technical Standard Order to: Federal Aviation Administration, Systems Branch, AWS-130, Aircraft Engineering Division, Office of Airworthiness—File No. TSO-C104, 800 Independence Avenue, S.W., Washington, D.C. 20591.

Or deliver comments to: Room 335, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Systems Branch, AWS-130, Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; Telephone (202) 426-8395.

Comments received on the draft Technical Standard Order may be inspected, before and after the comment closing date at Room 335, FAA Headquarters Building (FOB-10A), 800 Independence Avenue, S.W., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they may desire. Communications should identify the TSO file number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director of Airworthiness before issuing the final TSO.

How to Obtain Copies

A copy of the proposed draft TSO may be obtained by contacting the person under "For Further Information Contact." TSO-C104 references Radio Technical Commission for Aeronautical (RTCA) Document No. DO-177 dated July 1981 for the minimum performance standard and RTCA Document No. DO-160A dated January 1980 for the environmental conditions and test procedures. RTCA Document Nos. DO-160A and DO-177 may be purchased from the Radio Technical Commission for Aeronautics Secretariat, 1717 H Street, N.W., Washington, D.C. 20006.

Issued in Washington, D.C., on October 30, 1981.

Jerold M. Chavkin,

Acting Director, Office of Airworthiness.

[FR Doc. 81-32030 Filed 11-4-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 25

Advisory Circular for Airplane System Design Analysis

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Draft advisory circular and request for comments.

SUMMARY: The draft Advisory Circular on Airplane System Design Analysis is intended to provide guidance material for demonstrating compliance with the requirements of Part 25 of the Federal Aviation Regulations, which include probabilistic terms, as introduced by Amendment 25-23, for airplane equipment, systems, and installation.

DATES: Commenters must identify file AC 25.1309-XX number and comments be received on or before January 5, 1982.

ADDRESS: Send all comments on the draft Advisory Circular to: Federal Aviation Administration, Attention: Systems Branch (AWS-130), 800 Independence Avenue SW., Washington, D.C. 20591. Comments received on the draft Advisory Circular may be inspected at Room 335, FAA Headquarters Building (FOB-10A), 800 Independence Avenue SW., Washington, D.C. 20591, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Frank C. Rock, Systems Branch, (AWS-130), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; Telephone (202) 426-8395.

SUPPLEMENTARY INFORMATION:

Comments Invited

All comments regarding the original draft of AC 25.1309-X were carefully reviewed. Following an evaluation of all comments, the circular was extensively revised. Due to the extensive revision of the draft AC 25.1309-X, it is being reissued as draft AC 25.1309-XX to invite comment before final publication. A copy of the draft advisory circular may be obtained by contacting the person identified under "For Further Information Contact."

Issued: in Washington, D.C. on October 28, 1981.

Jerold M. Chavkin,

Acting Director of Airworthiness.

[AC 25.1309-XX]

Advisory Circular—FAR Guidance Material

Subject: Airplane System Design Analysis

1. *Purpose.* This advisory circular provides guidance material for acceptable means, but not the only means, of demonstrating compliance with the requirements of Part 25 of the Federal Aviation Regulations which includes probabilistic terms, as introduced by Amendment 25-23, for airplane equipment, systems, and installations.

2. *Reference regulation.* Section 25.1309 of the Federal Aviation Regulations, as amended through Amendment 25-41.

3. *Background.* a. For a number of years, aircraft systems were evaluated by the Federal Aviation Administration to the "single fault" criteria contained in section 4b.606 of the Civil Air Regulations, recodified and later amended as § 25.1309 of the Federal Aviation Regulations. The term "single fault" was misnomer because additional cases of the hidden fault and the consequential fault also has to be considered section 4b.606-1 of the Civil Aeronautics Manual). With the development of more complex systems and the increasing criticality of those systems, the Federal Aviation Administration revised the rules in 1970 to require consideration of single and multiple faults in the system under study. The consequences of faults in separate systems which perform different funtions are

also to be considered if the simultaneous loss of functions performed by these systems creates a hazard to the airplane. Because of the growth in airplane system complexity, it is difficult in certain cases to make a responsible engineering judgement regarding the effects of certain system failures based on conventional analysis, tests, and historical data. However, the need for making a valid judgment has increased with the increasing criticality of certain systems.

b. To better understand the effects of complex airplane system failures, it may be desirable to use analytical techniques which can assist in identifying failure conditions and their potential consequences. This advisory circular outlines various methods of analysis, both qualitative and quantitative, which may be used to assist airplane manufacturers and FAA personnel in determining compliance with the referenced regulation and provide guidance for determining when, or if, a particular analysis should be conducted. Numerical values are assigned to the probabilistic terms included in the referenced regulation for use in those cases where the effects of system faults are examined by quantitative methods of analysis.

A finding of compliance with the requirements of FAR 25.1309 is based on the technical judgment of FAA pilots and engineers. The structured methods of analysis described by this advisory circular are intended to assist FAA personnel in finding compliance with the requirements in those cases where a design review cannot readily determine the impact of failures on the safety of the airplane. These analytical tools are intended to supplement, but not replace, the judgment of the FAA certification personnel.

4. *Discussion.* a. Section 25.1309 of Part 25 of the Federal Aviation Regulations, subsequent to Amendment 25-23, requires substantiation by analysis, and where necessary, by appropriate ground, flight, or simulator tests, that the probability of a failure condition is expected to remain within limits which are related to the consequence of the failure. The requirements in the referenced regulation are intended to assure an orderly and thorough evaluation of single and multiple failures involving one or more systems.

b. Systems should be considered separately and in relation to other systems, and be designed so that the probability of the occurrence of hazardous failure condition is low. Those failure conditions, including combinations of failures which would prevent the continued safe flight and landing of the airplane, must be shown to be extremely improbable. The occurrence of any failure condition or combination of failure conditions which would reduce the capability of the crew to cope with adverse operating conditions must be shown to be improbable.

c. The probability of the occurrence of a failure condition may be considered within three subdivisions; probable, improbable, and extremely improbable. These subdivisions are considered to overlap due to the inexact nature of probabilities. These three subdivisions may be related to the loss of airplane functions which have increasingly more severe impact on the continued safe flight and landing of the airplane. Airplane functions may be divided in the following manner:

1. Non-essential—Functions which could not significantly degrade the capability of the airplane or the ability of the flight crew to cope with adverse operating conditions if accomplished improperly or lost. Failure conditions which result in improper accomplishment or loss of non-essential functions may be probable.

2. Essential—Functions which would reduce the capability of the airplane or the ability of the flight crew to cope with adverse operating conditions if accomplished improperly or lost. Failure conditions which result in improper accomplishment or loss of essential functions must be improbable.

3. Critical—Functions which would prevent the continued safe flight and landing of the airplane if not properly accomplished. Failure conditions which result in improper accomplishment or loss of critical functions must be extremely improbable.

d. In order to show compliance with FAR 25.1309(b), FAR 25.1309(d) requires an analysis which should consider:

1. Possible modes of failure, including malfunctions and damage from external sources.

2. The probability of multiple failures and undetected faults.

3. The resulting effects on the airplane and occupants, considering the stage of flight and operating conditions, and

4. The crew warning cues, corrective action required, and the capability of detecting faults.

An analysis may be qualitative or quantitative and may range from a simple report which interprets test results or presents a comparison between two similar systems to a fault/failure analysis which may (or may not) include numerical probability data. An analysis may make use of previous service experience from comparable installations in other airplanes.

The depth of this analysis will vary, depending on the design complexity and type of functions performed by the system being analyzed. Section 6 of this advisory circular provides an outline of various analytical techniques and guidelines for determining when each must be used.

5. *Terms.* For the purpose of conducting or evaluating an analysis, the following terms and numerical values should apply:

a. Component—The term "component" is used in this advisory circular to denote any level of hardware assembly; i.e., system, subsystem, unit or part.

b. Continued safe flight and landing—This phrase is used in the regulation to require that an airplane be capable of continued controlled flight, possibly using emergency procedures and without exceptional pilot skill or strength, after any failure condition which has not been shown to be extremely improbable. There may be failure conditions which are not extremely improbable for which it is necessary to assure that continued safe flight and landing is possible. For these failure conditions a flight demonstration by the applicant in an airplane or satisfactory flight simulator of the worst case failure conditions identified by the analysis may be necessary. After the demonstration of controlled flight for an indefinite period which is long enough to insure that all of the consequences of the failure condition have been experienced, the capability of accomplishing a safe landing on an airport must be demonstrated.

c. Deductive—The term used to describe those analytical approaches involving the reasoning from a defined unwanted event or premise to the causative factors of that event or premise by means of a logical methodology (the "top-down" or "how could it happen" approach). A deductive approach will assume the system has failed in a certain way and attempt to determine what failure modes of components will contribute to this failure.

d. Error—A mistake, which when present in a system design, causes the system to function in a manner different from what the user reasonably expects it to do.

e. Event—An occurrence which causes a change of state.

f. Exposure Time—The period (in clock time or cycles) during which a system, subsystem, unit or part is exposed to failure, measured from when it was last verified functioning to when it is verified again.

g. Failure—The inability of a system, subsystem, unit or part to perform within previously specified limits. Note that some failures may have no effect on the capability of the airplane and therefore are not failure conditions.

h. Failure analysis—The logical, systematic examination of a system, subsystem, unit or part, to identify and analyze the probability, causes, and consequences of potential and real failures.

i. Failure condition—Any combination of events, faults, errors, or expected environmental conditions that result in a reduction in the capability of the airplane, a reduction in the ability of the crew to cope with adverse operating conditions, or which would prevent continued safe flight and landing.

j. Failure effect(s)—The consequence(s) of a failure mode on the system, subsystem, unit or part's operation, function, or status.

k. Failure mode—The manner in which a system, subsystem, unit, part or function can fail.

l. Fault—An undesired anomaly in the functional operation of a system, subsystem, unit or part.

m. Fault tree—A fault tree is a graphic representation of the various parallel and series combinations of subsystem and component failures which can result in a specified system fault. The fault tree, when fully developed, may be mathematically evaluated to establish the probability of the ultimate undesired even occurring as a function of the estimated probabilities of identifiable contributory events.

n. Flight time—The time from the moment the aircraft first moves under its own power for the purpose of flight until the moment it comes to rest at the next point of landing.

o. Frequency of occurrence—The probability expressed as a fraction from zero (event never occurs) to one (event always occurs), that a particular event will occur

within a specified period. Three probability classifications are given below and are defined in quantitative as well as qualitative terms for use with the various types of analytical techniques listed in Section 6 of this advisory circular:

1. Probable—A frequency of occurrence in an order of 1.0×10^{-5} or greater per hour of flight time. Probable events may be expected during the operational life of each airplane.

2. Improbable—A frequency of occurrence in the range from approximately 1.0×10^{-5} to 1.0×10^{-9} per hour of flight time. Improbable events are not expected to occur during the total operational life of a single airplane of a particular type, but are expected to occur during the total operational life of all airplanes of a particular type.

3. Extremely improbable—A frequency of occurrence on the order of 1.0×10^{-9} or less per hour of flight time. Extremely improbable events are so unlikely that for the purpose of analysis they need not be considered, unless engineering judgment would require their consideration.

Note.—(a) If appropriate, the calculation of probabilities of failure conditions for systems which are used only at specific times during flight such as takeoff or landing should be done on an event basis; i.e., per takeoff or per landing. However, the quantitative analysis of equipment which is required for a particular type of flight condition for which the airplane is approved may not take credit for the fact that the flight condition does not always exist. For example, the analysis of airplanes approved for flight at night may not take credit for the fact that hours of darkness are only experienced 50% of the time. The probability of the existence of the particular flight condition for which the airplane is approved should be assumed to be one for purposes of quantitative analysis. (b) The three probability terms defined in paragraph 50 above are intended to relate to the effects on the airplane resulting from the loss of a function or functions. These terms do not define the realiability of specific components or systems. (c) The range of numerical values assigned to each of the terms is intended to minimize differences in the interpretation of what these terms mean when used in § 25.1309 of the Federal Aviation Regulations. It is important to realize that these terms and others such as "reliable," "unlikely," and "remote" are used throughout the Federal Aviation Regulations. In many cases, these other terms were used prior to Amendment 25–23. Careful judgment is necessary when interpreting the intent of any regulation using such terms. In all cases, the effect of the given failure conditions should be considered.

p. Function—Each special purpose performed by a system, subsystem, unit or part.

q. Inductive—The term used to describe those analytical approaches involving the systematic evaluation of the defined parts or elements of a given system or subsystem to determine specific characteristics of interest (the "bottom-up," or "what happens if" approach). An inductive approach will assume a component condition or initiating event and attempt to determine the corresponding effect on the overall system.

r. Latent failure—A failure that is not inherently revealed at the time it occurs.

s. Qualitative—The term used to describe those analytical approaches which are oriented toward relative, nonmeasurable and subjective values.

t. Quantitative—The term used to describe those analytical approaches which are oriented toward the use of numbers or symbols used to express a measurable quantity.

u. Redundancy—The existence of more than one means of accomplishing a given function where all means must fail before there is an overall failure of the function.

v. Reliability—The probability that a system, subsystem, unit or part will perform its intended function for a specified interval under stated operational and environmental conditions.

6. *Analytical techniques.* a. The first step in determining compliance with FAR 25.1309(b) should be to determine the criticality of the system or installation to be certificated. This analysis may be conducted using service experience, engineering, or operational judgment, or by using a top-down deductive qualitative analysis which examines each function performed by the system. The analysis should determine the criticality of each system function, i.e., either non-essential, essential, or critical. Each system function should be analyzed with respect to functions performed by other aircraft systems. This is necessary because the loss of different but related functions provided by separate systems may affect the criticality category assigned to a particular system.

This type of analysis, variously referred to as a preliminary hazard analysis, criticality categorization, or criticality assessment may contain a high level of detail in some cases, such as for an integrated electronic flight instrument system. However, many installations may only need an informal review of the system design by the applicant for the benefit of the FAA certification personnel to determine the criticality of the functions performed by the system. For example, passenger entertainment systems usually will be categorized as performing non-essential functions with little or no formal evaluation of the system design.

The purpose of the preliminary hazard analysis is to identify the critical and essential functions and the systems which must operate properly to accomplish these functions. Once the criticality of a system has been established, the additional analytical techniques which might be useful in determining compliance with FAR 25.1309(b) are more easily identified.

b. Analysis of systems which perform non-essential functions. Although a preliminary hazard analysis has been accomplished, and it has been determined that a particular system performs only non-essential functions, this is not sufficient for demonstrating compliance with the requirements of FAR 25.1309(b). It is also necessary to determine if failures of the system could adversely affect the accomplishment of any essential or critical function.

In general, the installation of a non-essential system should be accomplished in a manner which insures its independence and isolation from other systems in the airplane which perform critical or essential functions. If a review of the design based on good engineering judgment determines that system faults cannot affect essential or critical functions, then no further analysis is necessary. If the installation does not have satisfactory isolation from systems which perform essential or critical functions, or if the system complexity is such that a design review alone cannot adequately establish that such isolation has been achieved, then the system may have to be analyzed using more rigorous methods, some of which are described in paragraphs 6c and 6d, below.

Special care must be taken with systems that perform non-essential functions which provide information for use by the flight crew, such as engine performance data systems. Systems of this type, which are not required by regulation and also are non-essential, may have hazardous failure modes which provide misleading information to the flight crew without warning. These systems may have to be analyzed as a system which performs an essential function.

Typically, systems such as galleys, position lights, public address systems, and interior cabin lights, to name a few, should be certificated based on a design review alone without the need of a formal failure analysis. Note that some systems required by regulation may be found to perform non-essential functions using the criteria of this advisory circular.

c. Analysis of systems which perform essential functions. The analysis necessary for systems which perform essential functions, as determined from the preliminary hazard analysis, is a variable controlled by the dependence of other systems on the system under analysis. If there is little or no interdependence, it is only necessary to show that the failure of the system to satisfactorily perform its function is improbable. Satisfactory service history of the equipment under analysis or similar units will be acceptable for showing compliance. Compliance may also be shown by a quantitative reliability analysis using MIL-STD–217C or component failure rate data gathered by the equipment manufacturer. For quantitative analysis, improbable is taken to be in range from 1.0×10^{-5} to 1.0×10^{-9} occurrences per hour of flight time. An acceptable frequency of occurrence should be agreed upon with the FAA for a particular system.

Many units which perform essential functions have dual or greater redundancy. It is essential that redundent systems meet the required frequency of occurrence criteria. For example, if the Criteria for a dual redundant system is a frequency of occurrence of 1×10^{-6} per hour of flight, then the acceptable frequency of occurrence for each system should be 1×10^{-3} or less. If redundancy exists and there is some evidence to indicate satisfactory reliability of the components of the system, no further analysis is necessary. An example of an essential system which would not require additional analysis is a dual compass system whose components have demonstrated acceptable reliability. For complex systems, a failure modes and effects

analysis may be necessary to verify that the redundancy actually exists, and to show that the failure modes of the system do not have an adverse effect on other essential or critical functions. A complete quantitative safety analysis will not usually be necessary.

If failure modes are found to exist which can adversely affect essential or critical functions, these failure modes should be shown to be improbable or extremely improbable, as appropriate, using the safety analysis technique described by paragraph 6d below. However, single failure modes will not usually be accepted as being extremely improbable.

d. Analysis for systems which perform critical functions. A quantitative safety analysis will generally be necessary for each critical function identified by the preliminary hazard analysis. Inability to satisfactorily perform critical functions should be extremely improbable. For purposes of quantitative analysis, extremely improbable is taken to mean frequencies of occurrence on the order of 1.0×10^{-9} per hour of flight and less. This safety analysis may consist of the following:

1. Fault tree—A top down deductive analysis identifying the conditions necessary to cause the loss of the critical function.

2. Failure modes and effects analysis—An inductive bottom up analysis which determines what happens to the system upon single failures of its individual components. These failure modes are used as the bottom level events of the fault tree.

3. Reliability study—Determines the probability of the single faults used as bottom level events of the fault tree from component failure rate data and exposure times to both active and latent failures. The probability of all event conditions in the fault tree will then be calculated from this data. The fact that maintenance or flight crew checks will be performed throughout the life of the system is relevant to quantitative analysis. When exposure times relevant to failure probability calculations are affected by flight crew checks or inspection intervals, these time intervals should be clearly specified in appropriate documents.

The U.S. Nuclear Regulatory Commission published NUREG–0492 in January 1981 titled "Fault Tree Handbook." This document describes in detail the procedure necessary to construct a fault tree and analyze the reliability of a complex system in a quantitative manner. The format of quantitative analyses which use NUREG–0492 as a guide will be acceptable to the FAA. Copies of this document can be obtained from the National Technical Information Service, or from: GPO Sales, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The most often encountered difficulty with quantitiative analyses presented to the FAA has been the improper treatment of events which are not mutually independent. The probability of occurrence of two events which are mutually independent may be multiplied to obtain the probability that both events occur using the formula:

$P(A \text{ and } B) = P(A)P(B)$.

This multiplication will produce an incorrect solution if A and B are not mutually independent. Often a quantitative analysis will be defective because a single failure will be included as a primary event at more than one location and then improperly combined with itself in computing the probability of the top event of a fault tree. This problem and others which are typically encountered in a quantitative analysis based on a fault tree are clearly explained in NUREG–0492.

For very simple installations, it may be possible to successfully analyze a critical function without using the detailed formal procedures outlined above. In general, the simultaneous failure of two reliable independent systems, each of which has dual redundancy, is expected to be extremely improbable. However, the difficulty is to establish that the two systems are actually independent. Systems may have common failure modes such as loss of electrical power or cooling air which would cause their simultaneous failure.

Some systems which perform critical functions that have been identified on various transport category airplanes are listed below. This list is only to provide a guide as to the types of functions which may be critical. Each airplane model must be examined to determine what functions are critical.

Examples of systems which perform critical functions:

1. The primary flight control system.

2. Hydraulic power for airplanes with powered flight control systems and no manual revision.

3. Secondary flight control systems if failure of these systems can result in uncontrolled flight.

4. Engine control system elements that affect all engines simultaneously.

5. Critical digital systems which are used separately, but which have identical firmware/software, where a common design error could lead to simultaneous failure conditions.

6. For airplanes certificated for flight in IFR conditions, the total systems and displays which provide the flight crew with any of the following:

(a) Attitude Information

(b) Altitude Information

(c) Airspeed Information

7. Automatic landing system for use in low visibility landings.

e. The analytical techniques outlined in this section have been used successfully in determining compliance with the requirements of FAR 25.1309(b). Other comparable techniques exist and may be proposed by an applicant for use in any certification program. However, these methods should be proposed to the FAA certificating office early in the program. Early agreement between the applicant and the Federal Aviation Administration should be reached on the methods of analysis to be used, identification of critical functions, and assumptions to be used in the acceptance of the proposed analysis.

f. The analysis should be clearly documented. All assumptions, sources of reliability data, failure rates, system functional type (critical, non-essential, essential), etc. should be concisely documented for ease of review. To the extent feasible, the analysis should be self-contained.

7. *Recommendation.* The purpose and intent of this advisory circular is to provide guidance. Terms and methods of analysis which may be utilized in demonstrating compliance with FAR § 25.1309 are included. If additional explanation or discussion is desired, contact the Office of Airworthiness, Aircraft Engineering Division, Systems Branch, AWS–130, 800 Independence Avenue S.W., Washington, D.C. 20591, or phone 202–426–8395.

[FR Doc. 81–32031 Filed 11–4–81; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 81–ASO–47]

Proposed Alteration of South Atlantic Additional Control Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to expand the South Atlantic Control Area to provide additional control area airspace offshore. This action would ensure efficient joint use of warning area airspace by permiting the application of domestic rather than oceanic air traffic control procedures within the affected airspace.

DATES: Comments must be received on or before December 7, 1981.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 81–ASO–47, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, S.W., Washington, D.C.

An informal docket may be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: John Watterson, Airspace Regulations and Obstructions Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone: (202) 426–3715.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that

provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASO-47." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to §7.163 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to expand the South Atlantic Control Area eastward to correspond with the expansion of the North Atlantic Control Area and to coincide with expansions of offshore warning areas. Section 71.163 of Part 71 was republished on January 2, 1981, (46 FR 449). Control 1181 would be revoked to eliminate redundant designation of control area airspace and be replaced with Atlantic Route 8 (AR-8). Additionally, joint use Warning Area W-110 would be established over AR-8. Priority for the use of Warning Area W-110 airspace will be retained by the FAA Controlling Agency and activation of W-110 permitted only when AR-8 is not required for en route traffic. Warning Area W-122H and I would be realigned to provide necessary airspace for a proposed realignment of Atlantic Route 7 (AR-7) south of Wilmington, NC. Additionally, W-122H and I are being revised to reflect minor corrections in the boundary descriptions. Accordingly, the following warning areas would be established or modified:

1. Warning Area W-110 [New]

W-110 Elizabeth City, NC

Boundaries. Beginning at Lat. 35°30'00"N., Long. 75°25'00"W.; to Lat. 35°39'15"N., Long. 75°17'00"W.; to Lat. 35°55'00"N., Long. 75°30'00"W.; to Lat. 34°33'10"N., Long. 73°40'50"W.; to Lat. 34°18'47"N., Long. 74°02'27"W.; thence to point of beginning.

Altitude. Surface to FL 230 inclusive.

Time of Use. Intermittent.

Using agency. Federal Aviation Administration, ARTC Center (Washington), Leesburg, VA.

Controlling agency. FAA Washington ARTC Center.

2. Warning Area W-122H [Revised].

W-122H Cherry Point, NC

Boundaries. Beginning at Lat. 34°37'30"N., Long. 76°56'00"W.; to Lat. 34°17'00"N., Long. 76°45'00"W.; to Lat. 33°51'00"N., Long. 77°30'00"W.; to Lat. 34°23'15"N., Long. 77°30'00"W.; thence northeastward 3 NM from and parallel to the U.S. shoreline to point of beginning.

Altitudes. Surface to unlimited, except airspace above FL 240 excluded in the following area: Beginning at Lat. 34°23'15"N., Long. 77°30'00"W.; thence northeastward 3 NM from and parallel to the U.S. shoreline to Lat. 34°28'40"N., Long. 77°19'00"W.; to Lat. 33°53'30"N., Long. 77°26'11"W.; to Lat. 33°51'00"N., Long. 77°30'00"W.; thence to point of beginning.

Times of use. Intermittent.

Using agency. FACSFAC VACAPES NAS Oceana, VA.

Controlling agency. FAA Washington ARTC Center.

3. Warning Area W-122I [Revised].

W-122I Cherry Point, NC

Boundaries. Beginning at Lat. 34°17'00"N., Long. 76°45'00"W.; to Lat. 33°20'00"N., Long. 76°14'41"W.; to Lat. 33°00'00"N., Long. 76°42'00"W.; to Lat. 33°00'00"N., Long. 77°29'00"W.; to Lat. 33°10'00"N., Long. 77°31'00"W.; to Lat. 33°51'00"N., Long. 77°31'00"W.; to point of beginning.

Altitudes. Surface to unlimited, except airspace above FL 240 excluded in the following area: Beginning at Lat. 33°53'30"N., Long. 77°26'11"W.; to Lat. 33°34'00"N., Long. 77°30'25"W.; to Lat. 33°51'00"N., Long. 77°30'00"W.; thence to point of beginning.

Times of use. Intermittent.

Using agency. FACSFAC VACAPES NAS Oceana, VA.

Controlling agency. FAA Washington ARTC Center.

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO), International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Adminstrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.163 of Part 71 of the Federal

Aviation Regulations (14 CFR Part 71) as republished (46 FR 449) as follows:

1. **Control 1181 [Revoked]** by revoking Control 1181.

2. **South Atlantic [Amended]** by amending South Atlantic as follows: After, "Lat. 35°29'30"N., Long. 75°24'50"W.;" add "to Lat. 34°14'00"N., Long. 73°57'00"W.; to Lat. 32°12'00"N., Long. 76°49'00"W.; to Lat. 32°15'00"N., Long. 77°00'00"W.," * * * remainder remains unchanged.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on October 29, 1981.

B. Keith Potts,

Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-32050 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 75

[Airspace Docket No. 81-AAL-11]

Establishment of Jet Routes and Area High Routes; Revocation of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This action withdraws a proposal published in the **Federal Register** on September 3, 1981 (46 FR 44194) to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75). Part 75 was republished on January 2, 1981 (46 FR 834). The proposed amendment would have revoked Jet Route No. J-135 from Bethel, AK, to Unalakleet, AK. One comment received from Alaska International Air, Inc., objected to the revocation because they used the route occasionally for cargo operations. Therefore, the proposal is withdrawn.

DATE: Effective November 5, 1981.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

Withdrawal of the Proposal

Pursuant to the authority delegated to me, effective November 5, 1981 the proposal to amend Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as described in Airspace Docket No. 81-AAL-11 and published in the **Federal Register** on September 3, 1981 (46 FR 44194), is hereby withdrawn.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on October 28, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-31912 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors, and Disability Insurance Benefits; Period of Disability; Determinations and Decisions; Determining Disability and Blindness; Supplemental Security Income; Suspensions and Terminations

Correction

In FR Doc. 81-31545 appearing on page 53684, in the issue of Friday, October 30, 1981, make the following correction.

On page 53686, second column, the amendatory language for § 404.337 should have read:

"3. Section 404.337 is amended by revising paragraph (b)(3) and adding a new paragraph (c) to read as follows:"

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 4

[Notice No. 393]

Labeling and Advertising of Wine, Vintage Wine; Proposed Rulemaking

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing to amend wine regulations to allow the labeling of fruit wines with the harvest dates. Presently only wine produced from grapes may be labeled with the harvest date of the grapes and be called vintage wine. ATF wishes to know whether the labeling of fruit wine with the harvest date of the fruit is of interest to the consumer and to industry.

DATE: Comments must be received on or before February 3, 1982.

ADDRESS: Send comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Joan Deerwester, Research and Regulations Branch, 202-566-7626.

SUPPLEMENTARY INFORMATION:

Background

ATF has been petitioned to allow vintage references on the labels of apple wine qualifying as cider. Apple cider as a class 5, fruit wine, cannot be labeled with these references. Occasionally ATF also receives label applications for fruit wines printed with harvest dates.

Presently vintage wine, as stated in 27 CFR 4.27(a), is wine labeled with the year of the harvest of the grape and made in accordance with the standards prescribed in classes 1, 2 or 3 of §4.21. In addition, at least 95 percent of the wine must be derived from grapes harvested in the labeled calendar year and the wine must be labeled with an appellation of origin other than a country. The classes 1, 2 and 3 described in § 4.21 are grape wines, and, therefore,

a harvest date or the term vintage are allowed on their labels.

Under the Federal Alcohol Administration Act (FAA Act) 27 U.S.C. 205(c), ATF may establish regulations which will prohibit: (1) Consumer deception; and (2) statements relating to age, manufacturing processes, analyses, guarantees, and scientific or irrelevant matters that would be likely to mislead the consumer. Current regulations, 27 CFR 4.39(b), prohibit the use of any statement of age on vintage wine except as allowed in § 4.27. ATF has not extended the vintage labeling provisions of § 4.27 to wine made from fruit other than grapes because ATF has maintained that the term "vintage" is associated, in the minds of consumers, with grape wine, and therefore such a designation on non-grape fruit wine would be confusing and misleading to the consumer.

Members of the wine industry, however, now assert that consumer understanding of vintage has changed in recent years. They believe that the consumer now associates vintage only with the year of the harvest, and not with grape products, quality or maturity. Based on this understanding, and in the interest of truthful and informative labeling, ATF is opening the issue to comment in this notice of proposed rulemaking.

In order to meet the needs and interests of a larger portion of the industry, ATF is expanding consideration of the petition for vintage references and harvest dates to include not only cider but all of the class 5, fruit wines.

Proposed Changes

ATF proposes to amend § 4.27(a) to state that vintage wine is labeled with the year of the harvest of the fruit and is made in accordance with classes 1, 2, 3 or 5 of § 4.21. In addition, to qualify as vintage wine, at least 95 percent of the wine must be derived from fruit harvested in the labeled calendar year. Requirements regarding appellations of origin will also be applicable to fruit wines. In addition, § 4.25a(c) will be amended to state that the multicounty appellation may be used if all the fruit were grown in the counties indicated, and the percentage of the wine derived from fruit grown in each county is shown on the label. Section 4.25a(d)(1) will also be amended to state that multistate appellations may be used if all of the fruit were grown in the States indicated, and the percentage of the wine derived from fruit grown in each State is shown on the label.

Based on the comments received for this notice of proposed rulemaking, ATF may go directly to a final rule to amend the regulation to provide for vintage labeling of fruit wine, may modify the proposal, may subject it to a further rulemaking process or may drop the proposal if it is not supported.

Executive Order 12291

It has been determined that this notice of proposed rulemaking is not classified as a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because they will not have an annual effect on the economy of $100 million or more; they will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and they will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provisions of section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Public Participation

ATF encourages interested persons to participate in this rulemaking procedure by submitting written comments. All pertinent comments will be considered prior to the issuance of a final rule. Comments are not considered confidential. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure. Written communications will be available for public inspection at the ATF Reading Room, Room 4407, 12th and Pennsylvania Avenue, NW, Washington, DC from 8:30 a.m. to 5:00 p.m.

Drafting Information

The principal author of this document is Joan Deerwester, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This notice of proposed rulemaking is issued under the authority of section 5 of the Federal Alcohol Administration Act (49 Stat. 391) (as amended 27 U.S.C. 205).

Signed: September 25, 1981.

G. R. Dickerson,

Director.

Approved: October 16, 1981.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-32033 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 631

Army Regulation 190-24, Armed Forces Disciplinary Control Boards and Off-Installation Military Enforcement Services

AGENCY: Department of the Army, DOD.

ACTION: Proposed rule.

SUMMARY: The Department of the Army proposes to revise its regulation for dealing with civilian establishments which pose a threat to the health, welfare or morale of service members; and for employing military law enforcement officers outside of US government installations. The change is required to provide guidance to military commanders who must deal with civilian establishments on problems that affect their commands, and to provide guidelines for the employment of military police in civilian communities. The guidelines insure that due process is followed in putting establishments "off-limits" to military personnel; and to insure that the "Posse Comitatus Act", which prohibits the military from enforcing civilian laws, is not violated by military law enforcement personnel who operate outside of military installations.

DATE: Comments must be received on or before December 7, 1981. It is proposed to make this regulation effective upon final approval.

ADDRESS: Send written comments to: HQDA, ATTN: DAPE–PEMP–O, Washington, DC 20310.

FOR FURTHER INFORMATION CONTACT: Major John T. Donohue, (202) 756–1896.

SUPPLEMENTARY INFORMATION: This regulation is not significant under the requirements of Executive Order 12044, and a regulatory analysis is not required. The Department of the Army has also determined as required by the Regulatory Flexibility Act (Pub. L. 96–354) that the proposed rule poses no burden upon small entities.

Accordingly, 32 CFR is amended by adding a new Part 631.

Dated: October 28, 1981.

John O. Roach II,

Army Liaison Officer with the Federal Register.

PART 631—ARMED FORCES DISCIPLINARY CONTROL BOARDS AND OFF-INSTALLATION MILITARY ENFORCEMENT SERVICES

Subpart A—General

Subpart B—Armed Forces Disciplinary Control Boards

Subpart C—Off-Installation Military Enforcement Services

Subpart D—Joint Service Law Enforcement Operations

Authority: 10 U.S.C. 3012(g).

Subpart A—General

§ 631.1 Purpose.

This regulation prescribes uniform policies and procedures for the establishment, operation, and coordination of the following:

(a) Armed Forces Disciplinary Control Boards (AFDCB).

(b) Off-installation military enforcement activities.

(c) Joint law enforcement operations.

§ 631.2 Applicability.

This regulation applies to the following:

(a) Active US Armed Forces personnel wherever they are stationed. Commanders in oversea areas are authorized to deviate from the policy in this regulation if required by local conditions, treaties, agreements, and other arrangements with foreign governments and allied forces. Subparts C and D are not applicable to the US Navy.

(b) Reserve personnel only when they are performing Federal duties or engaging in any activity directly related to the performance of a Federal duty or function.

(c) National Guard personnel only when called or ordered to active duty in Federal status.

§ 631.3 Supervision.

(a) The following will jointly develop and have staff supervision over AFDCB policies and the conduct of off-installation military enforcement activities:

(1) The Deputy Chief of Staff for Personnel, Headquarters, Department of the Army.

(2) Chief of Naval Personnel (PERS–84).

(3) Commandant of the Marine Corps.

(4) Chief of Security Police, Air Force Office of Security Police, Department of the Air Force.

(5) Commandant of the Coast Guard.

(b) The above will also be responsible to standardize AFDCB policies and procedures as well as to coordinate and maintain liaison with interested staff agencies and other military and civil agencies.

§ 631.4 Exceptions.

Requests for exceptions to policies contained in this regulation will be forwarded to HQDA(DAPE–HRE–PO), WASH, DC 20310.

Subpart B—Armed Forces Disciplinary Control Boards

§ 631.5 General.

(a) Armed Forces Disciplinary Control Boards (AFDCBs) may be established by installation, base, or station commanders. The mission of AFDCBs is as follows:

(1) Advise and make recommendations to commanders on matters concerning the elimination of crime or other conditions which may negatively affect the health, safety, morals, welfare, morale, or discipline of Armed Forces personnel.

(2) Insure the establishment and maintenance of the highest degree of liaison and coordination between military commands and appropriate civil authorities.

(b) Where installations of two or more military Services are located or which are frequented by personnel of two or more Services, there will be joint Service participation in any AFDCB. In such cases, the commander of the Service with the greatest number of troops will serve as the "sponsoring commander" of the board. When there is joint participation in AFDCBs, written agreements will be executed by the respective Service installation commanders. These agreements will designate the sponsoring commander and delineate the joint Service participation.

§ 631.6 Responsibilities.

(a) Major Army commanders, Navy commanders, Marine Corps commanders, Air Force commanders, and Coast Guard commanders will—

(1) Monitor the establishment of and participation in AFDCBs by subordinate commands.

(2) Encourage subordinate commanders to participate in joint Service boards where appropriate.

(3) Resolve differences among subordinate commanders in regard to board areas of responsibility and the designation of sponsoring commanders.

(4) Evaluate board recommendations and actions from subordinate sponsoring commanders.

(5) Forward to HQDA (DAPE–HRE), WASH, DC 20310, reports that require Service headquarters action to accomplish the following:

(i) Correct situations which would adversely affect the health, safety, morals, welfare, morale, or discipline of Armed Forces personnel.

(ii) Surface positive programs having widespread applicability.

(6) Insure procedures are established to notify the responsible individuals to insure that off-limits restrictions are made known and applicable to all Armed Forces personnel who may frequent the area in question. These would be off-limits restrictions approved and so declared by subordinate sponsoring commanders.

(7) Insure that subordinate commanders assess the availability of drug abuse paraphernalia in the vicinity of DOD installations through their AFDCBs in accordance with DOD Directive 1010.4, Alcohol and Drug Abuse by DOD Personnel. Drug abuse paraphernalia is defined as all equipment, products, and materials of

any kind that are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Controlled Substances Act.

(b) In each AFDCB area, the commander of the installation with the largest base population will be designated the AFDCB sponsoring commanders. Sponsoring commanders will provide administrative support, as shown below, for the AFDCB programs.

(1) Promulgate implementing directives and call meetings of the board.

(2) Provide a recorder for the board.

(3) Provide copies of the minutes of the meetings of the board to—

(i) Other Service commanders who provide board representatives.

(ii) BUPERS (for Navy only).

(iii) Other AFDCBs as appropriate.

(4) Approve or disapprove the minutes and recommendations of the board and make appropriate distribution, as required.

(5) Publish lists of "off-limits" establishments and areas.

(6) Insure notification to the responsible individuals of any unfavorable actions being contemplated or taken regarding their establishments in accordance with appendix B.

(7) Distribute all pertinent information to the following:

(i) All units within their jurisdictional area.

(ii) Units stationed in other areas whose personnel frequently visit their jurisdictional area.

(c) (for Army only). Commanders of Army installations depicted in Map 18, AR 5–9, are responsible for coordinating activities of AFDCB in their areas. They may serve as sponsoring commanders or participate as members of Joint Service Boards. They may approve the establishment of separate AFDCB for Army installations within their area when it is in the best interest of the Army to do so. Changes in AFDCB areas of responsibility may be approved by MACOMs of installations concerned.

(d) (for Army only). The Commander, US Army Health Services Command will—

(1) Assure that subordinate commanders provide *one* of the following to sit as a member of each established board—

(i) A Medical Corps officer.

(ii) A health and environment oriented Medical Service Corps (MSC) officer of the Army Medical Department (AMEDD).

(2) Encourage subordinate commanders to—

(i) Maintain liaison with other governmental and civilian health agencies to detect unsafe or unhealthy conditions within the geographic area of each supported board.

(ii) Advise the board of conditions which adversely affect Armed Forces personnel.

§ 631.7 Composition of boards.

(a) Each board shall, as a minimum, consit of representatives from the following functional areas:

(1) Law enforcement.

(2) Legal.

(3) Health and environment.

(4) Public affairs.

(5) Equal opportunity.

(6) Safety.

(7) Chaplains.

(8) Alcohol and drug abuse.

(9) Personnel and community activities.

(b) Sponsoring commanders will determine, by position, which board members will be designated as voting members. Such designations will be included in the written agreements establishing the boards.

(c) Normally the sponsoring commander will designate a member of his staff as the board President.

§ 631.8 Civil agencies.

(a) Civil agencies or individuals may be invited to board meetings as observers or witnesses in jurisdictions where they have knowledge of problems in the board's area of interest. These would be civil agencies or individuals concerned with law enforcement, public health, welfare, consumer affairs, and the safeguarding of morals.

(b) Boards should be used to establish and maintain liaison between installations and civil agencies. A recommended method is to mail announcements and summaries of the results of board meetings to appropriate civil agencies. These agencies include, but are not limited to, those found in appendix A.

§ 631.9 Duties and functions of boards.

The AFDCBs will—

(a) Meet in session as prescribed by the AFDCB Procedures Guide in appendix B.

(b) Receive and take appropriate action on reports of conditions in their jurisdictional areas relating to any of the following:

(1) Lack of discipline.

(2) Prostitution.

(3) Venereal disease.

(4) Liquor violations.

(5) Racial and other discriminatory practices.

(6) Alcohol and drug abuse.

(7) Drug abuse paraphernalia.

(8) Disorder.

(9) Illicit gambling.

(10) Unfair commercial or consumer practices.

(11) Other undesirable conditions that may adversely affect members of the military or their families.

(c) Report the following to all major commanders in the board's area of jurisdiction:

(1) Any conditions cited in paragraph (b) of this section.

(2) The board's recommended action as approved by the board's sponsoring commander.

(d) Conduct active liaison with appropriate civil authorities on problems or adverse conditions existing in the board's area of interest.

(e) Make recommendations to commanders in the board's area of jurisdiction concerning off-installation procedures to prevent or control undersirable conditions.

§ 631.10 Administration.

(a) Commanders are authorized to acquire, report, process, and store information concerning persons and organizations, whether or not affiliated with the Department of Defense (DOD) (AR 380–13), which:

(1) Adversely affects the health, morals, welfare, morale, or discipline of Armed Forces personnel regardless of status.

(2) Describes crime conducive conditions of which Armed Forces personnel may become victims.

(b) Information described in a above may be filed by organization; however, it will not be retrievable on the basis of individual personal identification date, e.g., SSN, name, or address. The information should be retained only as long as the described conditions or threat to the welfare of Armed Forces personnel continues to exist.

(c) Boards will function under the supervision of a president.

(d) Certain expenses incurred by Service members in the course of an offical board investigation or inspection may be reimbursable. This would be done in accordance with appropriate Service finance regulations or instructions. These requests should be submitted to the sponsoring Service finance office and charged to the appropriate law enforcement account.

(For the Army, this account is the .T6 account.)

(e) Records of board proceedings will be maintained as prescribed by records management policies and procedures for the Service of the sponsoring commander.

§ 631.11 Off-limits establishments and areas.

(a) An "off-limits" area is defined as any vehicle, conveyance, place, structure, building, or area prohibited to military personnel to use, ride, visit, or enter during the period in which it may be declared off-limits. As a matter of policy, the change in ownership, management, or name of any off-limits establishment does not, in and of itself, revoke the off-limits restriction.

(b) The establishment of off-limits areas is a function of command. It may be used by commanders to help maintain good discipline and an appropriate level of good health, morale, safety, morals, and welfare of Armed Forces personnel. Off-limits action is also used to preclude Armed Forces personnel from being exposed to crime conducive conditions or from becoming the victims of crimes. Where sufficient cause exists, commanders retain substantial discretion to declare establishments or areas temporarily off-limits to personnel or their respective command in emergency situations. Temporary off-limits restrictions issued by commanders in an emergency situation will be acted upon by the AFDCB on a priority basis.

(c) Armed Forces personnel are prohibited from entering establishments or areas declared off-limits in accordance with this regulation. Violations may subject the individual to disciplinary action under the Uniform Code of Military Justice (UCMJ). As general policy, these establishments will not be visited by military law enforcement personnel unless circumstances warrant.

(d) Prior to initiating routine off-limits action, installation commanders will attempt to correct, through contact with local civilian leaders, any adverse condition or situation. If these actions are unsuccessful, commanders will submit reports, requesting off-limits action, to the AFDCB serving their area.

(e) The AFDCB, prior to recommending off-limits restriction, will send written notice of the alleged adverse condition or situation, by certified mail with return receipt requested, to the individual or firm responsible for the alleged condition or situation. In this notice, the AFDCB will offer a reasonable time to correct the condition or situation and provide the individual or a designated representative with the opportunity to present any relevant information to the board. (See sample letter at annex A to app B.) If subsequent investigation reveals a failure by the responsible person to take corrective action, the board should recommend the imposition of the off-limits restriction.

(f) A specified time limit will not be established when an off-limits restriction is invoked. The adequacy of the corrective action taken by the proprietor of the establishment will be the determining factor in removing an off-limits restriction.

(g) A person whose establishment or area has been declared off-limits may, at any time, petition the president of the board for removal of the off-limits restriction. The petition will be in writing. It should state, in detail, the action taken to eliminate the adverse conditions or situations that caused the imposition of the restriction. In response to the petition, the President of the AFDCB may cause a thorough investigation to be made of the status of these adverse conditions or situations. A report of the results of the investigation would be presented to the board. The board then will either recommend removal or continuation of the off-limits restriction to the local sponsoring commander.

(h) Off-limits procedures to be followed by the boards are in appendix B. In the United States, off-limits signs will not be posted on civilian establishments by US military authorities.

Subpart C—Off-Installation Military Enforcement Services

§ 631.12 Objectives.

The primary objectives of off-installation enforcement are to—

(a) Render assistance and information to Armed Forces personnel.

(b) Reduce the incidence of off-installation military offenses committed by Armed Forces personnel.

(c) Enforce the UCMJ and other pertinent regulations, directives, and orders among persons subject to the UCMJ.

(d) Maintain effective liaison and cooperation with civil law enforcement and judicial agencies.

(e) Enhance apprehension efforts and return to military control absentees and deserters wanted by the Armed Forces.

(f) Maintain good community relations.

(g) Assist in the return of military members detained by civil authorities to military control.

§ 631.13 Applicability.

This chapter applies to off-installation enforcement activities. It does not apply to the activities of AFDCBs which were discussed in subpart B. It is not applicable to the U.S. Navy.

§ 631.14 Responsibilities.

(a) Commanders of military installations will recognize the responsibility of civil authorities for the maintenance of peace and order in those areas not under military jurisdiction or control. They should—

(1) Conduct off-installation law enforcement in accordance with applicable Service policies and procedures.

(2) Coordinate the liaison functions to accomplish the objectives outlined in paragraph 3–1.

§ 631.15 Policy (for Army only).

(a) Within CONUS.

(1) Normally, off-post patrols with not be established in CONUS. However, MACOM commanders may authorize military police to establish off-installation patrols if needed—

(i) In conjunction with military operations.

(ii) To safeguard the health and welfare of Army personnel.

(iii) When the type of offenses or the number of military personnel frequenting an area is large enough to warrant such patrols.

(2) In view of the important legal implications involved (see 18 U.S.C. 1385, the Posse Comitatus Act), the advice of the local Staff Judge Advocate should be sought prior to the implementation of such an authorization. When possible, MACOM commanders will execute a mutually acceptable written agreement with the civil police authorities.

(b) OCONUS. Off-post patrols will be kept at a minimum for mission accomplishment. Commanders of MACOMs may authorize off-post patrols as required by local conditions and customs as long as these patrols are in accordance with applicable treaties and Status of Forces Agreements.

(c) Military police personnel selected for off-post patrols must be experienced in law enforcement and have mature judgment. They must be thoroughly familiar with all applicable agreements and implementing standard operating procedures. They must understand the implications of the Posse Comitatus Act as it pertains to military law enforcement personnel assisting local law enforcement agencies.

(d) At a minimum, instructions to military police assigned to off-post

patrols will specifically state that if they accompany civil police, they will do so for the sole purpose of enforcing the UCMJ among persons subject to the code. Their instructions will also specifically state that they are under the command and directly responsible to their military superiors and that they exercise no authority over the civil police or the civil populace. Accordingly, military police should be instructed that they are not to exercise any authority in a case of misconduct or apparent law violation unless the person concerned has been identified as a member of the military service. However, military law enforcement personnel may come to the aid of civil police in order to prevent the commission of a felony or injury to a civilian police officer.

§ 631.16 Policy (for Navy only).

(a) Off-base law enforcement activities by naval personnel (CONUS and Hawaii) shall be limited to liaison functions with civilian law enforcement agencies and courts and to the acceptance of "courtesy turnovers."

(b) The court liaison function is limited to the provision of an official Navy point of contact for the courts, to the provision of advice for individuals and local commands, and to court appearance with individuals from deployed commands.

(c) Courtesy turnovers will be limited to those persons whose behavior and attitude are acceptable and who desire to be returned to the custody of their parent command.

(d) Courtesy turnovers will be accepted from jails, police stations, etc., but not directly from police officers on the scene of an incident.

§ 631.17 Policy (for Air Force only).

See section B, AFR 125–19, for Air Force policy on off-installation patrols.

§ 631.18 Operations.

(a) In CONUS, incidents occurring off-installation normally are investigated by civil law enforcement agencies. These include State, county, or municipal authorities or a Federal investigative agency. When an incident of substantial interest to the U.S. Army occurs off-installation, the Armed Forces law enforcement organization exercising area responsibility will obtain copies of the civil law enforcement report. These are incidents that involve Army property or personnel. The civil law enforcement report would be processed according to applicable Service regulations.

(b) In oversea areas, off-installation incidents will be investigated in accordance with Status of Forces agreements and other appropriate U.S.-host country agreements.

(c) Off-installation enforcement operations may include the following activities:

(1) Town patrol.

(2) Town military police.

(3) Air Force Security Police patrols and stations.

(4) Civil police and civil court liaison.

(5) Public carrier and civilian transportation terminal patrols.

(6) Acceptance of active duty absentee or deserter military personnel turned over to Service police by civilian authorities.

(7) Other activities deemed necessary, provided each activity is within the scope of military purpose and authority.

(d) Activities in c above will be performed according to the Service policies in §§ 631.15–631.17. They will be based on the need and the fiscal and manpower restraints imposed by each Service. If practical, mutual agreements between two or more Services may be made to facilitate the conduct of joint Service off-installation enforcement services and absentee apprehension functions.

(e) Armed Forces law enforcement personnel will—

(1) Act under the command of, and be responsible to, military superiors and will not be placed under the control of civil authorities.

(2) Exercise authority over civil law enforcement agencies or persons not subject to the UCMJ only when they are on a military installation.

(3) Be authorized to apprehend persons subject to the UCMJ when there exists a reasonable belief that an offense under the code has been committed and that the person to be apprehended committed the offense. Civilians committing offenses on US military installations may be detained for the appropriate Federal, State, or local law enforcement agency.

(4) Return apprehended persons to representatives of their respective Services as soon as practicable.

(5) Process all reports received from other law enforcement agencies concerning crimes committed by military personnel, involving military property, or in which DOD has an interest.

Subpart D—Joint Service Law Enforcement Operations (Not Applicable to US Navy)

§ 631.19 Organization.

In localities frequented by personnel of more than one Service, installation commanders may consider the establishment of joint law enforcement operations. Such operations may provide a more effective and economical accomplishment of off-installation law enforcement. When such operations are established, participating installation commanders will—

(a) Execute written agreements concerning the operations.

(b) Insure that each participating organization contributes its proportionate share of personnel, equipment, and supporting facilities.

§ 631.20 Joint law enforcement operations.

The following procedures will apply when establishing joint law enforcement operations:

(a) *Personnel.* Enlisted personnel selected for joint law enforcement duty should meet the following qualifications:

(1) Be temperamentally suited for police duty and received training or have experience in law enforcement.

(2) Be 19 years of age or older.

(3) Have no record of court-martial convictions or civilian offenses other than minor traffic violations.

(4) Be at least 5 feet 4 inches tall.

(5) Meet General Classification Test (GCT) (or equivalent test) score requirements of the parent Service for assignment to police duty.

(6) Possess a military motor vehicle operators license.

(7) Have at least 12 months remaining on current enlistment.

(b) *Logistics.* Personnel assigned to joint patrols will be equipped as prescribed by their respective Service regulations or directives to include the symbol of their law enforcement authority (badge or brassard).

(c) *Functions.* Joint law enforcement operations will perform, at a minimum, the following functions:

(1) Provide assistance to all Armed Forces personnel who are charged with civil violations.

(2) Maintain liaison with civilian enforcement and judicial agencies.

(3) Have the capability to receive military personnel apprehended by civilian authorities.

(d) *Duty assignments.* Personnel assigned to perform joint operations may be further assigned to perform duties in any of the following functional areas:

(1) Police station operation (desk sergeants, desk clerks, radio operators, etc.).

(2) Motor patrols necessary to conduct police and court liaison and to transport military personnel from the local civilian police.

(3) Operations.

(4) Administration.

Appendix A—Civil Agencies

A–1. *American Social Health Association.*

The American Social Health Association, upon request, provides information and consultation in the fields of venereal disease and drug abuse. Local AFDCBs desiring information should apply through one of the following regional offices of the association:

Eastern Regional Director, 86 Farmington Ave., Hartford, Connecticut 06105
Middle America Regional Director, 110 North High Street, Gahanna, Ohio 43230
Southern Regional Director, 173 Walton Street, NW., Atlanta, Georgia 30303
Western Regional Director, 785 Market Street, Rm. 1010, San Francisco, California 94103

A–2. *United States Brewers Association.*

a. The United States Brewers Association is the trade and public relations agency of the organized brewing industry in the United States. Upon request, it will assist military authorities within CONUS to eliminate conditions detrimental to the health, morals, and welfare of members of the Armed Forces in the cities and communities adjacent to military installations.

b. This association conducts an Armed Forces cooperation program to further "self-regulation" activities among beer dealers. It cooperates with State and local law enforcement officials in the promotion and maintenance of proper conditions in retail beer outlets throughout the country. Its services are available to AFDCBs for furthering joint action in the promotion of law observance and the maintenance of conditions of cleanliness and decency in retail beer outlets patronized by members of the Armed Forces.

c. Local sponsoring commanders requesting the assistance of the Brewers Association may apply to the Director of Field Services, US Brewers Association, Inc., 1750 K Street NW, Washington DC 20006.

A–3. *The National Environmental Health Association.*

The National Environmental Health Association is a professional organization representing various sanitary and environmental control groups. It provides information and consultation on solid waste management, air and water pollution, and other environmental health matters. Military members of the association belong to the Uniform Services Association of Sanitarians. All requests for assistance should be directed to the military association at the national association headquarters, 1600 Pennsylvania Ave., Denver, Colorado 80293.

A–4. *The Federal Trade Commission.*

The Federal Trade Commission was established in 1914 and is the principal agency of the Government responsible for preventing deceptive acts and practices in commerce. The Commission strives to keep competition fair and free from deceptive advertisement of food, drugs, cosmetics, therapeutic devices, catalog sales, and credit card purchases. It strives to protect consumers against the circulation of inaccurate or obsolete credit reports. Consumer Protection Specialists are located at the national and regional offices to render assistance. Regional offices are located in major metropolitan areas and frequently conduct investigations of acts peculiar to local communities. Inquiries should be made to the regional offices.

Appendix B—Armed Forces Disciplinary Control Board Procedures Guide

B–1. *General.* This guide prescribes procedures for the establishment, operation, and coordination of Armed Forces Disciplinary Control Boards (AFDCBs). It is intended to insure uniformity of operation. AFDCB proceedings are not considered to be adversary in nature.

B–2. *Meetings.*

a. Regular meetings will be held once each quarter or as designated by the president. The sponsoring commander may specify whether the meetings, as scheduled, will be open or closed. If not specified, the decision is within the discretion of the president of the board. Normally, proceedings are closed, but may be opened to the public when circumstances warrant.

b. Special meetings may be called by the president of the board. Except by unanimous consent of members present, final action will be taken only on the business for which the meeting was called.

B–3. *AFDCB composition.*

a. Voting members will be selected according to paragraph 2–3 of this regulation.

b. A majority of voting members constitutes a quorum for board proceerdings.

B–4. *Attendance of observers or witnesses.*

a. Representatives of the agencies listed below may be invited to attend as observers or witnesses.

(1) American Social Health Association.
(2) United States Brewers Association.
(3) Federal Bureau of Investigation.
(4) United States Attorneys.
(5) State and local police.
(6) State and local departments of health.
(7) State and local VD control officers.
(8) State alcoholic beverage control authorities.
(9) State and local prosecutors.
(10) Consumer affairs personnel.
(11) State and local narcotics investigative agencies.
(12) Immigration and Naturalization Service.
(13) Members of Judiciary directly concerned with law enforcement.
(14) Drug Enforcement Administration.
(15) Bureau of Alcohol, Tobacco, and Firearms.
(16) US Customs Service.
(17) Chamber of Commerce.
(18) Better Business Bureau.
(19) State license beverage association.
(20) National Institute of Drug Abuse and National Institute on Alcohol Abuse and Alcoholism.
(21) Adult probation department/social services.
(22) Any other representation deemed appropriate by the sponsoring command, i.e., news media, union representatives, and so forth.

b. Witnesses and observers will be listed in the minutes of the meeting if invited by the board to participate in that capacity.

c. Board action may be recommended by a majority vote of the voting members present at a regular or special board meeting.

B–5. *Appropriate areas for board consideration.*

a. Boards will study and take appropriate action in connection with all conditions detrimental to the good discipline, health, morals, welfare, safety, and morale of Armed Forces personnel. This will include, but not be limited to, the following:

(1) Crime and misconduct.
(2) Narcotics, marihuana, dangerous drugs, and drug abuse paraphernalia.
(3) Liquor violations.
(4) Excessive number of unauthorized absences.
(5) Gambling (when in violation of State or local law).
(6) Military and civilian relationships that may be detrimental to service personnel.
(7) Unsanitary and other adverse conditions in establishments frequented by Armed Forces personnel.

(8) Off-installation/base safety problems.

(9) Unethical or illegal business practices.

(10) Prostitution and venereal disease.

(11) Discriminatory practices.

(12) Other health hazards.

b. The board will immediately forward to the local commander concerned the circumstances reported to the board involving discrimination based on race, color, sex, religion, age, or national origin.

B–6. *Off-limits procedures.*

a. Off-limits restrictions should be invoked only when there is substantive information indicating that an establishment or area frequented by Armed Forces personnel presents conditions which adversely affect the health, safety, welfare, morale, or morals of such personnel. It is essential that boards do not act arbitrarily; actions must not be of a punitive nature. Boards should work in close cooperation with local officials and proprietors of business establishments and seek to accomplish their mission through mutually cooperative efforts. Boards should encourage personal visits by local military and civilian enforcement or health officials to establishments considered below standard. AFDCBs should point out unhealthy conditions or undesirable practices to establishment owners or operators in order to produce the desired corrective action.

b. Prior to initiating routine off-limits action, the local commander will attempt to correct any situation which adversely affects the welfare of Armed Forces personnel. This will be done through contact with community leaders.

c. Unless emergency conditions exist which are extremely harmful to Armed Forces personnel, an establishment will not be recommended for off-limits action until the proprietor has been—

(1) Notified in writing of the adverse condition/circumstances.

(2) Given an opportunity to be heard and a reasonable time in which to correct deficiencies.

d. If the board decides to attempt to investigate or inspect an establishment, the president or a designee will prepare and submit a report of findings and recommendations at the next meeting This will insure complete and documented information concerning doubtful adverse conditions.

e. When the board concludes that conditions adverse to Armed Forces personnel do exist, the owner or manager will be sent a letter of notification (annex A). This letter will advise him or her to raise standards and that, if such conditions or practices continue, off-limits proceedings will be initiated. In cases involving discrimination, the board should not rely solely on letters written by the Equal Opportunity Office and Military Affairs Committee or investigations of alleged racial discrimination. The AFDCB should send letters to the proprietor, informing him or her that off-limits action is being considered and inviting him or her to the next board meeting. Boards should send letters directly to the proprietors when any off-limits action is being considered. If a proprietor takes remedial action to correct undesirable conditions previously noted, the board should send a letter of appreciation (annex B). Any correspondence with the individuals responsible for adverse conditions leading to off-limits action will be by certified mail.

f. If the undesirable conditions are not corrected, an invitation (annex C) will be written to the proprietor. This letter will invite the proprietor to appear before the board to explain why the establishment should not be placed off-limits. The proprietor may designate, in writing, individual(s) to represent him or her at the board.

g. In cases where proprietors have been invited to appear before the board, the president of the board will perform the following actions:

(1) Prior to calling the proprietor—

(a) Review the findings and decision of the previous meeting.

(b) Call for inspection reports.

(c) Afford an opportunity to those present to ask questions and discuss the case.

(2) When the proprietor and/or his or her counsel is called before the board—

(a) Present the proprietor with a brief summary of the complaint concerning his or her establishment.

(b) Afford the proprietor an opportunity to present matters in defense of the allegation.

(c) Offer those present an opportunity to question the proprietor. After the questioning period, provide the proprietor a final opportunity to make an additional statement or to make commitments concerning his or her willingness to cooperate.

(3) After excusing the proprietor from the meeting, the president and board will discuss suggestions and recommendations for disposition of the case in closed session.

h. No member of a board shall reprimand or admonish in any degree a person appearing before a board. Board members do not have jurisdiction over such individuals. Off-limits actions are designed solely for the protection of Armed Forces personnel and are used as a last resort when all other means have failed.

i. The board should recommend that the offending establishment be placed off-limits only after the following:

(1) The letter of notification (annex A) has been sent.

(2) An opportunity to appear before the board has been extended.

(3) Further investigation indicates that improvements have not been made.

j. The minutes will indicate a board's action in disposing of each case. When a recommendation is made that an establishment be placed off-limits, the minutes will show the procedural steps followed in reaching the decision.

k. Recommendations of the board will be submitted to the sponsoring commander for consideration. The recommendations will then be forwarded to the other installation commanders who furnish board representation (annex D). If no objection to the recommendations is received within 10 days, the sponsoring commander will either approve or disapprove the recommendations. He will then forward this decision to the board president.

l. Upon approval of the board's recommendations, the president will dispatch a declaration that the off-limits restriction has been imposed (annex E).

m. No definite time limit should be specified when an off-limits restriction is invoked. The adequacy of the corrective action taken by the proprietor of the establishment must be the determining factor in removing an off-limits restriction.

n. Military commanders have no authority to post off-limits signs on private property. Appropriate civil officials may post private property when informed by military authorities that an establishment or area has been declared off-limits to Armed Forces personnel.

o. Emergency off-limits action: In emergencies, commanders may temporarily declare establishments or areas off-limits to Armed Forces personnel subject to their jurisdiction. They must then report the circumstances immediately to the commander sponsoring the board. Detailed justification for this emergency action will be provided to the board for its use.

B–7. *Removal of off-limits restrictions.*

a. Removal of an off-limits restriction requires board action. Proprietors of establishments declared off-limits should be advised that they may appeal to the appropriate board at any time. In their appeal, they should submit the reason why, in their opinion, the restriction should be removed. A letter of notification of continuance of off-

limits restriction should be sent to the proprietor if the board does not favorably consider removal of an off-limits restriction (annex F). If, after exhausting all appeals at the board/local sponsoring commander level, the proprietor is not satisfied with those decisions, his or her case will be forwarded to the next higher commander of the sponsoring commander for review and resolution. Boards should make at least quarterly inspections of off-limits establishments. A statement that an inspection has been made should be reflected in their minutes.

b. When it has been determined that adequate corrective measures have been taken by the owner or manager of an establishment or area to meet the requirements for good discipline, health and welfare of Armed Forces personnel, the appropriate board will take the following actions:

(1) Discuss the matter at the next meeting and make an appropriate recommendation.

(2) Forward recommendation for removal of off-limits restriction to the sponsoring commander. If the recommendation is approved, dispatch a letter of removal of off-limits (annex G or H).

(3) Record what action was taken in the minutes of the board meeting.

B–8. *Duties of the president of the board.*

The president of the board will—

a. Schedule and preside at all meetings of the board and sign appropriate correspondence.

b. Prepare an agenda prior to each regular meeting and insure its distribution to each voting member at least 7 days prior to the meeting.

c. Be responsible for the preparation and distribution of the minutes of all meetings and for maintenance of appropriate records and files pertaining to AFDCB activities. (See para. 2–6e.)

d. Inform members of any special meeting and its purpose as far in advance as possible.

e. Prepare and distribute to major commands a copy of the minutes of each meeting.

f. Supervise the recorder in performance of all administrative duties as required.

B–9. *Minutes.*

a. Annex I is a guide for the preparation of the minutes of board meetings. Minutes will be prepared in accordance with administrative formats for minutes of meetings prescribed by the Service of the sponsoring commander. The written minutes of board meetings will be deemed the official record of board meetings. Verbatim transcripts of board meetings are not required. The reasons for approving or removing an off-limits restriction, to include a complete address of the establishment or area involved, should be indicated in the order of business. In addition, the board's action will be shown in order of sequence, such as dispatch of letter of notification, appearance before board, recommendation to local sponsoring commander, or action taken by local sponsoring commander. Change in the name of an establishment or areas in an off-limits status will also be included.

b. Distribution of the minutes of board meetings will be limited to the following:

(1) Each voting member, sponsoring command and other commands, and installations represented on or serviced by the board.

(2) Each civilian and military advisory member, if deemed appropriate.

(3) Civilian and Government agencies, within the State in which member installations are located, having an interest in the functions of the board, if appropriate.

c. The minutes of the board meeting, containing the board's recommendations, will be forwarded in writing to the sponsoring commander. The minutes will be accompanied by a request that the recommendations be approved for implementation. The sponsoring commander will, by written indorsement to the president of the board, approve or disapprove the minutes and recommendations.

d. Board minutes are subject to the release and disclosure provisions of DOD Directive 5400.7 and implementing Service regulations.

B–10. *Installation commander and board relationship.*

Military installation commanders within a board's areas of responsibility must be thoroughly acquainted with the mission and services provided by AFDCBs. Board members should keep their respective commanders informed of command responsibility pertaining to board functions and actions.

B–11. *Public affairs.*

a. Because of the sensitive nature of subject matter discussed, no public announcement will be initiated in connection with board meetings. However, any board proceeding which is open to the public will also be open to representatives of the news media. Representatives of the news media will be considered as observers and will not participate in the discussion of matter considered by the board. Members of the news media may be invited to participate in an advisory status in coordination with the Public Affairs Officer.

b. News media interviews and releases will be handled through the Public Affairs Offices in accordance with this regulation and AR 360–5.

Annex A—Letter of Notification

(Letterhead)

(Appropriate AFDCB)

Proprietor

_____

_____

_____

Dear Sir: As President of the Armed Forces Disciplinary Control Board, it is my duty to inform you of certain undesirable conditions reported at your establishment which adversely affect the health and welfare of personnel in the Armed Forces. It has come to the attention of the board that (*cite pertinent information*). You are advised that it will be necessary for this board to initiate action to determine whether your establishment should be placed off-limits to personnel of the Armed Forces if the above cited undesirable condition(s) is (are) not eliminated. (*Include if applicable*). Within (*cite period*), a representative of this board will visit your establishment in order to determine if steps have been taken to correct the conditions outlined above.

Sincerely,

_____,

President, AFDCB.

(**Note.**—When sent by mail, send letter by *CERTIFIED MAIL, RETURN RECEIPT REQUESTED.)*

Annex B—Letter of Appreciation

(Letterhead)

(Appropriate AFDCB)

Proprietor

_____

_____

_____

Dear Sir: Reference is made to my letter dated _____ concerning certain undesirable conditions reported at your establishment which adversely affect the health and welfare of personnel in the Armed Forces.

The board appreciates your action in correcting the deficiencies previously noted. In view of this fact, the board contemplates no further action with respect to this matter at the present time.

The board hopes that you will continue to operate your establishment in the manner which will benefit the health and welfare of Service personnel. Your continued cooperation is solicited.

Sincerely,

_____,

President, AFDCB.

Annex C—Letter of Invitation

(Letterhead)

(Appropriate AFDCB)

Proprietor

_____

_____

_____

Dear Sir: Reference is made to my letter dated ——— concerning certain undesirable conditions reported at your establishment which adversely affect the health and welfare of personnel in the Armed Forces. Information has been received by the board which indicates that you have not taken adequate corrective action to eliminate these undesirable conditions.

Inspection reports presented to the board indicate (*enumerate and describe conditions*).

You are advised that it has become necessary for this board to initiate action to determine whether your establishment should be declared off-limits to personnel of the Armed Forces.

If you so desire, you may appear in person, with or without counsel, before this board at its next meeting (*date and place*) to refute these allegations or to inform the board of any remedial action you have taken or contemplate to correct the undesirable conditions.

It is requested that you inform the President of this board if you plan to attend. Any questions relative to the foregoing may be addressed to the President, Armed Forces Disciplinary Control Board, (*address*), and every effort will be made to clarify the matter for you.

Sincerely,

———,

President, AFDCB.

(**Note.**—When sent by mail, send letter by *CERTIFIED MAIL, RETURN RECEIPT REQUESTED.)*

Annex D—Off-Limits Approval Letter

(Letterhead of sponsoring commander)

Commander Supported Installations

———

———

———

1. The Armed Forces Disciplinary Control Board ——— at its meeting on ——— recommended that (*name and address of establishment*) to be placed off-limits to all Armed Forces personnel.

2. Installation commanders furnishing board representations are requested to provide comments, if any, within 10 days as to whether (*name of establishment*) should be placed off-limits pursuant to the board's recommendation.

3. A copy of the board action is attached.

FOR THE (SPONSORING) COMMANDER:

Annex E—Letter of Declaration of Off Limits

(Letterhead)

(Appropriate AFDCB)

Proprietor

———

———

———

Dear Sir: As President of the Armed Forces Disciplinary Control Board, it is my duty to inform you that your establishment has been declared off limits to personnel of the Armed Forces, effective (*date*). This action was necessary (*cite reason*) which adversely affects the health and welfare of Service personnel. You are advised that, in accordance with established policy of the Armed Forces, this restriction will remain in effect for an indefinite period. The restriction may be recommended for removal by the board provided satisfactory corrective measures have been adopted by your management.

Military personnel are prohibited from entering your premises as long as this order is in force.

Correspondence pertaining to specific appeals may be submitted to the President, Armed Forces Disciplinary Control Board (*cite address*).

Sincerely,

———,

President, AFDCB.

(**Note.**—When sent by mail, send letter by *CERTIFIED MAIL, RETURN RECEIPT REQUESTED.)*

Annex F—Letter of Notification of Continuance of Off-Limits Restriction After Appearance Before the AFDCB

(Letterhead)

(Appropriate AFDCB)

Proprietor

———

———

———

Dear Sir: Pursuant to your appearance before the Armed Forces Disciplinary Control Board on ———, it is my duty to inform you that the board did not favorably consider your request for removal of the off-limits restriction now in effect at your establishment.

You are advised that periodic visits of your establishment may continue to be made by military authorities and that, until undesirable conditions existing at your establishment which adversely affect the health, morals and welfare of personnel in the Armed Forces are eliminated, the off-limits restriction will be continued.

You may appear before the board, with or without counsel, at any of its quarterly meetings. Correspondence pertaining to this matter may be addressed to the President, Armed Forces Disciplinary Control Board (*cite address*).

Sincerely,

———,

President, AFDCB.

Annex G—Letter of Removal of Off-Limits Restriction

(Letterhead)

(Appropriate AFDCB)

Proprietor

———

———

———

Dear Sir: As president of the Armed Forces Disciplinary Control Board, it is my duty and pleasure to inform you that the off-limits restriction against your establishment is hereby terminated.

Armed Forces personnel, therefore, are permitted to patronize (*name of establishment*), effective (*date*).

It is expected that you will continue to operate your establishment in a manner which will benefit the health and welfare of Service personnel. Your continued cooperation is solicited and appreciated.

Sincerely,

———,

President, AFDCB.

Annex H—Notification of Removal of Off-Limits Restriction After Appearance Before the AFDCB

(Letterhead)

(Appropriate AFDCB)

Proprietor

———

———

———

Dear Sir: Pursuant to your appearance before the Armed Forces Disciplinary Control Board on ———, it is my pleasure to inform you that your request for removal of the off-limits restriction now in effect at your establishment was favorably considered by the board. This restriction will be removed effective ——— and Armed Forces personnel will, therefore, be permitted to patronize your establishment as of that date.

The action which you have taken to correct the deficiencies previously existing at your establishment which adversely affected the health, morals and welfare of Service personnel is satisfactory to the board. The board hopes that these deficiencies will not recur.

Sincerely,

———,

President, AFDCB.

Annex I—Guide for Format of Minutes

Pursuant to authority contained in the AR 190–24/MCO 1620.2B/BUPERS INST 1620.4B/ AFR 125–11/ and COMDTINST 1620.1C, Armed Forces Disciplinary Control Boards and Off-Installation Military Enforcement Services, the (area board) Armed Forces Disciplinary Control Board convened at (place), (date).

The following voting members were present: (List)

(Name) ———

(Title) ———

(Address) ———

The following military advisory members were present: (List)

(Name) ———

(Title) ———

(Address) ———

The following civilian advisory members were present: (List)

(Name) ———

(Title) ———

(Address) ———

Order of business:

1. Call to order.
2. Welcome.
3. Introduction of members and guests.
4. Explain purpose of board.
5. Reading of minutes.
6. Unfinished and/or continuous business.
7. New business. (subparagraphing as necessary)
8. Recommendations.

a. List of areas and establishments being placed in an off-limits status. Include complete name and address (or adequate description of an area) of any establishment listed.

b. List of areas and establishments being removed from of-limits restriction. Include complete name and address (or adequate description of an area) of any establishment listed.

c. Other matters or problems of mutual concern.

9. Time, date, place, and responsibility for next board meeting.

10. Adjustment of the board.

(Board Recorder's name)
(Rank, Branch of Service)
Recorder, (board designation)

Approved:
(Board President's name)
(Rank, Branch of Service)
President, (board designation)

Note.—The minutes of the board proceedings will be forwarded by official correspondence from the board president to the sponsoring commander for approval of the board's recommendations. By return indorsement, the sponsoring commander will either approve or disapprove the board's recommendations.)

[FR Doc. 81-32152 Filed 11-4-81; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 161

[CGD-80-093]

Prince William Sound Vessel Traffic Service Loran—C Position Transmitting System (LPTS)

Correction

In FR Doc. 81-30609 appearing on page 52131 in the issue of Monday, October 26, 1981, make the following corrections:

(1) On page 52132, middle column, in Appendix 1 to § 161.389, in the last line of the paragraph *System Discription*, "VHP-FM transeiver" should have read "VHF-FM transceiver".

(2) On the same page, third column, in the seventh line of the paragraph *Signalling and Coding*, "220 HZ" should have read "2200 HZ".

BILLING CODE 1505-01-M

33 CFR Part 165

[CGD17-81-03]

Safety Zone; Gastineau Channel, Juneau, Alaska

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: At the request of the City and Borough of Juneau, Alaska, the U.S. Coast Guard is considering the establishment of a Safety Zone in Gastineau Channel, Juneau Harbor, Juneau, Alaska. In the past, it has been the practice of small vessels to anchor in Juneau Harbor in the area normally utilized for anchoring and maneuvering by large passenger vessels and Alaska Marine Highway System ferries. These small, privately-owned vessels create a hazardous situation for any large cruise ships or ferries attempting to moor at or anchor near the passenger terminal. This proposed amendment would prohibit any small vessel from anchoring in the harbor area during the cruise ship season and, thereby, eliminate the hazardous condition.

DATE: Comments must be received on or before December 7, 1981.

ADDRESS: Comments should be mailed or hand delivered to and will be available for inspection at the office of the Captain of the Port, Southeast Alaska, 612 Willoughby Ave., Juneau, Alaska 99801. Normal office hours are between 8:00 a.m., and 4:00 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Commander H.D. Jacoby, Captain of the Port, Southeast Alaska, 612 Willoughby Ave., Juneau, Alaska 99801 (907) 586-7298.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD-17-81-03), refer to the specific portion of the proposal to which their comments apply, and give the reasons for each comment. Receipt of each comment will be acknowledged if a stamped, self-addressed envelope is enclosed.

The rules may be changed in light of the comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

DRAFTING INFORMATION: The principal persons involved in drafting this notice are CDR H.D. JACOBY, Captain of the Port, Southeast Alaska, and LCDR JOHN UNZICKER, Project Attorney, Assistant Legal Officer, Seventeenth Coast Guard District.

DISCUSSION OF PROPOSED REGULATION: The greatest use of the Juneau Harbor occurs during the cruise ship season (May through September). During this time large passenger vessels visit the port on an average of one each day. Generally the cruise ships moor to the passenger dock (located at position 58 degrees 17.9'N latitude, 134 degrees 24.4'W longitude), but because of limited berthing facilities, some of these vessels must anchor in the harbor area near the passenger terminal. Passengers then come ashore on motor launches. The Alaska Marine Highway System ferry dock is located practically adjacent to the passenger terminal.

In the past, the safety of these large vessels has been jeopardized while maneuvering to or away from the dock or to or away from the anchorage because of the presence of small vessels at anchor in the area. The proposed safety zone would allow only large passenger vessels or Alaska Marine Highway System vessels to anchor within the safety zone. The effect of this proposed safety zone will be to cause small vessels to anchor outside of the safety zone. There are other reasonably accessible and equally suitable areas within which these small vessels can anchor.

There are no known businesses that will be significantly affected by the proposed amendment. Most of the small vessels which will be affected are pleasure craft. The only cost to the owners of these vessels will result from minor time delays and possible fuel consumption caused by the requirement that they anchor further away from the downtown area.

EVALUATION: This proposed regulation has been reviewed under the provisions of E.O. 12291 and has been determined not to be a major rule. In addition, the proposed regulation has been considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis, and Review of Regulation (DOT Order 1200.5 of 5-22-80). An economic evaluation of the proposal has not been conducted since, for the reasons discussed above, the economic impact is expected to be minimal. In accordance with Section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities.

PART 165—SAFETY ZONE

PROPOSED REGULATIONS: In consideration of the foregoing, it is proposed that Part 165 of Title 33, Code of Federal Regulations be amended by adding § 165.1704 to read as follows:

§ 165.1704 Gastineau Channel, Juneau, Alaska.

(a) The waters within the following boundaries are a Safety Zone: A line beginning at the Standard Oil Company Pier West Light (LLNR 3217) located at position 58 degrees 17.9'N latitude, 134 degrees 24.8'W longitude; thence 228 degrees True to the south shore of Gastineau Channel; thence southeast along the south shore of Gastineau Channel to a point at position 58 degrees 17'N latitude, 134 degrees 24.1'W longitude; thence 048 degrees True to Rock Dump Lighted Buoy 2A (LLNR3213) located at position 58 degrees 17.2'N latitude, 134 degrees 23.8'W longitude; thence northwest along the north shore of Gastineau Channel to the point of origin. This zone is effective 24 hours per day from 1 June through 30 September, annually.

(b) Special Regulations:

(1) All vessels may transit or navigate within the safety zone.

(2) No vessel, other than a large passenger vessel (including cruise ships and ferries) may anchor within the safety zone without the express consent of the Captain of the Port, Southeast Alaska.

(92 Stat. 1475 (33 U.S.C. 1225); 49 C.F.R. 1.46 (n)(4)).

Dated: September 15, 1981.

H. D. Jacoby,

Commander, U.S. Coast Guard, Captain of the Port, Southeast Alaska.

[FR Doc. 81-32156 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[A-5-FRL 1923-1]

Designation of Areas for Air Quality Planning Purposes; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: On October 5, 1978 (43 FR 46007) EPA erroneously designated Porter County nonattainment instead of unclassifiable for the primary National Ambient Air Quality Standards (NAAQS) for total suspended particulates (TSP). EPA will at the time of final rulemaking on this proposed nonattainment designation correct the designation for most of the county to unclassifiable. However, EPA has recently monitored violations of the primary NAAQS for TSP in a northern area of Porter County. Based on these violations, EPA is proposing to designate that portion of Porter County nonattainment for the primary TSP standards. EPA is today inviting public comments on this action.

DATE: Submit comments on or before December 7, 1981.

ADDRESSES: Copies of the supporting air quality data and the report of EPA's ambient monitoring study near Bethlehem Steel, Burns Harbor, Indiana, are available at the following addresses:

Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460

Air Pollution Control Division, Indiana Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 46206

Comments on this proposed rule should be addressed to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Anne Ernstein, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6039.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added section 107(d) to the Clean Air Act (Act) which directed each state to submit to the Administrator of the EPA a list of those areas within the state which had ambient air concentrations of the pollutants sulfur dioxide (SO_2), total suspended particulates (TSP), nitrogen oxides (NO_x), carbon monoxide (CO), and ozone (O_3) which exceeded the EPA-established primary and secondary National Ambient Air Quality Standards (NAAQS) for each of these pollutants. These areas were to be designated as nonattainment areas. The areas within each state which had ambient air concentrations below the NAAQS levels were to be designated as attainment areas. Those areas which lacked sufficient monitoring data to accurately determine their status were to be designated as unclassified areas. The purpose of making these designations was to determine which areas within the state required additional measures to control and reduce the emissions of these five air pollutants.

Pursuant to section 107(d) of the Act, the designation for any area may be changed whenever sufficient data exist to warrant a redesignation. For example, a change in the status from attainment (or unclassifiable) to nonattainment can be approved whenever valid monitoring data indicates a violation of the NAAQS.

On March 3, 1978 (43 FR 8964) EPA designated Porter County as unclassifiable for TSP. On October 5, 1978 (43 FR 45993), EPA revised certain of its designations and inadvertently and erroneously designated Porter County as nonattainment for TSP. EPA recognized its error and, in a November 1978 letter, notified the State of the error and indicated that it would correct the designation.

Shortly afterwards, in 1979, EPA established TSP monitors in the vicinity of the Bethelem Steel Burns Harbor Mill. These monitors recorded violations of the TSP standard. This monitoring program, performed by EPA Region V's Surveillance and Analysis Division, is summarized in "Report of Survey for the U.S. Environmental Protection Agency's Ambient Monitoring Near Bethlehem Steel, Burns Harbor, Indiana." During the survey, one full year of data was collected at two TSP monitors (Stations A and B) and 10½ months of data was collected at the other remaining monitor (Station C).

The 2nd highest 24-hour concentrations recorded at the three stations during the monitoring study are as follows: Station A = 743 $\mu g/m^3$, Station B = 588 $\mu g/m^3$, and Station C = 473 $\mu g/m^3$. Furthermore, there were 27 excursions of the 24 hour primary standard at Station A, 39 excursions at Station B, and 4 excursions at Station C. The annual geometric means of Stations A and B were 135 $\mu g/m^3$ and 144 $\mu g/m^3$, respectively. These data established that these have been clear violations of the 24 hour and annual primary ambient standards (260 $\mu g/m^3$ = 24-hour and 75 $\mu g/m^3$-annual).

Analyses of the hi-vol filters indicated that the most significant contributors to nonattainment and to the high monitored concentrations were coal dust (42%), calcite due to limestone handling and transport in iron-making activities and/or gravel roads on or near property (22%), hematite due to iron-making activities (15%), and magnetic spheres and pieces of iron (9%). Most of the remaining contributions are in the category of combustion products.

EPA notified the State on February 10, 1981, of the results of this study and requested all available data. The State responded on April 2, 1981, questioning the quality assurance of the data and the proposed redesignation of Porter County as nonattainment for TSP. June 30, 1981, EPA responded to the State's

concerns and established that the data were appropriate for redesignation purposes.

Therefore, EPA today is proposing to designate a sub-county portion of Porter County as nonattainment. The boundaries of the proposed nonattainment area are:

Lake County Line on the West, Lake Michigan shoreline on the north, Indiana Highway 49 on the east and Interstate 94 on the south.

Finally, EPA will correct at the time of final rulemaking its erroneous October 5, 1978 designation of Porter County as nonattainment by designating the remainder of Porter County unclassifiable.

If EPA takes final action to designate a portion of Porter County nonattainment at this time, the State would have one year in which to develop a plan to attain the standards pursuant to Part D of the Clean Air Act.

EPA would then have six months to take action on this plan. The State plan must prescribe a schedule requiring compliance by any affected facility as expeditiously as practicable, but in no case later than 3½ years from date of approval of the plan.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified on January 27, 1981 (46 FR 8709) that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action imposes no regulatory requirements but only changes area air quality designations. Any regulatory requirements which may become necessary as a result of this action will be dealt with in a separate action.

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

(Secs. 107 and 301(a) of the Clean Air Act, as amended)

Dated: August 19, 1981.

Valdas V. Adamkus,

Acting Regional Administrator.

[FR Doc. 81-32067 Filed 11-4-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6121]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Michigan, et al.

Correction

In FR Doc. 81-22495, published at page 39615, on Tuesday, August 4, 1981, on page 39620, in the second entry for Michigan, under "City/town/county", "Williamston" should be corrected to read "Williamstown".

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 46, No. 214
Thursday, November 5, 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

Randolph Mills, Inc., et al.; Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions have been accepted for filing from the following firms: (1) Randolph Mills, Inc., P.O. Box 8, Franklinville, North Carolina 27248, producer of flannel and other fabrics; and rolling mill products (accepted October 13, 1981); (2) Peaches My Love, Inc., 212 East 8th Street, Los Angeles, California 90014, producer of women's dresses (accepted October 14, 1981); (3) Schrader Stoves of Nevada, Inc., 4750 Highway 50 East, Number 3, Carson City, Nevada 89701, producer of stoves and heating accessories (accepted October 14, 1981); (4) CoVan Industries, Inc., 1649 Forrest Avenue, LaGrange, Georgia 30240, producer of sports ball carcasses and bladders (accepted October 15, 1981); (5) Triumph Knitting Machine Service, Inc., 18–20 DiCarolis Court, Hackensack, New Jersey 07601, producer of knitted fabric (accepted October 16, 1981); (6) Monitor Products Company, Inc., P.O. Box 1966, Oceanside, California 92054, producer of electronic components (accepted October 20, 1981); (7) Ellenville Handle Works, Inc., Creamery Lane, Ellenville, New York 12428, producer of wood handles, flooring and truck body parts (accepted October 21, 1981); (8) Pathcom, Inc., 24105 South Frampton Avenue, Harbor City, California 90710, producer of two-way radios and cordless telephones (accepted October 22, 1981); (9) Ajax Trailers, Inc., 2089 E. Ten Mile Road, Warren, Michigan 48091, producer of automobile and truck trailers (accepted October 22, 1981); (1) Hill Fastener Corporation, P.O. Box 399, Rock Falls, Illinois 61071, producer of screws and nuts (accepted October 27, 1981); and (11) Albrecht Corporation, 709 S. Palm Avenue, Alhambra, California 91803, producer of tie-down elastic fasteners (accepted October 28, 1981)

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business November 16, 1981.

The Catalogue of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.309, Trade Adjustment Assistance. Inasfar as this notice involves petitions for determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,
Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 81–32032 Filed 11–4–81; 8:45 am]
BILLING CODE 3510–25–M

National Oceanic and Atmospheric Administration

Change of Name and Dates for Review of Feasibility of Government Versus Contract Operation of Logistics Supply Center

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

ACTION: Notice to change dates for review and name of organization under Office of Management and Budget Circular A–76.

SUMMARY: NOAA is hereby notifying interested parties of its intent to change the review period for the feasibility study of a central logistics supply center from 01/01/81–01/01/82 to 12/01/81–11/30/82. NOAA is also notifying interested parties that it has changed the name of the organization from the Central Logistics Supply Center to the NOAA Logistics Supply Center. Reference Notice of Intent published August 7, 1980, in **Federal Register** Volume 45, Number 154, page 52438.

SUPPLEMENTARY INFORMATION: A contract may or may not result from this review/study. Result of the study will be made available to interested parties.

FOR FURTHER INFORMATION CONTACT:
Samuel A. Lawrence, Assistant Administrator for Management and Budget, 6010 Executive Boulevard, Rockville, Maryland 20852 (301) 443–8143.

Dated: October 29, 1981.

Francis J. Balint,
Director, Office of Information and Management Services.

[FR Doc. 81–32016 Filed 11–4–81; 8:45 am]
BILLING CODE 3510–12–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Cotton Textile Products From Thailand

October 30, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing to 98,659 dozen by the application of available carryover the level of restraint established for men's and boys' woven cotton shirts in Category 340, produced or manufactured in Thailand and exported during the agreement year which began on January 1, 1981.

(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), May 5,

1981 (46 FR 25121), and October 5, 1981 (46 FR 48963)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand provides, among other things, for the carryover of shortfalls in certain categories from the previous agreement year.

EFFECTIVE DATE: November 6, 1981.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 24, 1980, there was published in the **Federal Register** (45 FR 85141) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton and man-made fiber textile products, including Category 340, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1981. In the letter published below, and in accordance with the terms of the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the level of restraint for Category 340 to the designated amount.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

October 30, 1981.

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: On December 19, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Thailand, in excess of designated levels of restraint. The Chairman futher advised you that the levels of restraint are subject to adjustment.[1]

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 October 4, 1978, as amended, between the Governments of the United States and Thailand; and in accordance with the provisions of Executive Order 11651 on March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on November 6, 1981, and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, to amend the twelve-month level of restraint established for cotton textile products in Category 340 to 98,659 dozen.[2]

The action taken with respect to the Government of Thailand and with respect to imports of cotton textile products from Thailand has 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 rule-making 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.

[FR Doc. 81-32095 Filed 11-4-81; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand, which provide, in part, that: (1) Specific levels of restraint may be increased for carryover and carryforward up to 11 percent of the applicable category limit with the amount of carryforward used being deducted from the succeeding year's level; and (2) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

October 27, 1981.

The USAF Scientific Advisory Board Division Advisory Group, Aeronautical System Division, will hold meetings on December 1, 1981 from 8:30 a.m. to 5:00 p.m. and December 2, 1981 from 8:30 a.m. to 5:00 p.m., at Wright-Patterson Air Force Base, Ohio, in Room 222, Building 14, Area B.

The purpose of the Semi-Annual General Meeting is to review select Aeronautical Systems Division programs. The meeting will be open to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697–8845.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-32106 Filed 11-4-81; 8:45 am]

BILLING CODE 3910-01-M

Corps of Engineers, Department of the Army

Commercial Navigation Project at Lorain Harbor, Lorain County, OH, Intent To Prepare Draft Environment Impact Statement

Notice of intent to prepare a Draft Environmental Impact Statement (DEIS) for a Commercial Navigation Project at Lorain Harbor, Lorain County, OH, under authority of a resolution passed by the Committee on Public Works and Transportation of the House of Representatives on September 23, 1976.

AGENCY: Army Corps of Engineers, Buffalo District, DOD.

ACTION: Notice of Intent to prepare a Draft Environment Impact Statement (DEIS).

PROPOSED ACTION: The proposed action would involve harbor modifications to permit the use of larger, more efficient vessels (1,000 feet) throughout the navigation season, by industry in the Lorain area.

ALTERNATIVES CONSIDERED: A total of 17 alternative plans of improvement, including No Action, were considered in the preliminary design phase. Of these, the following five feasible alternatives were found to warrant further consideration.

(1) Alternative 9—Lakefront Transshipment—Conveyor Upriver—Lakefront navigation improvements would include maintaining the existing river channel entrance, removing a 600-foot section of the East Breakwater and lengthening, by 600 feet, the Outer Breakwater. The Outer Harbor area would be deepened by approximately 3 feet. An existing, but inactive coal slip at the lakefront would be used for the berthing area for the transshipment facility. A conveyor system would be used to transport the off-loaded iron ore upriver to the U.S. Steel Plant. Approximately 1,500 lineal feet of tunnel construction would be required to bypass Republic Steel's pellet storage piles and an additional 30 lineal feet of tunnel would be necessary to pass a below-grade rail crossing. Elevated structures would be required to bridge East Ninth Street and the N&W Railroad trucks. The conveyor would be enclosed for safety and to diminish noise and air pollution. Dust collection systems would be provided at transfer points.

(2) Alternative 9A—Alternative 9A is similar to Alternative 9 except that instead of providing dockage for 1,000-foot vessels along the lakefront, it includes a cut through Riverside Park. This allows unloading of 1,000-foot

vessels at a transshipment facility located on the west bank of the Black River just south (upstream) of the Erie Avenue Bridge. Unloaded material would be conveyed upstream by conveyor, similar to that detailed in Alternative 9.

(3) Alternative 10—Lakefront Transshipment—Vessel Upriver—This alternative would be identical to Alternative 9 in all ways but one. In lieu of the conveyor system, an upriver special purpose vessel facility would be constructed. The special purpose vessel would be a highly maneuverable craft suitable for river navigation as well as open-lake navigation. The berthing facility for this vessel would be constructed on the west bank of the Black River just upstream from Erie Avenue. A turning basin would also be constructed at this point to enable the vessel to turn around. Conveyors between the lakefront transshipment area and the special purpose vessel facility would be constructed to move material.

(4) Alternative 10A—Alternative 10A is identical to Alternative 10 in all ways but one. Instead of providing for lakefront dockage of 1,000 foot vessels, this plan includes the cut through Riverside Park, which would provide for delivery of iron ore to a transshipment facility located on the west bank of the Black River, immediately upstream of the Erie Avenue Bridge. This is also the location of the berthing facility for the special purpose vessels, as detailed in Alternative 10, which would transport the iron ore upstream to the U.S. Steel facility.

(5) No Action—This alternative provides for the existing program of harbor maintenance, but does not provide for further harbor modifications needed for safe and efficient operation of 1,000-foot vessels.

Public Involvement: Considerable public involvement has been conducted on the Lorain Harbor study to date. An agency workshop was held during the summer of 1981 and the District will hold a late stage Public Meeting when the DEIS is released for public review.

Issues: Significant issues to be analyzed in the DEIS will include a determination of the extent, in degree and kind, to which the Selected Plan and any reasonable alternatives might positively or negatively impact upon the human and natural environments, to include fish and wildlife habitat areas, plants, water quality, aesthetic quality of the area, cultural resources, and the equitable distribution and stability of income.

Scoping meeting: No scoping meeting will be held since extensive coordination has already been conducted. A public meeting, announced by a Public Notice, may be held in the summer of 1982.

Availability: This Draft Environmental Impact Statement will be made available to the public on or about May 31, 1982.

Address: Questions about the proposed action and DEIS can be answered by Mary Jo A. Braun, U.S. Army Engineer District, 1776 Niagara Street, Buffalo, NY 14201, (716) 876-5454.

Dated: October 27, 1981.

John O. Roach II,

Department of the Army, Liaison Officer with the Federal Register.

[FR Doc. 81-32010 Filed 11-4-81; 8:45 am]

BILLING CODE 3710-GP-M

Lake Pontchartrain, La., and Vicinity Hurricane Protection Project; Intent To Prepare a Draft Environmental Impact Statement Supplement

Notice of intent to prepare Draft supplement to the final environmental impact statement (EIS) for a tentatively proposed change in the Lake Pontchartrain, Louisiana, and Vicinity Hurricane Protection Project authorized by Congress in Pub. L. 89-298, October 27, 1965.

AGENCY: Army Corps of Engineers, New Orleans District, DOD.

ACTION: Notice of intent to prepare a Draft EIS Supplement.

SUMMARY: 1. *Proposed Action.* It is tentatively proposed to modify the authorized plan of hurricane protection for Lake Pontchartrain, Louisiana and Vicinity to eliminate barrier complexes at the Rigolets and the Chef Menteur Pass. This change will require, among other things, that levee and floodwall features of the project be constructed to elevations higher than those previously discussed in the final EIS field with CEQ on January 9, 1975.

2. *Reasonable Alternatives.* The only reasonable alternative to the proposed action is to construct the barrier plan essentially as authorized. A "no action" alternative is not reasonable because of the extreme risk to human life in the absence of hurricane protection.

3. *Scoping Process.* a. This study has a long history of scoping. A court order enjoining construction of barrier complexes was issued on December 30, 1977 by the U.S. Fifth District Court. The court order requires extensive revision of the 1975 EIS.

Shortly after the court injunction, a Technical Advisory Group (TAG) was formed to assist in designing and monitoring environmental studies. The TAG consists of representatives of the main agencies which will be responsible for reviewing the draft EIS with respect to environmental values: the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, State of Louisiana Wildlife and Fisheries Commission, National Marine Fisheries Service. Dr. Eugene Cronin, a nationally known estuarine ecologist who is acting as a Corps' consultant is also on the TAG. Since study initiation, representatives of the American Society of Civil Engineers and representatives of local assuring agencies have been periodically informed of study progress and developments. Also, close coordination has been maintained with the U.S. Fish and Wildlife Service. These interests as well as environmental groups are expected to have an active role in this study.

The future public involvement program for the draft EIS supplement will include a public meeting. The meeting will be held to obtain public views toward the tentatively selected plan. Participation of affected Federal, State, and local agencies, and other interested private organizations and parties will be invited.

b. Significant issues to be analyzed in the EIS supplement include impacts of the proposed changes on biological, cultural, historical, social, encomic, water quality, and human resources, and project costs.

c. The U.S. Fish and Wildlife Service will provide Planning Aid data and a Coordination Act Report for the draft EIS supplement.

d. The draft EIS supplement will be coordinated with all required Federal, State, and local agencies, environmental groups, landowner groups, and interested individuals. All review comments received will be considered and responses will be made.

4. *Public Meeting(s).* A meeting to obtain public input to the draft EIS, including, but not limited to, public perception of the proposed action, will be held at 10 a.m. on November 21, 1981 at John F. Kennedy Senior High Schools Auditorium, New Orleans, Louisiana.

5. *Availability.* The estimated date for making the draft Supplemental EIS available to the public is February 1983.

Address: Questions concerning the proposed action and draft Supplemental EIS can be answered by Mr. Larrry M. Hartzog, U.S. Army Corps of Engineers, Environmental Quality Section (LMNPD-RE), P.O. Box 60267, New Orleans, Louisiana 70160, telephone (504) 838-2524.

Dated: October 20, 1981.

Charles E. Deweese,

LTC, Corps of Engineers, Acting Commander and District Engineer.

[FR Doc. 32011 Filed 11-4-81; 8:45 am]

BILLING CODE 3710-84-M

Department of the Navy

Navy Resale System Advisory Committee; Partially Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Navy Resale Advisory Committee will meet on November 30, 1981, at the Savoy Room, The Plaza Hotel, 768 Fifth Avenue, New York, New York. The meeting will consist of two sessions; the first from 8:30 a.m. to 9:45 a.m., and the second from 10:00 a.m. until 12:30 p.m. Topics to be discussed at the meeting will include organization of the Resale System, planning, financial management, merchandising, field support and industrial relations.

The Secretary of the Navy has determined in writing that the public interest requires that the second session of the meeting, which will involve discussion of matters relating solely either to internal agency personnel rules and practices, or to trade secrets and confidential commercial or financial information, be closed to the public. These matters fall within the exemptions listed in subsections 552b (c)(2) and (c)(4) of title 5, U.S.C. The first session of the meeting, which will involve other nonprivileged matters relating to the Navy Exchange Resale System, will to open to the public.

For further information concerning this meeting, contact: Captain J. R. Akers, SC, USN, Naval Supply Systems Command, NAVSUP 09B, Room 801, Crystal Mall, Building No. 3, Arlington, VA 20376, Telephone: (202) 695-5457.

Dated: October 28, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-32013 Filed 11-4-81; 8:45 am]

BILLING CODE 3810-AE-M

Office of the Secretary

Defense Construction Mobilization Conference

The Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), in conjunction with the National Defense University and The Society of American Military Engineers, will sponsor a Defense Construction Mobilization Conference on November 23 and 24, 1981, at the National Defense University, Fort McNair, Washington, D.C.

The purpose of this conference is to assemble senior leaders from federal departments and senior representatives from the Architect/Engineer, construction, construction equipment, construction material, labor, finance and legal communities to specifically address the aspects of defense construction in preparation for national mobilization. This will be done through a series of presentations on the "Federal System," "Defense Requirements," and "Projected Resources." Each presentation will have a keynote speaker and a panel of experts addressing the subject, followed by a period of questions, discussions, and recommendations from the audience. A final session will be devoted to summarizing the findings of this conference which is intended to be considered by the Department of Defense in formulating policy on Defense Construction Mobilization.

Twenty federal departments, agencies, and organizations, all national construction trade associations, and all national construction and architect and engineering professional associations have been invited to attend. Representation from the White House is expected.

The conference schedule, further details, and registration forms may be obtained by contacting Colonel Robert M. Gogal, Office of the Assistant Secretary of Defense (MRA&L)IC, Room 3C762, Pentagon, Washington, D.C. 20301, Telephone AC 202-695-7006. This conference is open to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

October 30, 1981.

[FR Doc. 81-32047 Filed 11-4-81; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence School Panel of The National Defense University and The Defense Intelligence School; Meeting

Pursuant to the provisions of subsection (d) Section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a partially closed meeting of the Defense Intelligence School Panel of the Board of Visitors of the National Defense University and the Defense Intelligence School will be held on-site at the School in Washington, D.C. on November 16, 17 and 18, 1981.

Morning sessions on November 16, 17 and 18, 1981 will be devoted to the discussion of classified information as defined in Section 552(b)(c)(1), Title 5 of the U.S. Code and will therefore be closed to the public. Subject matter will be concerned with specialized instructional requirements and related curricula content.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

October 30, 1981.

[FR Doc. 81-32048 Filed 11-4-81; 8:45 am]

BILLING CODE 3810-01-M

Privacy Act of 1974; Deletion of System Notice

AGENCY: Office of the Secretary, DOD.

ACTION: Deletion of system notice.

SUMMARY: The Office of the Secretary of Defense proposes to delete the notice for system of records: DMRA&L 18.0, "Administrative Files (MRA&L)" subject to the Privacy Act of 1974. It has been determined that the military portion of this system is adequately covered under Army's system A0708.02DAPC, Navy's systems N00022ENLMAUSTSYS and N000220FFMAUSTSYS, Air Force's F01101DPXJB, and Marine Corps systems MMN00006 and MIS00001. The civilan portion is adequately covered under OPM/GOVT-1.

DATE: This deletion shall be effective December 7, 1981.

ADDRESS: Send any comments to the System Manager identified in the system notice (44 FR 74088) December 17, 1979.

FOR FURTHER INFORMATION CONTRACT: Norma Cook, Privacy Act Officer, ODASD (A), Room 5C315, Pentagon, Washington, D.C. 20301. Telephone: (202) 695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a) Public Law 93-579 were published in the Federal Register.

FR Doc. 81-897 (46 FR 6427) January 21, 1981
FR Doc. 81-5568 (46 FR 12772) February 18, 1981
FR Doc. 81-6246 (46 FR 14031) February 25, 1981
FR Doc. 81-6491 (46 FR 14154) February 26, 1981
FR Doc. 81-7597 (46 FR 16114) March 11, 1981
FR Doc. 81-8041 (46 FR 16926) March 16, 1981
FR Doc. 81-8127 (46 FR 17074) March 17, 1981
FR Doc. 81-8281 (46 FR 17243) March 18, 1981
FR Doc. 81-8282 (46 FR 17243) March 18, 1981
FR Doc. 81-10201 (46 FR 20260) April 3, 1981
FR Doc. 81-10722 (46 FR 21228) April 9, 1981
FR Doc. 81-11473 (46 FR 22257) April 16, 1981

FR Doc. 81-11765 (46 FR 22632) April 20, 1981
FR Doc. 81-12892 (46 FR 23967) April 29, 1981
FR Doc. 81-13225 (46 FR 24620) May 1, 1981
FR Doc. 81-14226 (46 FR 26365) May 12, 1981
FR Doc. 81-14406 (46 FR 26676) May 14, 1981
FR Doc. 81-14909 (46 FR 27373) May 19, 1981
FR Doc. 81-14975 (46 FR 27373) May 19, 1981
FR Doc. 81-15770 (46 FR 28470) May 27, 1981
FR Doc. 81-17763 (46 FR 31306) June 15, 1981
FR Doc. 81-19042 (46 FR 33074) June 26, 1981
FR Doc. 81-20404 (46 FR 35963) July 13, 1981
FR Doc. 81-21228 (46 FR 37306) July 20, 1981
FR Doc. 81-21498 (46 FR 37751) July 22, 1981
FR Doc. 81-23482 (46 FR 40788) August 12, 1981
FR Doc. 81-25853 (46 FR 44494) September 4, 1981
FR Doc. 81-28992 (46 FR 49177) October 8, 1981

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

October 30, 1981.

Deletion

DMRA&L 18.0

System name:

Administrative Files (MRA&L).

Reason:

The military personnel are adequately covered by parent services, and the civilian personnel are adequately covered by OPM/GOVT-1.

[FR Doc. 81-32109 Filed 11-4-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Revision of Wholesale Power Rates; Intent To Prepare a Draft Environmental Impact Statement and Announcement of Scoping Meetings

AGENCY: Bonneville Power Administration, DOE.

ACTION: Notice of intent to prepare a Draft Environmental Impact Statement and to hold scoping meetings.

SUMMARY: Bonneville Power Administration (BPA) announced on October 15, 1981 (46 FR 50838), its intent to revise its wholesale electric power rates. The revised wholesale rates are to become effective on July 1 and July 15, 1982. Bonneville hereby gives public notice of its intent to hold scoping meetings, and to prepare and circulate a draft Environmental Impact Statement (EIS) addressing the environmental impacts of this proposed revision. The rates that BPA charges its customers must produce revenues sufficient to repay, with interest, the Federal investment in the Federal Columbia River Power System (FCRPS) and to pay BPA's operation and maintenance expenses, its purchased power costs, and other miscellaneous expenses. Inflation, high interest rates, and contract obligations have created substantial increases in BPA's costs, necessitating an increase in the wholesale power rates.

1. *Description of the Proposed Action.* BPA is in the initial stages of developing its wholesale power rate schedules that will become effective on July 1 and July 15, or October 1, 1982. Through the Notice to revise the wholesale power rates, BPA is seeking suggestions, advice, and recommendations from interested persons. This information will be used to assist in the development of the wholesale power rate proposal. BPA expects to have its initial proposed rates developed and available for public comment in January 1982. At that time, BPA will publish a Notice announcing the availability of the proposal.

2. *Reasonable Alternatives.* BPA requests suggestions from the public and its customers on reasonable alternative rate schedules to those presently in use that will allow BPA to collect its necessary revenues as required under the Federal Columbia River Transmission System Act of 1974 (Pub. L. 93-454). BPA requests comments that focus on the environmental (physical and socioeconomic) impacts, at both the wholesale and retail levels, of alternative rate secedules. In evaluating alternative rates, BPA will examine the effects on utility costs, possible impacts on the use of electricity at the retail level (including residential, commercial, irrigation, and industrial impacts), impacts on generating requirements and load shape, and possible mitigating measures.

3. *Scoping.* Consistent with the requirements of the Pacific Northest Electric Power Planning and Conservation Act (Pub. L. 96-501, Sec. 2(3)) and the National Environmental Policy Act, BPA seeks public comment on its proposed actions that may have effects on environmental quality. At this time BPA is soliciting suggestions and comments to identify issues and concerns so that they can be fully considered in the preparation of the draft environmental impact statement. Accordingly, BPA will hold five public meetings to invite suggestions to assist in defining the scope of the EIS by identifying and discussing the substantive environmental issues. BPA will be asking the public for suggestions or proposals on reasonable alternative rate schedules that will allow BPA to meet its revenue requirements while promoting environmental quality. At each meeting a proposed outline of the draft EIS will be distributed and a short presentation of environmental considerations will be given by BPA. These meetings will be held at the following locations and times: November 23, 1981, Fidalgo Room, Seattle Center, First North and Republican Street, Seattle, Washington; November 24, 1981, BPA Auditorium, 1002 NE. Holladay Street, Portland, Oregon; November 30, 1981, Boise City Hall, Bonneville Room, 55 W. Fort Street, Boise, Idaho; December 1, 1981, Blackfoot Room, Village Red Lion, 100 Madison Street, Missoula, Montana; December 2, 1981, Auditorium, Federal Building, 825 Jadwin Avenue, Richland, Washington.

In addition to the public meetings, BPA welcomes written comments that will help to determine the scope of the EIS. Written comments should be submitted to Anthony R. Morrell, Acting Environmental Manager, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, no later than December 3, 1981.

SUPPLEMENTARY INFORMATION: BPA is the wholesale marketing agency for electric power generated at the Federal hydroelectric dams on the Columbia River and its tributaries. These dams, built and operated by the U.S. Army Corps of Engineers and the Department of the Interior's Bureau of Reclamation, together with BPA's transmission system, comprise the FCRPS. By purchase and exchange, BPA may also acquire power generated and conserved by non-Federal interests.

BPA supplies approximately 50 percent of the electric energy consumed in the Pacific Northwest and accounts for about 80 percent of the region's high-voltage transmission capacity. It sells power to 161 customers, including publicly, cooperatively, and privately owned utiltites, Federal and State (California) agencies, and electroprocess and other Northwest industries. The power is sold at wholesale to BPA's utility customers for resale to ultimate consumers, and directly to its industrial and Federal agency customers. In addition, BPA sells power that is surplus to the needs of the Pacific Northwest outside the region.

The rates BPA charges its customers must produce sufficient revenues to repay, with interest, the Federal investment in the FCRPS and to pay BPA's operation and maintenance expenses, its purchased power costs, and other miscellaneous expenses. Inflation, high interest rates, and contract obligations have created substantial increases in BPA costs

necessitating a revision in the wholesale power rates.

BPA's most recent wholesale power rate increase became effective on an interim basis on July 1, 1981. The final repayment study for that filing indicated that BPA needed a 78.5 percent increase in revenue to meet its financial obligations. This rate increase averaged 59.4 percent for BPA's preference customers, and with the costs of the residential exchange, could increase the cost of power to direct service industrial customers by as much as 240 percent. Prior to the July 1, 1981, increase, BPA increased its rates on December 20, 1979, to recover an 88 percent increase in required revenues.

Based on anticipated increases in BPA's costs resulting from inflation, high interest rates, and increased costs of purchasing power, BPA foresees the need for a wholesale power rate increase in July or October 1982, and in Fiscal Years 1984 and 1985. Projections of the level of these increases which will be used in the environmental analysis are now being developed. It is BPA's intent that the draft EIS address the cumulative impacts of the wholesale rate increases from 1979 through 1985.

The 1982 wholesale power rate proposal will be developed through a process similar to that used for the 1981 wholesale power rates. BPA is preparing a current repayment study to determine the extent to which repayment requirements exceed expected revenues collected under the 1981 rates. Following a determination of the increase in revenues necessary to meet BPA's repayment requirements, BPA will conduct studies to design and document the proposed rates and incorporate environmental concerns in the rate design process. These studies will include a draft EIS addressing the specific impacts of the 1982 proposal and the cumulative impacts of BPA's recent and projected rate increases.

FOR FURTHER INFORMATION: Comments or questions regarding the EIS should be directed to Anthony R. Morrell, Acting Environmental Manager, Bonneville Power Administration, P.O. Box 3621–SJ, Portland Oregon 97208; phone 503–234–3361, extension 5136. For further information on the scoping meetings, contact:

Ms. Donna L. Geiger, Public Involvement Coordinator, P.O. Box 12999, Portland, Oregon 97212, 503–234–3361, extension 4261. Toll-free numbers for Oregon callers 800–452–8429; for callers from Washington, Idaho, Montana, Utah, Nevada, Wyoming, and California 800–547–6048.

Mr. George Gwinnutt, Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97208, 503–234–3361, extension 4551.

Mr. Ladd Sutton, District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon, 97401, 503–345–0311.

Mr. Ronald H. Wilkerson, Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. Gordon H. Brandenburger, District Manager, P.O. Box 758, Kalispell, Montana 59901, 406–755–6202.

Mr. Ronald K. Rodewald, District Manager, Suite 117, P.O. Box 741, 23 South Wenatchee, Wenatchee, Washington 98801, 509–662–4377, extension 379.

Mr. Thomas M. Noguchi, Acting Area Manager, Room 250, 415 First Avenue North, Seattle, Washington 98109, 206–442–4130.

Mr. Roy Nishi, Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, extension 701.

Mr. Robert N. Laffel, District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

Dated: October 30, 1981.

Peter T. Johnson,

Administrator.

[FR Doc. 81-32142 Filed 11-4-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Exxon Co., U.S.A.; Proposed Remedial Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Proposed Remedial Order to Exxon Company U.S.A. and opportunity for objection.

I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel (OSC), of the Economic Regulatory Administration (ERA), Department of Energy, (DOE) hereby gives notice that a Proposed Remedial Order (PRO) was issued on October 13, 1981, to Exxon Company, U.S.A. (Exxon), 800 Bell Street, Houston, Texas 77002, and that any aggrieved person may file a Notice of Objection to the Proposed Remedial Order in accordance with 10 CFR 205.193 on or before November 20, 1981.

II. The Proposed Remedial Order

Exxon is a refiner engaged in the production of crude oil, in refining, and in the marketing of petroleum products subject to the DOE regulations. By this PRO, OSC sets forth proposed findings of fact and conclusions of law concerning Exxon's calculation and reporting of cost recoveries for sales of gasoline under the refiner price rules in 10 CFR Part 212, Subpart E, between March 1975 and December 1977. Exxon is charged with understating its cost recoveries by $39,745,460, and with overstating its unrecouped costs available for recovery in subsequent months by the same amount.

Specifically, § 212.83 permitted a refiner to add an additional $.03 (per gallon) of product costs to an adjusted maximum allowable increment of product costs available for inclusion in prices charged classes of purchaser of gasoline at a refiner's owned and operated retail outlets. In addition, after Septemer 1, 1974, a refiner was required to calculate and report cost recoveries from all sales of gasoline as if the highest allowable increment of increased costs actually included in the prices charged to any one class of purchaser to whom such increment could be applied had been included in the price charged to all such classes of purchaser.

During the period April 1975 through December 1977, Exxon added the maximum additional adjustment of $.03 in the prices charged to at least one of its retail outlet classes of purchaser but did not compute cost recoveries for all sales of gasoline at its retail outlets as if this maximum additional adjustment had been included in the prices charged to all of Exxon's retail outlet classes of purchaser. Exxon thereby overstated its unrecouped cost available for recovery by $39,745,460.

As a remedy, Exxon is directed to recompute its cost recoveries for each month during the period March 1975 through December 1977 for all its company-operated retail outlets based upon the highest total increment actually passed through in sales of gasoline at these stations, and to make any necessary adjustment to its banks of unrecouped costs required by this recalculation.

Requests for copies of the Proposed Remedial Order, with confidential information deleted, should be directed to: Freedom of Information Reading Room, Forrestal Building, Room 1E–190, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

III. Notice of Objection

In accordance with 10 CFR 205.193, any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals on or before November 20, 1981. A person who fails to file a Notice of Objection shall be determined to have

admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Office of Hearings and Appeals, Department of Energy, 2000 M Street, NW., Washington, D.C. 20461.

No data or information which is confidential shall be included in any Notice of Objection.

Issued in Washington, D.C., October 28, 1981.

Bethel Larey,

Acting Special Counsel.

[FR Doc. 81-32024 Filed 11-4-81; 8:45 am]

BILLING CODE 6450-01-M

Mobile Oil Corp.; Proposed Remedial Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Proposed remedial order to Mobile Oil Corporation and opportunity for objection.

I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel (OSC), the Economic Regulatory Administration (ERA), Department of Energy (DOE) hereby gives notice that a Proposed Remedial Order (PRO) was issued on September 11, 1981 to Mobil Oil Corporation, 3225 Gallows Road, Fairfax, Virginia 22037, and that any aggrieved person may file a Notice of Objection to the Proposed Remedial Order in accordance with 10 CFR 205.193 on or before November 20, 1981.

II. The Proposed Remedial Order

Mobile is a refiner engaged in the production of crude oil, in refining, and in the marketing of petroleum products subject to DOE regulations. By this PRO, OSC sets forth proposed findings of facts and conclusions of laws concerning Mobil's calculation and reporting of cost increases for crude oil under the refiner price rules in 10 CFR Part 212, Subpart E, between October 1976 and March 1978.

Specifically, Mobil included in its cost passthrough calculations costs it incurred for supplemental oil import fees from February 1975 through December 1975, but upon subsequent reimbursement (through refunds) of these same fees by the United States, failed to correspondingly reduce its reported crude oil costs to reflect such refunds. Mobil is thus charged with overstating its increased costs of crude oil by approximately $2,652,646, in violation of 10 CFR 212.83.

The DOE proposes that Mobil recalculate all costs of crude oil reported for the months October 1976 through March 1978, so as to include all refunded supplemental fees as reductions to the cost of crude oil in the months in which the refund was received by Mobil. Alternatively, Mobil would be required to recalculate all costs of crude oil reported in applicable months of 1975, and include all refunded supplemental fees as reductions to product costs in those months in which supplemental fee payments to which the refunds were attributable were included in product costs.

Requests for copies of the Proposed Remedial Order, with confidential information deleted, should be directed to: Freedom of Information, Reading Room, Forrestal Building, Room 1E-190, 1000 Independence Avenue, SW., Washington, D.C. 20850.

III. Notice of Objection

Any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals on or before November 20, 1981 in accordance with 10 CFR 205.193. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All notices, statements, motions, responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Office of Hearings and Appeals, Department of Energy, 2000 M Street N.W., Washington, D.C. 20461.

No data of information which is confidential shall be included in any Notice of Objection.

Issued in Washington, D.C., October 21, 1981.

Bethel Larey,

Acting Special Counsel.

[FR Doc. 81-32026 Filed 11-4-81; 8:45 am]

BILLING CODE 6450-01-M

Mobil Oil Corp.; Proposed Remedial Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Proposed remedial orde. to Mobil Oil Corporation and opportunity for objection.

I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel of the Economic Regulatory Administration (ERA), Department of Energy (DOE) hereby gives notice that a Proposed Remedial Order (PRO) was issued on September 11, 1981 to Mobil Oil Corporation, 3225 Gallows Road, Fairfax, Virginia 22037, and that any aggrieved person may file a Notice of Objection to the Proposed Remedial Order in accordance with 10 CFR § 205.193 on or before November 20, 1981.

II. The Proposed Remedial Order

Mobil is a refiner engaged in the production of crude oil, in refining, and in the marketing of petroleum products subject to DOE regulations. DOE regulations required a refiner to compute its monthly costs, cost recoveries, or cost reductions so that no more than net increased costs for each covered produce were claimed. From August 1973 through December 1976, Mobil failed to properly treat revenues received for certain volumes of unleaded gasoline, burning oils, and jet fuels which became commingled during pipeline transfer as either recoveries or reductions in costs.

These violations resulted in an aggregate overstatement of the increased product costs available for recovery by $9,308,000. The DOE proposes that Mobil be required to recalculate all reported product costs from August 1973 through December 1976 so as to include all revenues received for the volumes of unleaded gasoline, burning oils, and jet fuels sold or transferred due to pipeline commingling as a reduction in the cost of products purchased during the month in which costs of such products would otherwise have been treated as incurred.

Requests for copies of the Proposed Remedial Order, with confidential information deleted, should be directed to: Freedom of Information, Reading Room, Forrestal Building, Room 1E-190, 1000 Independence Avenue, S.W., Washington, D.C. 20850.

III. Notice of Objection

Any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals on or before November 20, 1981 in accordance with 10 CFR 205.193. A person who fails to file a Notice of objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the

Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Department of Energy, Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461.

No data or information which is confidential shall be included in any Notice of Objection.

Issued in Washington, D.C., October 21, 1981.

Bethel Larey,

Acting Special Counsel.

[FR Doc. 81-32027 Filed 11-4-81; 8:45 am]

BILLING CODE 6450-01-M

Navajo Refining Co.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order.

DATE: Comments by December 7, 1981.

ADDRESS: Send comments to: Wayne I. Tucker, Southwest District Manager for Enforcement, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, Southwest District Manager for Enforcement, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235 [phone] 214/767-7745.

SUPPLEMENTARY INFORMATION: On October 8, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Navajo Refining Company (Navajo) of Artesia, New Mexico. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication in the Federal Register requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Navajo Refining Company, a wholly owned subsidiary of Holly Corporation, with its home office located in Dallas, Texas, is a firm engaged in the refining of crude oil, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, 212 during the period covered by this Consent Order ("settlement period"). To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, 212, in connection with Navajo's transactions involving refined petroleum products during the period September 1973 through December 1981, the Office of Enforcement, ERA and Navajo entered into a Consent Order, the significant terms of which are as follows:

A. Navajo did not apply in a manner acceptable to the DOE provisions of 6 CFR Part 150 Subpart L, and 10 CFR Part 212, Subpart E, when determining the price to be charged for its motor gasoline and other refined petroleum products; and, as a consequence, may have charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

B. Notwithstanding DOE's view as to the proper application of the Federal petroleum price and allocation regulations to Navajo's activities during the settlement period, Navajo maintains that it has calculated all of its costs, determined all of its prices, and operated in all other respects in accordance with all applicable statutes, regulations and other requirements. However, in order to avoid the expense of protracted, complex litigation and disruption of its orderly business functions, Navajo has agreed to enter into this Consent Order. Similarly, the Office of Enforcement believes it is in the best interest of the government and the general public to conclude the compliance proceedings now by means of this Consent Order.

C. The provisions of 10 CFR 205.199J, including those regarding the publication of this Notice, are applicable to the Consent Order.

II. Refund

In this Consent Order, Navajo will refund the sum of $600,000 including interest to be paid in one amount within 30 days following the effective date of this Consent Order. Upon full satisfaction of the terms and conditions of this Consent Order by Navajo, the DOE releases Navajo from any civil claims that the DOE may have arising out of the specified transactions during the settlement period. The Director, Office of Enforcement, ERA shall direct that these monies be deposited in a suitable account for ultimate disposition by DOE in accordance with 10 CFR, Part 205, Subpart V or other applicable statutes and regulations.

III. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments to Wayne I. Tucker, Southwest District Manager for Enforcement, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling 214/767-7745.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on Navajo Refining Company Consent Order." We will consider all comments we receive by 4:30 pm., local time on December 7, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Dallas, Texas on the 23rd day of October, 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-32023 Filed 11-4-81; 8:45 am]

BILLING CODE 6450-01-M

Texaco Inc.; Proposed Remedial Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Proposed remedial order to Texaco Inc., and opportunity for objection.

I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel (OSC), of the Economic Regulatory Administration (ERA), Department of Energy (DOE) hereby gives notice that a Proposed Remedial Order (PRO) has been issued to Texaco Inc., 2000 Westchester Ave., White Plains, New York 10650, and that any aggrieved person may file a Notice of Objection to the Proposed Remedial Order in accordance with 10 CFR 205.193 on or before November 20, 1981.

II. The Proposed Remedial Order

Texaco is a refiner engaged in the production of crude oil, in refining, and in the marketing of petroleum products subject to the DOE regulations. By this PRO, OSC sets forth proposed findings of fact and conclusions of law concerning Texaco's calculation and reporting of cost increases and cost recoveries in sales of gasoline and No. 2 oils under the refiner price rules in 10 CFR Part 212, Subpart E, between December 1, 1973 and January 27, 1977. Texaco is charged with failing to equally apply allowable increased costs in selling prices to classes of purchaser of a single special product type and as a result, improperly recovering $142,783,783.00 in cost increases.

Specifically, the refiner price regulations prescribed the methods whereby a refiner was permitted to include increased costs in the prices charged to classes of purchaser of particular product types and was required to calculate actual recoveries of costs in sales of these products. Commencing September 1, 1974, the regulations required a refiner to charge or recover equal increments of product costs, so that recovery calculations were required to reflect the single increment charged to all classes of purchaser of a particular special product, or the highest increment charged any class of purchaser of that product type.

During the period December 1, 1973 through October 28, 1974, Texaco allocated different increments of cost for No. 2-D diesel fuel and No. 2 heating oil even though the regulations required that the two products be treated as one product type for pricing purposes. Over the same period, Texaco charged different cost increments, respectively, to consumers and resellers of gasoline, No. 2-D diesel fuel, and No. 2 heating oil. During this period, Texaco also charged different cost increments for Sky Chief and all other grades of gasoline.

After October 28, 1974, Texaco ceased to employ different cost increments for its consumer and reseller sales channels for gasoline and No. 2 oils and discontinued as well its practice of charging different increments for No. 2-D diesel fuel and No. 2 heating oil. However, Texaco continued to utilize different cost increments for Sky Chief and all other grades of gasoline until January 27, 1977.

As a result of these practices, Texaco recovered $142,783,783.00 in excess of the amount of costs it would have recovered had it charged the lowest increment of product costs applied to any class of purchaser of each of the special product types to all other classes of purchaser of each such product type.

As a remedy, Texaco is directed to refund the amounts of costs improperly recouped as a result of its actions described above, plus interest, totalling $102,095,985.00.

Requests for copies of the Proposed Remedial Order, with confidential information deleted, should be directed to: Freedom of Information, Reading Room, Forrestal Building, Room 1E-190, 1000 Independence Avenue, S.W., Washington, D.C. 20850.

III. Notice of Objection

Any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals on or before November 20, 1981. In accordance with 10 CFR 205.193, A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Office of Hearings and Appeals, Department of Energy, 2000 M Street, N.W., Washington, D.C. 20461.

No data or information which is confidential shall be included in any Notice of Objection.

Issued in Washington, D.C., October 21, 1981.

Bethel Larey,

Acting Special Counsel.

[FR Doc. 81-32023 Filed 11-4-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Remedial Order Issued to Mobil Oil Corporation

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Proposed remedial order to Mobil Oil Corporation and opportunity for objection.

I. Introduction

Pursuant to 10 CFR 205.192, the Office of Special Counsel (OSC) of the Economic Regulatory Administration (ERA), Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order issued to Mobil Oil Corporation, Fairfax, Virginia. In accordance with the section, a copy of the Proposed Remedial Order with confidential information, if any, deleted, may be obtained from the ERA.

II. The Proposed Remedial Order

Mobil Oil Corporation (Mobil) is a refiner engaged in the importation and refining of crude oil and in the marketing of petroleum products. Mobil, therefore, was subject to DOE regulations in effect prior to January 28, 1981. These regulations permitted a refiner to include the cost of marine transportation provided by a company affiliated with the refiner in the cost of imported crude oil for purposes of determining the refiner's base or maximum allowable prices for covered petroleum products. The regulations in effect from August 1973 through December 1976, the period covered by this Proposed Remedial Order, required, however, that these transportation costs be "computed by use of the customary accounting procedures generally accepted and consistently and historically applied by the firm concerned." The regulations also authorize DOE to disallow transportation costs claimed for transactions between affiliated entities if the costs are determined to be in excess of a proper measurement of costs.

During the period August 1973 through December 1976, Mobil used accounting procedures that were neither generally accepted nor consistently applied. From August 1973 through December 1973, Mobil computed its interaffiliate marine transportation costs by applying a modified version of the generally accepted AFRA (Average Freight Rate Assessment)/WORLDSCALE system for calculating marine transportation costs. Although Mobil used the published AFRA and WORLDSCALE rates in computing its costs, it determined which AFRA rate to apply based, not upon the actual size of the vessel used on a voyage, but upon an "imputed" vessel size. Mobil derived its "imputed" vessel sizes from several criteria that included, for example, the characteristics of loading and receiving ports on a given voyage. In January 1974, Mobil changed its accounting procedures and applied a different modified version of the generally accepted AFRA system to calculate its marine transportation costs. From January 1974 through December 1976, Mobil used the published AFRA rates and actual, rather than imputed, vessel sizes, but it modified the AFRA vessel classifications and deadweight tonnage ranges. In applying its system, Mobil assigned vessels to different classifications than they would be assigned to under the standard AFRA system, with the result being that higher

AFRA rates were used to calculate transportation costs.

Since Mobil used accounting procedures to calculate its interaffiliate marine transportation costs that were neither generally accepted nor consistently applied and since Mobil failed to demonstrate that the costs it calculated and claimed using those accounting procedures reflect its actual costs, OCS has recalculated Mobil's marine transportation costs using a "Strict AFRA Method" and determined that Mobil overstated its marine transportation costs by approximately $38 million in the period August 1973 through December 1976. OSC proposes that Mobil be required to recalculate its marine transportation costs to eliminate the overstated and improperly claimed costs and that any further violations of DOE regulations disclosed by the required recalculations and resubmissions of reports be the subject of such other Orders as DOE deems appropriate.

III. Notice of Objection

In accordance with 10 CFR 205.193, any aggrieved person may file a Notice of Objection to the Proposed Remedial Order with the Office of Hearings and Appeals on or before November 20, 1981. A person who fails to file a Notice of Objection shall be determined to have admitted the findings of fact and conclusions of law as stated in the Proposed Remedial Order. If a Notice of Objection is not filed as provided by § 205.193, the Proposed Remedial Order may be issued as a final order.

All Notices, Statements, Motions, Responses, and other documents required to be filed with the National Office of Hearings and Appeals should be sent to: Department of Energy, Office of Hearings and Appeals, 2000 M Street, Northwest, Washington, D.C. 20461.

No confidential information shall be included in a Notice of Objection.

Requests for copies of the Proposed Remedial Order with confidential information deleted should be directed to: Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W., Room 1E-190, Washington, D.C. 20585.

Issued in Washington, D.C. October 21, 1981.

Bethel Larey,

Acting Special Counsel.

[FR Doc. 81-32112 Filed 11-4-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CI68-691-000, et al.]

ARCO Oil & Gas Co., Division of Atlantic Richfield Co.; Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

October 29, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 [2]	Pressure base
CI68-691-000, Oct. 19, 1981 [1]	ARCO Oil and Gas Company, a Division of Atlantic Richfield Company, Post Office Box 2819, Dallas, Texas 75221.	Natural Gas Pipeline Company, Waha Plant, NE/4 of Section 5, Block C-S, Pecos County, Texas.	[3]	14.65
CI69-110, Oct. 25 1979 [3]	...do...	Montana-Dakota Utilities Co., NE/4 Sec. 18-50N-73W, Campbell County, Wyoming.	[4]	15.025

[1] Applicant is filing to change delivery point from Wahlenmaier Nos. 2 and 3 Well to Waha Plant NE/4 of Section 5, Block C-S, Pecos County, Texas.
[2] Applicant is filing under Gas Purchase Contract dated August 21, 1967, as amended, amended by Amendment to Gas Purchase Contract dated March 30, 1981.
[3] Applicant is filing to change delivery point from Gillette Gas Plant, to NE/4, Sec. 18-50N-73W, Campbell County, Wyoming.
[4] Applicant is filing under Gas Purchase Agreement dated July 1, 1968, amended by Amendment Gas Purchase Agreement dated August 6, 1979.
Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add charge; D—Amendment to add acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 81-32115 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP80-134-004]

Great Lakes Gas Transmission Co.; Proposed Change in Gas Tariff

October 29, 1981.

Take notice that on October 16, 1981, Great Lakes Gas Transmission Company (Great Lakes), in compliance with Article XI of the Stipulation and Agreement approved in the Commission's order in RP80-134 issued September 4, 1981, tendered for filing tariff sheets, proposed to be effective November 16, 1981, and identified as follows:

First Revised Volume No. 1

Tenth-A Revised Sheet No. 4

Original Volume No. 2

Sixteenth-A Revised Sheet No. 53
Seventh-A Revised Sheet No. 77
First-A Revised Sheet No. 223
First-A Revised Sheet No. 245

Great Lakes states that the tariff sheets reflect a reduction of the base tariff rates resulting from the termination on November 15, 1981, of a ten-year amortization provision in Great Lakes' cost of service.

Great Lakes also tendered for filing Thirty-Ninth-B Revised Sheet No. 57 to First Revised Volume No. 1. This tariff sheet, to be effective November 16, 1981, also reflects the base tariff rates in accordance with Article XI of the Stipulation and Agreement referred to above and incorporates the effect of purchased gas adjustments to become effective November 1, 1981, presently pending before the Commission.

Copies of this filing were served on all Great Lakes' customers and the Public Service Commissions of Minnesota, Michigan and Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 13, 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. 81-32118 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5410-000]

Richard K. Linville; Application for Preliminary Permit

October 29, 1981.

Take notice that Richard K. Linville (Applicant) filed on September 22, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5410 to be known as the Salmon Falls Dam Project located on Salmon Falls Creek, near the town of Rogerson, in Twin Falls County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Richard K. Linville, 7021 Sand Point Way N.E. #B-305, Seattle, Washington 98115.

Project Description—The proposed project would consist of: (1) a 1,000-foot long, 48-inch diameter penstock to be installed in the existing 226-foot high Salmon Falls Dam, which is owned by the Salmon Falls Canal Company; (2) a powerhouse containing one generating unit rated at 4,700 kW; and (3) a 12-mile long transmission line.

The average annual energy generation is estimated to be 8.231 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 it would conduct engineering, economic, feasibility and environmental studies. 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 $40,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 31, 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 December 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-32127 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-61-001]

Michigan Wisconsin Pipe Line Co.; Proposed Change in Gas Tariff

October 29, 1981.

Take notice that on October 1, 1981 Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) tendered for filing

Substitute Fourteenth Revised Sheet No. 7 to its F.E.R.C. Gas Tariff, Original Volume No. 1. The tariff sheet is proposed to become effective on November 1, 1981, subject to refund, pursuant to its "Motion to Place Rates in Effect."

Michigan Wisconsin states that this filing is submitted in compliance with the Commission's May 29, 1981 Order which required the filing of revised tariff sheets on or before October 31, 1981 to reflect the elimination of certain costs as stipulated in Ordering Paragraph (C) of said Order.

Michigan Wisconsin further states that this filing reflects a reduction in costs, in accordance with the Stipulation and Agreement at Docket No. RP80-100, as filed with the Commission on September 2, 1981, to reflect (1) settled depreciation rates for storage and transmission facilities and (2) an allowance (2.85%) for fuel and lost and unaccounted for volumes.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 13, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-32119 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. E-9548 and E-9549]

City of Mishawaka, Indiana, et al. v. Indiana & Michigan Electric Company, et al. and City of Anderson, Indiana v. Indiana & Michigan Electric Company, et al.; Tariff Revision

October 29, 1981.

Take notice that Indiana & Michigan Electric Company (I&M) submitted on October 21, 1981, and on October 22, 1981, revisions to 3rd revised sheet 8-2 and 3rd revised sheet 10 contained in I&M's Electric Tariff MRS and revisions to 3rd revised sheet 6-1, 2nd revised sheet 8, and first revised sheet 8-1 contained in I&M's Electric Tariff WS. These revisions have been filed pursuant to a settlement of the above-captioned dockets filed on October 21, 1981. These revisions add the following language relating to curtailment of power and energy to tariffs MRS and WS:

If there be a shortage of capacity and/or electric energy requiring Company to curtail power and energy deliveries to any class or classes of its retail customers, then upon being notified by Company of such requirement to curtail, Customer will institute procedures which will cause a corresponding curtailment of the use of power and energy by its retail customers of the same class or classes. It is the express intention of this provision that any curtailment of power and energy shall fall equitably on similar classifications of retail customers served by Company and those served by Customer. If upon receiving notification of a requirement to curtail power and energy deliveries to its own retail customers, Customer fails to institute such procedures, Company shall be entitled to limit deliveries of power and energy to Customer in order to effectuate reductions in power and energy deliveries equivalent to the reduction which would have been effected had Customer fulfilled its curtailment obligation hereunder during the period any shortage exists, and, in such event, Company shall not incur any liability to Customer in connection with any such action so taken by Company.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 13, 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. 81-32118 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP72-149-016, et al.]

Mississippi River Transmission Corp., et al.; Filing of Pipeline Refund Reports and Refund Plans

October 29, 1981.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 13, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
Oct. 13, 1981	Mississippi River Transmission Corporation	RP72-149-016	Report.
Oct. 16, 1981	Alabama-Tennessee Natural Gas Company	RP81-128-003	Report.
Oct. 16, 1981	National Fuel Gas Supply Corporation	RP80-135-012	Report.
Oct. 16, 1981	Southern Natural Gas Company	RP81-105-006	Report.
Oct. 19, 1981	Alabama-Tennessee Supply Company	RP73-77-018	Report.
Oct. 19, 1981	Peoples Natural Gas Company	RP80-94-004	Report.
Oct. 19, 1981	Tennessee Gas Pipeline Company	RP81-23-001	Report.
Oct. 20, 1981	Consolidated Gas Supply Corporation	RP72-157-048	Report.
Oct. 22, 1981	Tennessee Natural Gas Lines, Inc.	RP81-143-001	Report.

[FR Doc. 81-32120 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5303-000]

Modesto Irrigation District; Application for Preliminary Permit

October 29, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 31, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5303 to be known as the Pauley Creek-Lavezzola Creek Project located on Pauley and Lavezzola Creeks, near Downieville, in Sierra 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, P.O. Box 4060, Modesto, California 95350.

Project Description—The proposed project would consist of: (1) a 5-foot high concrete dam on Lavezzola Creek; (2) a 7,500-foot long conduit; (3) a 1,500-foot long and 30-inch diameter steel penstock; (4) a 5-foot high concrete dam on Pauley Creek; (5) a 12,000-foot long conduit; (6) a 6,500-foot long and 36-inch diameter steel penstock; (7) a powerhouse containing one or more generating units with a total installed capacity of 8,500 kW; and (8) a 1.5-mile long transmission line.

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 $45,000.

Competing Applications—This application was filed as a competing application to the Pauley Creek-Lavezzola Creek Project No. 5123 filed on July 22, 1981, by Mac Hydro-Power Company, 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 filed 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 26, 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. 81-32121 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5286-000]

Mutual Energy Co.; Application for Preliminary Permit

October 29, 1981.

Take notice that Mutual Energy Company (Applicant) filed on August 26, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5286 to be known as the Upper Fall River Project located on the Fall River, near Feather Falls, in Plumas 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. Bart M. O'Keeffe, 550 Battery Street, No. 2214, San Francisco, California 94111.

Project Description—The proposed project would consist of: (1) the 100-foot high concrete arch Lumpkin Ridge Dam; (2) a reservoir with a gross storage capacity of 10,000 acre-feet; (3) a pipeline; (4) a powerhouse containing one generating unit with rated capacity of 1,450 kW; (5) the Fall River Reservoir with a gross storage capacity of 80,000 acre-feet; (6) the 200-foot high earthfilled Fall River Dam; (7) a pipeline; (8) a powerhouse containing one generating unit rated at 1,360 kW; and (9) a 3-mile long transmission line. The average annual energy generation is estimated to be 21 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 30 months, during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. Applicant proposes to sink test borings and exploration pits at the dam sites with minor brush clearing. All distrubed areas would be restored and refilled. The cost of the work to be performed under the preliminary permit is estimated to be $600,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before January 4, 1982, 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 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 January 4, 1982

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 field 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. 81-32122 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No CP81-236-001]

Northern Natural Gas Co., Division of InterNorth, Inc.; Petition To Amend

October 29, 1981.

Take notice that on October 9, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Petitioner), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-236-001 a petition to amend the order issued July 31, 1981, in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the sale of natural gas to El Paso Natural Gas Company (El Paso) up to an average daily limitation of 200,000 Mcf or in the alternative for a petition pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7) for clarification of the Commission's order issued July 31, 1981, in the instant docket, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that Petitioner was authorized by order issued July 31, 1981, to sell natural gas on a limited term and an interruptible basis to El Paso. Petitioner asserts that paragraph 1 of the February 2, 1981, gas sales agreement provides that Petitioner would sell to El Paso on a best-efforts basis after meeting the market requirements of Petitioner's present customers a daily quantity of up to 100,000 Mcf of natural gas. Petitioner also avers that paragraph 2 of such agreement states that El Paso may request to purchase from Petitioner thereunder natural gas in excess of 100,000 Mcf per day and Petitioner may sell such natural gas to El Paso to the extent that Petitioner is able to do so without jeopardizing its ability to meet its general system obligations to present customers.

Petitioner states that is has interpreted the order issued July 31, 1981, as authorizing the sale of up to 100,000 Mcf of natural gas per day to El Paso on a best-efforts basis and the sale of additional gas to El Paso above 100,000 Mcf per day in accordance with paragraph 2 of the February 2, 1981, gas sales agreement. However, it is averred that in the Commission's order issued September 2, 1981, in *El Paso Natural Gas Company*, Docket No. TA82-1-33-000 (PGA 82-1) (IPR 82-1) (TT 82-1 and AP 82-1) and AP 82-1) concerning El Paso's semi-annual PGA rate adjustment, El Paso's use of an estimated purchase of 181,980 Mcf of natural gas per day from Petitioner was found to be contrary to and in excess of the daily volumes anticipated in the certificate authorizing such sale in the instant docket. Petitioner alleges that El Paso was ordered to file and revise its current gas purchase adjustment to reflect volumes at or below the level reflected in the certificate authorizing said purchase.

Petitioner therefore requests the Commission to clarify its order issued in the instant docket on July 31, 1981, by recognizing that this order provides authorization for Petitioner to sell El Paso overrun volumes in excess of the 100,000 Mcf per day which Petitioner is obligated to sell on a best-efforts basis. In the alternative, Petitioner requests the Commission to amend said order so as to authorize the sale of gas to El Paso above 100,000 Mcf per day. In the event the Commission requires that a volumetric limitation be placed on the amount of gas to be sold to El Paso, Petitioner requests that an average daily limitation of 200,000 Mcf be provided.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-32123 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GT82-2-000]

Northwest Pipeline Corp.; Service Agreement Filing

October 29, 1981.

Take notice that Northwest Pipeline Corporation, on October 14, 1981, tendered for filing proposed service agreements which will, when accepted for filing and permitted to become effective provide for the sale and delivery of natural gas on an interruptible basis to Northwest's existing Rate Schedule I-1 Customers. The tendered service agreements supersede and cancel their presently effective counterpart agreements whose terms expire on October 31, 1981. Northwest estimates that the proposed service agreements will have no effect upon Northwest's revenues from jurisdictional sales and service.

Northwest has requested waiver of the Commission's Regulations in order that the tendered service agreements be accepted for filing and permitted to become effective as of November 1, 1981.

Copies of this filing have been served upon Northwest's I-1 customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before Nov. 13, 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. 81-32124 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC82-3-000]

Panhandle Eastern Pipe Line Co.; Gas Tariff Filing

October 29, 1981.

Take notice that on October 19, 1981, Panhandle Eastern Pipe Line Company (Panhandle), P.O. Box 1642, Houston, Texas 77001, tendered for filing in Docket No. TC82-3-000 pursuant to Section 4 of the Natural Gas Act and Part 154 of the Commission's Regulations, Fourth Revised Sheet Nos. 2 through 38 to its FERC Gas Tariff, Original Volume No. 1-A, all as more fully set forth in the filing tendered with the Commission and open to public inspection.

Panhandle states that on February 8, 1980, the Commission approved a Stipulation and Agreement (Agreement) dated December 6, 1979, in the proceedings *Village of Pawnee, Illinois, et al.* v. *Panhandle Eastern Pipe Line Company*, in Docket No. RP78-85. Pursuant to such Agreement, it is submitted, certain small customers as defined in Article II are permitted to add new Priority 1 requirements up to ten percent of their original annual base period volumes during the first twelve-month period and up to eight percent of their original annual base period volumes in each succeeding twelve-month period that the Agreement is in effect. It is further submitted that Article V of such Agreement requires the small customers to report to Panhandle changes in their estimated monthly and annual volumes which changes are to be reflected as adjustments to the monthly base period volumes for each small customer.

Accordingly, therefore, Panhandle tenders for filing Fourth Revised Sheet Nos. 2 through 38 to its FERC Gas Tariff, Original Volume No. 1-A, reflecting such adjustments in the monthly base period for each small customer and requests an effective date of December 1, 1981.

Panhandle asserts that copies of this filing have been served on all customers subject to the tariff sheets and applicable state regulatory agencies.

Any person desiring to be heard or to make any protest with reference to said filing should on or before November 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-32125 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5323-000]

Village of Phoenix, New York; Application for Preliminary Permit

October 29, 1981.

Take notice that the Village of Phoenix, New York (Applicant) filed on September 4, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5323 to be known as the Phoenix Dam Project located on the Oswego River in Oswego County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Patricia W. Gonzalez, Mayor, Village of Phoenix, Sweet Memorial Building, Phoenix, New York 13135.

Project Description—The proposed project would consist of: (1) the existing 10.2-foot-high Oswego River Lock and Dam No. 1; (2) the existing reservoir with a normal pool elevation of 363.0 feet (USGS datum); (3) the existing control gates; (4) the existing lock canal; (5) a proposed powerhouse with new generating facilities having an installed capacity of 1,500 kW; (6) appurtenant works. The Oswego River Lock and Dam No. 1 are owned by the New York State Department of Transportation. The Applicant estimates that the average annual energy output would be 12,000,000 kWh. Project energy would be used for municipal purposes or sold to a local public utility.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $40,000.

Competing Applications—This application was filed as a competing application to the Phoenix Project No. 4113-000 filed on February 5, 1981, by Long Lake Energy Corporation, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rule 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 25, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "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 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. 81-32132 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5459-000]

City of Port Townsend, Washington; Application for Preliminary Permit

October 29, 1981.

Take notice that City of Port Townsend, Washington (Applicant) filed on October 6, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5459 to be known as the Big Quilcene Hydroelectric Project located on Big Quilcene River, in Jefferson County, near the City of Quilcene, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Honorable Barney McClure, Mayor, City of Port Townsend, City Hall, Port Townsend, Washington 98368, with a copy to Mr. Steve Lowery, J. F. Sato and Associates, Inc., 5898 South Rapp Street, Littleton, Colorado 80120.

Project Description—The project, to be located at the base of the Applicant's existing diversion dam, would consist of: (1) the existing 15-foot high by 50-foot long diversion dam with a storage capacity of less than 2 acre-feet; (2) a new intake structure; (3) a 22,800-foot long penstock; (4) a surge tower; (5) a powerhouse with a total rated capacity of 5.5 MW; (6) a tailrace channel; and (7) a 1.5- to 3.5-mile long 12.5-kV transmission line to connect to an existing Puget Sound Power and Light system or to an existing Bonneville Power Administration line.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks a 24-month preliminary permit to study the feasibility of constructing and operating the proposed project. Less than 0.3 mile of new track may be required to conduct foundation exploration for the proposed powerhouse and surge tower. The track would be necessary only if surficial geologic investigations and hand-dug test pits or auger holes do not provide sufficient information.

Competing Applications—This application was filed as a competing application to Big Quilcene Hydroelectric Project No. 4575 filed on April 22, 1981, by Crown Zellerbach, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 26, 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 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. 81-32117 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5403-000]

Puget Sound Power & Light Co.; Application for Preliminary Permit

October 29, 1981.

Take notice that Puget Sound Power & Light Company (Applicant) filed on September 23, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16, U.S.C. 791(a)-825(r)) for Project No. 5403 to be known as the Tokul Creek Project located on Tokul Creek in King 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 & Light Company, Puget Power Building, Bellevue, Washington 98009.

Project Description—The proposed project would consist of: (1) a concrete gravity diversion dam 10 feet high with an overflow spillway; (2) dual steel penstocks 4,200 feet long; (3) a powerhouse containing two turbine/generator units with 4.6 MW total capacity and 18,300 MWh average annual energy output; (4) a transmission line; and (5) appurtenant facilities. Power will be marketed through the existing Puget Power Service network.

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 Puget Power plans to conduct engineering, economic and environmental studies necessary for an application for a license to construct and operate the project. The estimated cost of conducting these studies and preparing the license application is $200,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 31, 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 determing 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 December 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-32126 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5372-000]

Tehama County Flood Control & Water Conservation District; Application for Preliminary Permit

October 29, 1981.

Take notice that Tehama County Flood Control & Water Conseravtion District (Applicant) filed on September 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5372 to be known as the Thomes Creek Site #1 Power Project located on Thomes 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, Route 1, Box 4, Gerber, California 96035.

Project Description—The proposed project would consist of: (1) a 40-foot long, 10-foot high diversion structure on Thomes Creek; (2) a 20,000-foot long, 6-foot bottom width and 4-foot deep diversion channel; (3) a 2,000-foot long, 54-inch diameter penstock; (4) a powerhouse with a total installed capacity of 4,145 kW; and (5) a 3-mile long, 12-kV transmission line from the powerhouse to an existing 12.5-kV Pacific Gas & Electric Company transmission line. The Applicant estimates that the average annual energy production would be 14.5 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The applicant seeks issuance of a preliminary permit for a period of 36 months during which it would conduct technical, environmental and economic studies, and also prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $140,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 31, 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 December 31, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-32128 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP81-54-001]

Tennessee Gas Pipeline Co., Division of Tenneco Inc.; Revised Rate Filing

October 29, 1981.

Take notice that on October 19, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing certain revised tariff sheets in its FERC Gas Tariff to be effective on November 1, 1981, in lieu of the tariff sheets originally filed in Docket No. RP81-54, as follows:

Original Volume No. 1

Third Revised Sheet Nos. 20 and 22
Second Revised Sheet No. 21

Sixth Revised Volume No. 2

First Revised Sheet Nos 299MM5, 299NN4, and 299005; Substitute First Revised Sheet Nos. 277B, 299V6, 299W5, 299X6, 299Y6, 299EE6, 299FF5, 299GG7, 299JJ5, and 322D; Substitute Second Revised Sheet Nos. 266J, 268C, 287E, 288D, 289E, 290E, 291E, 292E, 299L9, 299M6, 299N5, 299Q5, 299R5, 299S9, and 299S10; Substitute Third Revised Sheet Nos. 266I and 274E; Substitute Fifth Revised Sheet No. 141A; Substitute Sixth Revised Sheet Nos. 249H and 249I; Substitute Seventh Revised Sheet No. 245D; Substitute Eighth Revised Sheet Nos. 76 and 215; Substitute Ninth Revised Sheet Nos. 53, 54, and 77; Substitute Tenth Revised Sheet No. 141; Substitute Twelfth Revised Sheet Nos. 11 and 12.

Tennessee stated that the purpose of the revised tariff sheets is to revise the rates suspended until November 1, 1981, in this proceeding to reflect, (1) the elimination of all facilities and related costs which will not have been certificated and placed in service by November 1, 1981; (2) revisions related to advance payments claimed in rate base; and (3) the Current Average Cost of Purchased Gas and certain other rate adjustments reflected in Tennessee's filing made effective on July 1, 1981, in

Docket Nos. TA81-2-9 (PGA81-2, *et. al.*).

Tennessee further states that copies of the revised filing were served on all customers and affected state commissions as well as all parties to Docket No. RP61-54.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 13, 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; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further pleading. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-32129 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TC82-2-000]

Trunkline Gas Co.; Gas Tariff Filing

October 29, 1981.

Take notice that on October 19, 1981, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77001, tendered for filing in Docket No. TC82-2-000, pursuant to Section 4 of the Natural Gas Act and Part 154 of the Commission's Regulations Fourth Revised Sheet No. 21-C.8 to its FERC Gas Tariff, Original Volume No. 1, all as more fully set forth in the filing tendered with the Commission and open to public inspection.

Trunkline states that on February 8, 1980, the Commission approved a Stipulation and Agreement (Agreement) dated December 6, 1979, in the proceedings *Kaskaskia Gas Company, et al.* v. *Trunkline Gas Company*, in Docket No. RP78-86. Pursuant to such Agreement, it is submitted, certain small customers, as defined in Article II, are permitted to add new Priority 1 requirements up to ten percent of their original annual base period volumes during the first twelve-month period and up to eight percent of their original annual base period volumes in each succeeding twelve-month period that the Agreement is in effect. It is further submitted that Article V of such Agreement requires the small customers to report to Trunkline changes in their estimated monthly and annual volumes which changes are to be reflected as adjustments to the monthly base period volumes for each small customer.

Accordingly, therefore, Trunkline tenders for filing Fourth Revised Sheet No. 21-C.8 to its FERC Gas Tariff Original Volume No. 1, reflecting such adjustments in the monthly base period for each small customer and requests an effective date of December 1, 1981.

Trunkline asserts that copies of this filing are being served on all affected customers and appropriate state regulatory agencies.

Any person desiring to be heard or to make any protest with reference to said filing should on or before November 10, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-32130 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-38-000]

Virginia Electric and Power Co.; Filing

October 29, 1981.

The filing Company submits the following:

Take notice that on October 22, 1981, Virginia Electric Power Company (VEPCO) filed with the Commission pursuant to § 35.12 of the Commission's Regulations a Settlement Agreement with North Carolina Municipal Power Agency Number 3 (Power Agency). Under the terms of the Settlement Agreement, those North Carolina wholesale municipal customers of VEPCO who choose to do so will take their full requirements from Power Agency. Power Agency will be purchasing portions of generating units to be purchased from Carolina Power & Light Company (CP&L).

VEPCO also filed an Agreement for Interim Electric Service pursuant to which VEPCO will supply partial requirements service to Power Agency during a Transition Period and an Agreement for Transmission Use pursuant to which VEPCO will provide transmission service.

VEPCO requests waiver of the Commission's notice requirements to allow said agreement to become effective in December of 1981.

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.W., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 10, 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 Comission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-32131 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5307-000]

Woodsville Fire District; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

October 29, 1981.

Take notice that on September 1, 1981, the Woodsville fire district (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended*), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 5307) would be located on the Ammonoosuc River in Grafton County, New Hampshire. Correspondence with the Applicant should be directed to: Mr. C. Lincoln Butson, Woodsville Water and Light Department, 3 North Court Street, Woodsville, New Hampshire 03785.

Project Description—the proposed project would consist of the following existing works: (1) a 23-foot-high, 450-foot-long, concrete gravity dam; (2) a 25-acre impoundment; (3) a 40-foot-long intake canal; (4) a currently-unused powerhouse; and (5) appurtenant works.

The Applicant proposes to install new turbines and generators having a total installed generating capacity of 550 kW.

The estimated average annual net generation would be 2,850,000 kWh.

Purpose of Project—Project energy would be used by the Applicant for public utility purposes.

Agency Comments—The U.S. fish and Wildlife Service, The National Marine Fisheries Service, and the New Hampshire Fish and Game Department are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilites. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—This application was filed as a competing application to new England Hydro, Inc.'s application, Project No. 4374, submitted on March 19, 1981, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its 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 December 26, 1981.

Filing and Service of Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, N.E., Washington, D.C. 20426. 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. 81-32133 Filed 11-4-81; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of September 14 Through September 18, 1981

During the week of September 14 through September 18, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Ashland Oil, Inc., BEA-0637
Energy Cooperative, Inc., BEA-0645
Commonwealth Oil Refining Company, Inc., 9/14/81, BEA-0685

Ashland Oil, Inc., Energy Cooperative, Inc. and Commonwealth Oil Refining Company, Inc. filed Appeals from the December 1980 Entitlements Notice. The Appellants generally contended that the reduction in their entitlements benefits pursuant to the December Notice contravenes the statutory intent of the Entitlements Program and renders the issuance of that Notice arbitrary, capricious, and unlawful. In considering the Appeals, the DOE found that the issuance of the December Notice was in conformance with underlying statutory goals and served those goals to the maximum extent practicable. The DOE additionally determined that no ERA discretionary practices or interpretations were at issue with respect to inventory practices. Finally, the DOE concluded that the Tertiary Incentive program was not terminated by Executive Order No. 12287. Moreover, the DOE found that increased crude oil costs due to the Tertiary Program were an integral part of the Program's statutory and regulatory framework and, as such, do not produce arbitrary or unlawful results. On the basis of the considerations, the DOE denied the Appeals.

Bracewell & Patterson, 9/17/81, BFA-0733

On September 19, 1981 Bracewell & Patterson filed an Appeal from a partial denial by the Assistant Disclosure Officer of the Office of Special Counsel of the DOE of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that *(e.g.)* certain of the documents which were withheld under exemptions 5 and 7 were properly withheld.

Butler, Binion, Rice, Cook & Knapp, 9/14/81, BFA-0728

Butler, Binion, Rice, Cook & Knapp filed an Appeal from a partial denial by the District Manager, Southwest District of Enforcement of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the withheld document fell within Exemption 5 and should not be released to the public.

Cray Research, Inc., 9/14/81, BFA-0696

Cray Research, Inc. filed an Appeal from a partial denial by the DOE Office of Nuclear Energy, Division of Naval Reactors of a request for information which the firm had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that some documents were properly withheld pursuant to Exemption 4 and remanded others to Naval Reactors for a new determination as to their releasability. The DOE also found that while some parts of the index were adequate, other parts were not. Accordingly, the DOE also remanded the index for certain modifications.

Fulbright & Jaworski, 9/14/81, BFA-0714

Fulbright & Jaworski filed an Appeal from a denial by an Assistant General Counsel for Regulatory Litigation of the Office of General Counsel (OGC) of a request for information which the firm has submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that, with respect to two of the three withheld documents, OGC had failed to consider whether these documents contained segregable factual material which should have been disclosed and remanded the matter ot OGC for a new determination with respect to this issue. In addition, the DOE noted that subsequent to Fulbright & Jaworski's Appeal OGC had agreed to release the third document with certain limited exceptions and found that the withheld portions of this document contained pre-decisional material which was properly withholdable pursuant to Exemption 5.

The Hermiston Herald, 9/18/81, BFA-0731

The Hermiston Herald filed an Appeal from a partial denial by the Idaho Operations Office of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that certain portions of a Feasibility Study Proposal originally withheld under exemption 5 U.S.C. 552(b)(6) should be released. That

information included a Founding Officers List, Resumes and a listing of the corporate organization.

In addition, the DOE remanded the matter to the Manger of the Idaho Operations Office to (1) reconsider this determination to withhold in its entirety a Feasibility Study Cost Proposal and (ii) locate and determine the releasibility of certain vouchers and other materials submitted to the DOE in connection with a Feasibility Study Proposal.

L. O. Ward, 9/17/81, BFA-0730

L. O. Ward filed a Freedom of Information Act (FOIA) Appeal from a determination issued to him on July 16, 1981 by the Southwest District Manager of the Economic Regulatory Administration. In that determination, the District Manager partially denied Ward's request pursuant to Exemption 5 of the FOIA, 5 U.S.C. 552(b)(5).

The Office of Hearings and Appeals upheld the District Manager's withholding of all responsive documents denied to Ward except for a portion of a draft Proposed Remedial Order (PRO) which contained a section describing procedures for subsequent administrative review of the PRO. The Office of Hearings and Appeals held that this portion was easily segregable from exempt material and therefore must be released to the appellant.

The Office of Hearings and Appeals also held that the material properly withheld pursuant to Exemption 5 was not releasable to the appellant on public interest grounds.

Accordingly, the FOIA Appeal filed by Ward was granted in part.

Remedial Order

Elm City Filling Stations, Inc., 9/18/81, DRO-0172

Elm City Filling Stations, Inc. filed a Statement of Objections to a Proposed Remedial Order which the ERA Region I Office of Enforcement issued to the firm on January 2, 1979. In considering Elm City's objections to the PRO, the DOE determined that Elm City's December 30, 1973 sale of No. 6 residual fuel oil to Metropolitan Petroleum Company was not a sale of a "new item" or a sale to a "new market." The DOE also determined that the Connecticut statute of limitations did bar the enforcement proceeding against Elm City. Accordingly, Elm City's Statement of Objections was denied.

Request for Modification and/or Rescission

William R. Hilton, 9/18/81, BRR-0048

William R. Hilton filed an Application for Modification or Rescission of a Remedial Order that was issued to the firm by the DOE on March 25, 1980. *Jery Rakowski d.b.a. Amoco Dealer et. al.*, Nos. BRW-0022 *et seq.* and Nos. BRW-0034 *et seq.* (March 25, 1980). In denying Hilton's request that the Remedial Order be rescinded, the DOE ruled that: (i) Hilton's due process rights had not been violated by the misspelling of his name on the Proposed Remedial Order and Remedial Order; (ii) Hilton's unsupported allegations of inaccuracy in the Remedial Order could not serve as a basis for rescinding or modifying the order; (iii) Hilton was not entitled to rely on advice he allegedly received from a state representative's staff member regarding his pricing practices; and (iv) the Remedial Order was not rendered moot by Hilton's discontinuation of motor gasoline sales in August 1979. The DOE did, however, modify the Remidial Order to correct the spelling of Hilton's name and to substitute direct payment to the U.S. Treasury for price rollbacks as a more appropriate remedy for the violations Hilton was found to have committed.

Request for Stay

Ernest E. Allerkamp, 9/14/81, BRS-0151, BRD-0151

On April 22, 1981 Ernest E. Allerkamp (Allerkamp) filed an Application for Stay of the Remedial Order Proceeding in case number BRO-0020. In addition, Allerkamp filed a Motion for Discovery in connection with the above Remedial Order proceeding. In considering the Application, the DOE determined that Allerkamp had not met the requirements for Stay relief set forth at 10 CFR 205.125(b), or the requirements for granting a motion for discovery set forth at 10 CFR 205.198(c). The discovery and stay requests were therefore denied.

Motion for Discovery

Ashland Oil, Inc., 9/14/81, BED-0710, BEH-0710

Ashland Oil, Inc. filed Motions for Discovery and Evidentiary Hearing in connection with an Appeal it had filed. The Appeal was from a decision of the Economic Regulatory Administration (ERA) to refuse to give effect to an entry Ashland made on its "Refiner's Monthly Report" (ERA-49) for the purpose of calculating the upcoming January 1981 Entitlements Notice. In considering the Motion for Discovery, the DOE found that the firm had not shown that the requested discovery was necessary to obtain relevant and material evidence and that discovery would not unduly delay the proceeding. The DOE therefore concluded that the firm had not satisfied the requirements of 10 CFR 205.198. In considering the Motion for Evidentiary Hearing, the DOE found that the firm had not shown that the requested hearing involved any relevant and material issue to which there was a genuine dispute. The DOE therefore concluded that the firm had not satisfied the requirements of 10 CFR 205.199. Accordingly, the Motions for Discovery and Evidentiary Hearing were denied.

Motion for Evidentiary Hearing

UCO Oil Company, 9/18/81, DEH-0062

UCO Oil Company filed a Motion for Evidentiary Hearing which, if granted, would result in the issuance of an Order directing that an evidentiary hearing be held in connection with the consideration of the firm's Statement of Objections to a Proposed Decision and Order which was issued to UCO on January 25, 1979. In considering the request, the DOE found that the type of financial information which UCO wanted to provide in the form of an evidentiary hearing could be more efficiently presented through the submission of well-organized written statements and affidavits. Accordingly, UCO's Motions for Evidentiary Hearing was denied.

Supplemental Order

Charter Oil Company, 9/14/81, BYZ-0218

On September 14, 1981, the DOE issued a Decision and Order to Charter Oil Company that reviewed the firm's exception relief from purchasing entitlements as required by 10 CFR 211.67 during its 1979 fiscal year. The Decision and Order determined that Charter received excessive relief during its 1979 fiscal year.

Dismissal

The following submission was dismissed without prejudice:

Company Name and Case No.

Gama, BXE-1693

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W. Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

October 30, 1981.

[FR Doc. 81-32111 Filed 11-4-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders; Week of September 14 Through September 18, 1981

During the Week of September 14 through September 18, 1981 the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also

file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

October 30, 1981.

Proposed Decision and Order

Belco Petroleum Corporation, Houston, Texas, BXE-1610, Crude Oil

Belco Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception request, if granted, would permit Belco to sell certain quantities of the crude oil which it produced from the White River Unit Lease during the period October 1, 1980 through January 27, 1981 at prices in excess of the applicable ceiling price levels. On September 16, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

Tosco Corporation, Washington, D.C., BEE-1640, Crude Oil

Tosco Corporation filed an Application for Exception from the provisions of 10 CFR § 211.67. The exception request, if granted, would permit Tosco to receive additional entitlements with respect to its purchases of crude oil during the period May 1980 through January 27, 1981. On September 18, 1981 the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81-32029 Filed 11-4-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53030; TSH-FRL-1977-2]

Premanufacture Notices; Monthly Status Report for September 1981

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMNs) pending before the Agency and the PMNs for which the review period has expired since publication of the last monthly summary. This is the report for September 1981.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticide and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604) requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing 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 PMNs for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

The monthly status report published in the **Federal Register** as required under section 5(d)(3), will identify: (a) PMNs received during the month; (b) PMNs received previously and still under review at the end of the month; (c)

PMNs for which the notice review period has ended during the month; (d) chemical substances for which EPA has received a notice of commencement to manufacture; and (e) PMNs for which the review period has been suspended. Therefore, EPA is publishing the September 1981 PMN Status Report.

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460. 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-53030]" and the specific PMN number. Nonconfidential portions of the PMNs, written comments received on individual PMNs, and other documents in the public record may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Dated: October 28, 1981.

Woodson W. Bercaw,
Acting Director, Management Support Division.

PREMANUFACTURE NOTICES MONTHLY STATUS REPORT—SEPTEMBER 1981

PMN No.	Identity/generic name	FEDERAL REGISTER citation	Expiration date
	I. 74 Premanufacture Notices Received During the Month		
81-414	Generic name: Polyalkanediol polyurethane	46 FR 45997 (9/16/81)	Nov. 29, 1981.
81-415	Generic name: Polymer of a propenoic acid derivative and a heteromonocycle	46 FR 45997 (9/16/81)	Do.
81-416	Generic name: Alkyl substituted polyalkylene polyamine	46 FR 45997 (9/16/81)	Do.
81-417	Generic name: Modified poly (urea/urethane)	46 FR 45998 (9/16/81)	Do.
81-418	Generic name: Nitropolyhaloalkylbenzenepolyamine	46 FR 45998 (9/16/81)	Do.
81-419	Generic name: Aliphatic ester	46 FR 45998 (9/16/81)	Nov. 30, 1981.
81-420	Generic name: Organo phosphorus-containing acid	46 FR 45998 (9/16/81)	Do.
81-421	Bisphenol A-epichlorohydrin resin-mixed acrylic polymer	46 FR 45999 (9/16/81)	Do.
81-422	Polymer of alkylpropenoate, propenoic acid, substituted propenoic acid, and vinyl benzene	46 FR 45999 (9/16/81)	Do.
81-423	Generic name: Alkenyl succinic acid, monoester	46 FR 45999 (9/16/81)	Do.
81-424	Polyurethane thermoplastic	46 FR 45999 (9/16/81)	Do.
81-425	Aromatic aliphatic branched polyester resin	46 FR 45808 (9/15/81)	Do.
81-427	Generic name: Epoxidized glyceride polyoxyethylene ether	46 FR 45808 (9/15/81)	Do.
81-428	Substituted heretomonocyclic derivative of a substituted thiozantheno isoquinolin	46 FR 45808 (9/15/81)	Do.
81-429	Generic name: Silicon substituted organic ester	46 FR 45808 (9/15/81)	Do.
81-430	Generic name: Substituted aromatic amine	46 FR 45809 (9/15/81)	Dec. 1, 1981.
81-431	Generic name: Substituted aromatic amine	46 FR 45809 (9/15/81)	Do.
81-432	Generic name: Substituted aromatic amine	46 FR 45809 (9/15/81)	Do.
81-433	Generic name: Acrylic polymer	46 FR 45809 (9/15/81)	Do.
81-434	Generic name: Disubstituted cyclohexanol	46 FR 45809 (9/15/81)	Do.
81-435	1-(2-nitrophenyl) ethanone	46 FR 45995 (9/16/81)	Dec. 2, 1981.
81-436	Generic name: Disubstitutedheteropolycycle	46 FR 45995 (9/16/81)	Do.
81-437	Generic name: Polynitor polyhalo alkyl anilline	46 FR 47003 (9/23/81)	Dec. 7, 1981.
81-438	Generic name: Substituted arylamino anthraquinone derivatives	46 FR 47003 (9/23/81)	Do.
81-439	Generic name: Alkyd resin	46 FR 47003 (9/23/81)	Do.
81-440	Generic name: Substituted 1,4-bisarylamino anthraquinone	46 FR 47003 (9/23/81)	Do.
81-441	Generic name: Mixed mono and dialkyldithiothiadiazales	46 FR 47004 (9/23/81)	Do.
81-442	Generic name: Benzyl ester	46 FR 47004 (9/23/81)	Do.
81-443	Generic name: Poly[(amino alkyl) alkylene oxide]	46 FR 47004 (9/23/81)	Do.
81-444	Generic name: Substituted heterocyclic-phenylazo dye	46 FR 47004 (9/23/81)	Do.
81-445	Polyglycidyl-*m*-xylenediamine	46 FR 47004 (9/23/81)	Do.
81-446	Generic name: Polydimethylsiloxane, alkyl and terpenyl substituted	46 FR 47005 (9/23/81)	Do.
81-447	Generic name: Polyester based urethane	46 FR 47005 (9/23/81)	Dec. 8, 1981.
81-448	Generic name: Epoxy modified phenolic resin	46 FR 47295 (9/25/81)	Do.
81-449	Generic name: Fluoro methacrylate copolymer	46 FR 47005 (9/23/81)	Dec. 7, 1981.
81-450	Generic name: Di(aryl)polyhalosemi-metal	46 FR 47005 (9/23/81)	Do.
81-451	Generic name: Modified phenolic novolak resin	46 FR 47006 (9/23/81)	Dec. 9, 1981.
81-452	Generic name: Modified phenolic novolak resin	46 FR 47006 (9/23/81)	Do.
81-453	Generic name: Modified phenolic novolak resin	46 FR 47006 (9/23/81)	Do.
81-454	Generic name: Modified phenolic novolak resin	46 FR 47006 (9/23/81)	Do.
81-455	4-trifluoromethoxyphenylisocyanate	46 FR 47295 (9/25/81)	Dec. 12, 1981.
81-456	2-carbomethoxybenzene sulfonyl chloride	46 FR 47295 (9/25/81)	Do.
81-457	Generic name: Polymer of unsaturated fatty acid, dimer fatty acid, unsubstituted anhydride, aromatic dicarboxylic acid, aliphatic diol and hydroxy functional resins.	46 FR 47296 (9/25/81)	Do.
81-458	Monoethanolamine citrate in an aqueous solution	46 FR 47658 (9/29/81)	Dec. 14, 1981.
81-459	2,2-dimethylvicyclo[2.2.1]heptane-3-carboxylic acid, methyester	46 FR 47659 (9/29/81)	Do.
81-460	Generic name: Substituted heteropolycycle	46 FR 47658 (9/29/81)	Do.
81-461	Benzene-methanamine, ar-ethenyl-N-methanophosphoric, disodium salt, polymer with diethernylbenzene	46 FR 47659 (9/29/81)	Nov. 22, 1981.
81-462	Benzaldehyde, 3-methoxy-4-(3-propanamonium-2-hydroxy-N-N-N-trimethyl chloride	46 FR 47855 (9/30/81)	Dec. 20, 1981.
81-463	Benzenesulfonic acid, 4-[2-(trichlorosilyl) ethyl-, reaction product with silica	46 FR 47855 (9/30/81)	Do.
81-464	Generic name: Alkyl styrenated acrylate terpolymer	46 FR 47855 (9/30/81)	Do.
81-465	Generic name: Alkanedioic acid, (1-methyl, 5-hydroxymethyl heteromonocyclo)diester	46 FR 47856 (9/30/81)	Do.
81-466	Generic name: Alkanedioic acid, bis(hydroxymethyl heteromonocycle)ester	46 FR 47856 (9/30/81)	Do.
81-467	2-naphthalenesulfonic acid, 6-(acetylamino)-4-hydroxy-, sodium salt	46 FR 47856 (9/30/81)	Do.
81-468	4-chloronaphthalene 1,8-dicarboxylic acid anhydride	46 FR 47856 (9/30/81)	Do.
81-469	Generic name: Benzyl heteropolycyclic onium halide	46 FR 48319 (10/1/81)	Dec. 21, 1981.
81-470	Tris[tridecafluorohexyl]amine	46 FR 48319 (10/2/81)	Do.
81-471	Generic name: Urethane polymer	46 FR 48753 (10/2/81)	Dec. 22, 1981.
81-472	Generic name: Alicyclic alcohol	46 FR 48753 (10/2/81)	Do.
81-473	Generic name: Oxoarylpolyalkylbenzene alkyl nitrile	46 FR 48754	Do.
81-474	Generic name: Polyhaloalkylbenzene alkanoic acid ester	46 FR 48754 (10/2/81)	Do.
81-475	Generic name: Tris(substituted alkyl) phosphate	46 FR 48754 (10/2/81)	Do.
81-476	Generic name: Substituted mercaptophosphate	46 FR 48754 (10/2/81)	Do.

PREMANUFACTURE NOTICES MONTHLY STATUS REPORT—SEPTEMBER 1981—Continued

PMN No.	Identity/generic name	FEDERAL REGISTER citation	Expiration date
81-477	Generic name: Melamine-formaldehyde-polyethylene glycol resin	46 FR 48755 (10/2/81)	Do.
81-478	Generic name: Acrylic modified epoxy-ester resin	46 FR 48755 (10/2/81)	Do.
81-479	Generic name: Unsaturated acyl urea-urethane diol prepolymer	46 FR 48755 (10/2/81)	Do.
81-480	Generic name: Cationic acrylamide copolymer	46 FR 48752 (10/2/81)	Dec. 26, 1981.
81-481	Generic name: Polymer of linear glycols, aliphatic dicarboxylic acid, and aromatic dicarboxylic acid	46 FR 48752 (10/2/81)	Do.
81-482	Generic name: Polymer of linear glycols, aliphatic dicarboxylic acid, and aromatic di-(tri-) carboxylic acids	46 FR 48753 (10/2/81)	Do.
81-483	4(2'-aminophenyl thio)1,8-naphthalic anhydride	46 FR 48979 (10/5/81)	Dec. 27, 1981.
81-484	Generic name: Aromatic diazo dye	46 FR 48979 (10/5/81)	Do.
81-485	Generic name: Polymer of a substituted alkanediol, a carbomonocyclic anhydride and a substituted alkanoic ester	46 FR 48979 (10/5/81)	Do.
81-486	Generic name: Polyhaloalkylbenzene	46 FR 48980 (10/5/81)	Do.
81-487	Generic name: Aliphatic ester	46 FR 48980 (10/5/81)	Do.
81-488	Generic name: Polymer of vinyl acetate, substituted acrylic acid ester, substituted acrylic acid ester, and substituted acrylic acid.	46 FR 49197 (10/6/81)	Do.

II. 41 Premanufacture Notices Received Previously and Still Under Review at the End of the Month

81-373	Benzendiazonium, 4,4'-bis(o-chloro)-dichloride	46 FR 40801 (8/12/81)	Nov. 1, 1981.
81-374	Generic name: Dimethyl benzyl fatty quaternary amine	46 FR 40918 (8/13/81)	Do.
81-375	Generic name: Alkyl aluminum halide	46 FR 42329 (8/20/81)	Nov. 3, 1981.
81-376	....do	46 FR 42329 (8/20/81)	Do.
81-377	Generic name: Polyamido polymethacrylate copolymer	46 FR 41857 (8/18/81)	Do.
81-378	Poly(1,4 butane/neopentyl adipate)	46 FR 40803 (8/12/81)	Do.
81-379	Generic name: Amine sulfide	46 FR 42329 (8/20/81)	Do.
81-380	Generic name: Alkylmethyl silicone glycol copolymer	46 FR 42330 (8/20/81)	Nov. 4, 1981.
81-381	Generic name: Substituted phenyl butenone	46 FR 42191 (8/19/81)	Do.
81-382	Generic name: Polymer of disubstituted benzene, disubstituted benzene and substituted acrylic acid	46 FR 42330 (8/20/81)	Nov. 5, 1981.
81-383	Sodium salt of the sulfonated reaction products of 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-((3'propanesulfonic acid) oxo) anthracene.	46 FR 42330 (8/20/81)	Nov. 9, 1981.
81-384	1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-((3'propanesulfonic acid)oxo) anthracene, sodium salt	46 FR 42331 (8/20/81)	Do.
81-385	Generic name: Copper Phthalocyaninetrisulfonic Acid, Salt	46 FR 42751 (8/24/81)	Nov. 10, 1981.
81-386	Generic name: Polyacrylate homopolymer	46 FR 42910 (8/25/81)	Do.
81-387	Generic name: Polymer of alkyl methacrylates and N-substituted methacrylamide	46 FR 44046 (9/2/81)	Nov. 11, 1981.
81-388	Generic name: Polyether urethane prepolymer	46 FR 44047 (9/2/81)	Nov. 10, 1981.
81-389	Alkylphenol modified xylene-formaldehyde resins	46 FR 42751 (8/24/81)	Nov. 9, 1981.
81-390	Phenol-modified xylene-formaldehyde resins	46 FR 42751 (8/24/81)	Do.
81-391	Generic name: Acrylic polymer	46 FR 44047 (9/2/81)	Nov. 11, 1981.
81-392	Generic name: Trialkoxysilyl alkyl acrylamine	46 FR 44047 (9/2/81)	Nov. 10, 1981.
81-393	Generic name: Substituted dithiocarbamic acid salt	46 FR 44048 (9/2/81)	Nov. 12, 1981.
81-394	Generic name: Capped urethane	46 FR 43300 (8/27/81)	Nov. 16, 1981.
81-395	....do	46 FR 43300 (8/27/81)	Do.
81-396	Generic name: Diester of mixed dibasic acids	46 FR 44050 (9/2/81)	Nov. 15, 1981.
81-397	Benzenesulfonic acid, 4-(2-((4-sulfooxyethyl) sulfonyl)2,6-dimethoxyhenyl)azo)acetoacet-amido)-2-methyl-5-methoxy	46 FR 44050 (9/2/81)	Do.
81-398	Generic name: Polymer of vinyl acetate and acrylate esters	46 FR 44049 (9/2/81)	Nov. 18, 1981.
81-399	Generic name: Polymer of propenoic acid, alkyl propenoates, and glycol mono-methacrylate	46 FR 44049 (9/2/81)	Do.
81-400	Generic name: Substituted carbocycle azo substituted sulfocarbocycle azo substituted carbopolycycle	46 FR 44049 (9/2/81)	Do.
81-401	Generic name: C.I. Disperse Red 332 (impurity of)	46 FR 44286 (9/3/81)	Do.
81-402	Generic name: C.I. Disperse Yellow 226	46 FR 44286 (9/3/81)	Do.
81-403	Generic name: C.I. Disperse Red 332	46 FR 44287 (9/3/81)	Do.
81-404	Generic name: C.I. Disperse Violet 96	46 FR 44287 (9/3/81)	Do.
81-405	Coconut-diethylene glycol-adipicisophthalic resin	46 FR 44496 (9/4/81)	Nov. 21, 1981.
81-406	Benzenemethanamine, benzene-ethenyl-N-methano-phosphoric acid/disodium salt, polymer with diethyl benzene	46 FR 44496 (9/4/81)	Do.
81-407	Generic name: Polyether polyaminoalcohol	46 FR 44496 (9/4/81)	Nov. 22, 1981.
81-408	Generic name: Alkenyl pyridine	46 FR 44496 (9/4/81)	Do.
81-409	Polymer of an alkenoic acid, alkyl alkenoate and a substituted alkyl akenoate	46 FR 44497 (9/4/81)	Do.
81-410	Generic name: Salt of Bis(substituted carbomonocyclic) substituted carbopolycycle	46 FR 44497 (9/4/81)	Nov. 23, 1981.
81-411	Generic name: Polymer of benzene carboxylic acids and alkanediols	46 FR 44497 (9/4/81)	Do.
81-412	Generic name: Polymeric alkenoic acid ester of substituted hydroxyalkyl, aryl ether	46 FR 45997 (9/16/81)	Nov. 25, 1981.
81-413	Acylate-methacrylate copolymer	46 FR 45412 (9/11/81)	Nov. 24, 1981.

III. 63 Premanufacture Notices for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory.)

80-238	Glycerine, 1-alkanoate, 3-substituted alkanoate	46 FR 65662 (10/3/80)	Sept. 29, 1981.
81-267	Generic name: Urethane polymer	46 FR 34409 (7/1/81)	Sept. 2, 1981.
81-268	Polymer of 1,4-cyclohexanedimethanol; 1,6-hexanedioic acid, 1,9-nonanedioic acid; 1,4-butanediol; and 4,4-methylenebis (phenyl isocyanate).	46 FR 34409 (7/1/81)	Do.
81-269	Alcohols, C16-C22; tertiary butylether	46 FR 35347 (7/8/81)	Do.
81-270	Azacyclotridecan -2-one, homopolymer with (oxy-1,4-butanediyl), alpha-hydro-omega-hydroxy-, copolymer	46 FR 35347 (7/8/81)	Do.
81-271	Azacyclotridecan-2-one, polymer with hexahydro-2H-azepin-2-one, block copolymer with poly [oxy(methyl-1,2-ethanediyl)]; alpha-hydro-omega-hydroxy.	46 FR 35347 (7/8/81)	Do.
81-272	Generic name: Polyester resin	46 FR 34409 (7/1/81)	Do.
81-273	Poly[imino(1-oxo-1,6-hexanediyl)] with poly (oxy-1,2-ethanediyl), alpha-hydro-omega-hydroxy-, copolymer	46 FR 35347 (7/8/81)	Do.
81-274	Poly[imino(1-oxo-1,6-hexanediyl)] with poly (oxy-(methyl-1,2-ethanediyl)], alpha-hydro-omega-hydroxy-,copolymer	46 FR 35347 (7/8/81)	Do.
81-275	Generic name: Lower alkyl ester of an alkyl propionic acid	46 FR 35344 (7/8/81)	Sept. 7, 1981.
81-276	Generic name: Sulfur containing polyamide	46 FR 35344 (7/8/81)	Do.
81-277	1,2-Ethanediol; 2,5-furanedione; linseed fatty acids, and 1,1'-[(1-methylethylidene)bis (4,1-phenyleneoxy)] bis-2-propanol polymer.	46 FR 35344 (7/8/81)	Sept. 9, 1981.

PMN No.	Identity/generic name	Federal Register citation	Expiration date
81-278	Generic name: Compound from alkenoic acids, carbomonocyclic anhydride, and substituted alkanediols	46 FR 36239 (7/14/81)	Sept 11, 1981.
81-279	Generic name: Adduct of a substituted alkanol and a silicate	46 FR 36239 (7/14/81)	Sept. 9, 1981.
81-280	Generic name: Polyester polyurethane	46 FR 36239 (7/14/81)	Do.
81-281	Generic name: Polyester from substituted alkanediol and alkanoic acids	46 FR 36239 (7/14/81)	Do.
81-282	Generic name: Modified olefin/carboxylic acid copolymer	46 FR 35339 (7/8/81)	Do.
81-283	Generic name: Chromophore substituted poly (oxyethylene)	46 FR 35347 (7/8/81)	Do.
81-284	Generic name: Chromophore substituted poly (oxyalkylene)	46 FR 35347 (7/8/81)	Do.
81-285	Generic name: Amino carboxylic acid structural copolymer	46 FR 35339 (7/8/81)	Do.
81-286	Generic name: Waterborne polyurethane dispersion	46 FR 36239 (7/14/81)	Do.
81-287	Generic name: Nitrogen-modified, hydrogenated diene/styrene copolymer	46 FR 35339 (7/8/81)	Do.
81-288	Generic name: High solids mixed with phthalic monobasic acid alkyd resin	46 FR 35339 (7/8/81)	Sept. 10, 1981.
81-289	Generic name: Benzenediazonium, 4- (((substituted phenyl)amino)carbonyl)- sulfate (2:1)	46 FR 35339 (7/8/81)	Sept. 9, 1981.
81-290	Generic name: Aliphatic dicarboxylate	46 FR 35339 (7/8/81)	Do.
81-291	Generic name: Polyol, mixture of carboxylic acids polymer	46 FR 36239 (7/14/81)	Do.
81-292	Generic name: Silylated organic sulfonic acid, sodium salt	46 FR 35339 (7/8/81)	Do.
81-293	Generic name: Silylated organic sulfonic acid	46 FR 35339 (7/8/81)	Sept. 10, 1981.
81-294	Generic name: Mixture of varying molecular weight polyesters not defined	46 FR 36241 (7/14/81)	Do.
81-295	Generic name: Acrylonitrile polymer with alkenoic acid alkyl esters, 2-propenoic acid, 2-methyl	46 FR 36241 (7/14/81)	Do.
81-296	Generic name: Bis dihydrogenated ether of halogenated aryl sulfone	46 FR 36241 (7/14/81)	Sept. 9, 1981.
81-297	6-Hydroxy-2,3,7-trimethylquinoxaline	46 FR 36243 (7/14/81)	Sept. 15, 1981.
81-298	Generic name: Copolymer of styrene, alkyl acrylates, alkyl methacrylate, methacrylic acid with substituted acrylamide	46 FR 36243 (7/14/81)	Do.
81-299	Generic name: Metal resinate	46 FR 36243 (7/14/81)	Do.
81-300	Generic name: Alkylated cyclohexane	46 FR 37084 (7/17/81)	Do.
81-301	Generic name: Substituted benzene sulfide sulfonic acid	46 FR 37084 (7/17/81)	Do.
81-302	Generic name: Substituted benzenesulfonamide	46 FR 39212 (7/31/81)	Sept. 16, 1981.
81-304	Generic name: 4-Substituted amino-substituted-phenylazo-benzothiazole sulfonic acid salt	46 FR 37966 (7/23/81)	Do.
81-305	Generic name: 4-(Dialkylamino) styrylidinitrile	46 FR 39212 (7/31/81)	Do.
81-306	Generic name: Complex of 4,4'- dihydroxyphenyl sulfone and an alkylamine	46 FR 37966 (7/23/81)	Sept. 22, 1981.
81-307	Alkylphenol formaldehyde tackifying resin	46 FR 39213 (7/31/81)	Do.
81-308	Generic name: Complex of mixture of 4,4'- dihydroxyphenyl sulfone and 2,4- dihydroxyphenol sulfone and an alkylamine.	46 FR 37966 (7/23/81)	Sept. 16, 1981.
81-309	Generic name: Adduct of a substituted alkanediol and a silicate	46 FR 37966 (7/23/81)	Do.
81-310	Generic name: Modified phenolic novalak resin	46 FR 37966 (7/23/81)	Do.
81-311	Maleic acid, monoisooctylamide, diethanolamine salt	46 FR 39213 (7/31/81)	Sept. 22, 1981.
81-312	Generic name: Alkenylated cyclohexane	46 FR 37966 (7/23/81)	Sept. 16, 1981.
81-313	Generic name: Chromophore substituted poly(oxyalkylene)	46 FR 37324 (7/20/81)	Sept. 24, 1981.
81-314	Generic name: Adduct of anhydride and a polyester	46 FR 37324 (7/20/81)	Do.
81-315	Propoxylated hydrazines	46 FR 44048 (9/2/81)	Do.
81-316	Generic name: Quaternary ammonium derivative of unsaturated amide	46 FR 37325 (7/20/81)	Sept. 28, 1981.
81-317	Generic name: Copolymer of an unsaturated amide with quaternary ammonium derivative of an unsaturated amide	46 FR 37325 (7/20/81)	Do.
81-318	Generic name: Modified phenolic novolak resin	46 FR 37325 (7/20/81)	Do.
81-319	2,4-dimethyl-4 phenyltetrahydrofuran	46 FR 45996 (9/16/81)	Sept. 27, 1981.
81-320	Generic name: 1,1-Methylenebis[4-isocyanato-cyclohexane], polymer with 1,3-benzone-dicarboxylic acid, polymer with substituted alkane, and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol.	46 FR 37968 (7/23/81)	Sept. 30, 1981.
81-321	Generic name: 1,3-Benzenedicarboxylic acid, polymer with substituted alkane and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol.	46 FR 37968 (7/23/81)	Do.
81-322	Generic name: 1,3-Benzenedicarboxylic acid, polymer with 2,2'-[1,2-ethanediethyl bis (oxy)]bis(ethanol), 1,6-hexane-dioic acid, and substituted alkane.	46 FR 37969 (7/23/81)	Do.
81-323	Generic name: 2-Hydroxyethylpropenoate, polymer with 1,1-methylenebis[4-isocyanato-cyclohexane] and 1,3-benzenedicarboxylic acid, polymer with substituted alkanes.	46 FR 37968 (7/23/81)	Do.
81-324	Generic name: Modified polyester based on carbomonocyclic anhydride and alkane diols	46 FR 37969 (7/23/81)	Do.
81-325	Starch, diethylaminoethyl ether hydrochloride, 2 sullo-2-carboxyethyl ether, calcium salt	46 FR 38578 (7/28/81)	Do.
81-326	Generic name: Alkyl sulfonic acid, organic-inorganic salt	46 FR 38578 (7/28/81)	Do.
81-338	Generic name: Modified phenolic novolak resin	46 FR 39890 (8/5/81)	Sept. 22, 1981.
81-339	....do	46 FR 39890 (8/5/81)	Do.
81-340	....do	46 FR 39890 (8/5/81)	Do.

PMN No.	Chemical identification	Federal Register citation	Date of commencement
	IV. 16 Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture		
80-5	1,4-Benzenedicarboxylic acid, dimethyl ester, manufacture from, byproduct of, polyester with dipropylene glycol	45 FR 6334 (1/30/80)	Aug. 27, 1981.
80-331	Generic name: Methacrylic/fatty acid adduct	46 FR 11348 (2/6/81)	Aug. 24, 1981.
80-332	Generic name: Soya fatty ester	46 FR 11348 (2/6/81)	Do.
80-340	Polymer of: polymer diol, monocarboxylic acid diol, diamine, and a diisocyanate	46 FR 3065 (1/16/81)	Aug. 31, 1981.
81-170	Generic name: (Oxy-1,2-ethanediyl alpha-acy-omega-alkyl)	46 FR 25695 (5/8/81)	Aug. 17, 1981.
81-201	Generic name: Polymer of substituted acrylic acid derivative and substituted styrene	46 FR 28006 (5/22/81)	Aug. 10, 1981.
81-208	Generic name: Alkenyltri (substituted alkoxy) silane	46 FR 29526 (6/2/81)	Sept. 1, 1981.
81-225	Polymer of acrylic acid, butyl acrylate, glycidyl methacrylate, 2-hydroxyethyl acrylate, and vinylidene chloride	46 FR 31940 (6/16/81)	Aug. 6, 1981.
81-236	Generic name: Organhalo modified silica	46 FR 32495 (6/23/81)	Aug. 17, 1981.
81-247	Generic name: Methylene bis(4-isocyanate cyclohexane of acylated glycols	46 FR 31942 (6/18/81)	Sept. 14, 1981.
81-264	Generic name: Pyridine derivative	46 FR 34409 (7/1/81)	Sept. 1, 1981.
81-267	Generic name: Urethane polymer	46 FR 34410 (7/1/81)	Sept. 10, 1981.
81-268	Polymer of 1,4-cyclohexanedimethanol, 1,6-hexanedioic acid, 1,9-nonanedioic acid, 1,4-butanediol, and 4,4'-methylene bis(phenyl isocyanate).	46 FR 34410 (7/1/81)	Do.
81-290	Generic name: Aliphatic dicarboxylate	46 FR 35341 (7/8/81)	Sept. 11, 1981.
81-297	6-Hydroxy-2,3,7-trimethylquinoxaline	46 FR 36243 (7/14/81)	Oct. 15, 1981.
81-301	Generic name: Substituted benzene sulfide sulfonic acid	46 FR 37085 (7/17/81)	Sept. 21, 1981.

PMN No.	Identity/generic name	Federal Register citation	Date suspended
	V. 8 Premanufacture Notices for Which the Review Period Has Been Suspended		
80-137	Benzeneamine, 4,4'-methylene bis [*N*-(1-methybutylidene)	45 FR 48243 (7/18/80)	Sept. 22, 1980.
80-138	Benzeneamine, 4,4'-methylene bis [*N*-(1-methybutylidene) (7/18/80)	45 FR 48243	Do.
80-146	Phosphorodithioic acid *O,O'*-di (isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt	45 FR 49153 (7/23/80)	Sept. 17, 1980.
80-147	Phosphorodithioic acid *O,O'*-di (isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters	45 FR 49153 (7/23/80)	Do.
80-182	Generic name: Alkanedioic acids mixed alkanolamine salt. (8/15/80)	45 FR 54425	Oct. 30, 1980.
80-264	Generic name: Benzeneamine, [*N*-(1-methyl-hexylidene)-*N*-(1-methyl butylidene)-4,4'-methylene bis]	45 FR 73127 (11/4/80)	Dec. 24, 1980.
80-356	Benzoic acid, 2-[[2-amino-5-hydroxy-6-[[4'-[[1-hydroxy-8-[[(4-methylphenyl)sulfonyl]amino]-3,6-disulfo-2-naphthalenyl]azo]-3,3'-dimethoxy[1,1'-biphenyl]-4-yl]azo]-7-sulfo-1-naphthalenyl]azo]-5-nitro-, trisodium salt [1].	46 FR 20771 (4/7/81)	Sept. 28, 1981.
80-357	Benzoic acid, 2-[[2-amino-6-[[4'-[[5-2,5-dis-sulfophenyl)azo]-1-hydroxy-6-(phenylamino)-3-sulfo-2-naphthalenyl]azo]-3,3'-dimethoxy[1,1'-biphenyl]-4-yl]azo]-5-hydroxy-7-sulfo-1-naphthalenyl]azo]-5-nitro-, tetrasodium salt [1].	46 FR 20772 (4/7/81)	Do.

[1] PMNs were withdrawn per submitter's request on October 9, 1981

[FR Doc. 81-31968 Filed 11-4-81; 8:45 am]
BILLING CODE 6560-31-M

[LCE-FRL-1975-3]

Kaiser Steel Corp.; Application Pursuant to the Steel Industry Compliance Extension Act of 1981

AGENCY: Environmental Protection Agency.

ACTION: Notice of receipt of application.

SUMMARY: On October 20, 1981 EPA received an application from Kaiser 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 the company's eligibility for an extension within a few weeks. Persons desiring to make public comment are encouraged to do so without delay.

DATE: Effective November 5, 1981.

ADDRESS: Section 13(e)(3) of the Clean Air Act, as amended, provides that any records, reports or information obtained by the Administrator pursuant to this subsection shall be available to the public unless a person requests that such material be considered confidential in accordance with the purposes of 18 U.S.C. 1905 and the Administrator determines that public disclosure is likely to cause substantial harm to that person's competitive position. Kaiser Steel Corporation has requested that its application and all supporting data be considered confidential in accordance with 40 CFR Part 2. EPA is reviewing the applicant's request, and will determine whether or not the information is entitled to confidential treatment. Documents received by the Administrator that are not confidential in nature will be placed in Public Docket Number EN 81-16-C: Kaiser Steel Corporation, and will be 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 Street, 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, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460 (202) 755-0658.

Dated: October 30, 1981.

William A. Sullivan, Jr.,

Enforcement Counsel.

[FR Doc. 81-32060 Filed 11-4-81; 8:45 am]
BILLING CODE 6560-41-M

[AD-FRL 1978-4]

National Air Pollution Control Techniques Advisory Committee; Open Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held on December 1 and 2, 1981, at the Royal Villa Hotel, Royal King Hall II, 6339 Glenwood Avenue, Raleigh, North Carolina 27612. The commercial telephone number is (919) 782-4433.

The tentative agenda for the meeting is as follows:

December 1 (Tuesday)—9:00 a.m.

Sulfur Oxides Emissions from Fluid Catalytic Cracking Unit Regenerators, New Source Performance Standard (Section 111 of the Clean Air Act)

Benzene Emissions from Coke By-Product Recovery Plants, National Emission Standards for Hazardous Air Pollutants (Section 112 of the Clean Air Act)

December 2 (Wednesday)—9:00 a.m.

Volatile Organic Compounds Emissions from petroleum Dry Cleaners, New Source Performance Standard (Section 111 of the Clean Air Act)

All meetings are open to the public. Anyone wishing to make a presentation should contact Ms. Mary Jane Clark at the Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by November 24, 1981. The commercial telephone number is (919) 541-5571, and the FTS number is 629-5571.

The dockets containing material relevant to fluid catalytic cracking unit regenerators (A-79-09), coke by-product recovery plants (A-79-16), and petroleum dry cleaners (A-80-2) are located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby-Gallery 1, 401 M Street, SW, Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays, and a resonable fee may be charged for copying.

Dated: October 29, 1981.

Kathleen M. Bennett,

Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-32061 Filed 11-4-81; 8:45 am]
BILLING CODE 6560-26-M

[TSH-FRL-1978-3; OPTS-51342]

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 nine PMNs and provides a summary of each.

DATE: PMN 81-547, 81-548, 81-549, 81-550, 81-551, 81-552, 81-553, 81-554, 81-555; written comments by: December 26, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51342]" 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: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-547

Close of Review Period. January 25, 1982.

Manufacturer's Identity. The Goodyear Tire and Rubber Company, 1144 E. Market Street, Akron, OH 44316.

Specific Chemical Identity. 1,4-bis(1-methylethenyl) benzene.

Use. The manufacturer states that the PMN substance will be used as an intermediate for polymers and specialty chemicals.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Appearance—White, crystalline solid.
Boiling point—442° F.
Flash point, closed cup—199° F.
Melting point—148.1° F.
Solubility: water—Hydrates.
Density—0.965 @ 25° C.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>5.0 g/kg.
Acute dermal toxicity LD_{50} (rabbit)—>2.0 g/kg.
Primary skin irritation (rabbit)—Minimal.
Primary eye irritation (rabbit)—Mild without washout.
Ames salmonella—Non-mutagenic.

Exposure. The manufacturer states that during manufacture 3 workers may experience dermal exposure 8 hrs/day, 335 days/yr during mechanical transfer from finishing column.

Environmental Release/Disposal. The manufacturer states that from less than 10-100 kg/yr will be released to air and water. Disposal is by incineration.

PMN 81-548

Close of Review Period. January 25, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:
Annual sales—Over $500,000,000.
Manufacturing site—Mid Atlantic.
Standard Industrial Classification Code—282.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: A polymer of acrylic and methacrylic acid derivatives, a vinyl aromatic compound and a substituted propene compound.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a contained use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Milk-white, aqueous polymer dispersion.
pH—7-8.
Specific gravity—1.03.
Viscosity—250-500 cps.
Percent solids—41.5.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—Non-toxic.
Acute dermal toxicity LD_{50} (rat)—Non-toxic.
Skin irritation (rabbit)—Slight.

Exposure. The manufacturer states that during manufacture 2 workers may experience dermal and occular exposure 5 hrs/day, 20 days/yr during sampling, equipment cleaning, analytical, or packout operations.

Environmental Release/Disposal. The manufacturer states that more than 10,000 kg/yr will be released to land. Disposal is to an approved landfill.

PMN 81-549

Close of Review Period. January 25, 1982.

Manufacturer's Identity. Claimed confidential business information. Organizational information provided:

Annual sales—Over $500,000,000.

Manufacturing site—Northeast region.

Standard Industrial Classification Code—282.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aliphatic polyurethane-acrylic waterborne dispersion.

Use. The manufacturer states that the PMN substance will be used as an air dry coating.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	2,000	20,000
2nd year	10,000	50,000
3rd year	15,000	150,000

Physical/Chemical Properties

Appearance—Solids 35 percent.

Viscosity—60 cps.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture workers may experience dermal exposure during drum packaging of the finished polymer.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Disposal is by incineration.

PMN 81-550

Close of Review Period. January 25, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—Northeast region.

Standard Industrial Classification Code—282.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aliphatic Polyurethane-waterborne dispersion.

Use. The manufacturer states that the PMN substance will be used as an industrial and commercial air dry coating.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	5,000	25,000
2d year	15,000	50,000
3d year	20,000	150,000

Physical/Chemical Properties

Viscosity—140 cps.

% solids—35.

Vehicle—Water, N-methyl pyrrolidone.

Toxicity Data. No data were submitted.

Exposure. The manufacture states that during manufacturer workers may experience dermal exposure during drum packaging of the finished polymer.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Disposal is by incineration.

PMN 81-551

Close of Review Period. January 25, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—Northeast region.

Standard Industrial Classification Code—282.

Specific Chemical Identity. Claimed confidential business information. generic name provided: Aliphatic polyurethane-acrylic waterborne dispersion.

Use. The manufacturer sates that the PMN substance will be used as an industrial and commercial air dry coating.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	3,000	20,000
2d year	10,000	50,000
3d year	15,000	150,000

Physical/Chemical Properties.

Viscosity—150 cps.

Percent solids—33.

Vehicle—Water, N-methylpyrrolidone.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture workers may experience dermal exposure during drum packaging of finished polymer.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Disposal is by incineration.

PMN 81-552

Close of Review Period. January 25, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Succinimide of poly(alkene) and alkene/alkene copolymer.

Use. The manufacturer states that the PMN substance will be used as a captive intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Appearance—Clear, viscous, amber-colored liquid.

Flash point, closed cup—>190° C.

Viscosity—950 cSt @ 100° C.

Evaporation rate—negligible @ 20° C.

Solubility: water—Negligible.

hydrocarbons—Soluble.

tetrahydrofuran—Soluble.

Density—870 kg/m³ @ 15° C.

Volume % volatiles—Negligible.

Sediment—0.02 vol percent.

Hydrolysis: Hydrolysis characteristics are similar to other imides. Hydrolysis is slow and yields are small. Acids or bases will accelerate rate and increase yields.

Coefficient of thermal expansion—.00077 Vol/Vol° C

Odor—Characteristic of hydrocarbon oils.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>10 g/kg.

Dermal toxicity LD_{50} (rabbit)—>3,160 mg/kg.

Skin irritation (rabbit)—Slight irritation.

Eye irritation (rabbit)—Minimal irritation.

Exposure. The manufacturer states that during manufacture 4 workers may experience dermal exposure 8 hrs/day, 240 days/yr during transportation loading and unloading operations and quality control samples.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air and water. Disposal is to a publicly owned treatment works (POTW).

PMN 81-553

Close of Review Period. January 25, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Organic acid salt of the succinimide of poly(alkene) and alkene/alkene copolymer.

Use. The manufacturer states that the PMN substance will be used as a lubricating oil additive.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Clear, viscous, amber-colored liquid.

Flash point, closed cup—> 190° C.

Viscosity—950 cSt @ 100° C.

Evaporation rate—Negligible @ 20° C.

Solubility: water —Negligible. hydrocarbons—Soluble. tetrahydrofuran—Soluble.

Density—870 kg/m³ @ 15° C.

Volume % volatiles—Negligible.

Sediment—0.02 vol percent.

Hydrolysis—Hydrolysis characteristics are similar to other imides. Hydrolysis is slow and yields are small. Acids or bases will accelerate rate and increase yields.

Coefficient of thermal expansion—.00077 Vol/Vol ° C

Odor—Characteristic of hydrocarbon oils.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—> 10 g/kg.

Dermal toxicity LD_{50} (rabbit)—> 3.16 g/kg.

Skin irritation (rabbit)—Slight irritation.

Eye irritation (rabbit)—Minimal irritation.

Exposure. The manufacturer states that during manufacture 4 workers may experience dermal exposure 8 hrs/day, 240 days/yr during transportation loading and unloading operations and quality control samples.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air and water. Disposal is to a POTW.

PMN 81-554

Close of Review Period. January 25, 1982.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Metal alkyl thiocarbonate.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as an ore processing chemcial.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. Claimed confidential business information.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. Claimed confidential business information.

PMN 81-555

Close of Review Period. January 25, 1982.

Manufacturer's Identity. Petrarch Systems, Inc., P.O. Box 141, Levittown, Pa. 19059.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Sulfonylphenylsilane.

Use. The manufacturer states that the PMN substance will be used as a precursor for coupling agent.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture 4 workers may experience dermal exposure 5 days/yr.

Environmental Release/Disposal. The manufactuer states that less than 10 kg/yr will be released to water.

Dated: October 29, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-32057 Filed 11-4-81; 8:45 am]

BILLING CODE 6560-31-M

[TSH-FRL-1978-1; OPTS-59069]

Polymer of a Substituted Alkandiol, a Carbomonocylic Anhydride and a Substituted Alkanoic Ester; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substances Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt, are discussed in EPS's revised statement of interim policy published in the **Federal Register** of November 7, 1980 (45 FR 74378). This notice, issued under section 5(h)(6) of TSCA, announces receipt of application for an exemption, provides a summary, and requests comments on the appropriateness of granting of the exemption.

DATE: Written comments by: November 20, 1981.

ADDRESS: Written comments, identified by the doument control number "[OPTS-59069]"and the specific TME number should be sent to: Document control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-401, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M Street, SW, Washington, DC 20460.

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the menufacturer on TMEs received by the EPA:

TME 81-42

Closed of Review Period. December 11, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manfacturing site—Middle Atlantic.

Standard Industrial Classification Code—285(e).

Specific Chemical dentity. Claimed confidential business information. Generic name provided: Polymer of a substituted alkandiol, a carbomonocyclic anhydride and a substituted alkanoic ester.

Use. Claimed confidential business information. generic use informatio provided: The manufacturer states that the PMN substance will be used in an open use that will release more than 50 but less than 500 kg to the environment during the test marketing period. Its use will involve no potential for direct contact for consumers (as a formulated mixture). Consumer use will involve an infrequent potential for skin contact with an article containing the new substance in a cured solid state.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	0	40,000

Physical/Chemical Properties

Color—1(Gardner)
Acid value—13.4 (mg KOH/g).
Viscosity—184 (Stokes)
Density—1.067 gm/cm³.
Solids @ 105°C—845.0%.
@ 150°C—76.1%.

Toxicity Data. No data were available at this time.

Exposure. The manufacturer states that during manufacture a maximum of 57 workers may have skin and eye exposure 7 hrs/day, 3 days/yr while securing samples for quality testing, during the filtration procedure, and when transferring the new substance from reactor or receiver to shipping or storage containers. During processing, a maximum of 30 workers may have skin and eye exposure for 8 hrs/day, 21 days/yr during the addition of the new substance to the processing equipment, while securing samples for quality tests, when transferring processed material to shipping containers and when cleaning the equipment. At sites not controlled by the Submitter, a maximum of 24 workers at each site may have skin, eye and inhalation exposure for 8 hrs/day, 45 days/yr at an average concentration of 0 mg/m³ with a peak concentration of 10 mg/m³.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air and water at all sites. Between 10–100 kg/yr may be released to land at 2 sites, and 1,00–10,000 kg/yr may be released to land at 3 other sites.

Dated: October 30, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-32059 Filed 11-4-81; 8:45 am]

BILLING CODE 6560-31-M

[TSH-FRL-1978-2; OPTS-51343]

Sulfur Containing Polyamide; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(10) 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 one PMN and provides a summary.

DATES: Written comments by: PMN 81–556, December 27, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS–51343]" 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: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–216, 401 M St., SW., Washington, DC 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN received by EPA.

PMN 81–556

Close of Review Period. January 26, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided: Manufacturing site—West North Central region.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Sulfur containing polyamide.

Use. Claimed confidential business information.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties. No data were submitted.

Toxicty Data

Acute oral toxicity LD_{50} (rat)—1.23 g/kg.

Acute dermal toxicity LD_{50} (rat)—13.5 g/kg.

Primary skin irritation (rabbit)—Corrosive.

Primary eye irritation (rabbit)—Corrosive.

DOT skin corrosivity—Not corrosive.

Environmental Test Data

COD—425 mg.
BOD_5 4.2%.
BOD_{15} 8.2%.
BOD_{20} 14.8%.

LC_{50} 48 hr. (daphnia magna)—100% active 0.54, 15% active 2.70.

LC_{50} 24 hr. (daphnia magna)—100% active 1.03 15% active 4.03.

Exposure. The manufacturer states that during manufacture up to 2 workers may experience exposure up to 8 hrs/day, up to 24 days/yr during drumming or disposal.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to land. Disposal is to a publicly owned treatment works (POTW).

Dated: October 29, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-32058 Filed 11-4-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS–42001; TSH–FRL–1979–6]

Benzidine-, O-Tolidine- and O-Dianisidine-Based Dyes Response to the Interagency Testing Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Interagency Testing Committee, established under section 4(e) of the Toxic Substances Control Act, designated benzidine-, *o*-tolidine- and *o*-dianisidine-based dyes for health and environmental effects testing as published in the **Federal Register** of December 7, 1979 (44 FR 70665). EPA has decided not to pursue sec. 4(a) testing proposals for these chemicals at this time because testing programs which are expected to supply data sufficient for the Agency's needs are being currently planned and conducted, and regulatory efforts are being pursued. Therefore, acting pursuant to section 4(e) of TSCA, EPA is publishing this notice of its decision not to require additional testing as its response to these three ITC recommendations. EPA will retain the right to require additional testing at a later time should the circumstances so warrant.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Room E–511, 401 M Street SW., Washington, D.C. 20460, Toll free: 800–424–9065. In Washington, D.C.: (554–1404). Outside the USA: (Operator–202–554–1404).

SUPPLEMENTARY INFORMATION:

I. Background

Section 4(a) of TSCA authorizes the Administrator of EPA to promulgate regulations requiring testing of chemical substances and mixtures in order to develop data relevant to determining the risks that such chemicals may present to health and the environment.

Section 4(e) of TSCA established an Interagency Testing Committee to make recommendations to the Administrator of EPA of chemicals that should receive priority consideration for proposing test rules under sec. 4(a). The Committee may at any one time designate up to 50 of its recommendations for special attention my EPA. Within 12 months of that designation, EPA must initiate rulemaking to require testing or publish in the **Federal Register** reasons for not doing so.

Benzidine and its congeners *o*-tolidine and *o*-dianisidine constitute a family of synthetic organic chemicals with a biphenyl moiety. These three parent amines (benzidine, *o*-tolidine and *o*-dianisidine) are precursors used in the synthesis of dyes collectively referred to as the benzidine congener dyes. There are now commercially available in the United States 22 benzidine-based dyes, 34 *o*-dianisidine-based dyes, 22 *o*-tolidine-based dyes, and 2 dianisidine-based pigments. The technology exists for producing more than 450 dyes and pigments (Phase I Document, EPA) that are based on benzidine or the benzidine congeners.

The ITC recommended benzidine-, *o*-tolidine- and *o*-dianisidine-based dyes for health and environmental effects testing as published in the **Federal Register** of December 7, 1979 (44 FR 70665). The benzidine-based dyes were recommended for environmental fate and effects testing, while *o*-tolidine and *o*-dianisidine-based dyes were recommended for general human health effects testing and environmental fate and effects testing. The ITC did not recommend health effects testing for benzidine-based dyes because these dyes were considered to be an established health hazard. However, the ITC suggested that more careful investigations in the area of general health effects are necessary to determine the potential adverse health effects of the *o*-tolidine and *o*-dianisidine-based dyes. This was based upon the uncertainty of the metabolic fate of each dye in these categories and the carcinogenic potential of the parents, *o*-tolidine and *o*-dianisidine.

The primary basis for the environmental testing recommendations was the need for clarification of the environmental biodegradation products of the benzidine congener dyes. The ITC was concerned that these dyes may be environmentaly converted to their respective parent amines or other substituted derivatives. The ITC also indicated that a sequenced approach be used to evaluate potential environmental effects using the results of environmental fate studies.

In the **Federal Register** of August 12, 1980 (45 FR 53672), OSHA published "A List of Substances Which May be Candidates for Further Scientific Review." These candidates included a list of chemical substances having substantial evidence of carcinogenicity compiled by the Carcinogen Assessment Group, EPA. The Carcinogen Assessment Group identified the parent amines of the benzidine congener dyes, benzidine, *o*-tolidine and *o*-dianisidine as having substantial evidence of carcinogenicity. Therefore, if adequate evidence is provided that the benzidine congener dyes are metabolized or biodegraded to their respective carcinogenic parent amines, then the dyes may present a potential health hazard.

II. Basis for the Decision not to Require Additional Testing

This notice removes from the Agency's priority list established under sec. 4(e) of TSCA the ITC's designation of benzidine-, *o*-tolidine- and *o*-dianisidine-based dyes for environmental fate and effects testing, and of *o*-tolidine- and *o*-dianisidine-based dyes for health effects testing. While the data available at this time may be insufficient to characterize completely all the adverse health and environmental effects of the benzidine congener dyes, the present and planned testing is expected to provide information from which these effects can reasonably be determined or predicted, thus addressing the ITC's major concerns. This and several additional reasons have led to EPA's decision not to initiate rulemaking under section 4(a) for these chemicals at this time.

A. Testing Programs

A significant amount of environmental and helath-related testing is being sponsored by the Federal Government and private industry which will address the ITC testing recommendations. The National Toxicology Program (NTP), Consumer Product Safety Commission (CPSC), National Center for Toxicological Research (NCTR), National Institute for Occupational Safety and Health (NIOSH), Dyes Environmental Toxicology Organization, Inc. (DETO), and the Ecological and Toxicological Association of the Dyestuffs Manufacturing Industry (ETAD) have either completed and published their research efforts or are developing research programs related to the benzidine congener dyes.

The health effects testing recommendations made by the ITC will be addressed by the combined research efforts of NCTR, NIOSH, NTP and CPSC. NCTR, NIOSH, NTP and CPSC are jointly conducting metabolic studies, including absorption, distribution and excretion patterns of selected radiolabeled and non-radiolabeled benzidine congener dyes and their respective parent amines. In further recognition of the ITC testing recommendations, genetic toxicology testing using the modified Ames *Salmonella* screen and *in vivo* carcinogenic bioassays will be performed by NTP on selected benzidine congener dyes and their respective parent amines. These studies are designed to identify the carcinogenic or the mutagenic potential of the chemicals tested.

The ITC environmental testing recommendations will be addressed by ETAD and EPA testing programs. ETAD is developing standard environmental testing methodologies and conducting studies on fish toxicity and bioaccumulation, environmental biodegradation, and bacterial, i.e. sewage sludge, inhibition by dyestuffs. Other current research efforts are those of EPA's Office of Solid Waste, which, in conjunction with the Industrial Environmental Research Laboratory, at Research Triangle Park, North Carolina, is conducting a study to identify the chemicals in solid waste streams produced by the manufacture of dyes and pigments based on benzidine and benzidine congeners. Completion of this study, which will quantify significant amounts of chemical wastes produced by dye manufacturers, is expected in 1981.

These industrially and Federally sponsored tests are designed to investigate thoroughly the potential adverse health and environmental effects of the benzidine congener dyes. The health effects and environmental fate and effects testing recommended by the ITC will be performed by the investigations that are now being conducted or will be conducted on these dyes. While some additional tests beyond those recommended by the ITC might be desirable, it is the Agency's judgment that the amount of useful information which could be gained from additional experiments would be small in comparison with the data already

being developed. Furthermore, any additional test may not serve a useful purpose because the results of the tests may duplicate information from investigations now being performed. Although EPA is not requiring any further testing of the benzidine congener dyes, under section 8(d) of TSCA unpublished health and safety studies about these dyes will be required to be submitted to EPA by industry. Any additional health and safety information submitted to EPA by industry in response to section 8(d) of TSCA will help to characterize more adequately the benzidine congener dyes and help prevent future testing duplication.

B. Regulatory Efforts

In addition to the significant amount of testing that is now being conducted or that will be conducted with respect to these chemicals, CPSC, the Occupational Safety and Health Administration (OSHA), NIOSH and EPA have developed major regulatory approaches for the benzidine congener dyes. The combined efforts of these regulatory agencies are intended to substantially reduce exposure to these dyes in occupational environments, from consumer products and in the general ambient (water, air, land) environment.

Based primarily on the carcinogenicity of the dyes, CPSC has voted to pursue preliminary regulatory activities to ban the benzidine congener dyes from consumer products (Briefing Package on Benzidine Congener Dyes to the Commission, September 1980). In addition, NIOSH and OSHA jointly recommended that the manufacture and use of benzidine congener dyes be handled as potential carcinogens and that safe dyes be substituted when available *(Health Hazard Alert: Benzidine-,o-Tolidine-, and o-Dianisidine-Based Dyes,* December 1980).

In accordance with the Federal Water Pollution Control Act (P.L. 92–500, 33 U.S.C. 1251) as amended, EPA has recently completed an Ambient Water Quality Criteria Document for Benzidine (U.S. EPA, October 1980). EPA determined that the benzidine concentrations in ambient water should be zero, based on the non-threshold assumptions for chemcial carcinogens. Since zero exposure levels may not be technologically attainable at the present time, the recommended ambient water concentrations for benzidine is very low (expressed in low nanogram concentrations).

III. Conclusion

The EPA has decided not to require additional testing for benzidine-, *o*-tolidine and *o*-dianisidine-based dyes at this time.

First, significant amounts of environmental and health testing have been conducted or are being planned. The National Toxicology Program has coordinated its testing program with EPA, CPSC and OSHA. The private industrial sector is also involved with various testing programs. These Federal and industrial investigations have been designed to identify the potential adverse health and environmental effects of the benzidine congener dyes. These investigations appear to address the ITC's testing recommendations. The Agency believes that any additional information that might be obtained from an EPA test rule would be small in comparison with that now being developed.

Second, CPSC's, EPA's and OSHA's/NIOSH's regulatory efforts are designed to reduce substantially consumer exposures, environmental concentrations and occupational exposures to the benzidine congener dyes that might generate any adverse effects.

Given these facts, EPA has decided not to initiate rulemaking to require testing of benzidine-, *o*-tolidine- and *o*-dianisidine-based dyes under section 4(a) at this time.

Should the test results from the ongoing or planned testing, or any other information brought to the attention of EPA indicate concerns which are not adequately addressed by the ongoing activities, EPA will reconsider the need to initiate a testing rule under section 4(a) of TSCA.

IV. Public Record

EPA has established a public record for this action, docket number OPTS–42001, which is available for inspection in the OPTS Reading Room from 8:00 a.m. to 4:00 p.m. on Monday through Friday, Rm E–107, 401 M St., SW, Washington, D.C. 20460.

This record includes basic information considered by the Agency in developing this notice. The Agency will supplement the record with additional information as it is received. The record includes the following informaton:

(1) **Federal Register** notices pertaining to this rule:

(a) Notice of Response to the Interagency Testing Committee published in the **Federal Register** of November 5, 1081.

(b) Fifth Report of the Interagency Testing Committee to the Administrator, Environmental Protection Agency: Receipt of the Report and Request for Comments Regarding Priority List of Chemicals (44 FR 70664).

(c) A List of Substances which may be Candidates for Further Scientific Review and Possible Identification, Classification, and Regulation as Potential Occupational Carcinogens (45 FR 53672).

(d) Identification and Listing of Hazardous Waste (44 FR 33119).

(e) Toxic Pollutant Effluent Standards, Standards for Benzidine; Final Decision (42 FR 2617).

(2) Supporting documents:

(a) NTP Benzidine Congener Dye Initiative.

(b) Ecological and Toxicological Association of the Dyestuffs Manufacturing Industry, Annual Report, 1979.

(c) TSCA Chemical Assessment Series, Preliminary Risk Assessment Phase I, Benzidine, Its Congeners, and Their Derivative Dyes and Pigments, June 1980, EPA–560/11–80–019.

(d) The Carcinogen Assessment Group's List of Carcinogens, July 14, 1980.

(e) Proposal and Work Schedule for Research Concerning Metabolism of Benzidine and Benzidine Congener-Based Azo Dyes for NTP, October 16, 1980.

(f) Draft Memo—Proposed NTP Initiative on Benzidine and Benzidine Congener Dyes, October 31, 1980.

(g) Proposed NTP Initiative on Benzidine and Benzidine Congener Based Azo Dyes, November 24, 1980.

(h) Draft of November 14 Meeting and Protocals for Metabolism Studies.

(i) NIOSH Technical Report "Carcinogenicity and Metabolism of Azo Dyes, Especially Those Derived from Benzidine", DHHS Pub. No. 80–119.

(j) Health Hazard Alert, NIOSH and OSHA Benzidine-, o-Tolidine-, and o-Dianisidine-Based Dyes, DHHS Pub. No. 81–106.

(k) NIOSH Special Occupational Hazard Review for Benzidine-Based Dyes, DHEW Pub. No. 80–109.

(l) Ambient Water Quality Criteria for Benzidine, EPA 440/5–80–023.

(3) Communications before proposal:

(a) Written: Public and Intra-agency or Interagency Memorandum and Comments.

(4) Public comments on the ITC reports.

(5) Reports—published and unpublished data.

(Sec. 4, 90 Stat. 2006 (15 U.S.C. 2603))

Dated: October 31, 1981.

Anne M. Gorsuch,

Administrator.

[FR Doc. 81–32056 Filed 11–4–81; 8:45 am]

BILLING CODE 6560–31–M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Nova Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in the activities earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts or interest, or unsound banking practices." Any comments on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than November 27, 1981.

A. **Federal Reserve Bank of Boston** (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

Hospital Trust Corporation, Providence, Rhode Island (trust activities; Florida): To engage *de novo*, through its direct subsidiary, Hospital Trust of Florida, N.A., in activities that may be carried on by a trust company, including actitivies of a fiduciary, investment advisory, agency or custodial nature. These activities would be conducted from an office to be located at 350 Royal Palm Way, Palm Beach, Florida, serving Palm Beach County, Florida. Comments on this application must be received not later than November 24, 1981

B. **Federal Reserve Bank of New York** (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

1. *Bankers Trust New York Corporation,* New York, New York (finance and factoring activities; mid-western United States): To engage, through its subsidiary BT Commerical Corporation, in making or acquiring loans and other extension of credit such as would be made by a commerical finance company, including commerical loans secured by a borrower's accounts receivable, inventory, or other assets; purchasing or acquiring accounts receivable and making advances thereon as would be done by a factor; servicing such loans or accounts for others; and acquiring and selling participations in such obligations. These activities would be conducted from an office in Chicago, Illinois, serving Illinois, Minnesota, Wisconsin, Michigan, Ohio, Kentucky, Indiana, Missouri, and Iowa.

2. *Barclay Bank Limited* and its subsidiary, *Barclays Bank International Limited,* each a bank holding company whose principal office is in London, England (consumer finance and credit-related insurance activities; Tennessee): To engage through their subsidiary, Barclays American/Credit, Inc., in making direct consumer loans, including loans secured by real estate, and purchasing sales finance contracts representing extensions of credit such as would be made or acquired by a consumer finance company, and wholesale financing (floor planning); and acting as agent for the sale of related credit life, credit accident and health and credit property insurance. Credit life and credit accident and health insurance sold as agent may be underwritten or reinsured by BAC's insurance underwriting subsidiaries. This activity would be conducted from an office of BAC located at 41 Federal Drive, Jackson, Tennessee, serving customers in Jackson and surrounding areas in Tennessee. This notification is for the relocation of an existing office located at 1600 Highland Avenue, Jackson, Tennessee.

3. *Chemical New York Corporation,* New York, New York, (financing activities; California): To engage through its subsidiary, Chemical Business Credit Corp., in purchasing and financing of real and personal property, loans and extensions of credit, including guaranteeing letters of credit and accepting drafts, as would be done by a factoring company. These activities would be conducted from an office in Newport Beach, California, serving the following California counties: Orange, San Diego, San Bernardino, Riverside and Imperial. Comments on this application must be received not later than November 18, 1981.

4. *Chemical New York Corporation,* New York, New York (investment advisory activities; New Mexico): To engage through its subsidiary, Albuquerque Capital Management, Inc., in activities that may be carried on by an investment adviser, including offering portfolio investment advice to individuals, corporations, governmental entities, and other institutions on both a discretionary and non-discretionary basis. These activities would be conducted from an office in Albuquerque, New Mexico, serving the State of New Mexico.

5. *Manufacturers Hanover Corporation,* New York, New York (expansion of service area; Connecticut): To continue to hold the shares of The Financial Source, Inc., of Connecticut ("Financial Source") after the Financial Source expands the service area of its office located in Norwalk, Connecticut. Financial Source is currently authorized to engage in the activities of arranging, making or acquiring, for its own account or the account of others, loans and other extensions of credit, such as would be made by a mortgage company, servicing such loans and other extensions of credit, and acting as broker for the sale of credit life insurance and credit accident and health insurance which is directly related to such loans and extensions of credit. Financial Source presently services customers in Fairfield County, and proposes to expand the service area to include western New Haven and southern Litchfield Counties. Comments on this application must be received not later than November 24, 1981.

6. *Manufacturers Hanover Corporation,* New York, New York (expansion of service area; Virginia and Maryland): To continue to hold the shares of its wholly-owned indirect subsidiary Investors Loan Corporation of Virginia ("Investors") after Investors expands the service area of its office located in Springfield, Virginia. Investors is currently authorized to engage in the activities of arranging, making, or acquiring for its own account or for the account of others, loans and other extensions of credit secured by a homeowner's equity interest in a home such as would be made by a consumer finance company, servicing such loans and other extensions of credit for any person, acting as an agent or broker for the sale of single and joint credit life insurance which is directly related to

such loans and extensions of credit, purchasing installment sales finance contracts, and acting as an agent or broker for the sale of single and joint credit life insurance and credit accident and health insurance which is directly related to such loans and extensions of credit. Investors presently services customers in Fairfax and Prince William Counties, and proposes to expand the service area to include customers in Loudoun, Fauquier, Culpeper, northeastern Orange, Stafford, northern Spotsylvania, northern Caroline, King George and northern Essex Counties in the state of Virginia and southern Frederick, southern Carroll, southwestern Baltimore, Montgomery, Anne Arundel, western Queen Annes, Prince Georges, Howard, Calvert, Charles, St. Marys, southwestern Kent, northwestern Dorchester, and western Talbot Counties in the state of Maryland. Comments on this application must be received not later than November 24, 1981.

C. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

The South First National Corporation, Ocean Springs, Mississippi (leasing activities; Mississippi): To engage in leasing real property to persons, partnerships, corporations, and other legal entities. These activities would be conducted from an office in Ocean Springs, Mississippi, serving the Pascagoula SMSA, in Mississippi.

D. **Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

United Mercantile Bancshares, Inc., Shreveport, Louisiana (leasing activities; Louisiana): To engage through its subsidiary, United Mercantile Leasing Company, in brokering leases, and making and servicing wholly-owned leverage true leases. These activities would be conducted from an office in Shreveport, Louisiana, serving the city of Shreveport and surrounding cities and towns. Comments on this application must be received not later than November 24, 1981.

E. Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, October 29, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-32014 Filed 11-4-81; 8:45 am]

BILLING CODE 6210-01-M

First Fordyce Bancshares, Inc.; Formation of Bank Holding Company

Correction

In FR Doc. 81-30249, appearing on page 51475 in the issue of Tuesday, October 20, 1981, make the following correction.

In the second paragraph, eighth line, the date "November 12, 1982" should have read "November 12, 1981".

BILLING CODE 1505-01-M

A. B. Robbs Trust Co., and Shareholders Partnership, Ltd.; and Formation of Bank Holding Company

A. B. Robbs Trust Company, Phoenix, Arizonia, and Shareholders Partnership, Ltd., Phoenix, Arizonia, have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring 52.6 and 25.7 percent respectively of the voting shares of Continental Bancor Inc., Phoenix, Arizona, and thereby indirectly acquire controlling interest in Continental Bank, Phoenix, Arizona. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 29, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-32072 Filed 11-4-81; 8:45 am]

BILLING CODE 6210-01-M

Coffey Bancorporation, Inc.; Formation of Bank Holding Company

Coffey Bancorporation, Inc., Coffey, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Bank of Coffey, Coffey, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 29, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-32073 Filed 11-4-81; 8:45 am]

BILLING CODE 6210-01-M

Commonwealth Bancshares Corp.; Formation of Bank Holding Company

Commonwealth Bancshares Corporation, Williamsport, Pennsylvania, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Commonwealth Bank & Trust Company, N.A., Williamsport, Pennsylvania. The factors that are considered in acting on the application are set forth in section (3)(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 29, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-32074 Filed 11-4-81; 8:45 am]

BILLING CODE 6210-01-M

First Railroad & Banking Co.; Acquisition of Bank

First Railroad & Banking Company, Augusta, Georgia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of First National Bank in Newnan, Newnan, Georgia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 29, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-32075 Filed 11-4-81; 8:45 am]

BILLING CODE 6210-01-M

Iberia Bancshares Corp.; Formation of Bank Holding Company

Iberia Bancshares Corporation, New Iberia, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 80 per cent of the voting shares of Bank of Iberia, New Iberia, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 28, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 29, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-32076 Filed 11-4-81; 8:45 am]

BILLING CODE 6210-01-M

Indiana National Corp.; Proposed Acquisition of Indiana National Neighborhood Revitalization Corporation

Indiana National Corporation, Indianapolis, Indiana, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Indiana National Neighborhood Revitalization Corporation, Indianapolis, Indiana.

Applicant states that the proposed subsidiary would engage in the activities of promoting the economic rehabilitation and development of residential property and small businesses in specifically selected areas of the city of Indianapolis which have been classified as containing low to moderate income residents or involving economically disadvantaged persons. The activities would be conducted through Financial Services Offices located in the target neighborhoods and would involve rehabilitation of individual residential units; counselling of residents and business in financial services available to aid improvement of real estate. These activities would be performed from offices of Applicant's subsidiary in Indianapolis, Indiana, and the geographic areas to be served are certain specifically targeted areas within the city of Indianapolis, Indiana. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b)

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than November 27, 1981.

Board of Governors of the Federal Reserve System, October 29, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-32077 Filed 11-4-81; 8:45 am]

BILLING CODE 6210-01-M

Intermountain Bancorp.; Acquisition of Bank

Intermountain Bancorporation, Columbia Falls, Montana, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Village Bank, Great Falls, Montana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 29, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-32078 Filed 11-4-81; 8:45 am]

BILLING CODE 6210-01-M

Lake Crystal Bancorporation, Inc.; Formation of Bank Holding Company

Lake Crystal Bancorporation, Inc., Lake Crystal, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 82 per cent of the voting shares of

The Lake Crystal National Bank, Lake Crystal, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 29, 1981.

Theodore E. Downing, Jr.

Assistant Secretary of the Board.

[FR Doc. 81-32079 Filed 11-4-81; 8:45 am]

BILLING CODE 6210-01-M

Tennessee BanCorp; Formation of Bank Holding Company

Tennessee BanCorp, Elizabethton, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 per cent or more of the voting shares of Carter County Bank, Elizabethton, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 27, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, October 29, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-32080 Filed 11-4-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, September, 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 maintenace organizations (HMOs). In addition, changes in information regarding two previously qualified HMOs are reported at the end of the list: a service area revision and a name and address change.

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)):

(Operational Qualified Health Maintenance Organizations: 42 CFR 110.603(a))

1. Inland Health Plan, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act) 22700 Cooley Drive, Colton, California 92324. Service area: The following portions of San Bernardino County, California:

Northern Boundary—From within the western San Bernardino County line east on Shadow Mountain Road intersecting at Helendale with National Trails Highway to Hodge Road, southeast to I-15, north to Sidewinder Road ending at Highway 247.

Eastern Boundary—From Highway 247 to Highway 18 and including the area within the San Bernardino National Forest line to the southern boundary of the San Bernardino County line.

Southern Boundary—The geographical area within the San Bernardino County line from the San Bernardino National Forest west.

Western Boundary—Includes the geographic area within the San Bernardino County line, north to Shadow Mountain Road.

Date of qualification: September 1, 1981. (Achieved preoperational qualification on August 10, 1981.)

2. INA Healthplan of Florida, Inc., (Staff Model, see Section 1310(b)(1) of the Public Health Service Act), 205 S. Hoover, Tampa, Florida 33609. Service area: Hillsborough County, Florida. Date of qualification: July 16, 1981. (Achieved preoperational qualification on June 17, 1981.)

(Preoperational Qualified Health Maintenance Organization: 42 CFR 110.603(c))

1. Family Health Plan, Inc., (Medical Group Model, see Section 1310(b)(1) of the Public Health Service Act), 120 W. 6th, P.O. Box 886 Newton, Kansas 67114. Service area: Harvey, Marion and McPherson Counties, Kansas and communities as follows: Bentley, Park City, Potwin, Valley Center and Whitewater in the South Central portion of Kansas. Date of qualification: September 25, 1981.

Service Area Revision

1. Health Maintenance Network of Southern California, dba HealthNet, P.O. Box 9103, Van Nuys, California 91409.

Service area:

a. Add the following zip codes by county to the list published on 7/1/81, in the **Federal Register** 46 FR 34518:

Los Angeles	*Orange*
90005	90742-3
90038	92663
90249	*San Bernardino*
90706	92346
91104	92373
Riverside	92399
92264	*Ventura*
92367	91362
San Diego	93002
92078	

Effective date: September 8, 1981.

b. Add the following zip codes by county to the list published on 7/1/81, in the **Federal Register,** 46 FR 34518:

Tulare	Kern
93203	93268
93206	93276
93215	93280
93217	93288
93220	93301-9
93241	93385-9
93250	93518
93252	93531
93263	
93261	

Effective date: October 1, 1981.

Name and address change

Change from: *Roosevelt Health Plan, 1200 N. LaSalle Street,* Chicago, Illinois 60610. (See 46 FR 34523, published 7/1/81.)

Change to: *Chicago HMO, 737 N. LaSalle Street,* Chicago, Illinois 60610.

Effective date: September 8, 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, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualifed HMOs should be sent to the same office.

Dated: October 26, 1981.

Frank H. Seubold,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-32060 Filed 11-4-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Phillips Petroleum Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0341, Block 39, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: October 26, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-33016 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-31-M

South Addition Vermilion Area; Report on Blowout and Fire

AGENCY: Geological Survey (USGS), Interior.

ACTION: Notification of Availability of Report on Blowout and Fire, South Addition Vermilion Area, Block 348; Lease OCS-G 2271.

Pursuant to the provisions of Section 22 of the Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1348, an investigation was conducted into a fire and blowout that occurred on August 24, 1980, involving completion operation on Well No. 1, lease OCS-G 2271, South Addition Vermilion Area, Block 348.

A report has been prepared by an Investigative Panel appointed to conduct the investigation and copies of the report are now available.

Requests for copies should be sent to the Deputy Division Chief, Offshore Minerals Regulation, Conservation Division, 640 National Center, Reston, Virginia 22092. For further information, contact Mrs. Jill Breslin (703) 860-6831.

Dated: October 29, 1981.

Richard B. Krahl,

Acting Deputy Division Chief, Offshore Minerals Regulation Conservation Division.

[FR Doc. 81-33001 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

Colorado; White River and Little Snake Resource Areas; Wilderness Study Areas; Energy and Minerals Inventory

The Bureau of Land Management, Craig District, is soliciting industry input into the energy and minerals inventory currently taking place in eight Wilderness Study Areas (WSAs) in northwest Colorado. The purpose of this inventory is to assist the BLM in developing land use decisions and recommending to Congress the suitability of designation of these WSAs as wilderness.

In order to structure the input of the energy and minerals industry, the Rocky Mountain Oil and Gas Association and Minerals Exploration Coalition, in cooperation with BLM, have developed an energy and mineral resource rating system. This system is intended to encourage industry to rate particular tracts of land (WSAs, in this case) according to the favorability of the geologic environment to contain quantities of mineral and energy resources.

It should be noted that this is not the formal mineral survey conducted by the U.S. Geological Survey and Bureau of Mines that is required for those WSAs that have been recommended for wilderness designation. This is a preliminary inventory to be used by the BLM in comparing potential resource values prior to making such a recommendation.

The eight WSAs to be studied are located in Moffat and Rio Blanco Counties, within the White River and Little Snake Resource Areas. The names and wilderness inventory number for each WSA are as follows:

Cross Mountain	CO-010-230.
Bull Canyon	CO-010-001.
Willow Creek	CO-010-002.
Skull Creek	CO-010-003.
Black Mountain	CO-010-007A.
Windy Gulch	CO-010-007C.
Oil Spring Mountain	CO-010-046.
Hell's Canyon	CO-010-00N4B.

A packet of information on the mineral rating system and the forms and maps necessary to rate the mineral resources by individual WSA may be obtained by contacting Jim Dryden, District Geologist, at the following address, or by calling him at (303) 824-8261: Bureau of Land Management, Craig District Office, P.O. Box 248, Craig, CO 81626.

Anyone or any firm with geologic information on these lands is encouraged to participate in this mineral inventory rating process.

Lee Carie,

District Manager.

[FR Doc. 81-32012 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

Elko Grazing Advisory Board; Meeting; Correction

This is a correction to the meeting agenda for the Elko District BLM

Grazing Advisory Board Meeting to be held November 20, 1981. The meeting notice was published Thursday, October 22, 1981, Doc. 81-30656 at Page 51813 of the **Federal Register.**

Add: *Agenda Item # 7*) District Exchange of Use Policy.

Merle N. Good,

Acting District Manager.

October 27, 1981.

[FR Doc. 81-32020 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

Las Vegas District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Las Vegas District Grazing Advisory Board will be held on December 17, 1981, at the Las Vegas District Office conference room beginning at 9:00 a.m.

The Agenda will be as follows: (1) Reading and approval of the minutes of the preceding meeting; (2) Organization and election of Board officers; (3) Progress and review of Coordinated Resource Management and Planning; (4) Explanation of BLM's Range Improvement Policy; (5) Other Range Matters; (6) Public comments; (7) Arrangements for the next meeting.

The meeting is open to the public. Interested persons may make oral comments to the board during the public comment period on the day of the meeting or they may submit written comments before or during the meeting for the board's consideration. Anyone wishing to make an oral statement to the board must notify the District Manager, Bureau of Land Management, 4765 West Vegas Drive (P.O. Box 26569), Las Vegas, Nevada 89126, by December 14, 1981. Depending on the number of persons wishing to make an oral statement, the District Manager may establish a per-person time limit.

Summary minutes of the board meeting will be maintained at the Las Vegas District Office. The minutes will be available for public inspection during regular office hours (7:30 a.m. to 4:15 p.m.) within 30 days after the meeting.

Kemp Conn,

District Manager.

October 22, 1981.

[FR Doc. 81-32022 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

[N-24698]

Realty Action; Non-Competitive Sale of Public Lands in Clark County, Nev.

October 26, 1981.

The following described lands have been determined to be suitable for disposition by non-competitive sale at fair market value under Pub. L. 96-586 and in accordance with Section 203 of the Federal Land Policy and Management Act (FLPMA) of 1976, 43 U.S.C. 1716:

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.,
Sec. 34, S½SE¼NE¼SW¼, NE¼SE¼ SW¼, N½SE¼SE¼SW¼, SW¼SW¼ NW¼SE¼, W½NW¼SW¼SE¼, W½SW¼SW¼SE¼.

Containing 32.5 acres.

Disposal of these lands through a non-competitive sale would facilitate a suitable land use addressed through the previous right-of-way application (N-24698), the sale program under Pub. L. 96-586, land use planning in the area, State and local governmental planning, and National Forest Service objectives.

Patent, when issued, will contain the following reservations to the United States:

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 deposits in the lands so patented, and to it, or persons authorized by it, the right to prospect, mine, and remove such deposits from the same under applicable law and such regulations as the Secretary of the Interior may prescribe.[1]

And will be subject to:

1. A road easement 50 feet in width along the south boundary of the W½SW¼ SW¼SE¼ and 30 feet in width along all other boundaries of the parcel.

2. Those rights for pipeline purposes which have been granted to Southwest Gas Corporation, its successors or assigns, by Permit No. Nev-043295 under the Act of February 25, 1920, 41 Stat. 449; 30 U.S.C. 185.

Detailed information concerning the identification of these lands for disposal, including the planning documents, environmental assessments, and the record of public discussions, is available for review at either the Nevada State Office, 300 Booth St., Reno, Nevada 89520 or the Las Vegas District Office, 4765 Vegas Drive, Las Vegas, Nevada 89108.

For a period of 45 days from the date of publication of this notice in the **Federal Register,** interested parties may submit comments to the State Director, Nevada, Bureau of Land Management, P.O. Box 12000, Reno, Nevada 89520. Any adverse comments will be evaluated by the State Director, who may vacate or modify the Realty Action and issue a final determination. In the absence of any action by the State Director, this Realty Action will become the final determination of the Department.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81-32017 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

[1] Prior to the sale, the applicant, Las Vegas Electronics, Inc., may request conveyance of the Federally owned mineral interest under section 209 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2757; 43 U.S.C. 1719.

Yuma District Advisory Council; Meeting Cancellation

Tuesday, October 27, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Cancellation of advisory council meeting.

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that the meeting of the Yuma District Advisory Council scheduled for Tuesday, November 17, 1981, has been cancelled. The **Federal Register** Notice for this meeting appeared on page 48778 of Vol. 46, No. 191, dated Friday, October 2, 1981.

Further information about the cancellation of this meeting is available at the Yuma District Office, 2450 Fourth Avenue, P.O. Box 5680, Yuma, Arizona 85364.

H. M. Bruce,

District Manager.

[FR Doc. 81-32019 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

[C-1018, et al.]

Colorado; Termination of All Listed Classifications of Public Lands for Multiple-Use Management Except for Certain Parcels of Land Affected by Mineral Segregations

October 27, 1981.

1. Pursuant to authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, the Bureau of Land Management Multiple-Use Classification Orders described in the **Federal Register** notices summarized as follows are hereby terminated except for those portions of lands which are minerally segregated:

*C-1018, 32 FR 6215-6217 (April 20, 1967), containing 2,231, 998 acres in Moffat and Rio Blanco Counties.

C-2100, 32 FR 12125, 12126 (August 23, 1967), containing 127,315 acres in Jackson County.

C-2285, 32 FR 13602 (September 28, 1967), containing 249,350 acres; 35 FR 17064, 17065 (November 5, 1970), containing 23,082 acres; in Delta, Mesa, and Montrose Counties.

* Denotes serial numbers which contain minerally segregated lands.

C-2286, 32 FR 13531 (September 27, 1967), containing 90,768 acres; 34 FR 2436 (February 20, 1969), containing 640 acres; in Montrose and Ouray Counties.
C-2287, 32 FR 13297 (September 20, 1967), containing 44,458 acres in Montrose County.
C-2288, 32 FR 14607-14609 (October 20, 1967), containing 649,500 acres; 32 FR 15186 (November 2, 1967), correction; in Delores, Mesa, Montrose, and San Miguel Counties.
*C-2295, 32 FR 13730, 13731 (September 30, 1967), containing 298,873 acres; 32 FR 14345 (October 17, 1967), amendment; in Chaffee, Fremont, and Teller Counties.
C-2359, 32 FR 13986, 13987 (October 7, 1967), containing 251,100 acres; 32 FR 16283 (November 29, 1967), containing 1,280 acres; in Dolores, Montezuma, and San Miguel Counties.
*C-2367, 32 FR 13875 (October 5, 1967), containing 95,000 acres; 33 FR 14788 (October 3, 1968), amendment, containing 355 acres in Hinsdale County.
C-2534, 32 FR 17490, 17491 (December 6, 1967), containing 30,677 acres in Jackson County.
*C-2649, 32 FR 17627 (December 9, 1967), containing 147,000 acres in Eagle County.
C-2656, 32 FR 16441 (November 30, 1967), containing 78,088 acres; 32 FR 20990, 20991 (December 29, 1967), correction; in Mesa County.
C-2657, 32 FR 16441, 16442 (November 30, 1967), containing 53,273 acres in Mesa County.
C-2684, 32 FR 17896, 17897 (December 14, 1967), containing 83,800 acres in Grand County.
*C-2707, 33 FR 418, 419 (January 11, 1968), containing 40,705 acres in Mesa County.
C-2713, 32 FR 18065 (December 16, 1967), containing 42,634 acres in Mesa County.
C-2786, 32 FR 20991 (December 29, 1967), containing 29,300 acres in Eagle County.
C-3147, 33 FR 3576 (February 29, 1968), containing 25,500 acres in Larimer County.
*C-3357, 33 FR 4998 (March 26, 1968), containing 460,219 acres; 34 FR 11428 (July 10, 1969), amendment; in Gunnison, Hinsdale, and Saguache Counties.
*C-3358, 33 FR 5271 (April 2, 1968), containing 22,778 acres in Gunnison and Montrose Counties.
C-3436, 33 FR 5894 (April 17, 1968), containing 61,000 acres; 33 FR 7265 (May 16, 1968), correction; in Grand County.
*C-3656, 33 FR 8681, 8682 (June 13, 1968), containing 63,621 acres in Delta and Gunnison Counties.
C-3886, 33 FR 10533 (July 24, 1968), containing 221,581 acres in Saguache County.
*C-3898, 33 FR 10583 (July 25, 1968), containing 61,680 acres; 35 FR 17065 (November 5, 1970), containing 11,681 acres; in Mesa County.
C-3899, 33 FR 10811 (July 30, 1968), containing 82,882 acres; 35 FR 17065, 17066 (November 5, 1970), containing 2,720 acres; in Mesa County.
*C-3900, 33 FR 10887, 10888 (July 31, 1968), containing 167,678 acres in Mesa County.
C-7921, 34 FR 1192, 1193 (January 24, 1969), containing 83,873 acres in Garfield and Eagle Counties.
*C-8085, 34 FR 2676, 2677 (February 27, 1969), containing 41,121 acres; 34 FR 6546 (April 16, 1969), amendments; containing 4,300 acres in La Plata, Ouray, and San Juan Counties.
*C-9504, 35 FR 17560-17562 (November 14, 1970), containing 236,724 acres in Mesa and Garfield Counties.
*C-9815, 35 FR 13396-13398 (August 21, 1970), containing 51,002 acres; 35 FR No. 178 (September 12, 1970), amendment; in Routt County.
*C-10992, 35 FR 13317-13320 (August 20, 1970), containing 407,052 acres; 35 FR 14322 (September 11, 1970), correction; in Mesa and Garfield Counties.
C-11562, 35 FR 18299 (December 1, 1970), containing 14,744 acres in Ouray County.

Containing approximately 6,589,352 acres of nonminerally segregated land of which approximately 12,148 acres are segregated from location and entry under the general mining laws.

2. All the above classification orders are hereby revoked as far as they pertain to the nonminerally segregated lands. Those portions of lands in the classification orders segregated from location and entry under the general mining laws will remain withdrawn and will be reviewed separately.

3. At 7:45 a.m. on December 15, 1981, the nonminerally segregated lands described in the **Federal Register** notices affected by this revocation shall be open to operation of the public land laws subject to valid existing rights, provisions of existing withdrawals, and the requirements of applicable laws. The lands have been and continue to be open to the U.S. mining laws generally, and the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Withdrawal Section, Branch of Adjudication, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202.

George C. Francis,

State Director, Colorado.

[FR Doc. 81-32113 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

Simultaneous Oil and Gas Applications; Office Hours: Place for Filing

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Mailing address change.

SUMMARY: This Notice is for a mailing address for simultaneous oil and gas applications only. No change in office location has occurred.

EFFECTIVE DATE: November 1, 1981.

ADDRESS: Bureau of Land Management, 222 North 32nd Street, P.O. Box 30697, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Demiles R. Pedersen, Chief, Division of Management Services, 222 North 32nd Street, P.O. Box 30157, Billings, Montana 59107 (406/657-6465).

Dated: September 30, 1981.

Demiles R. Pedersen,

Chief, Division of Management Services.

[FR Doc. 81-32066 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-16709-3]

Alaska Native Claims Selection

On February 7, 1979, Cook Inlet Region, Inc., filed selection application AA-16709-3 under the provisions of Secs. 12(b)(6) of the act of January 2, 1976 (89 Stat. 1151), and I.C. (2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified August 31, 1976, for the surface and subsurface estates of certain lands located in Kasilof, Alaska.

Selection 12(b)(6) of the act of January 2, 1976, authorizes conveyance of lands to Cook Inlet Region, Inc., from a selection pool established by the Secretary of the Interior and the General Services Administration.

The lands are located within the boundaries of Cook Inlet Region. The lands within selection AA-16709-3 were placed in the pool of properties available for Cook Inlet Region, Inc., subject to valid existing rights, by notice dated July 13, 1979.

The selection application of Cook Inlet Region, Inc., as to the lands described below, is property filed and meets the requirements of the act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

In view of the foregoing, the surface and subsurface estates of the following described lands, located in Sec. 30, T. 3 N., R. 11 W., Seward Meridian, are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance pursuant to Sec. 12(b)(6) of the act of January 2, 1976:

U.S. Survey No. 3564, Alaska (Townsite of Kasilof), Block 2, lot 5; Block 7, lots 7 and 8; Block 9; Block 10, lots 1 and 2; Block 12, lot 1; Block 14.

Containing 29.26 acres.

The conveyance issued for the surface and subsurface estates of the lands described above shall contain the following reservations to the United States:

1. The right to itself, its permittees or licensees, to enter upon, occupy and use, any part or all of that portion lying

within fifty (50) feet of the centerline of the transmission line right-of-way of Power Project 2170, for the purposes set forth in and subject to the conditions and limitations of Sec. 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075, as amended (16 U.S.C. 818). Such portions located in Block 9, U.S. Survey No. 3564; and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement map attached to this document, a copy of which will be found in case file AA-41846-3, is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. Any uses which are not specifically listed are prohibited.

(EIN 1 C4) An easement fifty (50) feet in width, twenty-five (25) feet each side of the centerline, for an existing 69KV power line which crosses Block 9 (U.S. Survey No. 2564) Kasilof Townsite. The uses allowed on a power line easement are those activities associated with the construction, maintenance and operation of a power transmission line.

The grant of the above-described lands shall be subject to:

1. A right-of-way, A-051540, located in Block 9; Block 10, lots 1 and 2, U.S. Survey No. 3564 for a Federal Aid Highway. Act of August 27, 1958, as amended, (23 U.S.C. 317);

2. A right-of-way, AA-819 Parcel 13, located in Block 12, lot 1, U.S. Survey No. 2564 for a Federal Aid Highway. Act of August 27, 1958, as amended, (23 U.S.C. 317);

3. Any right-of-way interest in the Sterling Highway (FAP Route Number 21) and the Kalifonski Beach Road (FAS Number 463) transferred to the State of Alaska by the quitclaim deed dated June 30, 1959, executed by the Secretary of Commerce under the authority of the Alaska Omnibus Act, Public Law 86-70 (73 Stat. 141); and

4. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

Section 12(b)(6) of Public Law (Pub. L.) 94-204 provides that conveyances pursuant to this section shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in Sec. 12(b)(5) of this act and on the basis of values determined by appraisal. The lands described above have been appraised at a value of $64,823. Under Sec. I.C.(2)(e) of the Terms and Conditions, this property constitutes 129.65 acre/equivalents. Upon acceptance of title to these lands, Cook Inlet Region, Inc., will relinquish its selection rights to 129.65 acres of its out-of-region entitlement. Conveyance of the remaining entitlement to Cook Inlet Region, Inc., shall be made at a later date.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Times.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until December 7, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained at the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509;

State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501.

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 81-32108 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

Cedar City District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Cedar City District Grazing Advisory Board will be held on Wednesday, December 9, 1981. The meeting will begin at 9:30 a.m. at the Bureau of Land Management District Office located at 1579 North Main Street, Cedar City, Utah.

The agenda to be discussed are:

1. Rangeland Betterment and Improvement Policy.
2. Rangeland Management Policy.
3. Rangeland Betterment Projects.
4. Review of Proposed Allotment Management Plans.

Grazing Advisory Board meetings are open to the public. Interested persons may make oral statements or file written statements for the Board's consideration. Oral statements will be received at 11:00 a.m. Anyone wishing to make an oral statment must notify the District Manager, Bureau of Land Management, 1579 North Main Street, Cedar City, Utah 84720, phone 801-586-2401, by December 7, 1981. Depending on the number of persons wishing to make statements, a per person time limit may be established by the District Manager or Board Chairman.

Summary minutes of the Board meeting will be maintained in the District Office and be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: October 22, 1981.

Morgan S. Jense,

District Manager.

[FR Doc. 81-32099 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

[M 15476]

Montana; Order Providing for Opening of Public Land

October 28, 1981.

1. On July 7, 1972, the Federal Power Commission issued an order vacating Power Projects No. 12 and No. 2096 in their entirety on the following described lands:

Principal Meridian

T. 8 S., R. 28 E.,
Sec. 36, E½NE¼, and SE¼.
T. 9 S., R. 38 E.,
Sec. 1, NE¼, E½SW¼, and SE¼;
Sec. 11, SE¼;
Sec. 12, N½, SW¼, NE¼SE¼, and W½SE¼;
Sec. 23, All;
Sec. 14, E½E½, NW¼NE¼, and SW¼SE¼;
Sec. 23, E½, and E½W½;
Sec. 24, NW¼NE¼, NW¼, N½SW¼, and SW¼SW¼;
Sec. 25, W½NW¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 26, NE¼, E½NW¼, SW¼, and SE¼;
Sec. 34, E½NE¼, and NE¼SE¼;
Sec. 35, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 36, W½NW¼, SE¼NW¼, and SW¼.
T. 7 S., R. 29 E.,
Sec. 12, SE¼SE¼;
Sec. 13, E½, SE¼NW¼, and SE¼;
Sec. 14, S½;
Sec. 15, SW¼, and W½SE¼;
Sec. 22, W½NE¼, SE¼NE¼, NW¼, NE¼SW¼, and SE¼;
Sec. 23, N½, SW¼, and NW¼SE¼;
Sec. 24, N½NE¼, and NW¼;
Sec. 26, W½;
Sec. 27, NE¼, SE¼NW¼, and S½;
Sec. 33, SE¼SW¼, and S½SE¼;
Sec. 34, N½, SE¼, and N½SE¼;
Sec. 35, NW¼, and N½SW¼.
T. 8 S., R. 29 E.,
Sec. 3, N½, SW¼, N½SE¼, and SW¼SE¼;
Sec. 4, All;
Sec. 5, SE¼SE¼;
Sec. 8, E½NE¼;
Sec. 9, All;
Sec. 10, SW¼NW¼, and W½SW¼;
Sec. 15, NW¼, N½SW¼, and SW¼SW¼;
Sec. 16, All;
Sec. 17, NE¼, and S½S½;
Sec. 19, SE¼SE¼;
Sec. 20, E½, N½NW¼, SE¼NW¼, NE¼SW¼, and S½SW¼;
Sec. 21, W½, and N½SE¼;
Sec. 28, W½, and W½SE¼;
Sec. 29, All;
Sec. 30, E½NE¼, E½SW¼, SE¼;
Sec. 31, NE¼, NE¼NW¼, S½NW¼, SW¼, N½SE¼, and SW¼SE¼;
Sec. 32, N½, and N½SW¼;
Sec. 33, W½NW¼.
T. 9 S., R. 29 E.,
Sec. 6, W½NE¼, NW¼, SW¼, and NW¼SE¼;
Sec. 7, W½NW¼, SE¼NW¼ and N½SW¼;
Sec. 18, SW¼NE¼, W½, and W½SE¼.
T. 6 S., R. 30 E.,
Sec. 13, S½NE¼, and S½;
Sec. 14, S½;
Sec. 23, All;
Sec. 24, N½NE¼, and NW¼;
Sec. 25, SW¼SW¼;
Sec. 26, All;
Sec. 27, S½N½, and S½;
Sec. 32, S½SW¼, and SE¼;
Sec. 33, NW¼NE¼, S½NE¼, W½, and SE¼;
Sec. 34, All;
Sec. 35, NE¼, and N½NW¼;
Sec. 36, NW¼NE¼, S½NE¼, NW¼, NE¼SW¼, and SE¼.
T. 7 S., R. 30 E.,
Sec. 1, NE¼NE¼;
Sec. 3, N½;
Sec. 4, N½NE¼, SE¼NE¼, N½NW¼, and NW¼SW¼;
Sec. 5, N½, N½SW¼, SW¼SW¼, and N½SE¼;
Sec. 6, NE¼NE¼, S½NE¼, E½SW¼, and SE¼;
Sec. 7, NE¼, E½NW¼, and S½;
Sec. 8, W½NW¼, and SW¼;
Sec. 17, W½W½;
Sec. 18, N½NE¼, SE¼NE¼, NW¼, NW¼SW¼, and E½SE¼.
T. 6 S., R. 31 E.,
Sec. 18, lots 7, 8, 9, 10, 11, and 12, NE¼SW¼, and E½SE½;
Sec. 19, lots 1, 2, 3, 4, 5, 6, and 7, NE¼NE¼, SW¼NE½, SE¼NW¼, and E½SW¼;
Sec. 31, SW¼SW¼.
T. 7 S., R. 31 E.,
Sec. 6, All.

The areas described aggregate approximately 26,167 acres.

2. None of the lands described are opened since they all fall within Bureau of Reclamation Withdrawal dated October 8, 1966 and in Big Horn National Recreation Association Withdrawal dated October 2, 1968, or overlap lands set aside for the Crow Tribe of Indians by Treaty dated May 7, 1868.

3. Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Billings, Montana 59107.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-32104 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

Safford District Advisory Council; Meeting

Notice is hereby given, in accordance with the Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Safford District Advisory Council will be held December 10, 1981 at Safford, Arizona at 10:00 a.m. at the Safford District Office, 425 East 4th Street, Safford, Arizona.

Agenda for the meeting will include:

1. Workshop to identify issues, planning criteria and to discuss data on Wilderness Study-Environmental Impact Statement.
2. Aravaipa Canyon.
3. Business for the floor.

The meeting is open to the public. Interested persons may make oral statements to the council between 1:00 p.m. and 2:00 p.m. A written copy of the oral statement must be provided at the conclusion of the presentation. Written statements may also be filed for the council's consideration. Anyone wishing to make an oral statement must notify the District Manager at the above address by December 9, 1981. Depending upon the number of persons wishing to make an oral statement, a pre-person time limit may be considered.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction (within regular business hours) within 30 days following the meeting.

Dated: October 26, 1981.

Lester K. Rosenkrance,

District Manager.

[FR Doc. 81-32098 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

Shoshone District Grazing Advisory Board; Meeting

Notice is hereby given that the Shoshone District Grazing Advisory Board of the Bureau of Land Management will meet on Friday, December 4, 1981 at 9:00 a.m. in the Conference Room of the District Office, 400 West F Street, Shoshone, Idaho. The purpose of the meeting will be to review district policy on grazing sub-leases, an update of range betterment funds due to cutbacks, and the Sun Valley rangeland management summary.

The public is invited to attend and make written or oral statements which should not exceed 15 minutes in length. Requests for these statements should be made to the official listed below at least five days prior to the meeting.

Further information concerning this meeting may be obtained from the Shoshone District Manager, Bureau of Land Management, P.O. Box 2B, Shoshone, Idaho 83352, telephone 208-886-2208. Minutes of the meeting will be available for public inspection and copying three weeks after the meeting at the Shoshone District Office, Shoshone, Idaho.

Dated: October 26, 1981.

Charles J. Haszier,

District Manager.

[FR Doc. 81-32102 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

Spokane District Advisory Council; Meeting

Notice is hereby given in accordance with Pub. L. 95–549 and 43 CFR Part 1780 that a meeting of the Spokane District Advisory Council will be held on Friday, December 4, 1981. The meeting will begin at 9:00 a.m. in Room 695 of the U.S. Court House, West 920 Riverside, Spokane, Washington.

The agenda for the meeting is:

1. Presentation of the fiscal Year 1982 Annual Work Plan and a discussion of the effects that the proposed budget cuts will have on it.
2. Report of accomplishments during Fiscal Year 1981.
3. Tour of the District's new office.
4. General discussion of unfinished and new business as time allows.
5. Public comments or the reading of written statements received by the District.
6. Next meeting agenda.

The meeting is open to the public and news media. Interested persons may make oral statements to the Council between 3:00 and 4:00 p.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, Room 551, U.S. Court House, Spokane, WA 99201, telephone (509) 456–2570 by the close of business, 4:30 p.m., November 27, 1981.

Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

A report of the Council meeting will be maintained at the District Office and made available for public inspections and reproduction at the cost of duplication.

Roger W. Burwell,

District Manager.

October 26, 1981.

[FR Doc. 81-32100 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. A-17000-E]

Arizona; Classification of Public Lands for State Indemnity Selection

In FR Doc. 81–29969 appearing on Pages 51052 and 51053 of the issue for october 16, 1981, the following changes should be made for Application A–17000–E:

In the sixth line of paragraph 2, the word "until" should be deleted and the word "on" inserted.

T. 1 N., R. 4 W.,

should be:

T. 2 N., R. 4 W.

Under T. 2 N., R. 5 W., Section 26:

E½NE¼, S½NE¼NW¼NE¼, SE¼NW¼NE¼, S½S½SW¼SW¼NE¼, E½SW¼NE¼, SE¼SE¼SE¼, SE¼NW¼, E½NE¼NE¼SW¼, S½NE¼NE¼, SW¼, SE¼SW¼NE¼, SW¼SE¼, NE¼SW¼, SE¼SW¼

should be:

E½NE¼, S½NE¼NW¼NE¼, SE¼NW¼NE¼, S½S½SW¼SW¼NE¼, E½SW¼NE¼, SE¼SE¼SE¼, SE¼NW¼, E½NE¼NE¼SW¼, S½NE¼NE¼SW¼, SE¼SW¼NE¼, SW¼, SE¼NE¼SW¼, SE¼SW¼.

Under T. 2 N., R. 5 W., Section 36:

E½, NW¼, SE¼NE¼SW¼, E½SE¼

should be:

E½, NW¼, SE¼NE¼SW¼, E½SE¼SW¼.

Dated: October 27, 1981.

William K. Barker,

Acting State Director.

[FR Doc. 81-32096 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. A-17000-T]

Arizona; Classification of Public Lands for State Indemnity Selection

In FR Doc. 81–29970 appearing on pages 51051 and 51052 of the issue for October 16, 1981, the following changes should be made for Application A–17000–T:

In the sixth line of paragraph 2, the word "until" should be deleted and the word "on" inserted.

Under T. 1 N., R. 5 W., Section 27:

E½NW¼, NE¼SWW¼

should be:

E½NW¼, NE¼SW¼.

Under T. 1 N., R. 7 W., Section 1:

N½NW¼SW¼, N½SE¼W¼SW¼

should be:

N½NW¼SW¼, N½SE¼NW¼SW¼.

Under T. 1 S., R. 6 W., Section 4:

Lots 3, 4, NE¼SE¼, E½SW¼

should be:

Lots 3,4, NE¼SE¼NW¼, E½SW¼.

Under T. 4 N., R. 17 W., Section 28:

N½SE¼NE¼, NE¼NE¼, S½NE¼NW¼, NE¼, S½NW¼NE¼, E½NE¼SE¼, NW¼, SE¼SE¼NE¼NW¼, SE¼SE¼NE¼NW¼, N½SW¼NE¼.

should be:

N½SE¼NE¼, NE¼NE¼, S½NE¼NW¼, NE¼, S½NW¼NE¼, E½NE¼SE¼, NW¼, SE¼SE¼NE¼NW¼, N½SW¼NE¼.

Under T. 8 S., R. 14 W., Section 17:

Lots 6, 7, E½NE½SW¼, N½SE¼SW¼, W½NE¼NW¼SE¼, NW¼NW¼SE¼, SW¼SE¼,

should be:

Lots 6, 7, E½NE¼SW¼, N½SE¼SW¼, W½NE¼NW¼SE¼, NW¼NW¼SE¼, SW¼SE¼.

Dated: October 27, 1981.

William K. Barker,

Acting State Director.

[FR Doc. 81-32097 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

Realty Action—Exchange; Public Lands in Graham and Greenlee Counties, Arizona; Correction

In FR Doc. 81–30018 appearing on page 51050, in the issue of Friday, October 16, 1981, make the following changes:

On page 51050, the second column, Realty Action—Exchange: Public Lands in Graham and Greenlee Counties, Ariz., change the last paragraph now reading:

"For a period of 60 days, interested parties may submit comments to the Secretary of the Interior, LLM–320, Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of the Department." to read:

"For a period of 45 days, interested parties may submit comments to the District Manager, Safford District Office, at the above address"; and on the same page and same column, and following the last paragraph, change the title now reading "Acting State Director" to read "District Manager".

Dated: October 29, 1981.

Lester K. Rosenkrance,

District Manager.

[FR Doc. 81-32101 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Natural and Cultural Resources Management Plan; Death Valley National Monument, California and Nevada; Availability of the Draft Environmental Impact Statement and Notice of Public Meetings

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared a draft environmental impact statement for the proposed Death Valley National

Monument, Natural and Cultural Resources Management Plan. The proposal involves restoration of natural ecosystems by removal of exotic plants and animals, rehabilitating water sources, revegetating disturbed areas, archeological/historical studies, and preservation of historic structures. The alternatives considered include no action and four other alternatives to achieve restoration of natural systems.

A limited number of copies of the document are available upon request from the Superintendent, Death Valley National Monument, Death Valley, California 92328 (714–786–2331) and Steve Hodapp, National Park Service, 450 Golden Gate, San Francisco, California 94102 (415–556–5750). Public reading copies are available for review at the following locations: 450 Golden Gate Avenue, San Francisco; Interior Building, 18th and C Streets, NW., Washington, D.C.; Park Headquarters, Death Valley, California; and selected libraries.

Written comments on the Draft Environmental Impact Statement are invited from all interested parties and should be forwarded to the Superintendent, Death Valley National Monument, no later than January 6, 1982.

During the 60-day public comment period, the National Park Service will hold two public meetings to hear oral comments on the plan. The meetings each provide for an opportunity for the public to discuss the plan informally with National Park Service representatives from 6:30 to 7:30 p.m., followed by a formal meeting from 7:30 to 11:00 p.m., local time. The dates and locations of the hearings are:

Monday, November 30, San Bernardino County Museum, 2024 Orange Tree Lane, Redlands, California

Tuesday, December 1, Environmental Protection Agency Auditorium, East Harmon Street, Las Vegas, Nevada.

Insofar as possible, all those who wish to provide oral comments will be given an opportunity to do so. Depending on the number of persons who wish to speak, however, the presiding officer may limit the time for individual presentations.

Dated: October 28, 1981.

Howard H. Chapman,

Regional Director, Western Region, National Park Service.

[FR Doc. 81-32110 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Appointment of Agents To Require Emergency Routings of Amtrak Passenger Trains—Delegation of Authority

Section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. 526(c)) requires the Commission to take emergency actions pertaining to the use by the National Railroad Passenger Corporation (Amtrak) of the tracks and facilitites of other railroads.

Under certain conditions the necessity of immediate action may be such as to require determination and action by a single individual because of the time required to convene the Commission to receive and act upon an application from Amtrak for an emergency order.

It is ordered,

Appointment of Agents To Require Emergency Routings of Amtrak Passenger Trains.

(a) J. Warren McFarland, Director, Bernard Gaillard,[1] Associate Director, and John H. O'Brien, Deputy Director, Office of Consumer Protection, Interstate Commerce Commission, Washington, D.C., are hereby appointed Agents of the Interstate Commerce Commission and vested with authority to issue emergency orders requiring a railroad immediately to make its tracks and other facilities available to Amtrak for the operation of its passenger trains.

(b) *Effective date.*[1] This order shall become effective at 12:01 a.m., November 2, 1981.

This action is taken under the authority of 49 U.S.C. 10305 and 45 U.S.C. 526(c).

Decided: October 30, 1981.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-32041 Filed 11-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-No. 60)]

Boston and Maine Corporation Exemption for Contract Tariff ICC–BM–C–0003

AGENCY: Interstate Commerce Commission.

ACTION: Provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: Boston and Maine Corporation (BM) and Robert W. Meserve and Benjamin H. Lacy, trustees, filed a petition on October 22, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we advance the effective date of its contemporaneously filed contract tariff ICC–BM–C–0003, now November 22, 1981, so that the effective date would be on one day's notice. The subject contract covers the track storage of pulp, paper, and paper products at local stations of the BM in equipment carrying BM railroad reporting marks. Shipper filed a statement of support.

Under 49 U.S.C. 10713(e) contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. CF. former section 10762(d)(1). However, the Commission has granted relief under section 10505 exemption authority in exceptional situations.

The petition is granted. The shipper has developed a production problem and requires storage of its product on B&M boxcars due to lack of storage space at its warehouse. Under these circumstances an exemption is warranted. B&M's contract tariff ICC–BM–C–0003 may become effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirements in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the Federal Register.

[1] Change in agent and effective date.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Authority: 49 U.S.C. 10505.

Dated: October 29, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-32687 Filed 11-4-81; 8:45 am]

BILLING CODE 7035-01-M

[No. 38703]

Motor Carrier; Gray Moving & Storage, Inc., Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Gray Moving & Storage, Inc., a motor contract carrier, has requested exemption from the requirements in 49 U.S.C. 10702, 10761, and 10762 so that, in lieu of filing rate schedules, it could simply provide a copy of its contract (with rates attached) to interested parties, upon request. The sought relief of provisionally granted.

DATES: Comments are due within 15 days. The sought relief will become effective 30 days from the date of publication of this notice in the **Federal Register**, unless, in response to comments filed, the Commission issues a further decision withdrawing this relief.

ADDRESS: An original and six copies of comments should be sent to: Interstate Commerce Commission, Room 5356, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: The exemption is sought with regard to the nationwide transportation of food and related products under contract(s) with Fearn International, Inc., of Franklin Park, IL. Petitioner's permit for this transportation, No. MC-112070 (Sub-No. 25), was served September 24, 1981.

Section 10702(b) of the Interstate Commerce Act requires contract carriers to file actual and minimum rates for the transportation they provide. Section 10761 prohibits transportation without a tariff. Section 10762 sets forth general tariff requirements, including contract carrier authority to file only minimum rates. Each of these sections authorizes the Commission to grant relief to contract carriers when in the public interest and consistent with the transportation policy of section 10101.

Petitioner states that the administrative and financial burden of complying with the rate filing requirements would necessitate higher rate levels than if it were allowed instead simply to incorporate rules and rates into its contract as an appendix. Petitioner offers to provide a copy of the complete contract with Fearn International to interested parties upon request.

Petitioner's request appears reasonable. The rate information will remain available to the limited number of persons who might be interested, and there seemingly is no reason to deny the carrier and the shipper the potential savings involved. See, No. 38649, 46 FR 36763, July 15, 1981.

Our approval of this arrangement, however, will be withdrawn if we receive timely filed comments convincing us the relief is inappropriate.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10702(b), 10761(b) and 10762(f))

Decided: October 29, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-32035 Filed 11-4-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

[Volume No. 202]

Decided: October 29, 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** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file, a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

MC 17865 (Sub-1), filed October 19, 1981. Applicant: LUTHER TRANSFER, INC., 1919 Eleventh St., Portsmouth, OH 45662. Representative: Mark C. Ellison, 300 Interstate N. Parkway, Suite 329.

Atlanta, GA 30339, (404) 955–4020. Transporting *household goods*, between points in AL, AR, DE, FL, GA, IN, IL, KY, LA, MD, MI, MS, NC, NJ, NY, OH, PA, SC, TN, TX, VA, WV, and DC.

MC 46054 (Sub-87), filed October 21, 1981. Applicant: BROWN EXPRESS, INC., P.O. Box 9244, San Antonio, TX 78204. Representative: Jack Dawson (same address as applicant), (512) 226–5391. Transporting *metal ores*, between points in the U.S., under continuing contract(s) with U.S. Steel Corporation, of Pittsburgh, PA.

MC 119704 (Sub-8), filed October 20, 1981. Applicant: R. A. HARRIS & SONS, INC., 3501 22nd St., P.O. Box 237, Menominee, MI 49858–0237. Representative: Dennis R. Harris (same address as applicant), (906) 864–2232. Transporting (1) *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Heywood-Wakefield Company, of Menominee, MI, and (2) *meat and meat byproducts*, between points in the U.S., under continuing contract(s) with Frankenthal International, Ltd., of Green Bay, WI.

MC 128095 (Sub-48), filed October 21, 1981. Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948–8820. Transporting *rubber and plastic products*, between points in Osceola County, FL, and Bell County, TX, on the one hand, and, on the other, points in AL, AR, GA, LA, MS, NC, SC, and TN.

MC 142664 (Sub-11), filed October 21, 1981. Applicant: IMPORT DEALERS SERVICE CORPORATION, 2222 E. Sepulveda Blvd., Long Beach, CA 90810. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *Transportation equipment*, between points in the U.S.

MC 148445 (Sub-9), filed October 21, 1981. Applicant: WLD TRUCKING COMPANY, a Corporation, 4527 N. 16th St., Phoenix, AZ 85064. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012, (602) 266–2224. Transporting *tile*, and *materials, equipment and supplies* used in the manufacture and distribution of tile, between points in the U.S.,under continuing contract(s) with Wenczel Tile Co. of Florida, of Tampa, FL.

MC 148445 (Sub-10), filed October 20, 1981. Applicant: WLD TRUCKING COMPANY, 4527 N. 16th St., Phoenix, AZ 85064. Representative: Phil B. Hammond, 3003 N. Central, Suite 2201, Phoenix, AZ 85012, (602) 266–2224. Transporting *metal products* and *machinery*, between points in the U.S., under continuing contract(s) with Picoma Industries, Inc., of Martins Ferry, OH.

MC 148535 (Sub-1), filed October 21, 1981. Applicant: BAKERSTOWN TRANSPORTATION CORP., P.O. Box 12, Middlesex St., Bakerstown, PA 15007. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281-9494. Transporting *petroleum and petroleum products*, between points in the U.S., under continuing contract(s) with Pennzoil Products Company, of Oil City, PA.

MC 150445 (Sub-3), filed October 20, 1981. Applicant: ALFONSO V. MANGIONE, 510 So. Main St., Pittston, PA 18643. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344–8030. Transporting *coal and coal products*, (1)(a) between points in Luzerne and Schuylkill Counties, PA, on the one hand, and, on the other, points, in ME andf NJ, and (b) between points in Carbon and Northumberland Counties, PA, on the one hand, and, on the other, points, in CT, MA, RI, NH, VT, NY, DE, OH, ME and NJ.

MC 156374, filed October 20, 1981. Applicant: OVERLAND TRANSPORT, INC., 8125 Rosebank Ave., Baltimore, MD 21222. Representative: Pauline E. Myers, Suite 348 Pennsylvania Bldg., 425 13th St., NW, Washington, DC. 20004, (202) 737–2188. Transporting *bowling alley equipment* and *bowling alley accessories*, between Shelby, OH and York, PA, on the one hand, and, on the other, points, in the U.S., restricted to traffic having a prior or subsequent movement by water.

MC 157264, filed October 21, 1981. Applicant: JAMES A. FARNHAM, SR., d.b.a. FARNHAM TRANSPORTATION, 53 West St., Proctor, VT 05765. Representative: James A. Farnham, Sr. (same address as applicant), (802) 459–2766. Transporting *petroleum products*, between points in the U.S., under continuing contracts with Rutland Gas & Oil Company, Inc., and Midway Oil Corp., both of Rutland, VT.

MC 158864, filed October 16, 1981. Applicant: F & G TRUCKING, INC., 213 Wedgewood Dr., Rt. 2, Jamestown, NC 27282. Representative: Robert Miller Fain (same address as applicant), (919) 299–6918. Transporting *furniture and fixtures*, between points in NC, on the one hand, and, on the other, points, in FL, GA, SC, VA, MD, PA, DE, NJ, NY, CT, RI, and MA.

MC 158905, filed October 21, 1981. Applicant: LAWRENCE F. WILT, d.b.a. WILT TRUCKING, Rt. 1, Box 215B, Broadway, VA 22815. Representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101, (703) 893–4924. Transporting *clay, concrete, glass or stone products* and *metal products*, between points in VA, on the one hand, and, on the other, points in Berkeley County, WV, Indiana and Allegheny Counties, PA and Carroll and Frederick Counties, MD.

[FR Doc. 81-32039 Filed 11-4-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified

statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPY-2-208

Decided: October 29, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 56213 (Sub-19), filed October 16, 1981. Applicant: RICHARD L. KINARD, INC., 310 N. Zarfoss Drive, York, PA 17404. Representative: Jeremy Kahn, Suite 733, Investment Building, 1511 K Street, N.W., Washington, D.C. 20005, (202) 783-3525. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 147503, filed October 16, 1981. Applicant: NORMAN H. DAHLSTEDT, d.b.a. DAHLSTEDT TRUCKING, 1306 Hwy 237, Mount Vernon, WA 98273. Representative: Norman H. Dahlstedt (same address as applicant), (206) 424-1771. Transporting *food and other edible products and byproducts intended for human consumption* (except alcohol 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 158803, filed October 14, 1981. Applicant: D. MAUCH TRUCKING SERVICES, 2315 N. Carolina, Saginaw, MI 48601. Representative: Donald W. Mauch, (same address as applicant), (517) 799-1781. 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 158812, filed October 16, 1981. Applicant: T T L SERVICES, INCORPORATED, 602 East Front St., Essington, PA 19029. Representative: Alexandra Tihansky, Cobblestone Village Apartments, #201, 84th and Lindburgh Blvd., Philadelphia, PA 19152, (215) 521-1050. As a *broker of general commodities* (except household goods) between points in the U.S.

Volume No. OP3-203

Decided: October 29, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 157394 (Sub-1), filed October 21, 1981. Applicant: DONALD MAGGART, d.b.a. MAGGART TRUCKING, Box 41, Browning, MO 64630. Representative: Donald Maggart (same address as applicant), (816) 946-4573. 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 158895, filed October 20, 1981. Applicant: LELAND M. COURTNEY, d.b.a. F B N TRANSPORTATION CO., 1169 S. National, Springfield, MO 65804. Representative: Marilyn J. Courtney (same address as applicant), (417) 865-3705. 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 158904, filed October 21, 1981. Applicant: TRAFFIC MANAGEMENT, INC., 29 Olcott Square, #5, Bernardsville, NJ 07924. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 785-0024. As a *broker of general commodities* (except household goods), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-32040 Filed 11-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 24]

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register.**

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(c) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 148392 (Sub-2) (republication), filed February 8, 1980, published in the **Federal Register** issue of July 31, 1980, and republished this issue. Applicant: SERVICE TRANSPORT, INC., P.O. Box 2749, Cookeville, TN 38501. Representative: James Clarence Evans, 1800 Third National Bank Bldg., Nashville, TN 32719. A Decision of the Commission, *Division 2*, Acting as an Appellate Division, Commissioners Gresham, Gilliam, and Taylor, decided October 2, 1981 and served October 6, 1981, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment), (a) between Chattanooga and Bristol, TN: from Chattanooga over U.S Hwy 11 to junction U.S. Hwy 11W, then over U.S. Hwy 11W to Bristol and return over the same route, serving the intermediate point of Knoxville, TN, and all intermediate points between Surgoinsville, TN and Bristol, TN, and, as off-route points, those points within 2 miles of U.S. Hwy 11W between Surgoinsville and Kingsport, TN; (b) between Knoxville and Bristol, TN, over U.S. Hwy 11E, serving all intermediate

points between Jonesboro, TN, and Bristol, TN including Jonesboro; (c) between Knoxville and Bristol, TN: from Knoxville over Interstate Hwy 40 to junction Interstate Hwy 81, then over Interstate Hwy 81 to Bristol, and return over the same route, serving all intermediate points between junction Tennessee Hwy 137 and Interstate Hwy 81 and Bristol; (d) between Chattanooga and Knoxville, TN over Interstate Hwy 75, serving no intermediate points; (e) between Johnson City and Kingsport, TN over Tennessee Hwy 137, serving all intermediate points; (f) between Kingsport and Erwin, TN, over U.S. Hwy 23, serving all intermediate points; (g) between Elizabethton and Bristol, TN: from Elizabethton over U.S. Hwy 19E to junction U.S. Hwy 19, then over U.S. Hwy 19 to Bristol, and return over the same route, serving all intermediate points; (h) between Elizabethton and Johnson City, TN over U.S. Hwy 321, serving all intermediate points; (i) between Bristol and Kingsport, TN: from Bristol over U.S. Hwy 11 to junction Tennessee Hwy 126, then over Tennessee Hwy 126 to Kingsport, and return over the same route, serving all intermediate points; (j) between Blountville, TN, and junction Tennessee Hwy 73 and U.S. Hwy 23, over Tennessee Hwy 72, serving all intermediate points; and (k) between Blountville and Bluff City, TN, over Tennessee Hwy 37, serving all intermediate points; that applicant is fit, willing, and able properly to perform the service and to conform to statutory and administrative requirements. The purpose of this republication is to indicate the broaden scope of authority as granted.

Motor Carrier Alternate Route Deviations

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this **Federal Register** notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Passengers

MC 1515 (Deviation No. 762) (cancels Deviation No. 708), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077, filed September 1, 1981. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: From Binghamton, NY over Interstate Hwy 88 to Schenectady, NY, with the following access routes: (1) From Port Crane, NY over access hwy to junction Interstate Hwy 88, (2) From Harpursville, NY, over access hwy to junction Interstate Hwy 88, (3) From Nineveh, NY, over access hwy to junction Interstate Hwy 88, (4) From Afton, NY over NY Hwy 41 to junction Interstate Hwy 88, (5) From Bainbridge, NY over NY Hwy 206 to junction Interstate Hwy 88, (6) From Sidney, NY over NY Hwy 8 to junction Interstate Hwy 88, (7) From Unadilla, NY over access hwy to junction Interstate Hwy 88, (8) From Unadilla, NY over NY Hwy 357 to junction Interstate Hwy 88, (9) From Otego, NY over access hwy to junction Interstate Hwy 88, (10) From Oneonta, NY over NY Hwy 205 to junction Interstate Hwy 88, (11) From Oneonta, NY over access hwy to junction Interstate Hwy 88, (12) From Scheneus, NY over access hwy to junction Interstate Hwy 88, (13) From Worcester, NY over access hwy to junction Interstate Hwy 88, (14) From East Worcester, NY over access hwy to junction Interstate Hwy 88, (15) From Richmondville, NY over NY Hwy 7 to junction Interstate Hwy 88, (16) From Cobleskill, NY over access hwy to junction Interstate Hwy 88, (17) From Central Bridge, NY over NY Hwy 30A to junction Interstate Hwy 88, (18) From Delanson, NY over access hwy to junction Interstate Hwy 88, and (19) From Duanesburg, NY over U.S. Hwy 20 to junction Interstate Hwy 88 and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Binghamton, NY over NY Hwy 7 to Schenectady, NY, and return over the same route.

MC 1515 (Deviation No. 763) GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077, filed September 21, 1981. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: From Philadelphia, PA over U.S. Hwy 422 to junction PA Turnpike, then over PA Turnpike to junction Northeast Extension of PA Turnpike, then over Northeast Extension of PA Turnpike to Interchange No. 33, with the following access route: From junction PA Turnpike and U.S. Hwy 422 over PA Turnpike to junction U.S. Hwy 611, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Philadelphia, PA over U.S. Hwy 611 to Easton, PA, then over U.S. Hwy 22 to junction Northeast Exention of PA Turnpike at Interchange No. 33, and return over the same route.

MC 2890 (Deviation No. 100), AMERICAN BUSLINES, INC., 1501 S. Central Ave., Los Angeles, CA 90021, filed October 5, 1981. Carrier's representative: George Hanthorn, 1500 Jackson St., Rm. 415, Dallas, TX 75201. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Maryville, MO over MO Hwy 46 to junction U.S. Hwy 59, then over U.S. Hwy 59 to junction U.S. Hwy 136, then over U.S. Hwy 136 to junction Interstate Hwy 29, then over Interstate Hwy 29 to Council Bluffs, IA, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Maryville, MO over U.S. Hwy 71 to Clarinda, IA, then over IA Hwy 2 to Shenandoah, then over IA Hwy 48 to Red Oak, then over U.S. Hwy 34 to Glenwood, then over U.S. Hwy 275 to junction IA Hwy 375, then over IA Hwy 375 to Council Bluffs, IA, and return over the same route.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-32036 Filed 11-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 297]

Rate Bureau Investigation (Shipper—Affiliation)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of final decision.

SUMMARY: The Commission is eliminating Finding 11 in Ex Parte No. 297, *Rate Bureau Investigation*, 349

I.C.C. 811 (1975), affirmed 351 I.C.C. 437 (1976). The Commission is also discontinuing Ex Parte No. 297, *Rate Bureau Investigation (Shipper-Affiliation)* and vacating all orders related to it.

DATE: This decision is effective 30 days from publication in the Federal Register.

ADDRESS: Copies of the complete decision are available from: Interstate Commerce Commission, Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423, Or by calling toll-free: 800–424–5403.

FOR FURTHER INFORMATION CONTACT: Jane Mackall, (202) 275–7656.

SUPPLEMENTARY INFORMATION: By notice served January 21, 1981, (46 FR 8785, January 27, 1981) we proposed to eliminate Finding 11 from Ex Parte No. 297, *Rate Bureau Investigation*, 349 I.C.C. 811 (1975) affirmed 351 I.C.C. 437 (1976), to discontinue Ex Parte No. 297 *Rate Bureau Investigation* (Shipper-Affirmation) and to vacate all orders related to it. All comments supported the proposal and it is adopted.

This decision will not significantly affect either the quality of the human environment or conservation of energy resources.

(49 U.S.C. 10706 and 5 U.S.C. 553)

Decided: October 28, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam. Chairman Taylor was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-32036 Filed 11-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29724]

Saltville Railroad Co.—Petition for Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts (1) the operation of a 5-mile rail line by Saltville Railroad Company (SRR) from the requirement of prior Commisson approval under 49 U.S.C. 10901; (2) the issuance of securities by SRR to its parent Laurinburg and Southern Railroad Company (L&S), from the requirement of approval under 49 U.S.C. 11301; and (3) the continued control by L&S of SRR from the requirement of prior approval under 49 U.S.C. 11343.

DATES: These exemptions will be effective on the date of service. Petitions for reconsideration of this action must be filed within 20 days following publication in the Federal Register.

ADDRESSES: Send pleadings to: (1) Interstate Commerce Commission, Section of Finance, Room 5417, 12th and Constitution Ave., NW., Washington, D.C. 20423, and (2) Petitioner's representatives: Fritz R. Kahn, Kathleen Murphy Ring, Suite 1100, 1600 L Street, NW., Washington, D.C. 20036.

Pleadings should refer to Finance Docket No. 29724.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Copies of the complete decision may be obtained from Room 2227 at the Commission's Headquarters at 12th and Constitution Avenue, NW., Washington, D.C. 20423, or by calling the Commission's toll-free number for copies at 800–424–5403. This notice is being published concurrent with the service of the full decision.

Decided: October 29, 1981.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-32042 Filed 11-4-81; 8:45 am]

BILLING CODE 7035-01-M

[Amdt. No. 7]

Section 5a Application No. 9; National Bus Traffic Association Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional approval of amendment.

SUMMARY: Provisional approval under the provisions of 49 U.S.C. 10706(b) of non-substantive amendments to rate agreement is granted to the National Bus Traffic Association, Inc., on behalf of its member carriers. This approval may be revoked if a protest is filed showing it not to be in the public interest.

This amendment may be inspected at the Office of the Commission in Washington, D.C.

DATE: Protests should be filed on or before November 25, 1981.

ADDRESS: Protests (an original and 7 copies) should be addressed to: Interstate Commerce Commission, Office of Proceedings, Room 5354, 12th and Constitution Avenue, NW., Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane Mackall, (202) 275–7675.

SUPPLEMENTARY INFORMATION: On February 23, 1978, the National Bus Traffic Association, Inc. (NBTA), on behalf of its member carriers, filed a petition for approval of amendments to its Articles of Association and By-Laws.[1] These amendments were adopted by the members of NBTA on September 22, 1977 in order to realign the corporate structure. Their primary purpose is to create the position of President as Chief Executive Officer. Other changes involve elimination of the positions of Vice-Chairman, Treasurer and Auditor, which offices the Board of Directors may fill in the future by appropriate resolution.

Provisional approval under the provisions of 49 U.S.C. 10706(b) of the non-substantive amendments is granted. This approval may be revoked if an interested party convinces us that it is not in the public interest. A copy of any such protest should also be served on the applicant.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: October 29, 1981.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-32044 Filed 11-4-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *International Minerals and Chemical Corporation, IMC Coal Development Corporation, Crescent Industries, Inc., and Southern Elkhorn Coal Corporation*, Civil Action No. 80–187, has been lodged with the United States District Court for the Eastern District of Kentucky. The proposed consent decree requires the payment of $60,000 in settlement of all civil penalty claims asserted in the case for violation of the Clean Water Act, 33 U.S.C. 1251 *et seq.*

The Department of Justice will receive written comments on or before

[1] The original agreement was approved in *National Bus Traffic Association Inc. (Rate and Tariff Procedure)—Agreement*, 278 I.C.C. 147 (1951). A subsequent investigation of the agreement was terminated in Ex Parte No. 297 (Sub-No. 4), *Modified Terms and Conditions For Approval of Collective Rate Agreements Under 49 U.S.C. 10706(b)*, served August 21, 1980. Presently pending for approval are certain amendments submitted in compliance with the decision in Ex Parte No. 297, *Rate Bureau Investigation*, 349 I.C.C. 811 (1975) and 351 I.C.C. 437 (1976).

December 7, 1981. 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. *International Minerals and Chemical Corporation, et al.* (D.J. Ref. No. 90-5-1-1-1603).

The proposed consent decree may be examined at the Office of the United States Attorney, Eastern District of Kentucky, 206 Federal Building, Barr and Limestone Streets, Lexington, Kentucky 40501; at the Region IV Office of the Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30308; and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, 10th and Pennsylvania Avenue, N.W., 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. 81-32107 Filed 11-4-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations, Responses; Availability

- **Aviation**

Incident Report (NTSB-AAR-81-14)—Eastern Airlines Boeing 727-25, N8140N, John F. Kennedy International Airport, Jamacia, N.Y., Apr. 8, 1981—Related recommendations, Sept. 4, to Federal Aviation Administration (FAA):

Require the revision of air carrier operator flight manuals for the Boeing 727, as needed, to illustrate the location of the landing gear position indicator viewing ports in the passenger cabin, and to provide a pictorial presentation of the gear in the fully retracted position and the indicator in and out of the "down-and-locked" position when viewed through the port **(A-81-97)**. Require the revision of the abnormal procedures section of Boeing 727 air carrier operator manuals, as needed, regarding the landing gear unsafe indication, to include additional information relevant to the gear position indicator lights and the landing gear warning horn system, and the fact that they are not independent and are not redundant landing gear position indicating systems **(A-81-98)**.

Special Investigation Report (NTSB-SIR-81-4)—Evacuation of United Airlines DC-8-61, Sky Harbor International Airport, Phoenix, Ariz., Dec. 29, 1980.—Related recommendations, Sept. 30, to FAA:

Amend 14 CFR 121.417 to include megaphones as a piece of emergency equipment which crewmembers must actually operate during initial training and recurrent training procedures **(A-81-128)**. Require the installation of an independently powered evacuation alarm system in passenger-carrying aircraft **(A-81-129)**. Promptly adopt the final rule as proposed in FAA's Notice of Proposed Rulemaking No. 81-1—to have the public address system on passenger-carrying aircraft capable of operating from a power source independent of the main electrical generating system without jeopardizing the in-flight emergency electrical power system **(A-81-130)**. Amend the MMEL's (Master Minimum Equipment Lists) for passenger-carrying aircraft to require that the PA system be operable from the cockpit and from at least one flight attendant station at all times. These amendments should include provision that the aircraft may continue the flight or series of flights with other portions of the system inoperative for a reasonable number of flight-hours, but may not depart a station where repairs or replacements can be made **(A-81-131)**.

Special Study (NTSB-AAS-81-1)—Review of Rotorcraft Accidents, 1977-1979. Recommendation Letter—To FAA, Oct. 23:

Request that all General Aviation District Office Maintenance Inspectors review the procedures of repair stations under their jurisdiction to ensure that aircraft records are thoroughly reviewed and that the proper inspections are performed under the provisions of 14 CFR 91.217 **(A-81-148)**. Require the Great Lakes region to conduct a thorough inspection of and a review of the procedures of the involved repair station **(A-81-149)**.

- **Highway**

Accident Report (NTSB-HAR-81-5)—Continental Trailways, Inc., Scheduled Intercity Bus/Multiple-Vehicle Collision and Fire, Interstate Route 95, Near Beltsville, Md., Apr. 20, 1981.—Related recommendation, Oct. 6, to Maryland Department of Transportation:

Review conditions at the I-95/495 interchange and determine if the planned safety improvements should be expedited **(H-81-71)**.

Special Study (NTSB-HSS-81-2)—Fatalities and Injuries Associated With Riding In Cargo Areas of Pickup Trucks.—Related recommendations, Sept. 24, to—

National Committee on Uniform Traffic Laws and Ordinances (NCUTLO): Establish model guidelines for prohibiting passengers from riding in open cargo areas of vehicles that are not being used for work-related purposes **(H-79-40, reiterated)**. Revise Section 10-2 of the Model Traffic Ordinance and add a section to the Uniform Vehicle Code which effects the provisions of the model guidelines developed for recommendation H-79-40 **(H-81-60)**.

Motor Vehicle Manufacturers Association: In cooperation with the National Highway Traffic Safety Administration and the Insurance Institute for Highway Safety, support NCUTLO in the development of model guidelines for legislation prohibiting passengers from riding in open cargo areas of vehicles that are not being used for work-related purposes **(H-81-63)**.

Motor Vehicle Manufacturers Association and Automobile Importers of America, Inc.: Encourage their members to provide an effective reminder to passengers not to ride in the open cargo area of a vehicle **(H-81-64)**. Encourage their members to include information in the vehicle owner's manual concerning the hazards of riding in the open cargo area of a vehicle **(H-81-65)**.

National Safety Council: Disseminate information to the public concerning the hazards of riding in the open cargo area of a vehicle **(H-81-66)**. Disseminate information to high school driver education officials concerning the hazards of riding in the open cargo area of a vehicle **(H-81-67)**.

Governors of the 50 States: Review existing laws and revise as necessary to prohibit passengers from riding in the cargo area of a vehicle, except during work-related activities **(H-81-68)**. If no such law exists, enact legislation to prohibit passengers from riding in the cargo area of a vehicle, except during work-related activities **(H-81-69)**.

National Highway Traffic Safety Administration: In cooperation with the Insurance Institute for Highway Safety and the Motor Vehicle Manufacturers Association, support NCUTLO in the development of model guidelines for legislation prohibiting passengers from riding in open cargo areas of vehicles that are not being used for work-related purposes **(H-81-61)**.

Insurance Institute for Highway Safety: In cooperation with the National Highway Traffic Safety Administration and the Motor Vehicle Manufacturers Association, support NCUTLO in the development of model guidelines for legislation prohibiting passengers from riding in open cargo areas of vehicles that are not being used for work-related purposes **(H-81-62)**.

- **Responses to NTSB Recommendations**

A-80-90 through -95, from *Federal Aviation Administration (FAA)* (October 15).—Concurs in amending regulations re fuel system crashworthiness if current studies prove this to be cost beneficial. FAA is giving high priority to R&D on postcrash fire in general aviation aircraft but finds requiring retrofit of existing airplanes with selected crash resistant fuel system components, such as frangible fittings and crash resistant fuel cells, is not feasible. (45 FR 83356, 12-18-80)

A-81-39 through -42, from *FAA* (Oct. 19).—The recommended caution note would not be appropriate since the identification and source of the DME to be used when on final approach is already depicted five times. (46 FR 38000, 7-23-81)

A-81-80 and -81, from *FAA* (Oct. 19).—Since an emergency airport information

feature such as now used at Houston International is informational rather than operational, FAA cannot at this time require incorporation of the feature at all terminal facilities utilizing Automated Radar Terminal Systems. (46 FR 40954, 8-13-81)

A-81-93, from *FAA* (Oct. 19).—A simulation test is underway to study the behavior of the circuitry assoicated with an Israel Aircraft Industries 1124 accident. (46 FR 44312, 9-13-81)

H-81-66 and -67, from *National Safety Council* (Oct. 20).—Implementation of these recommendations is underway. (See "NTSB-HSS-81-2" above.)

H-81-80, from *American Petroleum Institute* (Oct. 23).—API continues involvement in National Safety Council's "Operation Lifesaver" program to alert motorists to dangers at railroad crossings. (46 FR 53545, 10-29-81)

H-81-80, from *American Trucking Associations, Inc.* (Oct. 22).—ATA continues to strongly support "Operation Lifesaver" and believes that more should be done to correct unsafe train operations and unsafe track-highway conditions. (46 FR 53545, 10-29-81)

P-81-33, from *ARCO Petroleum Products Company, Watson Refinery* (Oct. 15).—ARCO will emphasize to supervisory personnel the importance of closely checking valve lineups when new or infrequent movements are made through refinery piping. (46 FR 49969, 10-8-81)

Note.—Single copies of Board reports are available without charge as long as limited supplies last. (Multiple copies may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.) Copies of recommendation letters, responses and related correspondence are also free of charge. Address written requests, identified by recommendation or report number, to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(49 U.S.C. 1903(a)(2), 1906)

Maragret L. Fisher,

Federal Register Liaison Officer.

October 30, 1981.

[FR Doc. 81-31982 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-364]

Alabama Power Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. NPF-8 issued to Alabama Power Company (the licensee), which revised a License Condition for operation of the Joseph M. Farley Nuclear Plant, Unit No. 2 (the facility) located in Houston County, Alabama. The amendment is effective as of the date of issuance.

The amendment modified License Condition 2.C.(9)(b) relating to tests of natural circulation cooldown with boron mixing. The change allows test performance at the next shutdown of sufficient duration, or analyses of tests at other plants if applicable to Farley 2, but in any case no later than prior to the startup following the first refueling outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 16, 1981, (2) Amendment No. 9 to License No. NPF-8, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of October 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-32145 Filed 11-4-81; 8:45 am]

BILLING CODE 7590-01-M

Availability of Staff Draft Report for Comment on Human Factors Acceptance Criteria for the Safety Parameter Display System

Notice is given that the Commission's Office of Nuclear Reactor Regulation has published NUREG-0835, Human Factors Acceptable Criteria for the Safety Parameter Display System, a draft report for comment. Single copies of this report are available free to the extent of supply and may be obtained by written request to the Director, Division of Technical Information and Document Control, Washington, D.C.

This draft report contains human factors acceptance criteria for the Safety Parameter Display System. These criteria were developed in response to the functional design criteria defined in NUREG-0696, "Functional Criteria for Emergency Response Facilities." The Human Factors Engineering Branch plans to use the criteria to evaluate designs of the Safety Parameters Display System.

The acceptance criteria defined in this draft report does not impose any new functional design requirements. The acceptance criteria defines a basis for the staff's review of the Safety Parameter Display System.

NUREG-0835 has been submitted to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act of 1980.

This draft report is issued for public and industry comment. The staff will evaluate all comments it receives and modify the report as needed in preparing the final report. Comments received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. All comments on this draft report are welcomed but must be provided by 45 days after the date of the notice. All comments should be forwarded to: Mr. Leo Beltracchi, Human Factors Engineering Branch, Division of Human Factors Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

For further information, contact Leo Beltracchi, Division of Human Factors Safety, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone (301) 492-8355.

Dated at Bethesda, Maryland, this 30 day of October, 1981.

Voss A. Moore,

Chief, Human Factors Engineering Branch, Division of Human Factors Safety.

[FR Doc. 81-32148 Filed 11-4-81; 8:45 am]

BILLING CODE 7950-01-M

[Docket Nos. 50-269, 50-270, 50-287, and 50-369]

Duke Power Co. (Oconee Unit Nos. 1, 2, and 3; McGuire Unit No. 1); Intent To Modify Indemnity Agreement No. B-83

Duke Power Company has requested that the Commission authorize the storage of reactor fuel irradiated at

Oconee Unit 1, 2 and 3 reactors at McGuire Unit 1 reactor and that Duke be indemnified for the storage of such fuel at McGuire. The Commission published the Duke requests and relevant background information in previous **Federal Register** notices (43 FR 32905, July 28, 1978, and 44 FR 1751, January 8, 1979).

In the January 1979 notice, the Commission requested public comments on its proposal to exercise its discretionary authority under Section 170(a) of the Atomic Energy Act of 1954, as amended, to extend Price-Anderson coverage in accord with the Duke request.[1] That notice stated that the Commission was making no judgment as to the merits of the particular storage request (which was at the time pending before an Atomic Safety and Licensing Board), but was instead seeking comment on the idemnification request described above. The Commission also requested public comment on the generic issue of whether it should approve a general extension of Price-Anderson coverage to future requests for transfer and storage of irradiated fuel at reactors other than those at which the fuel was irradiated.

Sixteen responses to the notice were received. The twelve comment letters received from utilities, trade groups, and law firms representing utility clients generally favored extending Price-Anderson coverage to the specific Duke situation, and also favored extending indemnity coverage on a generic basis to all future storage of irradiated fuel at distant reactors. The four comments received from organizations and persons opposing the Commission's proposed actions addressed the policy question of *shipping* irradiated fuel between reactor sites for purposes of storage rather than the issue of whether indemnity should be extended to the storage. As the notice clearly stated, the extension of indemnification would only be authorized if and when other required licensing actions authorizing such shipment were approved pursuant to Commission licensing procedures.

In its request to the Commission to authorize the storage of Oconee-irradiated fuel at its McGuire Unit 1 reactor, Duke Power sought an amendment to its Part 70 materials license No. SNM-1773 to permit the receipt and storage of Oconee-irradiated fuel at the McGuire spent fuel pool. That materials license authorized Duke to receive and store only unirradiated fuel at the McGuire site. Duke also sought indemnification for the Oconee fuel to be stored at McGuire. The NRC originally addressed the indemnity question on the assumption that indemnity would be extended under the provisions of the McGuire operating license, which the staff expected would be issued prior to the need to ship any irradiated fuel from Oconee to McGuire. Subsequent to that time, it appeared that an operating license for McGuire would not be issued prior to the completion of the separate licensing action in which authority to make these shipments was sought. It was for this reason that the Commission considered amending materials license SNM-1773, which only authorized the storage of unirradiated fuel at McGuire. In the interim, however, an operating license has been issued for McGuire Unit 1, and the Commission has approved a modification to that license to allow Duke to receive and store Oconee irradiated fuel at the McGuire spent fuel pool.

The Commission has decided to exercise its discretionary authority under Section 170 of the Atomic Energy Act of 1954, as amended, and intends to modify Duke's indemnity agreement at the McGuire facility to permit the storage of Oconee-irradiated fuel at McGuire.

As required in 10 CFR 140.9, the Commission is publishing this notice of intent to amend Indemnity Agreement B-83 covering the McGuire Unit No. 1 reactor to allow indemnity coverage for the on-site storage at that facility of irradiated fuel from Oconee Unit Nos. 1, 2, and 3. The amendment would redefine the term "the radioactive material" in Article I, paragraph 9 in the McGuire indemnity agreement B-83 to read as follows:

> The radioactive material means source, special nuclear and byproduct material which (1) is used, was used or will be used in, or is irradiated, was irradiated or will be irradiated by, the nuclear reactor licensed under NPF-9 or (2) was used in, or was irradiated in the nuclear reactors licensed under DPR-38, DPR-47, and DPR-55 and subsequently is transported to the site of the nuclear reactor licensed under NPF-9 for the purposes of storage or (3) which is produced as the result of operation of the nuclear licensed under NPF-9.

Any person whose interest may be affected by this amendment may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of this amendment to the subject facility indemnity agreement. In response to this notice, the Commission will only consider comments pertaining to the implementation of the Commission's policy decision through the language proposed to modify the indemnity agreement. Comments addressing the policy issues set forth in this notice will not be entertained. Petitions for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Section, by November 20, 1981. Such petitions should be filed in accordance with the provisions of § 2.714 of the Commission's "Rules of Practice for Domestic Licensing Proceedings," 10 CFR Part 2. A copy of the petitions and/or request for a hearing should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555 and to Debevoise & Liberman, 1200 17th Street, NW, Washington, DC 20036, counsel for the licensee.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d) neither an environmental impact statement nor a negative declaration and environmental impact appraisal need be prepared in connection with issuance of this amendment.

Dated at Bethesda, MD this 28th day of October 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 81-32147 Filed 11-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

Duke Power Co.; Issuance of Amendment to Facility Operating License No. NPF-9

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 7 to Facility Operating License No. NPF-9, issued to Duke Power Company (licensee) for the McGuire Station, Unit 1 (the facility) located in Mecklenburg County, North Carolina. This amendment revises setpoints to selected Engineered Safety Features Actuation System instrumentation, makes corrections to the measurement range of the Unit Vent Noble Gas Effluent Monitor, revises surveillance requirements for certain fire detection instrumentation and hydrogen monitors, revises listings of hydraulic and mechanical snubbers, revises response time and test current value for a circuit breaker, revises surveillance requirements for monitoring Chemical Treatment Pond radionuclide

[1] The notice also requested comments on a similar request by Commonwealth Edison Company. However, Commonwealth Edison subsequently requested the Commission not to act on its request.

inventory, and clarifies Special Test Program exceptions. 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 regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Duke Power Company letter dated August 12, 1981, (2) Amendment No. 7 to Facility Operating License No. NPF-9 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of items 2 and 3 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 27th day of October 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Chief, Licensing Branch No. 4, Division of Licensing, NRR.

[FR Doc. 81-32148 Filed 11-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

Duke Power Co.; Issuance of Amendment to Facility Operating License No. NPF-9

The Nuclear Regulatory Commission (the Commission), pursuant to the Decision dated August 10, 1981, of the Atomic Safety and Licensing Appeal Board, has issued Amendment No. 8 to Facility Operating License No. NPF-9 to the Duke Power Company for its McGuire Nuclear Station, Unit 1. The license amendment authorizes Duke Power Company to receive and store at its McGuire Nuclear Station 300 irradiated fuel assemblies generated at its Oconee Nuclear Station. The McGuire Nuclear Station, Unit 1, is a pressurized water reactor located near Charlotte in Mecklenburg County, North Carolina. This amendment is effective as of its date of issuance.

The Decision by the Atomic Safety and Licensing Appeal Board may be reviewed by the Commission.

The application for this licensing action was filed as a request for amendment to Special Nuclear Materials License SNM-1773. Subsequent to that request, Facility Operating License No. NPF-9, which incorporated the requirements of SNM-1773, was issued.

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 regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Opportunity for Public Participation in Proposed NRC Licensing Action for Amendment to Materials License SNM-1773 for Oconee Nuclear Station Spent Fuel Transportation and Storage at McGuire Nuclear Station was published in the **Federal Register** on July 28, 1978 (43 FR 32905).

Requests for hearing filed by Carolina Environmental Study Group (CESG), Carolina Action (CA), Safe Energy Alliance (SEA), Davidson College Chapter of the North Carolina Public Interest Research Group (PIRG), and Natural Resources Defense Council (NRDC) were granted. In addition, the State of South Carolina was granted leave to participate as an interested state. CA, SEA, and PIRG were later dismissed from the proceeding.

Hearings were held in Charlotte, North Carolina, on June 19-23, 1979; June 25-29, 1979; August 6-9, 1979; in Bethesda, Maryland, on September 10-13, 1979; and in Charlotte, North Carolina, on April 28-29, 1980. On October 31, 1980, the Atomic Safety and Licensing Board issued an Initial Decision denying the application for amendment. Both the Duke Power Company and the Commission staff appealed the decision. On August 10, 1981, the Atomic Safety and Licensing Appeal Board reversed the decision of the Licensing Board and authorized issuance of a license amendment.

In connection with issuance of this amendment the Commission issued an Environmental Impact Appraisal and Negative Declaration which was published in the **Federal Register** on December 29, 1978 (43 FR 61057). A Safety Evaluation was prepared in January 1979.

For further details with respect to this action, see (1) the application for amendment dated March 9, 1978; (2) Amendment No. 8 to License No. NPF-9; (3) the Initial Decision of the Atomic Safety and Licensing Board dated October 31, 1980; (4) the Decision of the Atomic Safety and Licensing Appeal Board dated August 10, 1981; (5) the related Safety Evaluation Report dated January 1979; and (6) the Commission's Negative Declaration dated December 29, 1978, and the associated Environmental Impact Appraisal.

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 Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of Amendment No. 8 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 October 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-32149 Filed 11-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289 (Restart)]

Metropolitan Edison Co. (Three Mile Island Nuclear Station, Unit 1); Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this restart proceeding:

Gary J. Edles, Chairman,
Dr. John H. Buck,
Christine N. Kohl.

Dated: November 2, 1981.

C. Jean Shoemaker,

Secretary to the Appeal Board.

[FR Doc. 81-32150 Filed 11-4-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-8783]

Uranerz, U.S.A. Inc.; Negative Declaration Regarding Issuance of Source and Byproduct License for Operation of R&D In Situ Leach Project in Johnson County, Wyo.

The Nuclear Regulatory Commission (the Commission) is issuing a Source Material and Byproduct Material License to Uranerz, U.S.A. Incorporated authorizing R&D-scale uranium solution mining operations at their Powder River Basin Ruth In Situ Leach Project Site in Johnson County, Wyoming.

The Commission's Division of Waste Management has prepared an environmental impact appraisal for the proposed action. On the basis of this appraisal, the Commission has concluded that an environmental impact statement for this particular action is not warranted for there will be no significant environmental impact attributable to the action. The environmental impact appraisal is available for public inspection and copying at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C.

Dated at Silver Spring, Maryland, this 28th day of October, 1981.

For the Nuclear Regulatory Commission.

Ross A. Scarano,

Chief, Uranium Recovery Licensing Branch, Division of Waste Management.

[FR Doc. 81-32151 Filed 11-4-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

November 2, 1981.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Paperwork Reduction Act (44 USC, chapter 35). Departments, and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB Publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions (Burden change), extensions (no change), or reinstatements. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information.

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available)
The office of the agency issuing this form
The title of the form
The Agency Form Number, if applicable
How often the form must be filled out
Who will be required or asked to report
The standard Industrial classification (SIC) codes, referring to specific respondent groups that are affected
Whether small businesses or organizations are affected
A description of the Federal budget functional category that covers the information collection
An estimate of the number of responses
An estimate of the total number of hours needed to fill out the form
An estimate of the cost to the Federal Government
An estimate of the cost to the public
The number of forms in the request for approval
An indication of whether section 3504(h) of Pub. L. 96-511 applies
The name and telephone number of the person or office responsible for OMB review and
An abstract describing the need for and uses of the information collection.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until at least ten working days after notice in the **Federal Register**, but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed Forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB Reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Deputy administrator, Office of Information and regulatory affairs, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—202-447-6201.

New

• Agricultural Marketing Service
Florida Oranges, Grapefruit, Tangerines and Tangelos
Marketing order No. 905
On occasion
Businesses or other institutions
Florida fresh citrus handlers and receivers under M.O. 905
SIC: 017, 515
Small businesses or organizations
Agricultural research and services: 1,152 responses; 50 hours; $500 Federal cost; 3 forms; $653 public cost; not applicable under 3504(h)
Charles A. Ellett, 202-395-7340

The Citrus Administrative Committee forms are used to obtain information from handlers relating to their tangerine shipments, and from handlers and receivers relating to shipments of "organically produced" citrus to natural food outlets.

Revisions

• Economics and Statistics Service
Farmland Market Survey
Annually
Businesses or other institutions
Farm real estate brokers, appraisers and lenders
SIC: 653
Small businesses or organizations
Agricultural research and services: 4,873 responses; 2,030 hours; $75,000 Federal cost; 1 form; $32,480 public cost; not applicable under 3504(h)
Statistical Policy Branch, 202-395-7313

Provides data at the national level on terms of farm real estate sales, status of buyers and sellers, plus trends of other

factors affecting the farm real estate market. Data used by Government, lenders and public in studying changes in farm real estate market, financing requirements and structure of agriculture.

DEPARTMENT OF EDUCATION

Agency Clearance Officer—Wallace McPherson—202–426–5030

New

• Office of Postsecondary Education
Upward Bound Application Package for Receipt of Noncompeting Continuation Applications
ED–1251–4
Annually
State or local governments/businesses or other institutions
Postsecondary institutions, public/private agencies
SIC: 822, 821, 824
Higher education: 446 responses; 6,690 hours; $52,000 Federal cost; 1 form; $51,290 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

To meet the published requirements as required by EDGAR and the applicable program regulations for continuation applicants.

• Office of Postsecondary Education
Special Services Application Package for Receipt of Noncompeting Continuation Applications
ED–1251–5
Annually
State or local governments/businesses or other institutions
Institutions of higher education
SIC: 822, 821, 824
Higher education: 613 responses; 9,195 hours; $62,400 Federal cost; 1 form; $70,495 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

To meet the published criteria as required by EDGAR and the applicable program regulations for continuation applications.

• Office of Postsecondary Education
Guarantee Agency Report of Recoveries on Claims Paid Under Federal Reinsurance
ED 1189–2
Monthly
Businesses or other institutions
Guarantee agencies
SIC: 822, 941, 892
Education, training, employment, and social services: 500 responses; 1,000 hours; $72,500 Federal cost; 1 form; $8,000 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

The guarantee agency completes this form indicating recoveries on claims paid and forwards the report with a check to the claims and collections section, guarantees student loan branch.

• Office of Postsecondary Education
Program Announcement—Comprehensive Program Final Year Dissemination Competition
ED 0004
Annually
Businesses or other institutions
Current comprehensive program grantees
SIC: 822
Elementary, secondary, and vocational education: 50 responses; 400 hours; $0 Federal cost; 1 form; $3,600 public cost; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

This is a grant application for competitive awards with a limited eligibility requirement.

• Office of Educational Research and Improvement
Special Project Support Performance Report Form and Financial Report Form
ED 864–1, 864
Nonrecurring
Businesses or other institutions
Recipients of IMS special projects awards
SIC: 841
Research and general education aids: 39 responses; 78 hours; $5,000 Federal cost; 2 forms; $780 public cost; not applicable under 3504 (h)
Federal Education Data Acquisition Council, 202–426–5030

The data will be used by the staff of IMS and the National Museum Services Board to determine how the funds were spent and to make administrative policy decisions that will assist IMS in serving its consituency and adhering to its legislative mandate.

• Office of Educational Research and Improvement
General Operating Support Performance Report Form and Financial Report Form
ED 865–1, 865
Annually
Businesses or other institutions
Recipients of IMS general operating support awards
SIC: 841
Research and general education aids: 366 responses; 732 hours; $10,000 federal cost; 2 forms; $7,320 public cost; not applicable under 3504 (h)
Federal Education Data Acquisition Council, 202–426–5030

The data will be used by the staff of IMS and the National Museum Services Board to determine how the funds were spent and to make administrative policy decisions that will assist IMS in serving its constituency and adhering to its legislative mandate.

Revisions

• Office of Postsecondary Education
Application for Federal Assistance—Instructions for Educational Opportunity Centers
ED 343
Annually
State or local governments/businesses or other institutions
Institutions of higher education
SIC: 821, 822, 824
Higher education: 100 responses; 3,400 hours; $48,280 federal cost; 1 form; $27,000 public cost; not applicable under 3504 (h)
Federal Education Data Acquisition Council; 202–426–5030

The form requests programmatic and budgetary information from eligible applicants so that the Department of Education program offices and non-federal reviewers will have adequate, relevant information with which to make funding decisions. The collected information will also be used to determine compliance with the published funding criteria.

• Office of Postsecondary Education
Application for Federal Assistance—Instructions for the Talent Search Program
OE 1251
Annually
State or local governments/businesses or other institutions
Institutions of higher education
SIC: 821, 822, 824
Small businesses or organizations
Higher education: 350 responses; 11,900 hours; $142,560 Federal cost; 1 form; $94,500 public cost; not applicable under 3504 (h)
Richard Sheppard, 202–395–6880

The form request programmatic and budgetary information from eligible applicants so that the Department of Education program officers and non-federal reviewers will have adequate, relevant information with which to make funding decisions. The collected information will also be used to determine compliance with the published funding criteria.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph Strnad—202–245–7488

New

• Health Care Financing Administration
Questionnaire on Medicaid State Agency Fraud and Abuse Control Activities
HCFA–335
Nonrecurring
State or local governments
Medicaid State Agen., medicaid fraud control units, etc.
SIC: 919
Health: 100 responses; 950 hours; $1,725 Federal cost; 1 form; not applicable under 3504 (h)
Richard Eisinger, 202–395–6880

The questionnaire will be used to determine the extent of national problems in medicaid fraud and abuse control, and assist HCFA in the development of solutions to those problems identified.

• Health Care Financing Administration
Evaluation of New York's Long-Term Home Health Care Program
HCFA–330
Nonrecurring
Individuals or households of pat. who are using or have used the long-term health: 40 responses; 30 hours; $5,900 Federal cost; 1 form; $300 public cost; not applicable under 3504 (h)
Richard Eisinger, 202–395–6880

The telephone survey will be used to determine the effects on the long-term home health care program (LTHHCP) on informal care giving on the lives of the care givers and on the LTHHCP enrollees. The results of this survey will then be used in assessing the overall success and effects of the program.

Revisions

• Social Security Administration
Application for Lump-Sum Death Payment
SSA–8–F5
On occasion
Individuals or households
Applicants for the Lump-Sum Death Payment
General retirement and disability insurance: 816,000 responses; 136,000 hours; $0 Federal cost; 2 forms; not applicable under 3504 (h)
Robert Neal, 202–395–6880

This form is needed in order for a determination to be made on the eligibility for a lump-sum death payment. This application elicits the necessary information required to make a lump-sum death payment to either a living-with (but otherwise non-entitled) spouse or to an individual who is equitably entitled and/or a funeral home.

DEPARTMENT OF TRANSPORATION

Agency Clearance Officer—John Windsor—202–426–1887.

New

• Coast Guard
Course Approvals, Merchant Marine Training
On occasion, other, see SF83
Businesses or other institutions
Training schools desiring to substit. training for sea time
SIC: 824
Water transportation: 10 responses; 40 hours; $1,577 Federal cost; 1 form; not applicable under 3504 (h)
Wayne Leiss, 202–395–7340

46 U.S.C. 224, 226, 228, 214, 375, 416, 391A, 404—this requirement ensures that certain training schools apply to the coast guard for approval of the curricula and faculty. This requirement is to ensure that equivalency of training for sea-time is determined.

• Coast Guard
Rules of the Road Exercise for Renewal of Operator, Motorboat and Ocean Operator License
CG 4814
On occasion
Individuals or households
Applicants for renewed operator, motorboat or ocean op. lic.
Water transportation: 3,363 responses; 3,363 hours; $1,362 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

This exercise is used by the Coast Guard to assure that operators, motorboat operators, and ocean operators have retained familiarity with rules of the road during the period of their license.

• Coast Guard
New Self-Propelled Liquefied Gas Vessel
On occasion
Businesses or other institutions
Liquefied gas tankship owners/operators
SIC: 441, 442
Water transportation: 2,092 responses; 8,354 hours; $16,408 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

46 U.S.C. 391A—Thirteen reporting and recordkeeping requirements are addressed by this submission. These are enforcement requirements and operational safety requirements for liquefied gas vessels. They are used by vessel personnel and Coast Guard boarding personnel to ensure the vessel meets safety standards presently in effect.

• Federal Highway Administration
Instruction Manual for Preparation of the 1981 Estimate of the Cost of Completing the Interstate System
Biennially
State or local governments
State highway agencies
SIC: 962
Ground transportation: 50 responses; 158,500 hours; $4,469,500 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

The collected information is used, as required, by title 23 U.S.C. to report to the Congress biennially on the cost to complete the system for the purpose of developing apportionment factors for the distribution of Federal aid interstate construction funds. The information is also used, per 23 U.S.C. 103(e)(4), to determine substitute fund entitlements.

• Coast Guard
Stability—46 CFR Subchapter O
On occasion
Businesses or other institutions
Ship owners/operators
SIC: 441, 442
Water transportation: 704 responses; 1,416 hours; $50,830 Federal cost; 1 form; $64,640 public cost; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

• Coast Guard
Plan Approval and Records for Electrical Engineering Systems—46 CFR Subchapter J
On occasion
Businesses or other institutions
Shipyards, vessel designers, marine construction vendors
SIC: 361, 362, 373, 891
Small businesses or organizations
Water transportation: 7,140 responses; 1,785 hours; $518,435 Federal cost; 1 form; $357,000 public cost; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Subchapter J provides the standards and requirements for review of electrical installations on U.S. Coast Guard certificated vessels. The Coast Guard must review these plans to determine compliance.

• Research and Special Programs Administration
Drum Test Record Requirements
Nonrecurring
Businesses or other institutions
Drum manufacturers
SIC: 341
Small businesses or orgnaizations

Air transportation: 50 responses; 25 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Used and needed by drum manufacturers to verify to shippers and the MTB the integrity of drum closures which are different than those for which specifications are set forth in the regulations.

• Coast Guard
Records of Testing, Repair, Drydocking and Certification
CG–835, 841, 854, 858, 948, 3753, 4678
On occasion, annually, biennially
Businesses or other institutions
Owners, operators and masters of U.S. and for. merchant ves.
SIC: 441, 442, 443, 444, 445
Small businesses or organizations
Water transportation: 42,144 responses; 86,737 hours; $2,364,606 Federal cost; 7 forms; $3,713,371 public cost;
Not applicable under 3504(h)
Wayne Leiss, 202–395–7340

These reporting requirements are used to make record of the inspection, repair, or certification of a vessel's material condition and are needed to insure safety of life and property at sea.

Extensions (Burden Change)

• Federal Highway Administration
Maintenance Records and Driver Vehicle Inspection Report
On occasion
Individuals or households/businesses or other institutions
Drivers and motor carriers in interstate or foreign commerce
SIC: 413
Small businesses or organizations
Ground transportation: 1,362,000 responses; 28,771,619 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Donald Arbuckle, 202–395–7340

Driver vehicle inspection reports are required by 49 CFR 396, used to identify defects likely to affect safety of operation and to record inspection, repair and maintenance activities. Permits BMCS to monitor these practices which impact on safe operation on highways.

DEPARTMENT OF THE TREASURY

Agency Clearance Officer—Ms. Joy Tucker—202–634–5394

New

• Internal Revenue Service
Proposed Adjustment to Income, Payments or Credits
CP–2000
On occasion
Individuals or households
Individual Taxpayers
Central fiscal operations: 1,193,700 responses; 1,193,700 hours; $471,453 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

This ICR forms part of the IRS compliance effort. It is sent to potential underreporters of income. Taxpayers who receive them are requested to either agree with the IRS findings or submit additional information. Information submitted by taxpayers is used to adjust their tax in accordance with 26 U.S.C. 6011.

• Internal Revenue Service
Request for Additional Information
1474(DO)
On occasion
State or local governments/businesses or other institutions
Employers whos retirement plan returns being examined
SIC: all
Small businesses or organizations
Central fiscal operations: 2,500 responses; 5,000 hours; $950 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Letter 1474(DO) is used to request additional information needed to complete the examination of an employer's retirement plan return. The information is used to ensure that the plan conforms with the Employee Retirement Income Security Act of 1974 (ERISA) and applicable sections of 26 U.S.C.

• Internal Revenue Service
Credit for Increasing Research Activities
6765
Annually
Individuals or households/farms/businesses or other institutions
Any person increasing research activities of a trade or bus.
SIC: all
Small businesses or organizations
Central fiscal operations: 16,000 responses; 24,276 hours; $0 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Internal Revenue Code section 44F, added by P.L. 97–34, allows a credit against income tax for amounts spent for increasing the research activities of a trade or business. Only research and experimentation expenses incurred after June 30, 1981 qualify. The data is used to verify that the credit claimed is correct.

Revisions

• Internal Revenue Service
U.S. Nonresident Alien Income Tax Return
1040NR
Annually
Businesses or other institutions/individuals or households
Nonresident individuals, estates and trusts
SIC: 601, 602, 603, 604, 605, 673, 811
Central fiscal operations: 90,000 responses; 551,155 hours; $195,094 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

This form is used by nonresident individuals, foreign estates and trusts to report their income subject to tax and compute their correct tax liability. The information on the return is used to determine whether income, deductions, credit, payments, etc., are correctly figured.

Extensions (Burden Change)

• Bureau of Alcohol, Tobacco and Firearms
Permit (18 USC Chapter 40 Explosives)
ATF F 4708 (5400.15)
Annually
Businesses or other institutions
Users of explosives
SIC: 152 154 162
Small businesses or organizations
Federal law enforcement activities: 3,000 responses; 2,500 hours; $2,450 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Permit contains a renewal application by which the explosives permittee applies for their new annual permit. The form requires the business to answer yes or no to 10 specific questions from which ATF uses to determine the permittee's eligibility to continue to engage in business.

• Bureau of Alcohol, Tobacco and Firearms
Application by Prop. of Taxpaid Bottle Wine House
ATF F 3975 (5140.2)
On occasion
Businesses or other institutions
Taxpaid wine bottling house
SIC: 518
Small businesses or organizations
Federal law enforcement activities: 50 responses; 100 hours; $650 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form is necessary to determine whether a person can operate a taxpaid bottling wine house. Describes the applicant's business, location premises and type of operations to be conducted, and other information to determine qualifications according to law and regulations. A determination is made on

whether to allow operations on the basis of the completed application.

• Comptroller of the Currency
Securities Exchange Act Disclosures
F-2, F-3, F-4, F-5, F-6, F-7, F-8, F-11, F-11a, F-20
Annually
Businesses or other institutions
National banks with 500 or more shareholders
SIC: 602
Small businesses or organizations
Other advancement and regulation of commerce: 2,545 responses; 36,648 hours; $32,020 Federal cost; 1 form; $475,360 public cost; not applicable under 3504(h)
Irene Montie, 202-395-6880

Provides operational data to shareholders and investors permitting them to make informed judgements about possible purchases and sales of bank stock.

• Internal Revenue Service
Corporation Claim for Deduction for Consent Dividends
973
Annually
Businesses or other institutions
Corporations claiming a deduction for consent dividends
SIC: multiple
Small businesses or organizations
Central fiscal operations: 500 responses; 370 hours; $5,752 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

IRC section 565 allows a corporation to treat as a dividend certain amounts consented to as dividends and the corporation uses form 973 as a summary sheet for forms 972 and to claim the deduction for consent dividends. The information is used to ensure that this income has been correctly reported.

• International Revenue Service
Certification of Youth Participating in a qualified Cooperative Education Program
6199
On occasion
State or local governments/businesses or other institutions
Schools administering cooperative programs
SIC: 919 833 839
Small businesses or organizations
Central fiscal operations: 64,000 responses; 47,424 hours; $31,994 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202-426-5030

IRC section 51(D)(8) requires that qualified school cooperative programs must certify its qualified students as youths participative in a qualified cooperative program in order for wages paid to the student by an employer to qualify for the jobs credit. Form 6199 provides for this certification.

• Internal Revenue Service
Consent of Shareholders to Include Specific Amount in Gross Income
972
Annually
Individuals or households/businesses or other institutions
Individuals or corporations making consent agreements
SIC: multiple
Central fiscal operations: 500 responses; 370 hours; $5,789 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form 972 is completed by the shareholders and filed as part of the corporation's annual income tax return. Form 972 accompanies form 973, which is executed by the corporation. The information is used to help verify that shareholders have consented to treat certain amounts as dividends and to report such amounts in gross income.

• United States Customs Service
Cargo Declaration (Outward with Commerical Forms)
CF1302-1302A
On occasion
Businesses or other institutions
Shipping companies
SIC: 441
Small businesses or organizations
Federal law enforcement activities: 137,600 responses; 16,512 hours; $176,422 Federal cost; 2 forms; $82,560 public cost; not applicable under 3504(h)
Irene Montie, 202-395-6880

Documents used to list all the inward foreign cargo on board regardless the port of discharge and for all clearance of all cargo on board with commerical forms.

• Bureau of Alcohol, Tobacco and Firearms
Notice of Transfer of Untaxpaid Beer
ATF F 2035 (5130.14)
On occasion
Businesses or other institutions
Breweries
SIC: 208
Small businesses or organizations
Federal law enforcement activities: 15,000 responses; 5,000 hours; $1,970 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

When untaxpaid beer (in bond) is transferred from one brewery to another, the shipping brewery completes the form and forwards copies to the receiving brewery and regional office. Receiving breweries forward their copies to regional offices and match ups made. This form helps control shipments.

• Bureau of Alcohol, Tobacco and Firearms
Application for Transfer of Spirits and/or Denatured Spirits in Bond
ATF F 5100.1 6 (2609)
On occasion
Businesses or other institutions
Distilled spirits producers and bottlers
SIC: 208 518
Small businesses or organizations
Federal law enforcement activities: 2,000 responses; 500 hours; $400 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form is necessary to determine that a distilled spirits plant proprietor has agreed to become liable for spirits or denatured spirits transferred from another plant in bond. Describes the proprietors transferring and receiving, the quantity of spirits and/or denatured spirits to be transferred, containers used for transfer and receiving proprietor's bond.

• Bureau of Alcohol, Tobacco and Firearms
Explosives Transaction Record (Nonlicensee or Non Permittee)
ATF F 4710 (5700.4)
On occasion
Individuals or households/businesses or other institutions
Distributors of explosives
SIC: 289
Small businesses or organizations
Federal law enforcement activities: 20,000 responses; 3,800 hours; $2,900 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202-395-6880

Form used to determine if the nonlicensed person is eligible to receive explosives and the identity of explosives tranferred to that person. It identifies the nonlicensed person, the explosives, the intended use for the explosives, question whether the nonlicensed person is eligible to receive explosives, and the Federal licensed explosives dealer.

• Bureau of Alcohol, Tobacco and Firearms
Application for Operating Permit Under 26 USC 517(D)
ATF F 5110.2 5
On occasion
Businesses or other institutions
Distilled spirits plants
SIC: 208 518 286
Small businesses or organizations

Federal law enforcement activities: 200 responses; 1,000 hours; $4,467 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form is used to determine a person's qualifications to operate a distilled spirits plant for certain (non-beverage) operations. Identifies the applicant location of premises and principal business address, information about the source of fund, stockholders, business structure of the applicant's business, and intended operations under the permit.

• Bureau of Alcohol, Tobacco and Firearms
Application Permit to Procure Sample of Specially Denatured Spirits
ATF F 1512 (5150.14)
On occasion
Businesses or other institutions
Any business or industry having use for denatured spirits
SIC: 739 283 284
Small businesses or organizations
Federal law enforcement activities: 2,000 responses; 2,000 hours; $840 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

At times, a business not holding a permit to secure a type of specially denatured spirits may wish to obtain a sample of the from a dealer. In such cases, they prepare this form and upon approval, they are able to obtain the spirits. This form and procedure control access to samples of SDA.

Extension (No Change)

• Bureau of Alcohol, Tobacco and Firearms
Application and Permit to Ship Liquors and Articles of Puerto Rican Manfacture Taxpaid
ATF F 487–B (5170.7)
On occasion
Business or other institutions
Produces, Bottlers of distilled spirits
SIC: 208 518 286
Small businesses or organizations
Federal law enforcement activities: 200 responses; 100 hours; $500 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Before liquors and articles manufactured in Puerto Rico can be shipped taxpaid to the U.S., a permit must be issued in accordance with the regulations. This completed and approved application also serves as the permit authorizing shipment.

• Bureau of Alcohol, Tobacco and Firearms
Application for License
ATF F 7 (5310.12)
On occasion
Businesses or other institutions
Firearms and ammunition manufacturers
SIC: 348 504 533
Small businesses or organizations
Federal law enforcement activities: 35,000 responses; 35,000 hours; $77,995 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form is used by public when applying for a Federal firearms license. Information requested on the form helps establish the eligibility for such a license. The form is signed under the penalty of 18 U.S.C. 924. Form is used in applying for various types of firearms; E.G., Dealer, Importer, Manufacturer.

• Bureau of Alcohol, Tobacco and Firearms
Application report and permit—beer and wine (Puerto Rico)
ATF F 2900 (5100.21)
On occasion
Businesses or other institutions
Producers, bottlers, wholesalers of beer/wine
SIC: 208 518
Small businesses or organizations
Federal law enforcement activities: 200 responses; 100 hours; $520 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form is necessary to document shipments of beer and wine into the U.S. from Puerto Rico. Describes the shippers, shipment for tax purposes, tax to be imposed and its calculation, verification of tax computation by a Puerto Rican or ATF Government officer. Also establishes a shipper's liability and sometimes payment of tax.

• Internal Revenue Service
General Assistance Program Determination
6177
On occasion
State or local governments
Gen. assist. programs request. to be desig. as qual. prog.
SIC: 919 833 839
Central fiscal operations: 6,000 responses; 1,000 hours; $7,526 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

IRC section 5(d)(6)(b) requires that general assistance program be certified as qualified programs. The information on form 6177 is used to determine if a program is qualified.

• Bureau of Alcohol, Tobacco and Firearms
Scientific institutions and colleges—applications, notices, records of spirits and wines used, received, produced
ATF REC 5150/11
On occasion
Businesses or other institutions
Scientific institutions and colleges
SIC: 822 823
Small businesses or organizations
Federal law enforcement activities: 2,250 responses; 1,125 hours; $80 Federal cost; 1 form; not applicable under 3504(h)
Federal Education Data Acquisition Council, 202–426–5030

Accounts for alcohol on hand, running inventory, and ensurer use does not establish tax liability.

• Bureau of Alcohol, Tobacco and Firearms
Tobacco products manufacturers—supporting records of transfers in bond
ATF REC 5210/4
On occasion
Business or other institutions
Manufacturers of tobacco products
SIC: 213
Small businesses or organizations
Federal law enforcement activities: 1,872 responses; 62 hours; $40 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Supporting records of transfers in bond; used to verify transactions and inventory records.

• Bureau of Alcohol, Tobacco and Firearms
Tobacco Products manufacturers (Records of tax liability)
ATF REC 5210/2
Other—see SF83
Businesses or other institutions
Manufacturers of tobacco products
SIC: 213
Small businesses or organizations
Federal law enforcement activities: 40,560 responses; 13,520 hours; $20 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Records of operations in tobacco, cigars, and cigarettes—used to verify records pertaining to manufacture of cigars and cigarettes, and supplemental and auxiliary records used to verify accuracy.

• Bureau of Alcohol, Tobacco and Firearms
Application by proprietor of bonded winery or bonded wine cellars
ATF F 698 (5120.25)
On occasion
Businesses or other institutions
Bonded wine cellars

SIC: 208 518
Small businesses or organizations
Federal law enforcement activities: 832 responses; 832 hours; $1,375 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Regulations require individuals wanting to establish a winery to provide information concerning ownership, equipment, and premises. The information is submitted on this application.

• Bureau of Alcohol, Tobacco and Firearms
Licensed firearms manufacturers record of production, disposition and supporting data
ATF REC 5300/1
Other—see SF83
Businesses or other institutions
Manufacturers of firearms
SIC: 348
Small businesses or organizations
Federal law enforcement activities: 131,820 responses; 65,910 hours; $221 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Establishes tracing and audit trail—records show total number produced and to whom transferred, part of entire tracing program. Ascertain compliance with law, protection of the revenue.

• Bureau of Alcohol, Tobacco and Firearms
Manufacturers of ammunition—records and supporting data of ammunition manufactured and disposition
ATF REC 5000/2
On occasion
Businesses or other institutions
Manufacturers of ammunitions
SIC: 348
Small businesses or organizations
Federal law enforcement activities: 242,944 responses; 60,736 hours; $221 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880.

Accounting tool. Provides a record of total ammunition manufactured and to whom shipped for sale. Protection of revenue.

• Bureau of Alcohol, Tobacco and Firearms
Tobacco products manufacturers (auxiliary records of operations)
ATF REC 5210/1
Other—see SF83
Businesses or other institutions
Manufacturers of tobacco products
SIC: 213
Small businesses or organizations
Federal law enforcement activities: 40,560 responses; 4,056 hours; $2 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Operations and transaction in cigars and cigarettes, production, removals; establishes tax liability, protects the revenue.

• Bureau of Alcohol, Tobacco and Firearms
Manufacturers recovering taxpaid alcohol (applications and notices relating to operations)
ATF REC 5150/12
On occasion
Businesses or other institutions
Manufacturers recovering tax paid alcohol
SIC: 999
Small businesses or organizations
Federal law enforcement activities: 2,500 responses; 1,875 hours; $20 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Provides a trace through the process to ensure compliance of the law and no tax liability is incurred and not paid to the government.

• Bureau of Alcohol, Tobacco and Firearms
Importers, dealers, and collectors of ammunition; records and supporting data of acquisitions/dispositions of pistol and interchangeable calibers
ATF REC 7570/3
On occasion
Businesses or other institutions
Importers, dealers, and collectors of ammunition
SIC: 594
Small businesses or organizations
Federal law enforcement activities: 11,000,000 responses; 366,667 hours; $30 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Ascertain compliance with law, audit trail, pistol ammunition cannot be sold to anyone under 21, records show inventory entered and amounts sold as cross-reference to total in/out inventory.

• Bureau of Alcohol, Tobacco and Firearms
Dealers and users of proprietary and special industrial solvents
ATF REC 5150/17
On occasion
Businesses or other institutions
Dealers and users of proprietary/special industrial solvents
SIC: 516
Small businesses or organizations
Federal law enforcement activities: 1,500 responses; 3,000 hours; $20 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

To ascertain the revenue is not placed in jeopardy and protection thereof.

• Bureau of Alcohol, Tobacco and Firearms
Dealers and users in completely denatured alcohol (applications and notices, records of receipt, storage and dispositions)
ATF REC 5150/10
On occasion, monthly
Businesses or other institutions
Dealers/users or denatured alcohol (CDA)
SIC: 518
Small businesses or organizations
Federal law enforcement activities: 42,000 responses; 4,200 hours; $20 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Provides an audit trail, running inventory of spirits on hand and ensures use of alcohol does not incur tax liabilities.

• Bureau of Alcohol, Tobacco and Firearms
Tobacco products manufacturers (supporting records showing removals)
ATF REC 5210/3
On occasion
Businesses or other institutions
Manufacturers of tobacco products
SIC: 213
Small businesses or organizations
Federal law enforcement activities: 40,560 responses; 676 hours; $20 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Supporting record of removals subject to tax—used to verify tax liability.

• Bureau of Alcohol, Tobacco and Firearms
Application for license under 18 USC chapter 40 explosives
ATF F 4705 (5400.13)
On occasion
Businesses or other institutions
Manufacturers, importers, wholesalers, retailers—explosives
SIC: 289 516 599
Small businesses or organizations
Federal law enforcement activities: 5,000 responses; 10,000 hours; $4,425 Federal cost; 1 form; not applicable under 3504(h)
Irene Montie, 202–395–6880

Form is used to determine whether a person is qualified to engage in certain business in explosives. Describes the person, his business location, intended operations with explosives, criminal

record of person(s) applying, and explosives storage facilities.

CIVIL AERONAUTICS BOARD

Agency Clearance Officer—Clifford M. Rand—202–673–6042

New

- Policies of insurance for aircraft accident bodily injury and property damage liability

205–A
On occasion
Businesses or other institutions
U.S. route, charters, cargo and commuter air carriers, etc.
SIC: 451, 452
Small businesses or organizations
Air transportation: 1,400 responses; 700 hours; $4,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

The part 205 insurance requirements were adopted in order to protect the public's right to recover for losses incurred in accidents in which air carriers are involved. Form 205–A will be used to monitor compliance with those requirements.

- Registration/Amendment Under Part 294 of the Economic Regulations of the Civil Aeronautics Board

294–A
On occasion
Businesses or other institutions
Small Canadian airline companies
SIC: 452
Small businesses or organizations
Air transportation: 60 responses; 30 hours; $4,000 Federal cost; 1 form; not applicable under 3504(h)
Wayne Leiss, 202–395–7340

Requires Canadian charter air taxi operators to register with the board in order to obtain the requisite authority to conduct transborder service between Canada and the United States. Approval of the application will depend on whether the applicant meets the requirements of the U.S.-Canada nonschedules agreement and part 294 of the board's economic regulations.

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—Christine Scoby—202–382–2742

New

- Affirmation of Non-multinational Status for Pesticide Information

Nonrecurring
Individuals or households/State or local governments/businesses or other institutions
Indiv. that request data from EPA on pesticide registration
SIC: 999
Pollution control and abatement: 400 responses; 100 hours; $600 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The affirmation of multinational status is a statment which must be made by anyone requesting company-submitted test data on pesticides. The requester must sign a form stating he/she is not affiliated with a multinational pesticide producer.

- Application for FIFRA Product Classification Section 24(c)

Nonrecurring
Businesses or other institutions
Pesticide chemical production and marketing industry
SIC: 286
Small businesses or organizations
Agricultural research and services: 400 responses; 400 hours; $3,200 Federal cost; 1 form; not applicable under 3504(h)
Edward H. Clarke, 202–395–7340

The FIFRA requires all federally registered pesticide products/uses to be classified for either restricted or general use. Information obtained is used for classifying a product/use.

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Clearance Officer—Panos Konstas—202–389–4481

Extensions (No Change)

- Application for Federal Deposit Insurance—Commercial Banks

6200 05
Nonrecurring
Businesses or other institutions/individuals or households
State-chartered commercial banks seeking FDIC insurance
SIC: 602
Small businesses or organizations
Mortgage credit and thrift insurance: 102 responses; 25,500 hours; $20,200 Federal cost; 1 form; $637,500 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

Application requests information covering the statutory factors which must be satisfied in order to qualify for Federal deposit insurance of commercial banks.

- Application To Establish A Branch

FDIC 6210/06
Nonrecurring
Businesses or other institutions
State nonmember insured banks
SIC: 602, 603
Mortgage credit and thrift insurance: 889 responses; 52,095 hours; $61,100 Federal cost; 1 form; $520,950 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

Application requests information needed to aid in a determination of whether the statutory factors are satisfactorily met.

FEDERAL RESERVE SYSTEM

Agency Clearance Officer—Carolyn B. Doying—202–452–2983

Revisions

- Officers' Checks and Deposits Report

FR 2019
Other—see SF83
Businesses or other institutions
Sample of foreign-related institutions
SIC: 605
General government: 6,300 responses; 567 hours; $3,120 Federal cost; 1 form; $8,505 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

Report collects data on officers' checks and deposits at sample of foreign-related institutions for use in calculating the cash items bias adjustment for the monetary aggregates. Also provides data for early estimates of the aggregates.

Extensions (Burden Change)

- Report of Condition and Income

FFIEC 010, 011, 011J, 012, 013, 013J, 013S, 014, 015
Quarterly, semiannually, annually
Businesses or other institutions
State chartered member commercial banks
SIC: 602
Small businesses or organizations
General Government: 6,625 responses; 116,195 hours; $292,453 Federal cost; 9 forms; $2,323,900 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

These reports provide for all State member banks a quarterly summary statement and detail schedules of assets, liabilities, and capital accounts in the form of a condition report, and summary statement and detail schedules of operating income and expenses, sources and disposition of income and changes in equity capital in the form of an income statement. Banks with foreign offices also provide income attributable to international business and additional detail of foreign.

Extensions (No Change)

- Investment in Bank Premises Application

Nonrecurring
Businesses or other institutions
Banks

SIC: 602
Small Businesses or organizations
General government: 50 responses; 100 hours; $12,000 Federal cost; 1 form; $2,000 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

A bank must receive regulatory approval to invest in bank premises in an amount greater than 100% of its capital stock.

• Quarterly Report of Rates on Selected Direct Consumer Installment Loans
FR 2835
Quarterly
Businesses or other institutions
Sample of member commercial banks
SIC: 602
General government: 960 reponses; 2,045 hours; $16,382 Federal cost; 1 form; $30,675 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

This report collects interest rate information on selected consumer installment loans from a sample of member commercial banks. Information provided by this report is needed as part of the estimation of consumer and business credit, which is used in general financial analysis for monetary policy purposes.

• Application to Issue Capital Notes
On occasion
Businesses or other institutions
Banks
SIC: 602
Small businesses or organizations
General government: 50 responses; 100 hours; $12,000 Federal cost; 1 form; $2,000 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

A bank that wants to issue capital notes as a part of its capital structure must receive the approval of the appropriate Federal banking agency.

• Report on Indebtedness of Executive Officers and Principal Shareholders and their Related Interests to Correspondent Banks
FFIEC 004
Annually
Individuals or households
State member banks
General government: 20,000 responses; 160,000 hours; $150,000 Federal cost; 1 form; $2,400,000 public cost; not applicable under 3504(h)
Irene Montie, 202–395–6880

Executive officer and principal shareholder of member banks who are indebted to correspondent banks must file reports, form FFIEC 004, on such indebtedness to them or their related interests. State member banks are required to retain these reports for a period of three years.

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—202–566–1164

Extensions (Burden Change)

• Summary Subcontract Report
SF 295
Quarterly
Businesses or other institutions
Large business firms which hold Government contracts
SIC: all
Small businesses or organizations
Executive direction and management: 8,000 responses; 136,000 hours; $200,000 Federal cost; 1 form; $1,600,000 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

Pub. L. 95–507 requires that every contract over $500,000 ($1 M for construction) contain a subcontracting plan with goals for subcontracting to small and small disadvantaged firms. The data will be used by each procuring agency to monitor each prime contractor's performance against the goals set in its subcontracting plan for small and small disadvantaged firms.

• Subcontracting Report for Individual Contracts
SF 294
Semiannually
Businesses or other institutions
Large bus. firms which are required to establish plans, etc.
SIC: all
Executive direction and management: 30,000 responses; 75,000 hours; $364,000 Federal cost; 1 form; $750,000 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

This report is used by contracting officers to monitor contractor's performance against the subcontracting plan. Subcontracting plans are a material part of all contracts $500,000 under Pub. L. 95–507.

Reinstatements

• Application/Permit for use of Space in Public Buildings and Grounds
GSA 3453
On occasion
Individuals or households/State or local governments/businesses or other institutions.
General public
SIC: 154 250
Small business or organizations
General property and records management: 12,500 responses; 1,041 hours; $13,000 Federal cost; 1 form; $8,000 public cost; not applicable under 3504(h)
Franklin S. Reeder, 202–395–3785

The GSA form 3453 is completed by any person or organization desiring to use public areas of a public building or its grounds. The information is used to approve or disapprove the issuance of a single permit within 10 calendar days following receipt of the application form.

OFFICE OF PERSONNEL MANAGEMENT

Agency Clearance Officer—John P. Weld—202–632–7737

Extensions (Burden Change)

• Open Season Transactions
FEHBP Enrollment by Payroll Office, FEHBP Enrollment Summary Reports No. 7, 8, and 9
On occasion
Business or other institutions
Health benefit carriers
SIC: 632
Small business or organizations
Federal employee retirement and disability: 875 responses; 21,000 hours; $12,300 Federal cost; 3 forms; not applicable under 3504(h)
Robert Veeder, 202–395–4814

Title 5, U.S.C., chapter 89, Section 8910 gives authority to OPM to collect information to negotiate premiums and properly pay carriers from the Federal Employees Health Benefits Trust Fund. These reports are used for that purpose.

Arnold Strasser,
Acting, Chief of Reports Management.

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RAILROAD RETIREMENT BOARD

Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning January 1, 1982, shall be at the rate of 17 cents.

In accordance with directions in section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning January 1, 1982, 19.9

percent of the taxes collected under sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 80.1 percent of the taxes collected under such sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

By Authority of the Board.

Dated: October 30, 1981.

James T. Brown,

Chief Executive Officer.

[FR Doc. 81-32106 Filed 11-4-81; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22251; 70-6361]

Appalachian Power Co. et al.; Proposal of Holding Company To Make Cash Capital Contributions to Subsidiary

October 30, 1981.

In the matter of Appalachian Power Company, 40 Franklin Road, SW., Roanoke, Virginia 24011; Columbus and Southern Ohio Electric Company, 215 North Front Street; Columbus, Ohio 43215; Indiana & Michigan Electric Company, 2101 Spy Run Avenue, Fort Wayne, Indiana 46801; Kentucky Power Company, 1701 Central Avenue, Ashland, Kentucky 41101; Kingsport Power Company, 422 Broad Street, Kingsport, Tennessee 37662; Michigan Power Company, Post Office Box 367, Three Rivers, Michigan 49093; Ohio Power Company, 301 Cleveland Avenue SW., Canton, Ohio 44701; Wheeling Electric Company, 51 Sixteenth St., Wheeling, West Virginia 26003; and American Electric Power Company, Inc., 2 Broadway, New York New York 10004 (70-6361).

American Electric Power Company, Inc. ("AEP"), a registered holding company, and Appalachian Power Company ("Appalachian"), Columbus and Southern Ohio Electric Company ("CSOE"), Indiana & Michigan Electric Company ("I&M"), Kentucky Power Company ("KPCO"), Kingsport Power Company ("Kingsport"), Michigan Power Company ("Michigan"), Ohio Power Company ("Ohio Power") and Wheeling Electric Company ("Wheeling"), public utility subsidiaries, have filed with this Commission a post-effective amendment to their application-declaration previously filed and amended pursuant to Sections 6(b) and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(2) promulgated thereunder.

By prior orders in this proceeding dated December 9, 1980 (HCAR No. 21832), AEP was authorized to issue from time to time prior to January 1, 1982, up to an aggregate amount of $165,000,000 of commercial paper and short-term notes to 14 banks with lines of credit in an aggregate amount of $239,000,000. Such notes mature no later than June 30, 1982. AEP was also authorized to make cash capital contributions from time to time subsequent to December 31, 1980 and prior to January 1, 1982, to Appalachian in the amount of $60 million, to CSOE in the amount of $40 million, to I&M in the amount of $90 million, to KPCO in the amount of $20 million and to Ohio Power in the amount of $60 million. By order dated July 2, 1981 (HACAR No. 22120), AEP was authorized to make capital contributions of $2,000,000 to Kingsport prior to January 1, 1982.

By post-effective amendment AEP seeks authorization to also make cash capital contributions from time to time prior to January 1, 1982 to Wheeling in the aggregate amount of $3,000,000. The funds will be used to partially finance Wheeling's general obligations, including estimated expenditures of $3,900,000 for Wheeling's 1981 construction program, and for other corporate purposes.

The application-declaration as amended by the post-effective amendment 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 Nobember 23, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-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 amended by the post-effective amendment or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-32066 Filed 11-4-81; 8:45 am]

BILLING CODE 8010-01-M

DataForce International, Inc.; Order of Suspension of Trading

October 30, 1981.

It appearing to the Securities and Exchange Commission that unusual market activity as well as a possible distribution of unregistered securities has occurred in the securities of DataForce International, Inc.,

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in DataForce International, Inc. over-the-counter or otherwise is suspended, for the period from 2:45 p.m. on October 30, 1981 through midnight on November 8, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-32063 Filed 11-4-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22253; 70-6653]

Eastern Utilities Associates et al.; Proposed Issuance and Sale and Acquisition of Common Stock Pursuant to an Employees' Savings Plan and Exception From Competitive Bidding

October 30, 1981.

In the matter of Eastern Utilities Associates, EUA Service Corporation, P.O. Box 2333, Boston, Massachusetts 02107; Blackstone Valley Electric Company, Washington, Highway, P.O. Box 1111, Lincoln, Rhode Island 02865; Eastern Edison Company, 110 Mulberry Street, Brockton, Massachusetts 02403 and Montaup Electric Company, P.O. Box 391, Fall River, Massachusetts 02722 (70-6653).

Eastern Utilities Associates ("EUA"), a registered holding company, and its above-named subsidiary companies have filed a declaration with this Commission pursuant to Sections 6(a), 7, and 12(c) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 42 and 50(a)(5) promulgated thereunder.

EUA intends to establish an Employees' Savings Plan ("Plan") which will meet the requirements of the Employee Retirement Income Security Act of 1974 and will be qualified and exempt under Sections 401(a) and 501(a) of the Internal Revenue Code of 1954, as

amended. The purpose of the Plan is to encourage savings by employees of EUA and its subsidiary companies.

EUA and its subsidiaries, during the period ending December 31, 1983, propose to contribute to the Plan common shares, $5 par value, of EUA or cash which will be used to purchase common shares from EUA. The common shares to be purchased from EUA or contributed to the Plan may be shares purchased on the open market or previously unissued shares and will not exceed an aggregate of 200,000 shares. Whenever cash contributions to the Plan by the companies are used to purchase common shares from EUA, the proceeds will be added to the general funds of EUA and may be used for, among other corporate purposes, the payment or payments of outstanding short-term indebtedness.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 30, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the declaration, as 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. 81-32067 Filed 11-4-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22257; 70-6668]

Kentucky Power Co.; Proposed Issuance and Sale of First Mortgage Bonds

November 2, 1981.

Kentucky Power Company ("Kentucky"), 1701 Central Avenue, P.O. Box 1428, Ashland, Kentucky 41101, an electric utility subsidiary of American Electric Power Company, Inc., a registered holding company, has filed an application-declaration with this Commission pursuant to Sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(2) promulgated thereunder.

Kentucky proposes to issue and sell up to $30,000,000 principal amount of its first mortgage bonds ("Bonds"), due 1989. The Bonds will be dated December 1, 1981, and will be sold to Metropolitan Life Insurance Company ("Metropolitan") in a negotiated private sale. The interest rate on the Bonds, which was agreed to by Kentucky and by Metropolitan on October 19, 1981, will be 17-¾% per annum, and the price to be paid by Metropolitan to Kentucky will be 100% of the principal amount of the Bonds. The Bonds will be issued under and secured by the Mortgage and Deed of Trust, dated as of May 1, 1949, between Kentucky and Bankers Trust Company, as supplemented and amended and as to be further supplemented and amended. The terms of the bonds will preclude Kentucky from redeeming any Bonds at a regular redemption price prior to the expiration of five years subsequent to the first day of the month in which Bonds of such series are first authenticated and delivered, if such redemption is for the purpose of refunding any such Bond through the use, directly or indirectly, of borrowed funds at an effective interest cost of less than 17.75% per annum. The Bonds will be subject to a sinking fund payment of $15,000,000 on December 1, 1988. Other terms of the Bonds will be determined by negotiation and will be provided by amendment. Such terms are expected to be substantially similar to Kentucky's last private placement with Metropolitan which was authorized by Commission order dated October 15, 1979 (HCAR No. 21251). The Bond proceeds will be used to repay Kentucky's unsecured, short-term debt of approximately $34,000,000 as of October 15, 1981, and for other corporate purposes.

In anticipation of the Bond sale, Kentucky proposes to issue a promissory note to Metropolitan in a principal amount of $20,000,000 on December 1, 1981 to be repaid from the Bond proceeds. The note will bear interest at the rate of 17-¾% per annum and will mature on January 6, 1982 unless closing is postponed. If closing is postponed, it will mature on the closing date, which will be no later than January 31, 1982.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 27, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-32157 Filed 11-4-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22256; 70-6647]

Middle South Services, Inc. and Middle South Utilities Inc.; Proposal of Parent To Guaranty Building Lease.

October 30, 1981.

In the matter of Middle South Services, Inc., Middle South Utilities, Inc., 225 Baronne Street, New Orleans, Louisiana 701122 (70-6647).

Middle South Utilities, Inc. ("Middle South"), a registered holding company and Middle South Services, Inc. ("Services"), its subsidiary, have filed a declaration pursuant to sections 9(a)(1), 12(b) and 13(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 thereunder.

Services intends to enter into a leasing transaction with non-affiliate lessors ("Lessor") pursuant to which Services will lease from Lessor under a long-term lease ("Lease") all five floors, including all improvements attached to or used in connection with such space ("Leased Premises"), of a five-story office building to be erected by Lessor ("Building") in accordance with various provisions of the Lease and the terms and conditions set forth in a letter, incorporated by reference in the Lease, from Lessor to Services. The Building will be located in the Lease, from Lessor to Services. The Building will be located in Timbers Office Park, New Orleans, Louisiana. Services expects to occupy the Leased Premises on or about September 1, 1982. Neither the Lessor nor any corporation or person affiliated with the Lessor is or will be affiliated with Services or any of its affiliated companies.

In conjunction with this transaction, Middle South proposes to guarantee the performance by Services of its Lease obligations without recourse to Services first being required.

The Leased Premises are intended to be used by Services for general office purposes, in connection with the performance by Services of its functions as a subsidiary service company. Services may from time to time make a portion of the Leased Premises available for use by its affiliated companies or others. The rentable area of the Leased Premises is currently estimated to be approximately 104,915 rentable square feet.

Annual Lease payments to be made by Services over the term of the Lease will be as follows: (1) During the Initial Term, in an amount equal to the sum of (a) $16.75 per rentable square foot of the Leased Premises ("Annual Rental"), estimated to aggregate $1,757,326 based upon 104,915 rentable square feet, and (b) Services' proportionate share of the excess, if any, of the direct expenses paid or incurred by Lessor for the operation and maintenance of the Building and related land over and above Lessor's operating expense base (defined in the Lease as the product of $3.50 and the number of rentable square feet in the Building) ("Additional Rental"), the amount of Annual Rental to be adjusted at the beginning of the sixth and eleventh years of the Lease to reflect, among other things, changes in the Consumer Price Index; (2) during the first Renewal Term 90% of the fair market rental for similar space in the area, plus Additional Rental; and (3) during the second Renewal Term, 100% of the fair market rental for similar space in the area, plus Additional Rental.

The term of the Lease will commence on the earlier of (1) the 30th day after the date of Substantial Completion or (2) the date Services occupies the Leased Premises for conducting normal business operations. The Lease will have an initial term of approximately 15 years ("Initial Term"), and two consecutive five-year renewal terms ("Renewal Term"), the first Renewal Term to begin, should Services choose to renew, upon the expiration of the Initial Term. The Lease also provides that Services shall have a right of first refusal to lease the Leased Premises from Lessor upon the expiration of the second Renewal Term, provided that the second Renewal Term becomes effective.

Services shall have the option to lease space in at least one additional building ("Expansion Unit") to be erected in Timbers Office Park by the Lessor ("Expansion Option"). The Expansion Option may be exercised by Services during the period commencing on the first day of the fifth year of the Lease and on a date before the end of the seventh year which will provide Services occupancy before the end of the seventh year.

The Lease payments to be made by Services are such that Services will not acquire any equity in the Building or the Leased Premises, and consequently the Lease will be accounted for by Services as a lease. Services share of any rental income resulting from a sublease to a non-affiliate would be accounted by transferring to an indirect rent expense account any rental income in excess of related rental costs which would then be deducted from amounts reimbursable by associate companies. In the event that Services sublets a portion of the Leased Premises during any Renewal Term or the Expansion Unit to a non-affiliated party, Services would pay to the Lessor 50% of the Net Profit derived from such sublease.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Any interested persons wishing to comment or request a hearing should submit views in writing by November 23, 1981 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarants at the address specified above. Proof of service (by affidavit or, in the 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 filed or as it may be 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. 81-32064 Filed 11-4-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22254; 70-6626]

Monongahela Power Co. & Potomac Edison Co.; Proposal of Subsidiaries to Guaranty Obligations of Non-Affiliated Single Purpose Corporations

October 30, 1981.

In the matter of Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, West Virginia 26554 and The Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 21740 (70-6626).

Monongahela Power Company ("Monongahela"), and the Potomac Edison Company ("Potomac"), public utility subsidiaries of Allegheny Power System, Inc. ("APS"), a registered holding company, have filed an application and an amendment thereto pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) thereunder.

It is proposed that Monongahela and Potomac (the "Utilities") each obtain a portion of its working capital, including working capital to finance its coal inventory, through Allegheny Energy Corporation ("AEC(MON)") and Allegheny Energy Corporation ("AEC(PEC)"), (the "Energy Corporations"), separate, non-affiliated, single-purpose corporations to be established under the laws of Delaware and to be owned by affiliates of or persons associated with A. G. Becker, Inc. The sole business of the Energy Corporations will be to make advances to and receive repayment of advances from the Utilities and to issue and pay commercial paper, to make borrowings from and repayments to banks in connection with raising funds for advances to the Utilities. The corporate powers, contractual obligations and rights of each of these corporations will be identical except that AEC(Mon) will function solely for Monongahela and AEC (PEC) will function solely for Potomac.

Monongahela or Potomac, as the case may be, will be obligated to pay from time to time, to its Energy Corporation, such amounts as may be necessary to pay all the obligations, including interest, commitment fees, and other amounts required to be paid by its energy Corporation to banks, discount and finance expenses incurred by its Energy Corporation in connection with the sale of commercial paper, the fees related to commercial paper and any other expenses and taxes (other than income taxes) due and payable, which its Energy Corporation may incur. In addition each utility will pay its Energy Corporation a fee of $5,000 per year. The Utilities' obligations to the Energy Corporations will be secured by a lien on the Utilities' coal inventories, including their undivided interest in the inventory at jointly owned stations.

In order to raise funds for advances to the Utilities, each Energy Corporation and the appropriate utility company will enter into a separate Credit Agreement with Dresdner Bank, A.G., New York

Branch, as Agent Bank, and four other New York branches of foreign banks ("Banks") which will provide a commitment of up to $35,000,000 of credit to or for the account of the Energy Corporation in the form of Revolving Loans, Refunding Loans and Letters of Credit. Each Credit Agreement will have an initial term of four years, subject to extention for additional one year periods by agreement of the parties. At the time of any extension of the credit facility, the interest formula on loans will be negotiated for the additional year. Monongahela and Potomac will each pay a commitment fee of ⅜ of 1% per annum on the unused portion of its credit facility, quarterly in arrears.

As security for the performance of the Energy Corporations' and Utilities obligations and duties under the Credit Agreements, the Energy Corporations security interest in the Utilities' coal inventory will be assigned to the Banks. Up to 25% of the maximum of the credit facility may be utilized without regard to the amount of the Utilities' coal inventories. Monongahela, Potomac, and their affiliate, West Penn Power Company, normally maintain coal stocks representing about 50 days requirement to meet internal system load, but coal piles vary from time to time. Absent unusual circumstances, the values of the coal piles of Monongahela and Potomac are about $26,530,000 and $25,000,000 at any one time, including each of their undivided interest in the coal piles at jointly owned generating stations. The Banks and the commercial paper noteholders will also be granted a security interest in all claims which the respective Energy Corporations have against the Utilities and in two separate bank accounts, the Administrative Account and the Redemption Account to be established with Manufacturers Hanover Trust Company, as Depositary. Such accounts will be held for the prior benefit of the holders of commercial paper under the Credit Agreement.

The commercial paper offered by each Energy Corporation will be in the form of promissory notes in denominations of not less than $100,000, with a maximum maturity of not more than 45 days from the date of issue, and will have attached a letter of credit. Each Energy Corporation has designated A. G. Becker & Co., Incorporated as its commercial paper dealer, but reserves the rights, on notice to the Commission, to change the commercial paper dealer. The commercial paper will be sold directly to the dealer or to a customer as arranged by the dealer, at a discount to be negotiated based on the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and of the particular maturity sold by issuers to dealers in commercial paper. The commercial paper will not be prepayable prior to maturity.

The commercial paper to be sold by the Energy Corporations will be supported by the Banks' irrevocable and unconditional obligation to make Refunding Loans to pay maturing commercial paper and by bank letters of credit. Refunding Loans are due within five days and bear interest at ¾ of a percent (⅞% for year 4) above the Daily Federal Funds Rate. Refunding Loans are to be paid on or prior to the due date or, if not paid when due, are automatically converted into Revolving Loans.

The commercial paper is expected to be rated P-1 as a result of the supports provided by the Banks. Commercial paper of the Utilities is rated P-2. P-1 commercial paper can be expected to have an effective interest cost of 40 to 100 basis points (average 75 points) lower than P-1 commercial paper. It is expected that the overall cost of financing pursuant to the proposed arrangement will be substantially more economical than any other means now available.

Revolving Loans, which may be prepaid without premium or penalty, are to bear interest as specified by the borrowing Energy Corporation as follows: ¾% (⅞% in the last year) above (i) the Interbank Rate for deposits by prime banks in the interbank Eurodollar market, (ii) the Periodic Federal Funds Rate for deposits in federal funds in the U.S. domestic interbank market, (iii) the Daily Federal Funds Rate, or (iv) the greater of 108% of the Agent Bank's New York City Prime Rate or a formula rate described in the Credit Agreement. Under the interest formulas applicable during the first three years of the Revolving Loans, the effective cost of borrowing would range from 18.25% under alternative (ii) assuming a Federal Fund Rate of 17.5%, to 22.14% under alternative (iv), assuming a prime rate of 20.5%. Alternative (iv) would be used if the other rates cannot reasonably be ascertained. Revolving Loans may be made in an amount equal to the Banks' commitment less all outstanding commercial paper and Refunding Loans.

Any advances to the Utiliies pursuant to the Credit Agreements may be prepaid by the Utilities at any time and will, in any event, be due whenever required to repay Bank loans and upon the expiration of the credit facility. The credit facility will terminate upon the expiration of the Credit Agreement, or upon Monongahela and Potomac's default or election to terminate the credit facility, or, in the event any of the Banks is prohibited by law from continuing to participate, to the extent of that Bank's participation.

It is stated that the proposed transactions would give the Utilities access to the Euro-dollar market, a new source of capital in addition to their traditional bank lines. The proposed transactions are expected to provide the Utilities with more economical sources of capital. The flexibility of obtaining short-term funds at the lower of commercial paper rates, the interbank rate of the Euro-dollar market, federal funds or based on prime is expected to assure the availability of economical funds and to protect against adverse conditions in any one of those markets.

The application, as amended, is available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 16, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants at the addresses specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date the amended application, as filed or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-32068 Filed 11-4-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18223; SR-NYSE-81-23]

New York Stock Exchange, Inc.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

October 30, 1981.

In the matter of New York Stock Exchange, Inc., Eleven Wall Street, New York, New York 10005 (SR-NYSE-81-23).

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act"), notice is hereby given that on October 30, 1981,

the New York Stock Exchange, Inc. ("NYSE") filed with the Commission copies of a proposed rule change which would amend paragraph .40 of the NYSE's Rule 103A, the "sunset" provision, to extend the rule's effectiveness from October 31, 1981 to January 15, 1982.[1] Rule 103A provides for the evaluation of specialist performance and establishes a non-disciplinary procedure for the reallocation of stocks due to substandard specialist performance. The NYSE previously filed with the Commission a proposal (SR–NYSE–81–11) to delete the "sunset" provision of Rule 103A in order to make the rule permanent.[2] This proposal is now under consideration by the Commission.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Reference should be made to File No. SR–NYSE–81–17.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C.

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 exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the two-year pilot program under Rule 103A expires on October 31, 1981, unless extended. The Commission believes that it is appropriate to continue the program on a pilot basis while it consideres the NYSE's proposal (SR–NYSE–81–11) to make Rule 103A permanent.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above 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. 81–32065 Filed 11–4–81; 8:45 am]

BILLING CODE 8010–01–M

[1] Rule 103A was approved by the Commission as a two-year pilot program terminating on May 15, 1981. Securities Exchange Act Release No. 15627 (May 15, 1979), 44 FR 100 (May 22, 1979). On May 8, 1981, the Commission approved an amendment to Rule 103A (SR–NYSE–81–12) which extended the rule's effectiveness to August 15, 1981. Securities Exchange Act Release No. 18032 (May 8, 1981), 46 FR 26981 (May 15, 1981). On August 14, 1981, the Commission approved an amendment to Rule 103A (SR–NYSE–81–17) which further extended the rule's effectiveness to October 31, 1981. Securities Exchange Act Release No. 18032 (August 14, 1981) 46 FR 42561 (August 21, 1981).

[2] Notice of publication of this filing was given by a Commission release (Securities Exchange Act Release No. 17750, April 23, 1981) and by publication in the **Federal Register** (46 FR 24351, April 30, 1981).

[Release No. 18227; SR-PSE-81-16]

Pacific Stock Exchange, Inc.; Order Approving Proposed Rule Change

October 30, 1981.

In the matter of Pacific Stock Exchange, Inc., 301 Pine Street, San Francisco, CA 94101 (SR–PSE–81–16).

On September 10, 1981, the Pacific Stock Exchange, Inc. ("PSE") 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) ("Act") and Rule 19b–4 thereunder, copies of a proposed rule change to amend PSE Rule I, Section 23 and adopt Equity Floor Procedure Advice 1–B. The proposed rule change authorizes the Joint Equity Floor Trading Committee to issue floor citations and/or impose other sanctions on members or persons associated with member organizations for conduct on the equity floor which would impair the maintenance of a fair and orderly market or impair confidence in the operations of the PSE. The rule change also sets forth the procedures to be followed in cases involving alleged violations of conduct rules, policies or procedures and establishes a schedule of penalties based upon the nature and frequency of the violation.

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. 18115, September 23, 1981) and by publication in the **Federal Register** (46 FR 47690, September 29, 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 exchange 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. 81–32158 Filed 11–4–81; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–18219; File No. SR–PSE–81–12]

Self-Regulatory Organizations; Proposed Rule Change by Pacific Stock Exchange Inc.

In the matter of proposed rule change relating to a proposal to establish a market for trading of standardized options contracts on gold currencies. Comments requested on or before January 4, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 27, 1981, the Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by self-regulatory organization. The Pacific Stock Exchange filed an amendment to this proposed rule change on September 28, 1981. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The terms of the proposed rule change are summarized below.

Rule VI, Section 1

Definitions of the terms "Call," "Put," "Class of Options," "Underlying Stock," "Exercise Price," "Aggregate Exercise Price," and "Covered" are to be modified to apply to options on gold currencies or otherwise clarify meanings in the context of trading in options on both underlying stock and underlying gold currencies. The definition of

"covered" in the context of gold currency options is added to allow for cover through use of quarantee letters, letters of credit or similar documentation issued by an approved depository, as well as by methods used to cover in stock options contracts. New definitions would be added for "Gold Currency," "Underlying Gold Currency" and "Gold Currency Price." "Gold Currency" would be defined as gold coins minted by a sovereign government and designated by PSE as the standard unit of trading in gold currency options. "Underlying Gold Currency" is defined as that currency the Options Clearing Corporation ("OCC") is obligated to sell (for call options) or purchase (for put options) upon valid exercise of the option contract. "Gold Currency Price" is defined as the value fixed for the sale of contracts relating to the gold currency or in the cash market for the gold currency, as reflected in the gold currency price quotation reported by the dissemination system selected by the Exchange.

Numerous sections of Rule VI are proposed to be amended in order to indicate the applicability of the sections to gold currency options or to underlying gold currencies.

Section 4

Under Section 4(b), expiration cycles for trading in gold currency options would be set in the expiration cycle of Janaury-April-July-October, the same as stock options in a Janaury expiration cycle. Prices would be set for new series of gold currency options in essentially the same way as for stock options, based on the price of the underlying gold currency at the time. Commentary .02 is added to show the exercise price intervals for gold currency options and to clarify that all other procedures for adding new series in stock options under the "Exercise Price Amendments" will be applicable to gold currency options. Commentary .03 clarifies Section 4(c) to state that during the initial pilot program, with trading hours between 6:25 a.m. and 11:30 a.m. Pacific Time ("PT"), closing rotations on expiration Fridays for gold currency options shall be at 10:30 a.m. PT. When trading on gold currency options is extended to approximately 1:00 p.m. PT, closing rotations will be held at 12 noon, the same as for stock options.

Sections 5 and 6

A commentary is added to Section 5 that would set position limits for gold currency options at 2,000 contracts on the same side of the market in a particular gold currency. Section 6, setting exercise limits at 2,000 contracts, remains unchanged since its language is applicable to the exercise of either stock or gold currency options.

Sections 11 and 13

Section 11 would be added to designate standards for the selection of underlying gold currencies suitable for options trading. The standards set initially are that a gold coin minted by a sovereign government should contain no less than the amount of pure gold denominated on its face and that at least five million of the coins be in circulation. Section 13 sets forth a procedure for withdrawal of approval of an underlying gold currency that no longer meets the standards.

Section 32

Along with amending this section to reflect trading of gold currency options, a new commentary is added describing acceptable delivery upon exercise of a gold currency option contract. Either South African Krugerrands or Canadian Maple Leafs will be acceptable if each group of coins representing one contract contains 10 ounces of gold coins, all being of one or the other gold currency. The coins may be in denominations of less than one-ounce but all the coins must be the same denomination.

Section 37

Two reasons for possibly halting trading in gold currency options would be added to Section 37(a). The first is if trading in gold itself is halted or suspended and the second is if the Exchange becomes aware of a proposed modification or discontinuance of a gold currency on which listed options are traded.

Sections 45 and 46

PSE proposes additions to its rules on bidding that would make the differential in bids and offers for gold currency options whole dollars, with a $1 minimum bid or offer. The Options Floor Trading Committee is given the power to adjust the differential (as with stock options) and to adjust units of trading if OCC adjusts units of trading in accordance with its rules.

Section 79

The section describing expected obligations of market makers will be amended to state the expectation that certain minimum spreads will be maintained depending upon the price of the last sale (*e.g.*, $4 if the last transaction was for less than $10; $6 if it was $10 but less than $100; $10 if the last transaction was for $100 but less than $200; $20 in other cases). Further, market makers bids and offers are expected to be no more than $10 lower (bids) or higher (offers) than the last transaction for the option contract, but adjustment is allowed to reflect changes in the price of underlying gold currency.

Rule XI, Section 1

A new section 1(c)(2) would be added to apply to situations in which member firms extend credit in accounts that include interests or contracts not considered by Rule XI. The required margin will then be determined by the rules of another regulatory organization of which the member firm creditor is also a member or, if it is not a member of another such regulatory organization, then by the greatest amount that is required by any regulatory organization the rules of which considered the matter. PSE believes this rule provides adequate risk protection in instances in which its rules do not otherwise govern.

Rule XI, Section 2

Section 2(d)(2) would be amended to place a maximum valuation on gold currency for margin or credit purposes of 80% of its current market value. This is consistent with the rules of other exchanges and the related net capital rule of the Securities and Exchange Commission. Current market value will be based on information available to the general public. Safeguards are also present in the rule with respect to necessary steps in order for physical possession or control to be deemed to exist.

An addition would also be made that sets minimum margins when an account is short puts, calls or gold currencies, similar to the rule for stock options. The addition also specifies the ability of the member firm creditor to obtain adequate margin through use of escrow receipts, option guarantee letters, bank deposit or a letter of credit. These methods are analogous to methods of cover in the context of stock options or, with respect to the letter of credit concept, to the way most OCC clearing members meet margin requirements. It is expected that its use makes covered option writing available to more persons, but with no less protection to PSE's member firms.

II

(A) Self Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change is to establish a trading market on the Pacific Stock Exchange Incorporated ("PSE" or the "Exchange") in standardized option contracts on gold currencies. This market would function in virtually an

identical fashion to the existing PSE market in options on underlying common stock, with expiration cycles and exercise prices being set by PSE, and a secondary market existing to close-out options previously purchased or sold. The premium on any option on an underlying gold currency would be subject to negotiation by the parties on the floor of the Exchange. All of the safeguards that exist for trading in options on stock would apply to options on gold currencies. The options would be traded on the same floor as stock options as part of PSE's existing Market Maker system, so that specific obligations for maintenance of a fair and orderly market would be present, just as in the case of stock options.

The rule changes that are necessary to establish the trading market for options on gold currencies fall into two broad categories. Most of the changes are merely technical in nature (*e.g.*, adding the phrase "or gold currency" following "the underlying stock"). The other changes are necessitated because of gold currencies or the nature of the underlying currencies that require some modification of an existing rule (*e.g.*, opening and closing times, exercise price intervals) or require new provisions unrelated to trading in stock options (*e.g.*, definitional sections). Changes are proposed to Rule VI and Rule XI of the PSE Rules. Specific discussion of certain changes that are particularly significant follows.

Rule VI—Exchange Options Trading

Section 1, the definitional section, is amended to make the definitions of various terms such as "exercise price," "put" and "call" applicable to options on gold currencies, and to add definitions of the terms "Gold Currency," "Underlying Gold Currency" and "Gold Currency Price." The definition of "gold currency" is limited to those gold coins minted by a sovereign government. The definition of "Gold Currency Price" permits the Exchange to select a quotation or transaction price dissemination system to serve as a basis for fixing value. The definition of "covered" with respect to a short position in an option contract on a gold currency is added to reflect the fact that guarantee letters, bank deposits, or letters of credit may be used to cover short positions in gold currencies, as well as the type of "cover" arrangements permitted with respect to options on stocks.

Section 4(b) sets the expiration cycle for gold currency options as a January-April-July-October cycle, the same as January cycles for stock options. The proposed rule change adds a procedure for setting the price of new gold currency options series that is virtually identical to the procedure for opening new classes of stock options, generally based, of course, on the cash price of the gold currency at the time. However, Commentary .02 points out that the exercise price intervals for gold currency options will be different from those set for stock options. Commentary .03 clarifies how closing rotations on expiration Fridays will be handled during our initial pilot program, with trading between 6:25 a.m. and 11:30 a.m. Pacific Time ("PT"). Closing rotations will be held at 10:30 a.m. PT during this pilot program. When trading hours for gold currency options are extended to approximately 1:00 p.m. PT, closing rotations will be held at 12 noon, the same as stock options.

Position limits for gold currency options have been set initially in Commentary .06 to Section 5 of the proposed rule change at 2,000 contracts on the same side of the market in a particular gold currency, the same as stock options. PSE believes that the contract design provides enough liquidity in the underlying gold currencies to alleviate risks of a shortage in the underlying gold currency available for delivery and to reduce the potential for manipulations which might affect the price of the gold currency option or its underlying gold currency. A limit of 2,000 contracts will also reduce public confusion which might be caused by having different limits for stock and gold currency options. Section 6, with its current language, sets exercise limits for gold currency options at 2,000 contracts.

Section 11 of Rule VI sets forth the procedure for approval of the gold currencies underlying the options contracts. It requires that the gold coins be minted by soverign governments, that each coin contain at least the amount of pure gold denominated on its face and that there be at least five million coins of the particular currency in circulation. PSE believes these criteria are sufficient to assure the quality control and liquidity necessary for investor protection. The Exchange has initially determined that trading take place in options on South African Krugerrands and Canadian Maple Leafs. The Exchange had identified two other gold curriencies—the Austrian Corona and the Mexican Peso—as eligible gold currencies, but does not plan to trade options on these currencies at the present time. Proposed Section 13(b) and Commentary .04 to Section 13 add a procedure for withdrawal of approval of a gold currency should it no longer meet the standards for continued listing.

Section 32 is amended to provide for delivery and payment upon the exercise of a gold currency option contract, as well as a stock option contract. Commentary .01 is added defining acceptable delivery for gold currency options. The contract will allow for delivery of 10 ounces of either South African Kruggerrands or Canadian Maple Leafs, with all the coins being in the same denomination. For example acceptable delivery could be either 20 half-ounce gold coins or 10 one-ounce gold coins, but could not be 10 half-ounce gold coins and 5 one-ounce gold coins; and the coins must be all Kruggerands or all Maple Leafs. This contract provides sufficient depth and liquidity in the marketplace because of the large number of coins made available for delivery. It allows both holders of Maple Leafs and Krugerrands to write contracts on their coins, thus bringing a larger number of investors into the same market. Since the Krugerrand and Maple Leaf trade at or near parity with each other, equal value would be received upon delivery of either gold currency.

Commentary .01(a) to Section 36, which discusses opening rotations, is proposed to be amended to state that the opening rotation in gold currency options will be held following the dissemination to the Floor of the opening sale price of gold or the particular gold currency. For the present, the Options Floor Trading Committee has designated the last sale transaction report on futures contracts on gold on the Commodity Exchange, Inc., for this purpose. It is possible that this designation will be changed to a separate market for particular gold currencies.

Section 37(a) will be amended to include potential events that would make a halt in trading of gold currency options appropriate, including a halt or suspension of trading in gold itself or knowledge of some modification of discontinuance of a particular gold currency.

Section 45(a) is to be modified simply to include an example of the meaning of bids and offers in the context of gold currency options as well as stock options.

Section 46(b) sets the trading differentials for gold currency options at even dollar amounts. PSE believes that, given the value of each contract, smaller differentials would be inappropriate.

PSE has proposed additions to Section 79 that would state expectations as to the duties of market makers in gold currency options with respect to maintaining a fair and orderly market.

These expectations include maintaining minimum spreads between the bid and offer for each contract, depending upon the price of the last trade. The rule also grants the Options Floor Trading Committee authority to establish different spread expectations when it deems it appropriate to do so. Similarly, the rule creates the expectation that the market maker will bid no more than $10 lower or offer no more than $10 higher than the price of the last transaction in the particular contract, with an adjustment permissible when there has been a change in the price of the underlying currency since the last option transaction. PSE believes this rule will greatly assist in assuring a fair and orderly market while allowing market makers sufficient flexibility to adjust to changing conditions.

Rule XI—Margins

Rule XI, PSE's margin requirements, it proposed to be amended in several respects in order to accommodate the addition of trading in gold currency options. The large majority of the rule, however, remains intact.

Section 1(c)(2) would be added to apply in those situations in which member firms extend credit to persons in accounts including interests or contracts not considered by Rule XI, but considered in the margin rules of another securities or commodities exchange or association. In such cases, the amount of margin required for the position in the interest or contracts involved would be that required by such exchange or association, or if it is not a member of another such exchange or association, then the greatest amount required by any such exchange or association of which the member firm is not a member. This rule will provide adequate risk protection when PSE's own rules do not govern the extension of credit on certain interests.

Section 2(d)(2) of Rule XI would be amended to place a maximum valuation on gold currency for margin or credit purposes of 80% of its current market value. This percentage is deemed to be an adequate discount to provide the necessary level of protection from credit risks, and is based on margin rules of commodities exchanges and the net capital rules of the Securities and Exchange Commission. The rule also imposes requirements necessary for physical possession or control to be deemed to exist, and states that market value will be based on general information available to the public.

A new section 2(d)(4) would be added stating detailed procedures for margins when gold currency options are involved. The rule would provide that the minimum margin for short positions in puts and calls on underlying gold currencies traded in the over-the-counter market is 50% of the market value of the underlying currency, adjusted for unrealized gain or loss, and the minimum margin for short positions in such puts and calls traded on a registered national securities exchange is 20% of the market value of the underlying currency, adjusted for unrealized gains or losses. In either case the minimum margin on each put or call carried short in an account would be at least $250. If gold currencies are sold short or carried in a short position, a minimum margin of 20% of the current market value of the currency will be required. Rules for required margins in "spread" situations or, in limited instances, for long positions, are added that are basically identical to those for stock options. Finally, the rule provides that no margin on the short option position is required if any of several types of "cover" exist. These would include situations in which the account has delivered to the member firm creditor an "Escrow Receipt" meeting the requirements of Rule 610 of the Options Clearing Corporation or an "Option Guarantee Letter" in a form satisfactory to, and issued by a custodian approved by, PSE, certifying that the custodian holds the gold currency (in the case of a short call) or the cash (in the case of a short put) for the account and will deliver it to the member firm creditor against payment of the exercise price (for the call) or delivery of the underlying gold currency (for the put), or similar situations involving delivery of currency to a bank or delivery to the creditor of a form of Irrevocable Letter of Credit issued by an OCC approved depository. These methods of effecting "cover" are analogous to methods used to cover stock options or, with respect to the use of a letter of credit, to methods by which most OCC clearing members meet margin requirements. This allows use of options by a larger number of individuals or entities but does not lessen the protection to member firms that the margin rules provide.

PSE believes the proposed rule changes are based upon and consistent with Section 6(b)(5) of the Securities Exchange Act of 1934, as amended (the "Exchange Act"), in that they are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade and, in general, to protect investors and the public interest. The same self-regulatory principles and methods followed by PSE in trading stock options will be used in the market for gold currency options and, of course, the provisions of the Exchange Act and the regulations adopted thereunder will also apply.

Because virtually the entire set of PSE rules governing options trading, as well as PSE's general regulatory framework, will be applicable to trading in gold currency options, it is not practical to point out every instance in which fraud is prevented or just principles of trade advanced by the proposed rule change. Among the specific rules that might be mentioned, however, with respect to the prevention of fraudulent and manipulative acts and practices would be the imposition of position limits and exercise limits on gold currency options. PSE is attuned to the potential problems associated with a member organization holding a large number of contracts, both in terms of effect on the market and in overextending the member's financial position, and has set position and exercise limits designed to prevent such problems. These limits can, of course, be altered as experience is gained in this new market. Reporting of positions in gold currency options would also be required in the same manner as with stock options.

PSE believes that its establishment of a market in options on gold currencies will have a definite beneficial impact on the market for such securities and on the investment community. Although an over-the-counter market is in existence for options in certain gold currencies, PSE believes establishment of its market will provide significant benefits not present in the existing market. Among these are the protection provided by PSE's self-regulatory framework and oversight by the Securities and Exchange Commission, as mentioned above. The visibility of the Exchange market, including dissemination of quotations, last-sale reporting, and the audit trail produced by PSE's surveillance package add to investor protection and the public interest. PSE's market maker and registered options principal system and attendant training procedures will assure that transactions are handled only by knowledgeable professionals and that a fair and orderly market is maintained. Market makers on PSE, unlike those persons dealing in options in gold currencies on the over-the-counter market, have an obligation to maintain firm bids and offers, guaranteeing the investor a liquid market.

PSE believes that the risk transferrence functions of options on underlying investments are well understood, and that the value of

exchange-traded options as a separate investment mechanism has also been demonstrated during the past few years. Options on underlying gold currencies obviously benefit investors by providing an efficient means of profiting from, or providing protection against, movements in the price of gold itself. Such options offer advantages not available through existing futures contracts on gold. The price of the option also fixes the amount of money at risk, and the use of options in hedging risks can be done much more efficiently.

Because of the uses of options on stock are so well understood, PSE does not anticipate that members will experience any difficulty in complying with the rule changes in the context of options on gold currencies. This is particularly true since the changes are so similar to rules already in use for trading in stock options.

(B) Self-Regulatory Organization's Statement on Burden on Competition

PSE does not believe that the proposed rule changes will impose any burden on competition. PSE believes, in fact, that an exchange market for trading in options on gold currencies will be a major addition to competition. This will occur not only by providing a new competitor creating new opportunities for trading strategies, but by expected improvements in liquidity and pricing.

(C) Self-Regulatory Organization's Statements on Comments on the Proposed Rule Change Received From Members, Participants, or Others

PSE has a New Products Committee which has met numerous times to plan for trading in options on gold currencies. The members of this committee have made comments regarding the plan, which have led to its proposal. We have also sought advice and comments on the proposal from an Advisory Committee composed of prominent members of the securities industry. Their comments were presented to and evaluated by our New Products Committee. The New Products Committee recommended several changes to the PSE Board of Governors which approved an amendment to the proposed rule change. No formal comments from members have been solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before December 10, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the prinicpal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 4, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

October 29, 1981.

[FR Doc. 81-32159 Filed 11-4-81; 8:45 am]

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[Release No. 34-18225; File No. SR-Amex-81-17]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc.

In the matter of proposed rule change relating to options trading on bullion value demand promissory notes. Comments requested on or before January 4, 1982.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on August 27, 1981 the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("Amex" or the "Exchange") proposes to amend its rules to provide for the trading of put and call options on Bullion Value Demand Promissory Notes ("BVNs"). A summary of the rule changes is set forth below. The text of the proposed rule changes and a sample form of the BVN may be obtained from the Exchange.

Hours of Business

(Exchange Rule 1)

The Exchange proposes to begin trading in options on BVNs at 9:00 a.m., since the underlying securities and the related gold and silver bullion markets by which the BVNs will be priced will begin trading at approximately 9:00 a.m. Similarly, the Exchange proposes to close trading in BVN options at 3:10 p.m. each business day.[1]

Applicability, Definitions and References and Option Contracts To Be Traded

(Exchange Rules 900 and 901)

The Exchange proposes to amend certain paragraphs in this section to define and describe BVNs and alter certain definitions to provide for the trading of options on BVNs. Briefly, a BVN is a promissory note issued by an Amex-approved issuer. It is a non-interest bearing obligation of the issuer to pay an amount, in U.S. currency, equal to the market value of the number of fine troy ounces of gold or silver bullion described in the note, based upon the price at which the bullion is fixed at the A.M. London fixing for the particular bullion on the business day immediately following the date of demand as determined in accordance with the terms of the BVN, and with the Constitution and Rules of The Options Clearing Corporation and the Exchange.

Series of Options Open for Trading

(Exchange Rule 903)

The Exchange proposes to amend this rule to provide for the listing of options on BVNs and to provide that the exercise price of each option series opened for trading shall be fixed at a price per fine troy ounce.

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[1] Exchange Rules 918, Commentary .01(c) and 903(c) may be further amended, at a later date, to reflect the 3:10 p.m. close of trading in BVN options.

The Exchange intends generally to list options on gold BVNs with $25 to $50 exercise intervals, and options on silver BVNs with 50-cent exercise intervals, depending on the then current market conditions. Certain exercise intervals may be added or omitted if the Exchange determines that their listing would be necessary or unnecessary due to the then current volatility of bullion market prices and other relevant factors. With regard to gold BVN options, the Exchange plans generally to list $25 exercise intervals while gold is priced at $500 per fine troy ounce or less and $50 intervals when gold is priced above $500 per fine troy ounce.

The expiration cycle for options on both gold and silver BVNs will be the March, June, September, December cycle.

Position Limits and Exercise Limits

(Exchange Rules 904 and 905)

The Exchange proposes position and exercise limits of a number of contracts on gold BVNs the bullion equivalency of which does not exceed 20,000 troy ounces. The Exchange plans to list options on 10 troy ounce and 100 troy ounce gold BVNs. In the case of 100 troy ounce gold BVNs, this would mean position and exercise limits of 200 option contracts. In the case of 10 troy ounce gold BVNs, this would mean position and exercise limits of 2,000 option contracts.

With regard to options on silver BVNs, the Exchange proposes position and exercise limits of a number of contracts the bullion equivalency of which does not exceed 1,000,000 troy ounces. Since each silver BVN option will have a 1,000 troy ounce bullion equivalency, this would mean position and exercise limits of 1,000 silver BVN option contracts.

Reporting of Options Positions

(Exchange Rule 906)

The Exchange proposes a reporting requirement for BVN option positions where the aggregate bullion equivalency is 4,000 troy ounces or more in the case of gold BVNs and 200,000 troy ounces or more in the case of silver BVNs.

Criteria for Underlying Non-stock Securities

(Exchange Rule 917)

The Exchange proposes amending this rule to provide the authority to list put and call option contracts on gold and silver BVNs which are issued in a form and by an issuer approved by the Exchange. An explanation of the terms of the BVN is contained in Item 3 of this filing.

Trading Rotations, Halts and Suspensions

(Exchange Rule 918)

The Exchange proposes to modify this rule to provide for a trading rotation for options on BVNs commencing at 9:00 a.m. or as soon thereafter as practicable on each business day. (See explanation in Item 3.)

Registration of Options Principals

(Exchange Rule 920)

The Exchange does not propose any change to the Rule. However, it is proposing to amend the Commentary to the Rule to provide that Registered Options Principals who became registered and approved by the Exchange prior to implementation of the BVN options program, shall not be considered qualified with regard to BVN options. To become qualified as a Registered Options Principal with regard to options on BVNs the Exchange proposes requiring a member or associated person to complete an examination prescribed by the Exchange for the purpose of demonstrating adequate knowledge of the subject.

Opening of Accounts and Delivery of Current Prospectus

(Exchange Rules 921 and 926)

The proposed changes to this rule require that a customer's account be specifically approved to trade options on BVNs and that orders not be accepted from customers in BVN options without that specific approval.

In addition, the Exchange proposes to require customers to be furnished with a current Prospectus covering options on BVNs prior to approving a customer's account to trade in options on BVNs.

Similarly, the Exchange proposes to amend Rule 926 to provide that the term "current Prospectus" means, as to options on any type of underlying security, that edition of the prospectus of The Options Clearing Corporation, relating to such options, which at the time it is to be furnished to a given customer, meets the requirements of Section 10(a)(3) of the Securities Act of 1933.

Section 5. Floor Rules Applicable to Options Rules of General Applicability (Exchange Rule 950) Paragraph (e)—(relating to Rule 131)—Types of Orders

The Exchange proposes to amend the definitions of spread order, straddle order, and combination order to include BVN options by adding the words "the same aggregate bullion denomination (if the underlying security is a BVN)" in a similar fashion to the changes proposed for Treasury securities. (See SR-Amex-81-1).

Paragraph (1)—(relating to Rule 191)—Specialist Reporting Requirements

The Exchange proposes to amend this reporting requirement to include the reporting of the specialist's BVN option positions and related underlying BVN positions. In addition, the Exchange proposes additional reporting requirements of transactions involving the bullion in which the BVN is denominated including any and all options, futures and physical transactions in any form.

Premium Bids and Offers

(Exchange Rule 951)

The Exchange proposes amending this rule to provide for the bidding and offering of gold BVN options in dollars per troy ounce and of silver BVN options in cents per troy ounce.

For example, with respect to gold BVN options, a bid of "10" shall represent a bid to pay a premium of $1,000 for an option contract on a BVN for 100 troy ounces of gold. (The bid of "10" is multiplied by 100—the number of troy ounces of bullion equivalency of the BVN. This equals the premium—$1,000.) Similarly, for an option contract on a 10 ounce gold BVN, a bid of "10" represents a bid to pay a premium of $100.

In the case of silver BVN options, a bid of "10" represents a bid to pay $100 for an option contract on a BVN for 1,000 troy ounces of silver. (The bid of "10", representing $.10, is multiplied by 1,000—the number of troy ounces—which equals the premium—$100).

Minimum Fractional Changes

(Exchange Rule 952)

The Exchange proposes to add to this rule provisions requiring that the minimum fractional change for dealing on the Exchange in gold BVN option contracts shall be ten cents per troy ounce and in silver BVN option contracts shall be one cent per troy ounce.

Options Transactions of Registered Traders

(Exchange Rule 958)

The Exchange proposes adding requirements to this rule relating to trading by Registered Traders in options on BVNs so as to aid in the maintenance of fair and orderly markets in those options. Specifically, the Exchange

proposes, if the underlying security is a gold BVN, that Registered Traders be required to bid and/or offer so as to create differences of no more than $2.50 per troy ounce between the bid and the offer for each option contract for which the last preceding transaction price was $5 or less, no more than $5 per troy ounce where the last preceding transaction price was moe than $5 but did not exceed $100, no more than $7.50 per troy ounce where the last preceding transaction price was more than $100 but less than $200, and no more than $10 where the last preceding transaction price was $200 or more.

With regard to options on silver BVNs, the Exchange proposes to require Registered Traders to bid and/or offer so as to create differences of no more than 5 cents per troy ounce between the bid and the offer for each option contract for whch the last preceding transaction price was 10 cents or less, no more than 10 cents per troy ounce where the last preceding transaction price was more than 10 cents but did not exceed $2, no more than 15 cents per troy ounce where the last preceding transaction price was more than $2 but did not exceed $4, and no more than 20 cents per troy ounce where the last preceding transaction price was $4 or more.

Filing of Trade Information

(Exchange Rule 962)

The Exchange proposes to amend this rule so that member organizations will be required to file trade information relating to BVN options in the same manner as they are required to do for stock options.

Delivery and Payment

(Exchange Rule 982)

The Exchange proposes amending this rule to provide for the delivery of BVNs upon exercise of a BVN option and payment of the aggregate exercise price in respect thereof in accordance with the rules of The Options Clearing Corporation.

Communications to Customers

(Exchange Rule 991)

The Exchange proposes to amend this rule to require, in a parallel fashion to stock options, that no written materials regarding options on BVNs be disseminated to any person who has not previously or contemporaneously received a current prospectus of The Options Clearing Corporation covering options on BVNs.

Minimum Margins

(Exchange Rule 462)

The Exchange proposes to amend this rule to provide margin requirements for BVN options. Generally, the minimum margin on any put or call issued, guaranteed or carried "short" in a customer's account shall be the premium received, plus the excess of $25 per troy ounce of bullion equivalency in the case of any gold BVN or $1.50 per troy ounce of bullion equivalency in the case of any silver BVN, over the amount by which the exercise price exceeds the current market price of the underlying BVN in the case of a call, or over the amount by which the current market price of the underlying BVN exceeds the exercise price in the case of a put. The current market price of a BVN shall be determined by using the New York bullion dealers' spot price of the bullion which is the subject of the BVN, at the close of business on the previous day. (See Item 3 for further explanation). However, the Exchange proposes a minimum margin requirement of the greater of the premium received or $5 per troy ounce in the case of gold BVNs and $0.30 per troy ounce in the case of silver BVNs (regardless of how far out of the money the option may be). The following are a few examples of how the margin would be calculated. In each instance below, assume a 10 troy ounce gold BVN call with an exercise price of $400 has been written.

Example #1 (In-the-money-options)

Spot price of gold is $500 per troy ounce:		
Premium received		$1,270
Plus:		
$25 per troy ounce oz	$250	
Less amount out-of-the money	00	
Total	$250	250
Margin requirement		=$1,520

(The margin requirement for a similar call on a 100 troy ounce gold BVN would be $15,200)

Example #2 (At-the-money-options)

Spot price of gold is $400 per troy ounce:		
Premium received		$430
Plus:		
$25 per troy ounce	$250	
Less amount out-of-the-money	00	
Total	$250	250
Margin requirement		=$680

(The margin requirement for a similar call on a 100 troy ounce gold BVN would be $6,800)

Example #3 (Out-the-money-options)

Spot price of gold is $380 per troy ounce:		
Premium received		$260
Plus:		
$25 per troy ounce	$250	
Less amount out-of-the-money	200	
Total	$50	50
Margin requirement		$1310

(The margin requirement for a similar call on a 100 troy ounce gold BVN would be $3,100)

Example #4 (Deep-out-of-the-money-options)

Spot price of gold is $360 per troy ounce:		
Premium received		$165
Plus:		
$25 per troy ounce	$250	
Less amount out-of-the-money	400	
Total	$00	00
Margin Requirement		=$165

(The margin requirement for a similar call on a 100 troy ounce gold BVN would be $1,650).

The Exchange also proposes certain exceptions to this general rule similar to those for stock options. The exceptions proposed would apply, as they do for stock options, in cases where both a put a call for the same number of troy ounces are carried "short" for a customer account; where the customer carries a "long" call position which exceeds the exercise price of the "short" call position; and where the exercise price of the "short" put exceeds the exercise price of the "long" put.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The Amex Plan for Trading Options on Gold and Silver Bullion Value Demand Promissory Notes

The Exchange is proposing a program for trading options on newly created securities to be known as Bullion Value Demand Promissory Notes, to be denominated in the U.S. dollar value of a specified number of fine troy ounces of gold or silver bullion.

The BVNs would provide investors with means of obtaining the "store-of-value" benefits inherent in the physical ownership of gold or silver bullion (through debt instruments valued at the price of the bullion), while eliminating concerns associated with the actual ownership of bullion such as

transportation, storage, insurance, and resale.

The Exchange proposes to list options on BVNs similar to those which the Exchange currently lists on stocks. The proposed new options would make it possible to shift risks associated with bullion ownership, while at the same time providing opportunities for investment and trading of options on securities whose prices would be closely related to those of gold and silver bullion. Further, creation of the BVN makes possible a program for trading such options in the well-monitored, regulated environment of the securities markets, subject to the jurisdiction of the Securities and Exchange Commission, since the BVN is a "security" within the meaning of Section 3(a)(10) of the Exchange Act, and is not a "commodity" within the meaning of Section 2(a)(1) of the Commodity Exchange Act.

A number of amendments to the Exchange's rules governing options trading will be required to implement the new program. These include broadening of rule applications to cover the BVNs and include rules specifically applicable to options on BVNs.

Included in this section are:

A description of the Bullion Value Demand Promissory Notes.

Descriptions of the terms of the proposed BVNs.

An explanation of the price relationships between BVNs and gold and silver bullion.

A review of the terms of the proposed options and the economic considerations leading to their specific design.

A description of price reporting systems used in the related bullion markets.

Bullion Value Demand Promissory Notes

BVNs will be transferable non-interest bearing promissory notes which obligate the issuer to pay an amount, in U.S. currency, equal to the market value of the number of fine troy ounces of gold or silver bullion described in the note, based upon the price at which the particular bullion is fixed at the A.M. London fixing on the business day immediately following the date of demand. An administration fee may be charged. The issuer, the terms of the BVN, and the administration charge will be subject to approval by the Exchange.

It is intended that the holding and transfer of BVNs will be facilitated by the use of a book entry and transfer system which will list ownership of BVNs in the names of clearing members of The Options Clearing Corporation ("OCC"). These members will in turn list ownership by their customers on their own records. Clearing members will be responsible for purchase, payment, and sale of the BVNs on behalf of their customers, thus facilitating the operation of the system.

It is intended that the issuer of the BVNs be a subsidiary of OCC, which will be organized for the specific purpose of issuing and repaying the BVNs.[2]

Since the BVNs will be sold and repaid at the current price of the bullion in which they were designated, the BVNs will provide the "investment" benefits of ownership of the bullion but will not involve the difficulties of storage, transport and safekeeping associated with the tangible assets.

Description of the Proposed Gold BVNs

Issuer

A wholly-owned subsidiary of The Options Clearing Corporation ("OCC") or such other issuer(s) as may be approved by the Exchange.

Denominations

BVNs in denominations of 10 and 100 fine troy ounces of gold bullion.

Purchase Price

All valid orders for BVNs received by the issuer on any OCC business day would be sold by the issuer at a price per fine troy ounce equal to the price for gold bullion, as established at the first fixing in the London gold market on the market business day following receipt of the order.

In addition to the purchase price, the issuer would be authorized to charge an administration fee at a rate per calendar quarter approved by the Exchange. The minimum administration fee to be collected at the time of sale of the BVN would be an amount covering a time period commencing with the date of sale and terminating on a regular quarterly billing cycle date for administration fees which included a period of not less than three months. Quarterly administration charges would be assessed thereafter on the regular billing cycle dates to the holder of record on that day.

All orders for purchases or sales would be transmitted to the issuer through a clearing member of OCC who would be responsible for payment or who would receive funds from the sales for the accounts of its customers.

[2] The Exchange has held preliminary discussions concerning issuance of BVNs with senior management of OCC, but OCC has not been asked to make any formal determination of its willingness to form a subsidiary which would act as issuer.

Payment of Purchase Price

Payment of the purchase price, including transaction charges, would be in U.S. Federal Reserve Bank funds transferred to the issuer on the day on which the price of the BVN was determined.

Transferability of BVNs

Once issued, BVNs would be freely transferrable between buyers and sellers in the secondary market. The OCC clearing member in whose name the BVNs were registered, would be responsible for advising the OCC issuing the subsidiary of any sale of BVNs, including the name of the clearing member to whom the BVN had been transferred.

Payment of BVNs

Clearing members of OCC holding BVNs for their own account or for accounts of their customers could give the issuer notice of demand for repayment of BVNs on any OCC business day. All BVNs tendered for repayment on any business day would be repaid at the price established for bullion at the first fixing on the next London business day following the OCC business day on which the BVNs had been so tendered.

The issuer would assess no charge for repayment and would pay to the BVN holder an amount equal to the number of fine troy ounces of gold represented by the BVNs being redeemed, multiplied by the A.M. London fixing per fine troy ounce. Such payment would be made in U.S. Federal Reserve Bank funds on the second London business day following the day of the fixing establishing the repayment price.

Issuer of BVNs

An approved issuer of gold bullion BVNs would be required to fully hedge all outstanding BVNs by purchasing and holding an equivalent amount of gold bullion or an equivalent long position in the futures, forwards and/or options (excluding BVN options) markets.

"Forward pricing" of the issue and repayment of BVNs will provide the issuer with sufficient time to net all orders received for purchase or repayment on any business day and to place an order with a member of the London gold market for the purchase or sale of gold in an amount equal to the net difference of such purchases and repayment for execution at the next morning's gold fixing price. Through this procedure, the dollar obligations of the issuer to purchase or sell BVNs at the fixing price would approximate the price at which the purchase or sale of gold

bullion was executed for hedging purposes.

Secondary Market in Gold BVNs

It is anticipated that New York gold bullion dealers would make markets in gold BVNs during any exchange business day at prices closely related to the spot price of gold bullion, even though the BVN would be redeemable only at the next day's London A.M. Fixing.

As an example, let us assume that a dealer purchased a BVN, paying the current spot price for gold. The dealer could sumultaneously sell gold bullion from his inventory at the current spot price and enter a redemption order for the BVN at the next morning's gold fixing. If the dealer also placed an order to purchase an equal amount of bullion at the next morning's gold fixing price, the amount paid for the gold purchase would equal the amount received from the BVN redemption. Thus, the dealer would have restored his position without risk.

The foregoing analysis does not take into account the commission which the dealer would charge to make the transaction profitable, but such cost would constitute only a small percent of the price of gold. A dealer would not need to be concerned with the liquidity of resale of the BVN since it would be redeemed at the gold fixing price.

From the foregoing analysis, it can be seen that the BVN value should closely approximate the price of bullion at any given time. Thus, a purchaser or seller of BVN options could use the current spot gold market prices to value gold BVN options.

Decription of the Proposed Silver BVNs

Issuer

A Wholly owned subsidiary of OCC or such other issuers as are approved by the Exchange.

Denomination

BVNs in denominations of 1,000 fine ounces of silver bullion.

Other Contract Provisions

All other contract provisions of silver BVNs would be essentially the same as those for gold BVNs. The same valuation system would be used, employing the first London silver market price fixing as the basis for purchase and sale of the silver BVNs by the issuer.

A secondary market in silver BVNs would be expected to develop in essentially the same manner as that described for gold BVNs so that option traders could utilize the current price for silver in valuing premiums of silver BVN options.

Terms of Proposed Gold and Silver BVN Options

Contract Sizes

Gold: 10 and 100 fine troy ounce BVNs.
Silver: 1,000 fine troy ounce BVNs.

Underlying Securities

Gold and silver BVNs denominated in $U.S. value of fine troy ounces of bullion and issued by an Exchange-approved issuer.

Option Expiration Months

March, June, September and December—options of 3, 6 and 9 months duration.

Premium Pricing System

Gold: Dollars per fine troy ounce.
Silver: Cents per fine troy ounce.

Minimum Premium Price Increments

Gold: $0.10 per fine troy ounce.
Silver: $0.01 per fine troy ounce.

Exercise Price Denominations and Intervals

Gold: Dollars per fine troy ounce.
Exercise price intervals in minimum multiples of $25 per fine troy ounce.
Silver: Cents per fine troy ounce.
Exercise price intervals in munimum multiples of 20 cents per fine troy ounce.

Position and Exercise Limits

Gold: 20,000 fine troy ounces of bullion equivalence.
Silver: 1,000,000 fine troy ounces of bullion equivalence.

Hours of Trading

9:00 A.M. to 3:10 P.M.

Margins for Uncovered Short BVN Option Positions

The proposed minimum margins for uncovered short BVN option positions which are at the money or in-the-money are determined by adding the dollar amount of the option premium, to a designated amount per fine troy ounce of the particular bullion to which the BVN is referenced multiplied by the number of troy ounces by which the BVN is denominated. The designated amounts per troy ounce are $25 for gold BVNs and $1.50 for silver BVNs.

For option positions which are out-of-the-money, the designated amount per fine troy ounce of the particular bullion to which the BVN is referenced multiplied by the number of troy ounces by which the BVN is denominated is reduced by the dollar amount by which the option position is out-of-the-money, and added to the premium. However, there is a minimum margin requirement of $5.00 and $.30 per fine troy ounce of gold and silver, respectively.

Explanation of Terms of Proposed Gold and Silver BVN Options

Gold BVN Options

The troy ounce denominations of the proposed gold BVN options contracts have been selected in two different quantities, 100 and 10 troy ounces, to accommodate both professional traders and public investors.

Trading on the London gold market is conducted in units of 400 troy ounce bars. In the United States, the Comex and IMM gold futures contracts are based on 100 troy ounce bars. Accordingly, the proposed 100 troy ounce gold BVN option is intended to facilitate trading in related sized contracts for cash and futures market traders. For the public investor, at current gold price levels, 100 troy ounces would represent a dollar value of approximately $40,000. This would be equivalent to a stock option on an underlying $400 per share stock, a very large amount. The Exchange is therefore also proposing options based on 10 troy ounce gold BVNs to more closely approximate the investment levels of stock options.

The proposed options in different underlying amounts would be fungible in that 10 of the 10 troy ounce options could be combined to equal one 100 troy ounce option. Thus, a specialist or marketmaker could provide an interchange of liquidity between options for the larger professional traders and those for the public customers.

Other terms of the proposed gold BVN options closely parallel those for stock options except that it is proposed to commence trading at 9:00 a.m., rather than at the 10:00 a.m. opening for stocks and stock options. The earlier starting time for the BVN options reflects the usual trading opening in the New York bullion markets.

Silver BVN Options

The quantity selected for silver BVNs is 1,000 fine troy ounces. This amount has been selected because silver bars of approximately 1,000 troy ounces are the standard unit in international silver bullion trading. It is this weight of silver bar which is deliverable in satisfaction of futures contracts on both the Comex and the CBT.

With the recent decline in the price of silver bullion to the level of approximately $9.00 per troy ounce, the 1,000 troy once silver BVN underlying

the proposed option would have a dollar value of approximately $9,000. This would be equivalent to a stock option whose underlying stock was trading at $90 per share. While this is a higher value than that of the average stock underlying stock options, it is not out of the price range for such underlying stocks.

Other terms of the proposd silver BVN options are similar to those proposed for gold BVN options and to stock options.

Price Reporting Systems for the Related Gold and Silver Bullion Markets

In an earlier part of this section, we have described the means by which we anticipate that gold and silver BVNs would be traded in the secondary markets at prices closely approximating the price of the related gold or silver bullion. Accordingly, those trading the BVN options would follow prices for gold and silver bullion for purposes of determining option premium values.

The price of gold and silver bullion is widely reported in many of the media services. The London gold fixing price is usually quoted on most morning radio news services, as well as on Reuters and other similar news services.

The Comex gold and silver futures contracts trade spot month delivery contracts for every month of the year and these prices are widely disseminated by the price reporting vendors, such as Quotron, etc. In addition, the major gold and silver bullion dealers in New York maintain two-sided markets in gold and silver bullion although the prices are not reported on a published tape. Accordingly, the Exchange believes that there would be adequate price information on underlying gold and silver BVNs through the price quoted for gold and silver bullion.

Margining Systems for Proposed Gold and Silver BVN Options

The margining systems proposed for the gold and silver BVN options are based on credit considerations and are aimed at requiring margins for uncovered short options positions, which would assure maintenance of amounts equal to current premiums.

During the recent past, gold bullion prices have experienced great volatility. Even under these circumstances, more than 60% of the weekly price changes were in the $20–29 per troy ounce range.[3] Accordingly, the Exchange believes that the $25 per troy ounce proposed to be added to the dollar amount of the premiums for minimum margins for short uncovered gold BVN option positions which are at-the-money or in-the-money would provide an adequate level of credit protection.

As the options move out-of-the-money, the $25 per troy ounce amount wold be reduced by the dollar amount by which the option is out-of-the-money. That amount, which may be zero in the case of deep out-of-the-money options, is added to the premium to determine the margin requirement. However, the margin may not be less than $5 per troy ounce or $500 for the 100 troy ounce gold BVN option. The minimum margins are intended to provide credit protection and to reduce the potential for trading "deep-out-of-the-money" options with very low premiums.

The margin system proposed for short uncovered silver BVN options positions is essentially the same as that proposed for gold BVN options with the exception of the different dollar amounts per troy ounce proposed.

The $1.50 per troy ounce proposed to be added to the dollar amount of the premium for at-the-market or in-the-money options is in excess of 16% of the current price per troy ounce of silver bullion (approximately $9.00 per troy ounce). The Exchange believes that such an amount will provide adequate credit protection for these options.

The $0.30 per troy ounce proposed as minimum margin for out-of-the-money options ($350 per contract) is considered to be substantial enough to inhibit trading in deep-out-of-the-money options.

The proposed changes are consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to the Exchange in that they appropriate standards for the maintenance of a fair and orderly market in options on Bullion Value Demand Promissory Notes and provide for the protection of the investing public.

Therefore, the proposed rule changes are consistent with Section 6(b)(5) of the 1934 Act, which requires the rules of the Exchange to be designed to promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes will not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before December 10, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statments with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the prinicipal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 4, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

October 30, 1981.

[FR Doc. 81-32160 Filed 11-4-81; 8:45 am]

BILLING CODE 8010-01-M

[3] Mocatta metals Bullion Reports

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-8/460]

Japan-United States Economic Relations Group; Privacy Act of 1974; Revocation and Transfer of Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a, the Japan-United States Economic Relations Group published in the **Federal Register** (FR Doc. 81-10904) notices of the existence of the following systems of records subject to the Privacy Act: NAC-1, Payroll Records; NAC-2, General Financial Records; and NAC-3, General Informal Personnel Files. The Group terminated operations on September 30, 1981, and the above systems of records are revoked as of that date.

Following is a summary of the disposition of the Commission's systems of records:

NAC-1

System name

Payroll Records—Japan-United States Economic Relations Group: to be retained by the General Services Administration, National Payroll Center, for use in concluding administrative operations of the Group as part of GSA system of records, Defunct Agency Records, GSA/OEA-1.

NAC-2

System name

General Financial Records—Japan-United States Economic Relations Group: to be retained by the External Services Branch, National Capital Region, for concluding administrative operations of the Commission as part of the GSA system of records, Defunct Agency Records, GSA/OEA-1.

NAC-3

System name

General Informal Personnel Files—Japan-United States Economic Relations Group: to be destroyed.

Dated: October 28, 1981.

Scott Davidson,

Acting Executive Director.

[FR Doc. 81-32083 Filed 11-4-81; 8:45 am]

BILLING CODE 4710-01-M

[Public Notice CM-81458]

Study Groups A and B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that Study Groups A & B of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on November 18, 1981 at 10:00 a.m. in Room 856, of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. These Study Groups will deal with the need and benefits, if any, of an international interactive "videotex" standard and possible accomodations to the CEPT Standard. (Interactive videotex generally utilizes telephone systems and cable as transmission media. Teletex uses the broadcast media.)

This meeting is an open public forum. It will review the various aspects of videotex service as they relate to industry, data base providers, equipment manufacturers, terminal and chip producers. Protocol flexibility and complexity will also be considered as they relate to accomodating future technological advances and ultimate cost to the consumer. The review will recognize that a mass market is starting to develop in North America and that the European market exists and is growing. Of concern to both markets is the potential of standards in the shaping of this new technology and the influence of standards upon the rate of market growth.

Members of the general public may attend the meeting and join in the discussion subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

Requests for further information should be directed to Earl S. Barbely, Chief, Conference Staff, Federal Communications Commission, Washington, D.C., telephone (202) 632-3214.

Dated: October 26, 1981.

Gordon L. Huffcutt,

Director, Acting, Office of International Communications Policy.

[FR Doc. 81-32081 Filed 11-4-81; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-81-29]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before: Nov. 25, 1981.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

(Paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11))

Issued in Washington, D.C., on October 28, 1981.

John H. Cassady,

Deputy Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
22271	Michigan Wisconsin Pipe Line Company	14 CFR § 91.169 and Part 135	To permit petitioner to operate 12 helicopters under Subpart D of Part 91 in the same manner as large and turbojet powered multiengine civil airplanes.
20853	United Air Lines, Inc	14 CFR § 121.351(a)	To renew and make permanent Exemption No. 3122 which permits petitioner to operate aircraft in extended overwater operations over the Gulf of Mexico for certain brief periods with one Omega navigation system and/or one high frequency communications radio instead of the two of each such radios which would otherwise be required.
22270	Executive Air Fleet Corporation	14 CFR § 135.25	To provide for multioperation of aircraft by petitioner and the owners without having exclusive use for at least 6 months of at least one aircraft that meets the requirements for at least one kind of operation authorized in the certificate holder's operations specifications.
13996	Delta Air Lines, Inc	14 CFR 121.351(a) § 121.99	To extend exemption No. 2084C which permits petitioner to operate aircraft over the New Orleans, Louisiana, to San Juan, Puerto Rico, route with the capability of communicating with the dispatch office through only one radio system that is independent of any communications system operated by the United States.
22279	Apollo Airways, Inc	14 CFR § 61.31(a)(1)	To allow petitioner's presently qualified HP-137 pilots in command to operate the HP-137 aircraft recertificated in accordance with SFAR 41 without possessing a type rating for the recertificated airplane.
22278	Combs Freightair	14 CFR § 121.61(c)(1)	To allow petitioner to employ Mr. Gary H. Smith as its Director of Maintenance even though he does not meet the requirement of 5 years of experience in the maintenance of large aircraft. He has been employed in the maintenance of large aircraft since March 1979.
21586	Royale Airlines, Inc	14 CFR § 61.31(a)(1)	To allow petitioner to type rate each of its pilots in command on its new EMB 110/41 aircraft at his or her next 6-month IFR flight check. Without the exemption the new aircraft could not be operated by pilots who are not type rated in the new aircraft.
22149	Royal Hawaiian Air Service	14 CFR § 21.197(c)(2)	To allow issuance of a special flight permit with a continuing authorization for the aircraft to be maintained under an approved aircraft inspection program.
22281	Dana Corporation, Flight Operations	14 CFR § 91.169 and Part 135	To permit petitioner to operate a helicopter which it presently owns in the same manner as large and turbojet powered multiengine civil airplanes.
21266	Flight Management Co	14 CFR §§ 91.169 and 91.181(a)	To amend Exemption No. 3294 to allow petitioner's clients to operate helicopters in addition to small civil airplanes of U.S. registry.
22282	Commuter Airline Association of America	14 CFR § 135.261(b)	To permit petitioner's members to assign a flight crewmember and for flight crewmembers to accept flight duty time without having had at least 10 consecutive hours of rest during that 24-hour period preceding the planned completion of the flight assignment.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
21962	Jim A. Burke	14 CFR § 135.1(b)(2)	To allow petitioner to operate nonstop sightseeing flights in excess of the 25-statute-mile radius of the airport limit. The proposed flights would originate at the Cannon International Airport and would include the Lake Tahoe area which would be approximately 35 statute miles in both directions. *DENIED 10/5/81.*
21773	Hawaiian Air Tour Service	14 CFR § 91.50(a)	To permit petitioner to operate its DH-114-2X aircraft without an operable pilot heat indicating system. *GRANTED 10/6/81.*
21904	Anthony R. LeClair	14 CFR § 61.151(a)	To permit petitioner to obtain an airline transport pilot certificate before reaching his 23rd birthday. *DENIED 10/8/81.*
21749	Trans Air Link Corporation	14 CFR § 91.31(a)	To permit petitioner to operate their Douglas DC-6 aircraft at a 5 percent increase in zero fuel and landing weight as provided in SR 411 A and B. FAR 121 and FAR 129. *GRANTED 10/9/81.*
21786	Roland B. Scott, Jr	14 CFR § 61.39(a)(1)	To permit the issuance of an airline transport pilot certificate (ATPC) based upon petitioner's satisfactory completion of an ATPC practical test which was later invalidated due to petitioner's inability to show his continuous employment with a United States air carrier which would permit his written test results to remain valid beyond the September 30, 1974, expiration date. *GRANTED 10/8/81.*
21735	Transcontinental Gas Pipe Line Corporation	14 CFR §§ 91.169 and 91.181(a)	To permit the operation of petitioner's helicopters in the same manner as its large turbine-powered multiengine airplanes. *GRANTED 10/9/81.*
21351	Evergreen Helicopters of Alaska, Inc	14 CFR § 135.89(b)(3)	To allow petitioner to operate its Learjet Model 25 and 24B aircraft above flight level 350 up to and including flight level 410 without one pilot having to wear and use an oxygen mask. *GRANTED 10/14/81.*
21612	Barken International, Inc	14 CFR § 135.89(b)(3)	To permit operation of petitioner's Learjet aircraft above flight level 350 without requiring one pilot to wear and use an oxygen mask. *PARTIAL GRANT 10/14/81.*
21101	Tate's Greenbrier Airport, Inc., and Dallas N. Moore	14 CFR § 135.243(b)(3)	To allow Mr. Moore to fly for the petitioner as a pilot in command under day visual flight rule (VFR) conditions without having an instrument rating. *DENIED 10/14/81.*
19752	Transamerica Airlines, Inc	14 CFR § 121.291(a)	To extend Exemption 2885A which permits petitioner to operate B747 aircraft in a 546 passenger seat capacity configuration without conducting an evacuation demonstration. *GRANTED 10/14/81.*
13141	Trans World Airlines, Inc	14 CFR §§ 121.433, 121.441, and 121.443	To permit the second in command pilot to occupy the pilot in command (PIC) position during in-flight cruise only and to permit the international relief pilot to occupy the second in command position during cruise flight only while PIC rests. *GRANTED 10/14/81.*
19242	Northwest Airlines, Inc	14 CFR § 91.32(b)(1)(ii) and § 121.333(c)(2)	Extension of Exemption No. 2795 which permits operation of B747/F and 200 series aircraft above FL 410 without requiring one pilot at the controls having to wear and use an oxygen mask secured/sealed and supplying oxygen. *GRANTED 10/14/81.*

DISPOSITIONS OF PETITIONS FOR EXEMPTION—Continued

Docket No.	Petitioner	Regulations affected	Description of relief sought disposition
22124	Western Airlines	14 CFR Portion of Appendix H to Part 121	To permit petitioner to use the new Western 727-200-838 Redifon Simulator to meet the visual requirements of Phase II. *GRANTED 10/19/81.*
21758	Great Western Airlines, Inc	14 CFR § 121.623	To permit petitioner to file Instrument Flight Rule flight plans without complying with destination an alternate airport fuel requirements. *DENIED 10/19/81.*
21803	Richard Burdyn	14 CFR § 61.129(b)(1)(ii)	To permit petitioner to apply for a commercial pilot certificate with airplane rating without meeting the required 10 hours of flight instruction and practice in airplanes having flaps, retractable landing gear, controllable pitch propeller. *DENIED 10/16/81.*
16556	Agana Navy Flying Club	14 CFR § 61.111(b)	Extension of Exemption 2396A which permits pilots who are members of the Agana Navy Flying Club to carry passengers on cross-country flights between the Mariana Islands of Guam, Rota, Tinian, and Saipan, subject to certain conditions and limitations. *GRANTED 10/16/81.*
20801	The Boeing Company	14 CFR § 25.809(b)	To allow, to the extent necessary, type certification of the model 747 with upper deck emergency exists which are not openable from outside the airplane. *DENIED 10/19/81.*
21526	Mr. Daniel R. Stroud	14 CFR § 91.22(a)(1)	To permit operation of petitioner's Bellanca SKCAB-180 airplane in certain operations without carrying the 30-minute fuel reserve required. *PARTIAL GRANT 10/21/81.*
22106	American Airlines	14 CFR § 121.318(b)(2)	To permit petitioner to operate 18 DC-10 airplanes after December 1, 1981, without having a public address system microphone, at each floor level exit in a passenger compartment and be readily accessible to a flight attendant seated in a seat adjacent to that exit. *GRANTED 10/21/81.*
21786	Airmark Corporation	14 CFR § 135.89(b)(3)	To permit Airmark's Gulfstream II airplanes to be operated at altitudes up to and including flight level (FL) 410 without at least one pilot at the controls wearing a secured and sealed oxygen mask that either supplies oxygen at all times or automatically supplies oxygen whenever the cabin pressure altitude exceeds 12,000 feet mean sea level (MSL). *GRANTED 10/20/81.*
20641	John C. Mallory	14 CFR § 63.53(a)	Reconsideration of denial of petition to permit the petitioner to hold an aircraft dispatcher airman certificate before reaching the minimum age 23. *DENIED 10/19/81.*
21063	Denver Jet, Inc. (DJI)	14 CFR § 135.243(a)	Reconsideration of the denial of Mr. Jeffrey Leeserg's petition to allow him to serve as pilot in command (PIC) for DJI without holding an airline transport pilot certificate (ATPC). *DENIED 10/19/81.*
20520	KLM Royal Dutch Airlines	Portions of 14 CFR Part 91 & 121	Extension of Exemption No. 3036 which allows petitioner to continue to operate three U.S-registered B-747-206B aircraft using a FAA-approved master minimum equipment list and an FAA-approved continuous airworthiness maintenance program. *GRANTED 9/17/81.*

[FR Doc. 81-31796 Filed 11-4-81; 8:45 am]
BILLING CODE 4910-13-M

Legal Opinion of the Department of Transportation (Federal Aviation Administration) as to the Effect of a Lease Solely for Federal Income Tax Purposes on the Requirements of the Federal Aviation Act of 1958 Relating to the Registration of Aircraft and Recordation of Interests in Aircraft

SUPPLEMENTARY INFORMATION: Mr. Melvin L. Bedrick, Cravath, Swaine & Moore, New York, New York, has requested the legal opinion of the Federal Aviation Administration (FAA) concerning an agreement relating to the transfer of tax attributes in respect of aircraft owned by United Airlines. Because of the extensive interest among finance institutions, other United States airlines and potential aircraft purchasers in the specific issues raised by Mr. Bedrick, the FAA has concluded that the opinion issued to Mr. Bedrick should receive broad dissemination.

Accordingly, the FAA publishes its response to Mr. Bedrick concerning the status of a "Federal Income Tax Lease" as it relates to aircraft registration and the recordation of interests in aircraft.

FOR FURTHER INFORMATION CONTACT: Mr. John T. Stewart, Jr., Assistant Chief Counsel, International Affairs and Legal Policy Staff, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; Telephone (202) 426-3515.

Issued in Washington, D.C. on October 29, 1981.

Edward P. Faberman,
Acting Deputy Chief Counsel.

October 28, 1981.

Melvin L. Bedrick, Esquire,
Cravath, Swaine & Moore,
One Chase Manhattan Plaza,
New York, New York 10005.

Dear Mr. Bedrick: This is in response to your request to the Federal Aviation Administration (FAA) for an opinion as to the effect of a certain lease solely for Federal Income Tax purposes on the requirements of Title V of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1401-1406) (Act) and implementing regulations. Based upon analysis of the lease agreement of October 8, 1981, as amended, your written legal opinion of October 13, 1981, and your representations at our meeting on October 26, 1981, it is our opinion that the lease agreement has no legal effect on the ownership of the aircraft for purposes of aircraft registration.

It is our understanding that the following is true with respect to the lease solely for Federal Income Tax purposes (hereinafter referred to as tax lease). The tax lease is a contract in which the registered owner of the aircraft (hereinafter referred to as the tax lessee) retains title to the aircraft as well as the burdens, benefits and incidents of ownership and sells to the tax lessor, for cash, the tax lessee's right to depreciate and take the investment tax credit with respect to the aircraft. To satisfy the requirements of the Economic Recovery Tax Act of 1981, this sale of tax benefits is cast in terms of a pro forma sale—lease back of the aircraft. The cash payment is accompanied by a promise on the part of the tax lessor to make principal and interest payments to the tax lessee which, together with the cash payment, equal the purchase price of the aircraft. The tax lessee promises to make rental payments to the tax lessor which equal the tax lessor's principal and interest payments. These two obligations will be set off against one another and it is intended that no cash transfer, beyond the initial cash payment, will be made. The tax lessor obtains absolutely no interest in the aircraft, including any interest as security for the tax lessee's performance of its obligations under the tax lease. Furthermore, in the event that the tax lessee decides to sell the aircraft during the course of the lease, he is required to obtain the consent of the purchaser to take the aircraft subject to the tax lease.

It is our opinion that the tax lease is not a sale and lease-back in any traditional sense of those terms as it neither creates nor transfers any interest in the aircraft. It is clearly not a lease intended as security, as described in our letter to American Airlines of March 19, 1981 (46 FR 18877 (1981)). The tax lease effects the transfer of tax rights traditionally held by the owner of an aircraft to a purchaser of those rights without the transfer of any of the indicia of ownership

which normally trigger tax rights and obligations. The purchaser of those tax rights in all other ways has absolutely no connection to the aircraft; the tax lessor acquires neither legal title nor any other rights with respect to the aircraft beyond the right to be characterized by the Internal Revenue Service as the owner of an aircraft for tax purposes.

In ascertaining who is the owner of an aircraft for purposes of aircraft registration, the FAA is concerned with those aspects of ownership which the tax lessee has explicitly retained. The mere transfer of tax benefits effected by the tax lease does not transmit ownership from the tax lessee to the tax lessor for purposes of aircraft registration.

Because the tax lease neither creates nor transfers any interest in the aircraft, and because the obligations created by the tax lease are not binding upon any third party, the tax lease does not constitute "a conveyance which affects the title to or any interest in," a civil aircraft of the United States, within the meaning of section 503(a)(1) of the Act. Since the rights of any third party with an actual or prospective interest in the aircraft are unaffected by the tax lease, there is no need for the constructive notice that is achieved by recordation. Consequently, the tax lease is not eligible for recordation under the Act.

This opinion is based upon the specific tax lease submitted to the FAA on behalf of your client. We express no opinion as to the effect on aircraft registration and eligibility for recordation of tax leases which are not substantially identical to the tax lease at hand.

Sincerely,

Edward P. Faberman,

Acting Deputy Chief Counsel.

[FR Doc. 81-31689 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

[FHWA Docket No. 79-9, Notice No. 4]

Highway Cost Allocation Study; Meeting and Requests for Comments

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The FHWA will hold a public meeting on November 23, 1981, to discuss the progress of the Highway Cost Allocation Study. This will be the forth and final such meeting on the study. The meeting will focus on the study's cost assignment methods and user charge options. Attendees' reaction to any aspect of the study and to the FHWA report "Working Paper No. 12: Capital Cost Allocation and User Charge Structure Options" are sought. Technical experts on highway cost allocation and finance as well as representatives of interested groups are invited to attend. Comments to the docket on any matters related to the conduct of the study are also requested from concerned parties.

DATE: Meeting—November 23, 1981. Comments to the docket on the study must be submitted by December 7, 1981, if they are to be considered in the final report.

Time: Meeting—9:30 a.m.

Place: Meeting—Room 4200, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

ADDRESS: Submit comments to and inspect reports at FHWA Docket No. 79-9, Room 4205, HCC-10, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590. For copies of reports contract Dr. Anthony R. Kane at the program office specified below.

FOR FURTHER INFORMATION CONTACT: Dr. Anthony R. Kane, Chief, Transportation and Socio-Economic Studies Division, 202-426 2923, or Mr. S. James Wiese, Attorney, Office of the Chief Counsel, 202-426-0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are Monday through Friday, 7:45 a.m. to 4:15 p.m., ET.

SUPPLEMENTARY INFORMATION:

Background

The 3-year Highway Cost Allocation Study required by Section 506 of the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599) arose from the concerns of the Congress that (1) the data analysis on which previous cost allocation studies were based needs updating; (2) future highway user taxes should be based on an equitable allocation of costs; and (3) the Federal-aid highway program has changed with regard to the level and type of programs being financed.

To satisfy Congress' concerns, Section 506 requires the Secretary of Transportation to (a) study costs occasioned in the design, construction, rehabilitation, and maintenance of Federal-aid highways by the different classes of vehicles using these roads; (b) estimate the share of such costs attributable to each class of motor vehicles; (c) assess the need for long-term monitoring of roadway deterioration to determine the relative damage attributable to traffic and environmental factors; and (d) recommend alternative tax structures that would more nearly achieve an equitable distibution of the tax burden on persons and vehicles using Federal-aid highways.

Section 506 further requires the Secretary to submit a final report on the study to Congress by January 15, 1982; progress reports by January 15, 1980, and by January 15, 1981; and a study plan within 180 days of enactment. In addition, Congress required the Congressional Budget Office (CBO) to submit within 90 days of enactment, guidelines for the Secretary's use in the preparation of a study plan. CBO's *Guidelines for a Study of Highway Cost Allocation* were submitted to the Congress and the Secretary on February 1, 1979. DOT's *Highway Cost Allocation Study Plan* was transmitted to the Congress on June 27, 1979; its *First Progress Report on the Federal Highway Cost Allocation Study* on March 12, 1980, and its *Second Progress Report on the Federal Highway Cost Allocation Study* on January 16, 1981. Copies of the *Guidelines*, the *Study Plan*, the *First Progress Report*, and the *Second Progress Report* are available for the public's inspection in the docket room specified above.

The Act requires that the study look at the allocation of the Federal share of the cost of the highway improvements financed from the Highway Trust Fund. The Congress further specified that the method used to allocate costs shall be based on the costs occasioned by each class of user rather than some other basis. The analysis FHWA is undertaking is responsive to these requirements. It will examine assignment of costs and the generation of user revenues for today's programs and conditions as well as future ones.

Meeting

The November 23 meeting will be the fourth and final public meeting on the Cost Allocation Study. The first was held March 23, 1979, to provide comments to considered in the preparation of the June 1979 *Study Plan*. The second meeting, held March 21, 1980, was to comment on the plans for and progress of the study as reflected in the *First Progress Report*. The third meeting, held October 17, 1980, was to comment on the plans for and progress of the study as reflected in two FHWA Working Papers: "Highway Cost Allocation Scale Analysis" and "Federal Highway Revenue and Highway Cost Allocation Options." This fourth meeting will focus on the study's methods and on alternative user charges available to finance future Federal-aid highway programs. This meeting should help in the determination of the recommended cost allocation methodology and Federal user charge structure that will be transmitted to Congress in the *Final Report*.

Information on some of the methods and user charge alternatives under consideration may be found in the report "Working Paper No. 12: Capital

Cost Allocation and User Charge Structure Options."

The November meeting agenda will include, but not be limited to, a discussion of the following topics:

(a) Alternative methods for allocating common costs. Common costs are those costs that are not caused by characteristics of particular vehicle classes. Common costs, traditionally, have been allocated by vehicle-miles or axle-miles of travel, bu numerous alternatives exist to allocate these costs. Comments on what method would be fairest are sought.

(b) Alternative methods for allocating pavement, right-of-way, grading, and bridge costs. Many complex methods for allocating these costs have been set forth in the previously cited reports on this study. Comments on what methods would be fairest are sought.

(c) Highway user charge alternatives including fuel charges, weight charges, weight-distance charges, new vehicle sales charges, and tire, tube, and tread rubber charges. Modifications to existing user charges are sought that would make them more sensitive to cost variations by vehicle class and more likely to have a constant real yield in the presence of inflation and increasing vehicular fuel efficiency. Suggestions on existing user charges that could be eliminated without serious equity impacts are also welcome. Suggestions on administrative and compliance aspects are also sought.

Docket

Comments to the docket established for the study are sought on allocation methods, tax alternatives and any other matters related to the study. Such comments must be submitted to the docket by December 7, 1981, to ensure consideration.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on: October 30, 1981.

L. P. Lamm,

Executive Director.

[FR Doc. 81-32049 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Unicoi County, Tenn.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in Unicoi County, Tennessee.

FOR FURTHER INFORMATION CONTACT: Mr. E. G. Oakley, Division Administrator, Federal Highway Administration, Federal Building, U.S. Courthouse, 801 Broadway—Suite A-926, Nashville, Tennessee 37203, telephone (615) 251-5394.

SUPPLEMENTARY INFORMATION: The FWHA in cooperation with the Tennessee Department of Transportation will prepare an environmental impact statement (EIS) on a proposal to construct a section of Appalahian Corridor B in Unicoi County, Tennessee. The proposed improvement would involve the construction of a four-lane facility either on new location or generally along the existing location of State Routes 81 and 36, from Sams Gap at the North Carolina-Tennessee state line to a connection with the completed four-lane Erwin Bypass at Riverview. The proposed improvement would have a length of approximately 18 miles. Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand.

Alternatives under consideration include (1) taking no action; (2) using alternative travel modes; (3) postponement; (4) reduced facility design; (5) constructing a four-lane limited access roadway on new location; and (6) widening the existing routes.

A public meeting was held in Temple Hill on October 8, 1981. Letters describing the proposed action and soliciting comments were sent to appropriate federal, state and local agencies in 1981. In addition, another public meeting and a corridor public hearing and a design public hearing will be held. Public notice will be given of the time and place of the public meeting and public hearings. The draft EIS will be available for public and agency review and comment. These activities are providing input regarding the scope of the EIS.

To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and suggestions concerning the proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 23.003, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program)

Issued on October 30, 1981.

Edward G. Oakley,

Division Administrator, Tennessee Division, Nashville, Tennessee.

[FR Doc. 81-32092 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; City of Burlingame, Calif.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed roadway improvement in the City of Burlingame, California.

FOR FURTHER INFORMATION CONTACT: D. L. Eyres, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440-3541.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation and the City of Birlingame will prepare an environmental impact statement (EIS) on the proposed improvement of Airport Boulevard. The limits of the EIS are to be from Bayview Place to the intersection with Bayshore Boulevard, a distance of approximately 3,500 feet.

The EIS will include a discussion of four alternatives, including: (1) the no-build alternative; (2) the widening of the two-land Airport Boulevard roadway to four lanes from the intersection with Route 101 Freeway to a point approximately 300 feet west of the intersection with Bayview Place: (3) the construction of a two-lane, one-way loop road; westbound traffic would use the existing two-lane Airport Boulevard roadway and to accommodate eastbound traffic, a new two lane roadway would be constructed; and (4) a roadway similar to alternative 2 described above except that it would incorporate a two-lane, one-way, loop road around the existing Bayside Park and City's waste-water treatment plant.

Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have previously expressed interest in this proposal. Representatives of agencies and private organizations have been involved in the selection of alternatives to be studied. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties.

Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: October 27, 1981.

D. L. Eyres,

District Engineer, Sacramento, Calif.

[FR Doc. 81-32093 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[FRA Waiver Petition Docket HS-81-20]

Mount Hood Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Mount Hood Railroad (MHR) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the MHR be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The MHR seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-20, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Communications received before December 11, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C. on October 28, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-32071 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-81-19]

Vermont Railway Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Vermont Railway (VRR) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C. 64a(e)). That petition requests that the VRR be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified employees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption from this twelve hour limitation.

The VRR seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petititoner asserts that it employs no more than fifteen employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-19, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

Communications received before November 30, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments, during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49(d))

Issued in Washington, D.C. on October 28, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-32070 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-06-M

[FRA Waiver Petition Docket HS-81-18]

West Virginia Northern Railroad Co.; Petition for Exemption From the Hours of Service Act

In accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the West Virginia Northern Railroad (WVNR) has petitioned the Federal Railroad Administration (FRA) for an exemption from the Hours of Service Act (83 Stat. 464, Pub. L. 91-169, 45 U.S.C 64a(e)). That petition requests that the WVNR be granted authority to permit certain employees to continuously remain on duty for in excess of twelve hours.

The Hours of Service Act currently makes it unlawful for a railroad to require or permit specified empolyees to continuously remain on duty for a period in excess of twelve hours. However, the Hours of Service Act contains a provision that permits a railroad, which employs no more than fifteen employees who are subject to the statute, to seek an exemption form this twelve hour limitation.

The WVNR seeks this exemption so that it can permit certain employees to remain continuously on duty for periods not to exceed sixteen hours. The petitioner indicates that granting this exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts that it employs no more than fifteen

employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in this proceeding by submitting written views or comments. FRA has not scheduled an opportunity for oral comment since the facts do not appear to warrant it. Communications concerning this proceeding should identify the Docket Number, Docket Number HS-81-18, and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before November 30, 1981, will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be availabe for examination both before and after the closing date for comments, during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

(Section 5 of the Hours of Service Act of 1969 (45 U.S.C. 64a), 1.49(d) of the regulations of the Office of the Secretary, 49 CFR 1.49 (d))

Issued in Washington, D.C. on October 28, 1981.

Joseph W. Walsh,

Chairman, Railroad Safety Board.

[FR Doc. 81-32069 Filed 11-4-81; 8:45 am]

BILLING CODE 4910-06-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular, Public Debt Series—No. 33-81]

Treasury Notes of November 15, 1984, Series M-1984; Auction

October 29, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $4,500,000,000 of United States securities, designated Treasury Notes of November 15, 1984, Series M-1984 (CUSIP No. 912827 MM 1). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated November 16, 1981, and will bear interest from that date, payable on a semiannual basis on May 15, 1982, and each subsequent 6 months on November 15 and May 15 until the principal becomes payable. They will mature November 15, 1984, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registerd as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 2:30 p.m., Eastern Standard time, Monday, November 2, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Sunday, November 1, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basie of a ⅛ of one percent increment, which results in

an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender alloted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting non-competitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the deteminations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or the Bureau of the Public Debt, whereever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, November 16, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, November 12, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifiying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exhangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-32166 Filed 11-3-81; 11:30 am]

BILLING CODE 4810-40-M

[Department Circular, Public Debt Series—No. 34-81]

Treasury Notes of November 15, 1991, Series C-1991; Action

October 29, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,250,000,000 of United States securities, designated Treasury Notes of November 15, 1991, Series C-1991 (CUSIP No. 912827 MN 9). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in

the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated November 16, 1981, and will bear interest from that date, payable on a seminannual basis on May 15, 1982, and each subsequent 6 months on November 15 and May 15 until the principal becomes payable. They will mature November 15, 1991, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupoons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this Circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m. Eastern Standard time, Wednesday, November 4, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, November 3, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Non-competitive tenders must show the term "noncompetive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 97.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, November 16, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are

not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, November 12, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-32167 Filed 11-3-81; 11:30 am]

BILLING CODE 4810-40-M

[Department Circular, Public Debt Series—No. 35-81]

Treasury Bonds of 2006-2011; Auction

October 29, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,000,000,000 of United Sttes securities, designated Treasury Bonds of 2006-2011 (CUSIP No. 912810 CY 2). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated November 16, 1981, and will bear interest from that date, payable on a simiannual basis on May 15, 1982, and each subsequent 6 months on November 15 and May 15, until the principal becomes payable. They will mature on November 15, 2011, but may be redeemed at the option of the United States on and after November 15, 2006, in whole or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, of other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations

and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Thursday, November 5, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, November 4, 1981.

3.2. Each tender must state the face amount of securities bid for. The mnimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 92.70. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, November 16, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, November 12, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the

Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-32168 Filed 11-3-81; 11:30 am]

BILLING CODE 4810-40-M

Senior Executive Service (SES) Bonuses

AGENCY: Department of the Treasury.

ACTION: Notice of schedule for awarding SES bonuses.

SUMMARY: This notice announces the schedule for awarding SES bonuses (performance awards) in the Department of the Treasury.

FOR FURTHER INFORMATION CONTACT: D. S. Burckman, Director of Personnel, Room 2426, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220; Telephone: 566-2701.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to guidance from the Director of the Office of Personnel Management, dated July 21, 1980. The Department of the Treasury is scheduled to award bonuses to eligible career senior executives for the performance appraisal period ending September 30, 1981, with payouts by December 31, 1981. Such bonuses are authorized by section 407(a) of the Civil Service Reform Act of 1978 (Pub. L. 95-454), codified in 5 U.S.C. 5384, and by section 303 of the Supplemental Appropriations and Rescission Act, 1980 (Pub. L. 96-304).

This notice does not meet the Department's criteria for significant regulations.

Cora P. Beebe,

Assistant Secretary (Administration).

[FR Doc. 81-32021 Filed 11-4-81; 8:45 am]

BILLING CODE 4810-25-M

VETERANS ADMINISTRATION

Research and Education Addition; Veterans Administration Medical Center, Buffalo, New York; Finding of No Significant Impact

The Veterans Administration has assessed the potential environmental impact that may occur as a result of the construction of a new Research and Education Building consisting of a basement, four additional floors, and a machinery penthouse. The new building, located north of building No. 1, will provide approximately 13,290 net square feet of education space and will be connected by a covered walkway. Construction will require elimination of approximately 80 parking spaces, the relocation of a service road, main electrical entrance, existing generators, fuel tanks and demolition of an underground water reservoir. The new building will be provided with emergency electric power.

Three site alternatives and a No Action alternative were considered for the construction project and a preferred alternative was chosen. Alternative one located the addition southeast of building No. 1. Alternative two consisted of a rectangular addition to be included directly north of building No. 1. Alternative three consisted of an irregular shaped building located north of building No. 1. All three alternatives connected to the hospital via an enclosed corridor. The No Action alternative would sustain all facilities in their existing condition with only continued yearly maintenance.

Alternative three was selected as the most viable for development. The demolition of the underground water reservoir will not create a water shortage for the station since plans have been made to build a second main water pipe connection. Development of the project will have temporary impacts on the human and natural environment affecting traffic and pedestrian circulation, noise levels, air quality, aesthetics and soil erosion.

All applicable Federal, State and local laws and regulations will be adhered to in the construction and operational phases. The commitment of resources, energy and labor to implement the project is irreversible and permanent once the project is in place.

Mitigation will occur during project development. Construction contract documents will have the VA Construction Specifications which include the Environmental Protection Section.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P. E., Director, Office of Environmental Affairs, Room 950, Veterans Administration, 1425 K Street, NW., Washington, D.C., (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs, 810 Vermont Avenue, NW., Washington, D.C. 20420.

Dated: October 28, 1981.

Robert P. Nimmo,

Administrator.

Sunshine Act Meetings

Federal Register
Vol. 46, No. 214
Thursday, November 5, 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

CIVIL AERONAUTICS BOARD

[M-336, Amdt. 1, October 30, 1981]

Notice of Addition and Closure of Item to the November 3, 1981 Board Meeting

TIME AND DATE: 10 a.m., November 3, 1981.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

25. Application of Trans-Mediterranean Airways, S.A.L. (TMA) for Special Authorization under Part 216 of the Board's Economic Regulations, and
Docket 39957—Application of Middle East Airlines Airliban, S.A.L. (MEA) for an exemption under section 416(b) of the Act. (Memo 886, BIA)

STATUS: Items 1-24 (Open), Item 25 (Closed).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1676-81 Filed 11-3-81: 3:23 pm]

BILLING CODE 6320-01-M

2

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., November 12, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Report on Notation Items disposed of during September 1981.
2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during September 1981.
3. Report of the Secretary on Applications for Admission to Practice approved during September 1981, pursuant to delegated authority.
4. Puerto Rico Maritime Shipping Authority 2.9% rate increase in the United States-Puerto Rico trades.
5. Trailer marine Transport Corporation 2.9% rate increase in the United States-Puerto Rico trades.
6. Agreement No. 5600-42: Modification of the Philippines North America Conference Agreement to provide for agreement on intermodal rates, amend self-policing procedures and for other purposes.
7. Agreement No. 10392-1: Extension of the U.S. Atlantic-Amazon Discussion Agreement.
8. Agreement No. 9745-3: Modification of the Dart Containerline Company Limited consortium to substitute Centennial Shipping Limited for Bristol City Line Limited.
9. Agreement No. T-3938: Container terminal agreement between the City of Los Angeles and American President Lines, Ltd.

Portion closed to the public:

1. Docket No. 81-15: United States-European Trade Carriers Cooperative Study Agreement No. 10318—Consideration of request for oral argument and possible consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1672-81 Filed 11-3-81: 12:02 pm]

BILLING CODE 6730-01-M

3

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-81-39]

TIME AND DATE: 1 p.m., Wednesday, November 4, 1981.

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTER TO BE CONSIDERED: A majority of the Board has determined by recorded vote that the business of the Board requires that the following item be discussed on this date and that no earlier announcement was possible.

Briefing by Bell Helicopter covering procedures by Bell in accident investigation and use of investigative findings in Bell's Product Improvement Program.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming 202-382-6525.

November 3, 1981.

[S-1678-81 Filed 11-3-81: 3:15 pm]

BILLING CODE 4910-58-M

4

NUCLEAR REGULATORY COMMISSION

DATE: Week of November 9, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED:

Monday, November 9
9:30 a.m.: Briefing on Recent Seismic Design Errors at Diablo Canyon Unit 1 (public meeting)
Tuesday, November 10
2:00 p.m.: Briefing on Equipment Qualification Plan and Proposed Rulemaking, "Environmental Qualification of Electric Equipment for Nuclear Power Plants" (public meeting)
Thursday, November 12
10:00 a.m.: Discussion of Further Consideration of Diablo Canyon Seismic Issue (closed meeting)
3:00 p.m.: Affirmation/Discussion Session (public meeting)
Items to be affirmed and/or discussed:
a. Final Amendment to 10 CFR Part 50, Clarifications to Emergency Preparedness Regulations
b. Proposed Amendment to 10 CFR Part 50 and to Appendix E: Modification to Emergency Preparedness Regulations
c. PG&E Motion for Reconsideration of Diablo Canyon Order
d. Amendments to 10 CFR Chapter I Parts 19, 30, 40, 50, 60, 70, 72, and 150 with Respect to Employees Who Provide Information

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

November 2, 1981.

Walter Magee,
Office of the Secretary.

[S-1670-81 Filed 11-2-81: 4:38 pm]

BILLING CODE 7590-01-M

5

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 53249, October 28, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m. on November 13, 1981.

CHANGES IN THE MEETING: This meeting has been *rescheduled for November 12, 1981, at 10 a.m.*

Dated: November 3, 1981.

[S-1674-81 Filed 11-3-81; 3:14 pm]

BILLING CODE 7600-01-M

6

POSTAL RATE COMMISSION

TIME AND DATE: 1 P.M., Thursday, November 5, 1981.

PLACE: Conference Room, Room 500, 2000 L Street, N.W., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Issued in Docket MC78-5 (E-COM) [Remand]. [Closed pursuant to 5 U.S.C. 552b(c)(10).]

CONTACT PERSON FOR MORE INFORMATION: Dennis Watson, Information Officer, Postal Rate Commission, Room 500, 2000 L Street, N.W., Washington, D.C. 20268, telephone (202) 254-5614.

[S-1671-81 Filed 11-3-81; 10:41 am]

BILLING CODE 7715-01-M

7

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 53249, October 28, 1981.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Monday, October 26, 1981.

CHANGES IN THE MEETING: Deletion/additional item.

The following item will not be considered at a closed meeting scheduled for Tuesday, November 3, 1981, following the 10:30 a.m. open meeting.

Settlement of administrative proceeding of an enforcement nature.

The following additional item will be considered at a closed meeting scheduled for Tuesday, November 31, 1981, following the 10:30 a.m. open meeting.

Consideration of *amicus* participation.

Chairman Shad and Commissioners Loomis, Evans, Thomas and Longstreth determined by vote that Commission business required consideration of this matter and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Lowenstein at (202) 272-2092.

November 3, 1981.

[S-1673-81 Filed 11-3-81; 3:06 p.m.]

BILLING CODE 8010-01-M

8

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1278]

TIME AND DATE: 6 p.m. (EST), Tuesday, November 10, 1981.

PLACE: Bryan College, Brock Bicentennial Hall, Room 113, Bryan Drive, Dayton, Tennessee.

STATUS: Open.

Action Items

Old Business

1. Amendment to project authorization for preliminary studies for decommissioning the Edgemont, South Dakota, uranium mill.

B—Purchase Awards

1. Request for Proposal 33-830063 and Project Authorization No. 3591—Dry fly-ash collection and loadout facility, including installation, for Bull Run Fossil Plant.
2. Interagency agreement with the Department of the Air Force, San Antonio Data Services Center, San Antonio, Texas, covering arrangements for computing services.
3. Req. No. J3-634441—Outside computer services—Computering Operations Branch.
4. Req. No. 23-192908—Control bypass system for Paradise Fossil Plant units 1 and 2.
5. Req. No. 5-829390—Static volt ampere reactive systems for Watts Bar Nuclear Plant.
6. Req. No. 53—Term coal for Johnsonsville Steam Plant.
7. Req. No. 61—Term coal for Widows Creek Steam Plant.

C—Power Items

1. New power contract with General Motors Corporation, Athens, Alabama, Plant.
2. Renewal of power contract with Russellville, Kentucky.
3. Standard-form agreement amending power contracts to change language governing frequency of rate reviews.

D—Personnel Items

1. Supplement to personal services contract with Nuclear Support Services, Inc., Woodbridge, Virginia, requested by the Division of Occupational Health and Safety, Office of Management Services.

E—Real Property Transactions

1. Grant and conveyance of easements and rights-of-way to Franklin County, Alabama, for highway adjustments necessitated by the construction and operation of Cedar Creek Dam and Reservoir.
2. Grant of permanent easement for highway right-of-way to State of Tennessee, Department of Transportation, affecting approximately 3.8 acres of Kentucky Reservoir land located in Henry Country, Tennessee—Tract No. XTGIR-125H.
3. Sale of surplus property affecting 1.7 acres of Oliver Springs flood project land—Tract No. XOSFP-6; and grants of permanent recreation and industrial easements affecting approximately 11.9 and 8.2 acres, respectively, of Oliver Springs flood project lands—Tract Nos. XTOSFP-6RE,-7RE, and-8RE and XTOSFP-9IE.
4. Abandonment of a portion of the South Nashville-West Nashville transmission line right-of-way affecting portions of Tract Nos. SNWN-9 through SNWN-12 located in Davidson County, Tennessee.
5. Filing of condemnation suits.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632-3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office, (202) 245-0101.

Dated: November 3, 1981.

[S-1677-81 Filed 11-3-81; 3:50 pm]

BILLING CODE 8120-01-M

9

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, November 10, 1981 at 10:00 a.m.

PLACE: 1325 K Street, NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Compliance. Litigation. Audits. Personnel.

* * * * *

DATE AND TIME: Thursday, November 12, 1981 at 10:00 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Advisory opinions:
Draft AO 1981-34—Philip J. Harter, National Association of Retired Federal Employees

Draft AO 1981–46—H. Lee Halterman, District Counsel, The Committee for Congressman Ronald V. Dellums
Partial Reconsideration of AO 1981–41—John Graff, Chairman, International Association of Amusement Parks and Attractions Political Action Committee
Year end budget execution report
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION:
Mr. Fred Eiland, Public Information Officer; Telephone: 202–523–4065.

Marjorie W. Emmens,
Secretary of the Commission.

[S-1678-81 Filed 11-3-81; 4:04 pm]
BILLING CODE 6715-01-M

federal register

Thursday
November 5, 1981

Part II

Department of the Interior

Bureau of Land Management

Outer Continental Shelf; Oil and Gas Lease Sale

4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Mid-Atlantic Outer Continental Shelf

Notice of Leasing Systems, Sale No. 59

Sec. 8(a)(8) (43 U.S.C. 1337 (a)(8)) of the Outer Continental Shelf (OCS) Lands Act, as amended, requires that, at least 30 days before any lease sale, a notice be submitted to the Congress and published in the Federal Register:

(A) identifying the bidding systems to be used and the reasons for such use; and

(B) designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

A. Bidding systems to be used. In OCS Sale No. 59, tracts will be offered under the following three bidding systems as authorized by Sec. 8(a)(1)-(43 U.S.C. 1337 (a)(1)): (1) bonus bidding with a fixed net profit share on 83 tracts, (2) bonus bidding with a fixed 16-2/3 percent royalty on 4 tracts, and (3) bonus bidding with a fixed 12-1/2 percent royalty on 166 tracts.

(1) Bonus Bidding with a Fixed Net Profit Share. This system is authorized by Sec. 8(a)(1)(D) of the OCS Lands Act, as amended. This system was established by Department of Energy (DOE) regulations effective May 14, 1980 (45 Fed. Reg. 36784 May 30, 1980). This system has been used in eight previous OCS sales. The profit share system designed for this sale may increase competition by generating greater contingency payments to the Government and thereby reducing the initial cash bonus. It may also increase the volume of production because certain allowable capital costs can be deducted prior to any liability for profit share payments. In addition, the profit share system may foster the development of marginal fields when compared to a royalty system since the Government shares more of the risk and the lessees' incremental costs are lower in the presence of a capital recovery.

A profit share system which uses cash bonus as the bid variable avoids percentage bids at high levels which would make future development either economically inefficient or simply uneconomic. In addition, it is easier to administer and unitize adjacent tracts with similar profit share rates. Furthermore, a fixed profit share better assures that firms who can produce at lower costs are more likely to obtain leases than would be the case if it were possible for less efficient firms to simply bid away higher percentages of lower profits.

For all 83 tracts, firms will be permitted a capital recovery factor of 1.50 over their actual allowable costs before any profit share payments are due. The profit share rate selected for this sale is 30 percent. These parameters were selected on the basis of DOE and DOI studies regarding the effect on bonuses, profit-share payments, Government receipts, gross production, minimal economic tract sizes, and particularly on the incentive to alter the production profile.

(2) Bonus Bidding with a 16-2/3 Percent Royalty. This system is authorized by Sec. (8)(a)(1)(A) of the OCS Lands Act, as amended. This system has been used extensively since the passage of the OCS Lands Act in 1953 and imposes greater risks on the lessee than systems with higher contingency payments, but may yield more rewards if a commercial field is discovered. The relatively high front-end payments required may encourage rapid exploration. The use of this system will provide a data base with which to compare the performance of the alternative systems.

(3) Bonus Bidding with a 12-1/2 Percent Royalty. This system is authorized by Sec. 8(a)(1)(A) of the OCS Lands Act, as amended. This system has been chosen for certain deepwater tracts proposed for Sale 59 because these tracts are expected to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to shallow water tracts. DOI analyses indicate that the minimum economically developable discovery

on a tract in such deepwater areas under a fixed 12-1/2 percent royalty system would be less than for the same tracts under a fixed 16-2/3 percent royalty system. As a result, more tracts may be explored and developed. In addition, the lower royalty rate system is expected to yield more rapid production rates and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary restraints to competition.

(8) Designation of Tracts. The selection of tracts to be offered under the three systems was based on the following factors:

(1) Lease terms on adjacent tracts were considered in order to reduce administrative costs and barriers to unitization, and to enhance orderly development of each field.

(2) A sufficient number of tracts was needed to permit valid statistical analysis while limiting the risks of losses caused by unforseen problems which could arise in the use of any new bidding system. The number of tracts must also be consistent with the requirements of Sec. 8(a)(5)(B) of the OCS Lands Act, as amended.

(3) The range and distribution of the characteristics of tracts were to be comparable for statistical purposes. Such characteristics include estimated resources, water depth, structure depth, favorable vs. unfavorable location of tracts on structures, and the location of tracts across trends.

The specific tracts to be offered under each system are as follows.

(a) Bonus Bidding with a Fixed Net Profit Share--Tracts 59-106 through 59-110, 59-115 through 59-120, and 59-124 through 59-195.

(b) Bonus Bidding with a 16-2/3 Percent Royalty--Tracts 59-1, 59-25, 59-62, and 59-222.

(c) Bonus Bidding with a 12-1/2 Percent Royalty--All remaining tracts.

Robert F. Burford

Director, Bureau of Land Management

Approved: NOV 2 1981

Donald Paul Hodel

Acting Secretary of the Interior

[FR Doc. 81-33083 Filed 11-4-81; 8:45 am]

BILLING CODE 4310-84-C

4310-84

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf
Mid-Atlantic Oil and Gas Lease Sale No. 59

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended, (92 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed bids will be received by the Manager, New York Outer Continental Shelf (OCS) Office, Bureau of Land Management, Jacob K. Javits Federal Building, 26 Federal Plaza, Suite 32-120, New York, New York 10278. Bids may be delivered either by mail or in person, to the above address until 4:30 p.m., e.s.t., December 7, 1981; or by personal delivery to Vista International New York, 3 World Trade Center, Nieuw Amsterdam Ballroom, New York, N.Y. 10048 between the hours of 8:30 a.m. e.s.t., and 9:30 a.m., e.s.t., December 8, 1981. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., e.s.t., December 8, 1981. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published at 46 FR 49653, on October 7, 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract), not to be opened until 10:00 a.m., e.s.t., December 8, 1981" must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A for bonus bid tracts. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protraction diagrams. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, certified check, or money order, payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 12 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of three decimal places after the decimal point, e.g., 50.123%, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting intimidation or unlawful combination of bidders.

4. Bidding Systems. All leases awarded for this sale will provide for a yearly rental payment of $8 per hectare or fraction thereof. The following systems will be utilized:

(a) Bonus Bidding with a Fixed Net Profit Share. Bids on tracts 59-106 through 59-110, 59-115 through 59-120, and 59-124 through 59-195 must be submitted on a cash bonus basis with a fixed

net profit share rate of 30 percent and a capital recovery factor of 1.5. The net profit share payment shall be calculated according to the Department of Energy regulations in 10 CFR 390 (45 FR 36784, May 30, 1980).

(b) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on tracts 59-1, 59-25, 59-62, and 59-222 must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum royalty payment of $8 per hectare or fraction thereof due at the end of each lease year beginning with the first lease year following a discovery on the lease.

(c) Bonus Bidding with a 12-1/2 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 12-1/2 percent. All leases awarded under this system will provide for a minimum annual royalty payment of $8 per hectare or fraction thereof due at the end of each lease year beginning with the first lease year following a discovery on the lease.

5. Equal Opportunity. Each bidder must have submitted by 9:30 a.m., e.s.t., December 8, 1981, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971).

Revisions of Department of Labor regulations on Affirmative Action requirements for Government contractors (including lessees) have been deferred, pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form 3300-1 (September 1978), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form 1140-8 (November 1973) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

6. Bid Opening. Bids will be opened on December 8, 1981, beginning at 10:00 a.m., e.s.t., at the second address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, December 8, 1981, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, bank drafts, certified checks, or money orders, submitted with a bid may be deposited in a suspense account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bid will be considered for acceptance unless it provides for a cash bonus in the amount of $62 or more per hectare or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's rental, and satisfy the bonding requirements of 43 CFR Subpart 3318 within the time provided in 43 CFR 3316.5.

11. Official Protraction Diagrams. Tracts offered for lease may be located on the following official protraction diagrams which are available from the Manager, New York Outer Continental Shelf Office at the first address stated in paragraph 2, at a cost of $2.00 each.

(a) Outer Continental Shelf Official Protraction Diagram NJ 18-3 (Approved October 31, 1974).

(b) Outer Continental Shelf Official Protraction Diagram NJ 18-6 (Approved October 31, 1974).

(c) Outer Continental Shelf Official Protraction Diagram NJ 18-8, Chincoteague (Approved December 2, 1976).

(d) Outer Continental Shelf Official Protraction Diagram NJ 18-9, Baltimore Rise (Approved December 6, 1976).

12. Tract Descriptions.

Note: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental impact statement may not be included in this notice. Some of the blocks are included in prior environmental impact statements as well as the one for this sale.

The tracts offered for bids are as follows:

Tract List
Sale No. 59

OCS OFFICIAL PROTRACTION DIAGRAM, KJ 18-3
(Approved October 31, 1974)

Tract	Block	Description	Hectares
59-1	686	All	2304
59-2	689	All	2304
59-3	691	All	2304
59-4	693	All	2304
59-5	694	All	2304
59-6	733	All	2304
59-7	734	All	2304
59-8	735	All	2304
59-9	736	All	2304
59-10	737	All	2304
59-11	775	All	2304
59-12	776	All	2304
59-13	777	All	2304
59-14	778	All	2304
59-15	779	All	2304
59-16	780	All	2304
59-17	781	All	2304
59-18	818	All	2304
59-19	819	All	2304
59-20	820	All	2304
59-21	821	All	2304
59-22	822	All	2304
59-23	823	All	2304
59-24	824	All	2304
59-25	856	All	2304
59-26	862	All	2304
59-27	863	All	2304
59-28	864	All	2304
59-29	865	All	2304
59-30	866	All	2304
59-31	867	All	2304
59-32	904	All	2304
59-33	905	All	2304
59-34	906	All	2304
59-35	907	All	2304
59-36	908	All	2304
59-37	909	All	2304
59-38	910	All	2304
59-39	911	All	2304
59-40	948	All	2304
59-41	949	All	2304
59-42	950	All	2304
59-43	951	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, KJ 18-3 (Continued)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
59-44	952	All	2304
59-45	953	All	2304
59-46	954	All	2304
59-47	990	All	2304
59-48	991	All	2304
59-49	992	All	2304
59-50	993	All	2304
59-51	994	All	2304
59-52	995	All	2304
59-53	996	All	2304
59-54	997	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, KJ 18-6
(Approved October 31, 1974)

Tract	Block	Description	Hectares
59-55	22	All	2304
59-56	23	All	2304
59-57	24	All	2304
59-58	25	All	2304
59-59	26	All	2304
59-60	27	All	2304
59-61	28	All	2304
59-62	63	All	2304
59-63	65	All	2304
59-64	66	All	2304
59-65	67	All	2304
59-66	68	All	2304
59-67	69	All	2304
59-68	70	All	2304
59-69	71	All	2304
59-70	108	All	2304
59-71	109	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, NJ 18-6 (Continued)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
59-72	110	All	2304
59-73	111	All	2304
59-74	112	All	2304
59-75	113	All	2304
59-76	114	All	2304
59-77	152	All	2304
59-78	153	All	2304
59-79	154	All	2304
59-80	155	All	2304
59-81	156	All	2304
59-82	157	All	2304
59-83	194	All	2304
59-84	196	All	2304
59-85	197	All	2304
59-86	198	All	2304
59-87	199	All	2304
59-88	200	All	2304
59-89	235	All	2304
59-90	236	All	2304
59-91	237	All	2304
59-92	238	All	2304
59-93	239	All	2304
59-94	240	All	2304
59-95	241	All	2304
59-96	242	All	2304
59-97	243	All	2304
59-98	279	All	2304
59-99	280	All	2304
59-100	281	All	2304
59-101	282	All	2304
59-102	283	All	2304
59-103	284	All	2304
59-104	285	All	2304
59-105	286	All	2304
59-106	322	All	2304
59-107	323	All	2304
59-108	324	All	2304
59-109	325	All	2304
59-110	326	All	2304
59-111	327	All	2304
59-112	328	All	2304
59-113	329	All	2304
59-114	330	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, NJ 18-6 (continued)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
59-115	365	All	2304
59-116	366	All	2304
59-117	367	All	2304
59-118	368	All	2304
59-119	369	All	2304
59-120	370	All	2304
59-121	371	All	2304
59-122	372	All	2304
59-123	373	All	2304
59-124	408	All	2304
59-125	409	All	2304
59-126	410	All	2304
59-127	411	All	2304
59-128	412	All	2304
59-129	413	All	2304
59-130	414	All	2304
59-131	415	All	2304
59-132	416	All	2304
59-133	417	All	2304
59-134	452	All	2304
59-135	453	All	2304
59-136	454	All	2304
59-137	455	All	2304
59-138	456	All	2304
59-139	457	All	2304
59-140	458	All	2304
59-141	459	All	2304
59-142	460	All	2304
59-143	496	All	2304
59-144	497	All	2304
59-145	498	All	2304
59-146	499	All	2304
59-147	500	All	2304
59-148	501	All	2304
59-149	502	All	2304
59-150	503	All	2304
59-151	540	All	2304
59-152	541	All	2304
59-153	542	All	2304
59-154	543	All	2304
59-155	544	All	2304
59-156	545	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, NJ 18-6 (continued)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
59-157	546	All	2304
59-158	584	All	2304
59-159	585	All	2304
59-160	586	All	2304
59-161	587	All	2304
59-162	588	All	2304
59-163	589	All	2304
59-164	627	All	2304
59-165	628	All	2304
59-166	629	All	2304
59-167	630	All	2304
59-168	631	All	2304
59-169	632	All	2304
59-170	669	All	2304
59-171	670	All	2304
59-172	671	All	2304
59-173	672	All	2304
59-174	673	All	2304
59-175	674	All	2304
59-176	712	All	2304
59-177	713	All	2304
59-178	714	All	2304
59-179	715	All	2304
59-180	716	All	2304
59-181	717	All	2304
59-182	755	All	2304
59-183	756	All	2304
59-184	757	All	2304
59-185	758	All	2304
59-186	759	All	2304
59-187	760	All	2304
59-188	761	All	2304
59-189	798	All	2304
59-190	799	All	2304
59-191	800	All	2304
59-192	801	All	2304
59-193	802	All	2304
59-194	803	All	2304
59-195	804	All	2304
59-196	841	All	2304
59-197	842	All	2304
59-198	843	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, NJ 18-6 (continued)
(Approved October 31, 1974)

Tract	Block	Description	Hectares
59-199	844	All	2304
59-200	845	All	2304
59-201	846	All	2304
59-202	883	All	2304
59-203	884	All	2304
59-204	885	All	2304
59-205	886	All	2304
59-206	887	All	2304
59-207	888	All	2304
59-208	889	All	2304
59-209	927	All	2304
59-210	928	All	2304
59-211	929	All	2304
59-212	930	All	2304
59-213	931	All	2304
59-214	932	All	2304
59-215	933	All	2304
59-216	971	All	2304
59-217	972	All	2304
59-218	973	All	2304
59-219	974	All	2304
59-220	975	All	2304
59-221	976	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, CHINCOTEAGUE NJ 18-8
(Approved December 2, 1976)

Tract	Block	Description	Hectares
59-222	41	All	2304
59-223	129	All	2304
59-224	216	All	2304
59-225	217	All	2304
59-226	260	All	2304
59-227	261	All	2304
59-228	304	All	2304
59-229	305	All	2304
59-230	347	All	2304
59-231	348	All	2304

OCS OFFICIAL PROTRACTION DIAGRAM, BALTIMORE RISE NJ 18-9
(Approved December 6, 1976)

Tract	Block	Description	Hectares
59-232	2	All	2304
59-233	3	All	2304
59-234	4	All	2304
59-235	5	All	2304
59-236	6	All	2304
59-237	45	All	2304
59-238	46	All	2304
59-239	47	All	2304
59-240	48	All	2304
59-241	49	All	2304
59-242	50	All	2304
59-243	89	All	2304
59-244	90	All	2304
59-245	91	All	2304
59-246	92	All	2304
59-247	93	All	2304
59-248	133	All	2304
59-249	134	All	2304
59-250	135	All	2304
59-251	136	All	2304
59-252	177	All	2304
59-253	178	All	2304

13. Lease Terms and Stipulations. Leases resulting from this sale for tracts 59-1, 59-2, 59-6, 59-25, 59-62, 59-89, 59-90, 59-98, 59-99, 59-106, 59-107, 59-115, 59-116, 59-124, 59-125, 59-134, 59-135, 59-222, and 59-223 will be for an initial term of 5 years. All other leases issued as a result of this sale will be for an initial term of 10 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, New York Outer Continental Shelf Office, at the first address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed net profit share, as listed in paragraph 4(a), Form 3300-1 will be amended as follows:

Sec. 4. Rentals. The phrase "which commences prior to a discovery in paying quantities of oil or gas on the leased area" is hereby deleted and replaced by "which commences prior to the date the first net profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Net Profit Share. The lessee agrees to pay a net profit share rate of 30 percent with a 1.5 capital recovery factor, calculated pursuant to 10 CFR 390.

(b) Except as otherwise noted, the following stipulations will be included in each lease resulting from this sale. In the following stipulations, the term DCMOFO refers to the U.S. Geological Survey, Atlantic OCS/Eastern Region, Deputy Conservation Manager, Offshore Field Operations, and the term Manager refers to the Manager of the New York OCS Office of the Bureau of Land Management.

Stipulation No. 1

If the Deputy Conservation Manager, Offshore Field Operations (DCMOFO) has reason to believe that a site, structure, or object of historical or archeological significance (hereinafter referred to as "cultural resource") may exist in the lease area, and the DCMOFO gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including but not limited to, well drilling and pipeline and platform placement (hereinafter in this stipulation referred to as "operation"), the lessee shall conduct remote sensing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such remote sensing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archeologist to determine if indicators are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archeologist shall be submitted by the lessee to the DCMOFO and to the Manager, New York OCS Office for review.

If such cultural resource indicators are present, the lessee shall: (1) locate the site of such operation so as not to adversely affect the identified location; or (2) establish, to the satisfaction of the DCMOFO, on the basis of further archeological investigation conducted by a qualified marine survey archeologist or underwater archeologist using such survey equipment and techniques as deemed necessary by the DCMOFO, either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist. A report of this investigation prepared by the marine survey archeologist or underwater archeologist shall be submitted to the DCMOFO and the Manager, New York OCS Office for their review. Should the DCMOFO determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCMOFO has given directions as to its preservation.

The lessee agrees that if any site, structure, or object of historical or archeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCMOFO and make every reasonable effort to preserve and protect the cultural resource from damage until the DCMOFO has given directions as to its preservation.

Stipulation No. 2

If biological populations or habitats which may require additional protection are identified by the Deputy Conservation Manager, Offshore Field Operations (DCMOFO) in the leasing area, the DCMOFO will require the lessee to conduct environmental surveys or studies, including sampling, as approved by the DCMOFO, to determine existing environmental conditions, the extent and composition of biological populations or habitats, and the effects of proposed or existing operations on the populations or habitats which might require additional protective measures. The DCMOFO shall provide written notice to the lessee of his decision to require such surveys. The nature and extent of any surveys or studies will be determined by the DCMOFO on a case-by-case basis.

Based on any surveys or studies which the DCMOFO may require of the lessee, the DCMOFO may require the lessee to: (1) relocate the site of operations so as not to adversely affect the biological populations or habitats deserving protection; or (2) modify operations in such a way as not to adversely affect the biological populations or habitats deserving protection; or (3) establish to the satisfaction of the DCMOFO that such operations will not adversely affect the biological populations or habitats deserving protection.

Operations, including siting, must be conducted to insure the protection and continued viability of the biological populations or habitats deserving protection in a manner consistent with the other purposes of the Outer Continental Shelf Lands Act, as amended.

The lessee shall submit all data obtained in the course of such surveys to the DCMOFO, with the locational information for drilling or other activity. The lessee may take no action that might result in any effect on the biological populations or habitats surveyed, until the DCMOFO provides written directions to the lessee, with regard to permissible actions.

In the event that biological populations or habitats deserving protection are identified subsequent to commencement of operations, the lessee shall make every reasonable effort to preserve and protect all biological populations and habitats within the lease area, until the DCMOFO provides written instructions to the lessee with regard to the biological populations or habitats identified.

Stipulation No. 3

Pipelines will be required, (1) if pipeline rights-of-way can be determined and obtained, (2) if laying such pipelines is technically feasible and environmentally preferable, and (3) if, in the opinion of the lessor, pipelines can be laid without net social loss, taking into account any incremental costs of pipelines over alternative methods of transportation and any incremental benefits in the form of increased environmental protection or reduced multiple use conflicts. The lessor specifically reserves the right to require that any pipeline used for transporting production to shore be placed in certain designated management areas. In selecting the means of transportation, consideration will be given to any recommendation of the Intergovernmental Planning Program for Outer Continental Shelf Oil and Gas Leasing, Transportation and Related Facilities, with the participation of Federal and State governments, industry, and private interests. Where feasible and environmentally preferable, all pipelines, including both flow lines and gathering lines for oil and gas, shall be buried to a depth suitable for adequate protection from water currents, sand waves, storm scouring, fisheries trawling gear, and other factors as determined on a case-by-case basis.

Following the completion of pipeline installation, no crude oil production will be transported by surface vessel from offshore production sites, except in the case of emergency. Determinations as to emergency conditions and appropriate responses to these conditions will be made by the Deputy Conservation Manager, Offshore Field Operations. Where the three criteria set forth in the first sentence of this stipulation are not met and surface transportation must be employed, all vessels used for carrying hydrocarbons to shore from the leased area will conform with all applicable sections of Titles 33 and 46 of the U.S. Code and the regulations issued thereunder by the U.S. Coast Guard.

Stipulation No. 4

The Deputy Conservation Manager, Offshore Field Operations (DCMOFO) may require the lessee to dispose of drill cuttings and drilling muds by shunting the material to a depth and location below the ocean surface as specified by the DCMOFO, or by transporting the material to disposal sites approved and permitted by appropriate regulatory agencies. After consultation with the appropriate regulatory agencies, the DCMOFO shall determine the method of disposal based upon review of relevant sources of information.

Based upon the composition of produced formation waters the site-specific environmental conditions in a leasing area, and data from relevant sources, the DCMOFO may require the lessee to reinject formation waters. The DCMOFO shall provide written notice to the lessee of a decision to require reinjection of such formation waters.

Stipulation No. 5

(To be included only in leases resulting from this sale for tracts 59-4, 59-5, 59-10, 59-17, 59-32, 59-33, 59-40, 59-41, 59-42, 59-47 through 59-52, 59-55 through 59-169, 59-172 through 59-175, 59-180, 59-181, 59-202, 59-209, 59-210, 59-216, 59-217, 59-218, and 59-222 through 59-253.)

(a) Whether or not compensation for such damage or injury might be due under a theory of strict liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by or on behalf of the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents, or employees being conducted as a part of, or in connection with, the programs and activities of the Commanding Officer, Fleet Area Control and Surveillance Facility, Virginia Capes OPAREA, Naval Air Station Oceana, Virginia Beach, Virginia. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) The lessee, when operating or causing to be operated on its behalf, boat or aircraft traffic into the individual designated warning areas, shall enter into an agreement with the Commanding Officer, Fleet Area Control and Surveillance Facility, Virginia Capes OPAREA, Naval Air Station Oceana, Virginia Beach, Virginia, utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating into the warning areas at all times.

(c) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the Commanding Officer, Fleet Area Control and Surveillance Facility, Virginia Capes OPAREA, Naval Air Station Oceana, Virginia Beach, Virginia, to the degree necessary to prevent damage to, or unacceptable interference with Department of Defense flight, testing or operational activities conducted within individual designated warning areas.

Necessary monitoring, control, and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall permit at least one continuous channel of communication between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

Stipulation No. 6

(To be included only in leases resulting from this sale for tracts 59-47 through 59-253.)

(a) Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risk of damage or injury to persons or property, which occurs in, on, or above the Outer Continental Shelf, to any person or persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by or on behalf of the lessee in, on, or above the Outer Continental Shelf, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents, or employees being conducted as a part of, or in connection with, the programs and activities of the National Aeronautics and Space Administration (NASA), Wallops Flight Center. The lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, the agents, employees, or invitees of the lessee, its agents, or any independent contractors, or subcontractors doing business with the lessee in connection with the programs and activities of the NASA, Wallops Flight Center, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, or subcontractors or any of their officers, agents, or employees, and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

(b) The lessee, when operating or causing to be operated on its behalf, boat, ship, or aircraft traffic into the leased area or surrounding area of the lease, including any part of the Outer Continental Shelf between the 35th and 39th parallels, shall enter into an agreement with the Director, Wallops Flight Center, prior to commencing such traffic. Such agreement shall provide for positive control of boats, ships, and aircraft operating in the above designated areas and will provide for the avoidance of interference with the programs and activities of the NASA Wallops Flight Center.

(c) Upon recommendation by the Director, Wallops Flight Center, when the activities of the NASA Wallops Flight Center may endanger personnel or property, the lessee agrees, upon receipt of notice from the Deputy Conservation Manager, Offshore Field Operations, (DCMOFO), to evacuate all personnel from all structures on the lease and to shut-in and secure all wells and other equipment, including pipelines on the lease, within forty-eight (48) hours or within such longer period as may be specified by the DCMOFO. The DCMOFO shall not require evacuation of personnel and shutting-in and securing of equipment for a period of time greater than seventy-two (72) hours; however, such period of time may be extended by subsequent notice from the DCMOFO. Equipment and structures may remain in place on the lease during such time as the evacuation remains in effect.

(d) The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from the leased area or surrounding area of the lease, including any part of the Outer Continental Shelf between the 35th and 39th parallels, in accordance with the requirements specified by the Director, Wallops Flight Center, to the degree necessary to prevent damage to, or unacceptable interference with, the programs and activities of the NASA, Wallops Flight Center.

Necessary monitoring, control and coordination with the lessee, his agents, employees, invitees, independent contractors or subcontractors, will be effected by the Director, Wallops Flight Center, provided, however, that control of such electromagnetic communication shall in no instance prohibit all manner of electromagnetic communications during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

Stipulation No. 7

(Leases for the following tracts will include this stipulation, which will apply only to operations within the designated portions of such tracts: 59-6, NW 1/4 SW 1/4, S 1/2 SE 1/4, NE 1/4 SE 1/4; 59-7, W 1/2 SW 1/4; 59-8, SW 1/4; 59-13, N 1/2 NE 1/4; 59-14, NW 1/4, W 1/2 NE 1/4, SE 1/4 NE 1/4; 59-15, SW 1/4 NW 1/4, N 1/2 SW 1/4, SE 1/4 NE 1/4, N 1/2 SE 1/4, SE 1/4 SE 1/4; 59-16, S 1/2 NW 1/4, W 1/2 SW 1/4; 59-17, SE 1/4, E 1/2 SW 1/4, SW 1/4 SW 1/4, S 1/2 NE 1/4, SE 1/4 NW 1/4; 59-21, SE 1/4 NW 1/4, NE 1/4 SW 1/4, SE 1/4 NE 1/4, N 1/2 SE 1/4; 59-22, NE 1/4 SW 1/4, SE 1/4 NW 1/4, NE 1/4, N 1/2 SE 1/4; 59-23, S 1/2 NW 1/4, NE 1/4 NW 1/4, N 1/2 SW 1/4, NE 1/4, SW 1/4 SE 1/4; 59-24, SE 1/4, SW 1/4, S 1/2 NE 1/4, S 1/2 NW 1/4; 59-28, SE 1/4 NE 1/4; 59-29, NW 1/4 NW 1/4; NW 1/4 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4; 59-30, W 1/2 NW 1/4, SE 1/4 NW 1/4, SW 1/4, W 1/2 SE 1/4; 59-31, SE 1/4 NW 1/4, NE 1/4 SW 1/4, S 1/2 NE 1/4, N 1/2 SE 1/4; 59-36, NW 1/4; 59-37, E 1/2 NE 1/4; S 1/2 SE 1/4; 59-38, W 1/2 NW 1/4, NE 1/4 NW 1/4, NE 1/4, SE 1/4, SE 1/4 SW 1/4; S 1/2 NE 1/4, W 1/2 NW 1/4, NW 1/4 SE 1/4; 59-39, S 1/2, S 1/2 NW 1/4, NW 1/4 NW 1/4, S 1/2 NE 1/4, NE 1/4 NE 1/4; NE 1/4 NE 1/4, S 1/2 NE 1/4, SW 1/4 SW 1/4, E 1/2 SW 1/4, NW 1/4 SE 1/4; 59-44 NE 1/4 SE 1/4; 59-45, NW 1/4 SW 1/4, SW 1/4 NW 1/4, NW 1/4 NE 1/4; S 1/2 NE 1/4, N 1/2 SE 1/4; 59-46, NW 1/4 SW 1/4, NE 1/4 NW 1/4, N 1/2 NE 1/4, SE 1/4 NE 1/4; NE 1/4 NE 1/4; 59-47, SW 1/4 NW 1/4, N 1/2 SW 1/4; 59-50, NE 1/4 SE 1/4; 59-51, SW 1/4, W 1/2 SE 1/4; 59-52, SE 1/4 SE 1/4; 59-55, E 1/2 NE 1/4; 59-56, S 1/2 NW 1/4, NW 1/4 NW 1/4, N 1/2 SW 1/4, W 1/2 SE 1/4; 59-59, N 1/2 NE 1/4, SE 1/4 NE 1/4; 59-61, SE 1/4 SE 1/4; 59-62, NE 1/4 SE 1/4; 59-70, SW 1/4 NE 1/4, NW 1/4 SE 1/4; 59-75, SE 1/4 SE 1/4; 59-76, SW 1/4 SW 1/4; 59-82, NE 1/4 NE 1/4; 59-85, N 1/2 SE 1/4, SW 1/4 SE 1/4; 59-114, N 1/2 SW 1/4, SW 1/4 SW 1/4; 59-123, NE 1/4 NE 1/4; 59-135, SE 1/4; 59-136, S 1/2 NW 1/4; 59-143, NE 1/4 SE 1/4; 59-144, NW 1/4, NW 1/4 NE 1/4, NW 1/4 SW 1/4; 59-157, S 1/2 SW 1/4, NE 1/4 SW 1/4; 59-164, N 1/2 NW 1/4; 59-191, SW 1/4 SE 1/4; 59-198, E 1/2 NW 1/4; 59-199, NW 1/4 NE 1/4; 59-201, N 1/2 NW 1/4, SW 1/4 NW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4; 59-207, SE 1/4 SE 1/4; 59-208, W 1/2 SW 1/4, NE 1/4 SW 1/4; 59-220, SW 1/4 SW 1/4; 59-228, SE 1/4 SE 1/4; 59-229, SW 1/4 SW 1/4; 59-231, E 1/2 NE 1/4, E 1/2 SE 1/4; 59-236, NE 1/4, SE 1/4, E 1/2 SW 1/4, S 1/2 NW 1/4; 59-241, SW 1/4 SE 1/4; 59-242, N 1/2 NE 1/4; 59-244, SE 1/4 SW 1/4; 59-247, NW 1/4 NE 1/4; 59-248, E 1/2 NE 1/4, NE 1/4 SE 1/4; 59-249, N 1/2, N 1/2 SW 1/4, NW 1/4 SE 1/4.)

Portions of this tract may be subject to unstable slopes or shallow faults (mass movement of sediments). Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block unless or until the lessee has demonstrated to the Deputy Conservation Manager's satisfaction that mass movement of sediment is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads, and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

If exploratory drilling operations are allowed, site-specific surveys shall be conducted to determine the potential for unstable bottom conditions. The extension of these surveys may be required outside of the leased block. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas are allowed, all such unstable areas must be mapped. The Deputy Conservation Manager, Offshore Field Operations also may require soil testing before exploration and production operations are allowed.

Stipulation No. 8

(To be included only in leases resulting from this sale for tracts 59-60, 59-61, 59-69, 59-200, 59-201, 59-208, 59-215.)

If the Deputy Conservation Manager, Offshore Field Operations (DCMOFO) believes any undetonated explosives may exist in a leased tract, the lessee shall conduct surveys as specified by the DCMOFO to determine the location of any undetonated explosives. Upon completion of any such surveys, the lessee shall forward a report and all pertinent data to the DCMOFO for review. Should the DCMOFO determine that the existence of such devices may adversely affect any activity or operation, such as the construction or placement of any structure for exploration or development on the lease, the lessee shall take no action until the DCMOFO has given directions as to the conduct of that operation.

Stipulation No. 9

(To be included only in the leases resulting from this sale for the net profit share tracts listed in paragraph 4(a) of this notice.)

The net profit share payment specified in Sec. 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value. However, not more than 16-2/3 percent of the production saved, removed, or sold from the lease area may be taken in amount, except as provided in Sec. 15(d). The net profit share obligations of the lessee shall be calculated to include as a credit, the value of production taken in amount by the lessor.

14. Information to Lessees.

(a) In the enforcement of Stipulation No. 2, the Deputy Conservation Manager, Offshore Field Operations (DCMOFO) will receive recommendations from the Biological Task Force (BTF) composed of designated representatives of the Bureau of Land Management, Fish and Wildlife Service, Geological Survey, the National Marine Fisheries Service, and the Environmental Protection Agency. The task force may consult with representatives of the affected States before making recommendations to the DCMOFO. It is intended that this BTF will remain in existence throughout the operating life of the field. The DCMOFO will consult with the BTF in identifying areas or resources of biological importance, on the conduct of the biological surveys by lessees, and on the appropriate course of action after the surveys have been conducted.

In a memorandum to the DCMOFO (April 9, 1980), the Biological Task Force identified submarine canyons as areas of biological concern for which it may recommend biological surveys or other monitoring programs. Lack of available "site-specific" information precludes the identification at this time of specific lease tracts for which such studies will or will not be recommended. Based on information generated from on-going canyon studies and on the level of drilling activity at a given time, the Task Force will determine on a case-by-case basis whether or not to recommend biological studies or monitoring programs prior to or during exploration and/or production-related OCS operations in or adjacent to submarine canyons.

(b) Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.). Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

(c) At least 20 days prior to moving a rig on-site, the lessee must notify the Chief, Marine and Wetlands Protection Branch, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Suite 1642, New York, NY 10278, in writing, stating on what date a rig is to be moved on-site.

This would apply to the lessees of the following tracts: 59-33, 59-34, 59-35, 59-36, 59-37, 59-38, 59-39, 59-41, 59-42, 59-43, 59-44, 59-45, 59-46, 59-50, 59-51, 59-52, 59-53, 59-54, 59-58, 59-59, 59-60, 59-61, 59-67, 59-68, 59-69, 59-75, 59-76, and 59-82.

(d) Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

(e) Bidders are advised that in accordance with Sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling or drilling agreement, and that the lessor will give particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

(f) Bidders are advised that the Department of Energy is authorized, under Section 302(b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

(g) For those tracts listed in paragraph 13 above providing for leases with an initial period of more than 5 years, bidders are advised that pursuant to 30 CFR 250.34-1(a)(3), the lessee shall submit to USGS either an exploration plan or a general statement of exploration intentions prior to the end of the ninth lease year.

(h) Lessees are encouraged to include a fisheries training program in their exploration and development plans. This training program should be designed to familiarize platform and shore based supervisors and persons involved in vessel operations with the value of the commercial fishing industry, the methods of offshore fishing operations, and the potential hazards, conflicts, and impacts resulting from offshore oil and gas activities. This program should be formulated and implemented by qualified and experienced instructors in fishing activities, methods of communication, and navigational safety.

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Mid-Atlantic Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

Robert F. Burford

Robert F. Burford

Director, Bureau of Land Management

Approved

Date: NOV 2 1981

Donald Paul Hodel

Donald Paul Hodel

Secretary of the Interior

[FR Doc. 81-32054 Filed 11-4-81; 8:45 am]

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Thursday, November 5, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
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DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last Listing October 29, 1981

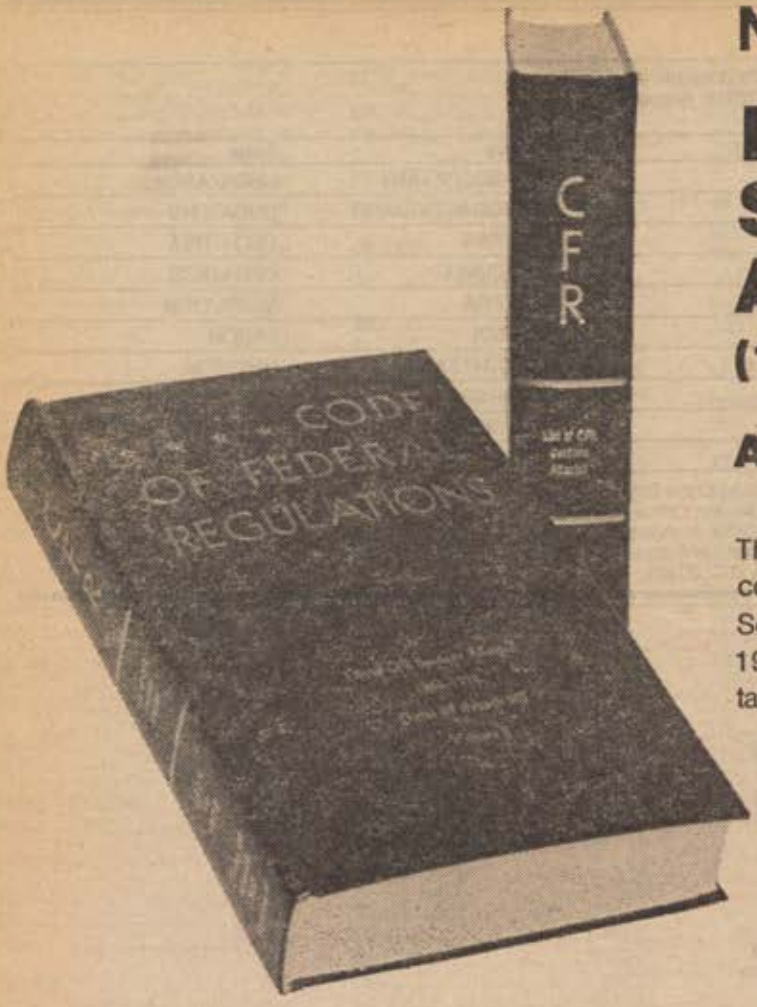
This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202-275-3030).

H.R. 3499 / Pub. L. 97-72 Veterans' Health Care, Training, and Small Business Loan Act of 1981. (Nov. 3, 1981; 95 Stat. 1047) Price: $2.

S. 1209 / Pub. L. 97-73 Authorizing appropriations to the Secretary of the Interior for services necessary to the nonperformance arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes. (Nov. 3, 1981; 95 Stat. 1064) Price: $1.50.

S. 1000 / Pub. L. 97-74 Independent Safety Board Act Amendments of 1981. (Nov. 3, 1981; 95 Stat. 1065) Price: $1.50.

S.J. Res. 4 / Pub. L. 97-75 To authorize the President to issue a proclamation designating the week beginning November 22, 1981 "National Family Week." (Nov. 3, 1981; 95 Stat. 1067) Price: $1.50.



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