

# Federal Register

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Monday  
December 28, 1981

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## Highlights

- 62741, 62745 Import fees on certain sugars, sirups and molasses** Proclamations (2 documents)
- 62647 Credit Unions** NCUA amends rules on premature withdrawal penalties for certain IRA/Keogh accounts.
- 62663** NCUA proposes to deregulate share, share draft and share certificate accounts.
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Title 3—

Proclamation 4887 of December 23, 1981

The President

**Import Fees on Certain Sugars, Sirups and Molasses**

By the President of the United States of America

**A Proclamation**

1. The Secretary of Agriculture has advised me that he has reason to believe that certain sugars, sirups and molasses derived from sugarcane or sugar beets, classified under items 155.20 and 155.30, of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202), are being, or are practically certain to be, imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or to materially interfere with the price support operations being conducted by the Department of Agriculture for sugarcane and sugar beets.

2. I agree that there is reason for such belief by the Secretary of Agriculture, and, therefore, I am requesting the United States International Trade Commission to make an immediate investigation with respect to this matter pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), and to report its findings and recommendations to me as soon as possible.

3. The Secretary of Agriculture has also determined and reported to me with regard to such sugars, sirups and molasses that a condition exists which requires emergency treatment and that the import fees hereinafter proclaimed should be imposed without awaiting the report and recommendations of the United States International Trade Commission.

4. I find and declare that the imposition of import fees hereinafter proclaimed, without awaiting the recommendations of the United States International Trade Commission with respect to such action, is necessary in order that the entry, or withdrawal from warehouse, for consumption of certain sugars, sirups and molasses described below by value, use and physical description and classified under TSUS items 155.20 and 155.30 will not render or tend to render ineffective, or materially interfere with, the price support operations being conducted by the Department of Agriculture for sugarcane or sugar beets.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by section 22 of the Agricultural Adjustment Act, as amended, and the Statutes of the United States including Section 301 of Title 3 of the United States Code, do hereby proclaim that Part 3 of the Appendix to the Tariff Schedules of the United States is amended as follows:

1. Headnote 4 is continued in effect and amended, effective 12:01 a.m. (Eastern Standard Time) December 24, 1981, by changing paragraph (c) to read as follows:

(c)(i) The quarterly adjusted fee provided for in items 956.05 and 957.15 shall be the amount of the fee for item 956.15 plus .15 times the amount by which the applicable market stabilization price exceeds the 20 day average of the daily spot (world) price quotations for raw sugar as calculated in paragraph (ii) hereof.

(ii) The quarterly adjusted fee provided for in item 956.15 shall be the amount by which the average of the daily spot (world) price quotations for raw sugar for the 20 consecutive market days immediately preceding the 20th day of the

month preceding the calendar quarter during which the fee shall be applicable (as reported by the New York Coffee, Sugar and Cocoa Exchange or, if such quotations are not being reported, by the International Sugar Organization), expressed in United States cents per pound, Caribbean ports, in bulk, adjusted to a United States delivered basis by adding applicable duty and attributed costs, is less than the applicable market stabilization price: *Provided*, That whenever the average of such daily spot price quotations for 10 consecutive market days within any calendar quarter, adjusted to a United States delivered basis as provided herein, plus the fee then in effect (1) exceeds the market stabilization price by more than one cent, the fee then in effect shall be decreased by one cent, or (2) is less than the market stabilization price by more than one cent, the fee then in effect shall be increased by one cent: *Provided further*, That the fee may not be greater than 50 per centum of the average of such daily spot price quotations for raw sugar.

(iii) The market stabilization price for the first, second, and third calendar quarters of 1982 shall be 19.0800 cents per pound. The market stabilization price that shall be applicable to each subsequent fiscal year shall be determined and announced by the Secretary of Agriculture (hereafter the "Secretary") in accordance with this headnote no later than 30 days prior to the beginning of the fiscal year for which such market stabilization price shall be applicable. The market stabilization price shall be equal to the sum of: (1) the price support level for the applicable fiscal year, expressed in cents per pound of raw cane sugar; (2) adjusted average transportation costs; (3) interest costs, if applicable; (4) an amount adequate to compensate for the estimated value of duty reductions to be granted under the Generalized System of Preferences on imported raw cane sugar, as determined by the Secretary and (5) 0.2 cents. The adjusted average transportation costs shall be the weighted average cost of handling and transporting domestically produced raw cane sugar from Florida to Atlantic Coast ports north of Cape Hatteras, as determined by the Secretary. Interest costs shall be the amount of interest that would be required to be paid by a recipient of a price support loan for raw cane sugar upon repayment of the loan at full maturity. Interest costs shall only be applicable if a price support loan recipient is not required to pay interest upon forfeiture of the loan collateral.

(iv) Attributed costs for the first, second, and third calendar quarters of 1982 shall be 1.5032 cents per pound of imported raw cane sugar. The attributed costs that shall be applicable to each subsequent fiscal year shall be determined and announced by the Secretary in accordance with this headnote no later than 30 days prior to the beginning of the fiscal year for which such attributed costs shall be applicable. Attributed costs shall be equal to the sum of the costs, as estimated by the Secretary, of freight, insurance, stevedoring, financing, weighing, sampling, and International Sugar Agreement fees which are attributable to the importation of raw cane sugar from Caribbean ports.

(v) The Secretary shall determine the amount of the quarterly fees in accordance with this headnote and shall announce such fees not later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable. The Secretary shall certify the amount of such fees to the Secretary of the Treasury and file notice thereof with the Federal Register prior to the beginning of the calendar quarter during which the fees shall be applicable. The Secretary shall determine and announce any adjustment in the fees made within a calendar quarter in accordance with the first proviso of paragraph (ii) hereof, shall certify such adjusted fees to the Secretary of the Treasury, and shall file notice thereof with the Federal Register within 3 market days of the fulfillment of that proviso.

(vi) If an adjustment is made in the fee in accordance with the first proviso of paragraph (ii) hereof, any subsequent adjustment made within that quarter shall only be made on the basis of the average adjusted spot price for any 10 consecutive market day period following the effective date of the immediately preceding fee adjustment. No adjustment shall be made in any fee in accord-



ance with the first proviso of paragraph (ii) hereof during the last fifteen market days of a calendar quarter.

(vii) Any adjustment made in a fee during a quarter in accordance with the first proviso of paragraph (ii) hereof shall be effective only with respect to sugar entered or withdrawn from warehouse for consumption after 12:01 a.m. (local time at point of entry) on the day following the filing of notice thereof with the Federal Register: *Provided*, That such adjusted fee shall not apply to sugar exported (as defined in section 152.1 of the Customs Regulations) on a through bill of lading to the United States from the country of origin before such time.

2. Items 956.05, 956.15 and 957.15 are continued in effect and amended to read as follows:

Item	Articles	Rates of Duty (Section 22 Fees)
956.05	Sugars, sirups and molasses derived from sugarcane or sugar beets, except those entered pursuant to a license issued by the Secretary of Agriculture in accordance with headnote 4(a): Principally of crystalline structure or in dry amorphous form, provided for in item 155.20, part 10A, schedule 1: Not to be further refined or improved in quality.....	3.1104 per lb. adjusted quarterly beginning January 1, 1982, in accordance with headnote 4(c), but not in excess of 50% ad val.
956.15	To be further refined or improved in quality.....	2.1418 per lb., adjusted quarterly beginning January 1, 1982, in accordance with headnote 4(c), but not in excess of 50% ad val.
957.15	Not principally of crystalline structure and not in dry amorphous form, containing soluble nonsugar solids (excluding any foreign substance that may have been added or developed in the product) equal to 6% or less by weight of the total soluble solids, provided for in item 155.30, part 10A, schedule 1.....	3.1104 per lb. of total sugars, adjusted quarterly beginning January 1, 1982, in accordance with headnote 4(c), but not in excess of 50% ad val.

3. The provisions of this proclamation shall terminate upon the filing of a notice in the Federal Register by the Secretary of Agriculture that the Department of Agriculture is no longer conducting a price support program for sugar beets and sugarcane.

4. The provisions of paragraph (c)(v) of Headnote 4 of Part 3 of the Appendix to the TSUS, as added herein, requiring the determination and announcement by the Secretary of Agriculture not later than the 25th day of the month preceding the calendar quarter during which the fees shall be applicable, shall not apply to the fees to become effective January 1, 1982.

5. The provisions of Proclamation 4631 of December 28, 1978 are hereby terminated, except with respect to those articles which are exempted from the provisions of this proclamation under paragraph 6 below.

6. This proclamation shall be effective as of 12:01 a.m. (Eastern Standard Time) on the day following its signing. However, the provisions of this proclamation shall not apply to articles entered, or withdrawn from warehouse, for consumption prior to January 1, 1982, which are imported to fulfill forward contracts that were entered into prior to June 1, 1981 between (a) an exporter and an end user of such articles; or (b) an importer, broker, or operator and an end user of such articles.

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



[FR Doc. 81-37104

Filed 12-23-81; 5:01 pm]

Billing code 3195-01-M

## Presidential Documents

Proclamation 4888 of December 23, 1981

### Modification of Tariffs on Certain Sugars, Sirups and Molasses

By the President of the United States of America

#### A Proclamation

1. Headnote 2 of Subpart A of Part 10 of Schedule 1 of the Tariff Schedules of the United States, hereinafter referred to as the "TSUS", provides, in relevant part, as follows:

"(i) . . . if the President finds that a particular rate not lower than such January 1, 1968, rate, limited by a particular quota, may be established for any articles provided for in item 155.20 or 155.30, which will give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, he shall proclaim such particular rate and such quota limitation, . . ."

"(ii) . . . any rate and quota limitation so established shall be modified if the President finds and proclaims that such modification is required or appropriate to give effect to the above considerations; . . ."

2. Headnote 2 was added to the TSUS by Proclamation No. 3822 of December 16, 1967 (82 Stat. 1455) to carry out a provision in the Geneva (1967) Protocol of the General Agreement on Tariffs and Trade (Note 1 of Unit A, Chapter 10, Part I of Schedule XX; 19 U.S.T., Part II, 1282). The Geneva Protocol is a trade agreement that was entered into and proclaimed pursuant to section 201(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)). Section 201(a) of the Trade Expansion Act authorizes the President to proclaim the modification or continuance of any existing duty or other import restriction or such additional import restrictions as he determines to be required or appropriate to carry out any trade agreement entered into under the authority of that Act.

3. I find that the modifications hereinafter proclaimed of the rates of duty applicable to items 155.20 and 155.30 of the TSUS are appropriate to carry out a trade agreement and give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by the authority vested in me by the Constitution and statutes, including section 201 of the Trade Expansion Act of 1962, and pursuant to General Headnote 4 and Headnote 2 of Subpart A of Part 10 of Schedule 1 of the TSUS, do hereby proclaim until otherwise superseded by law:

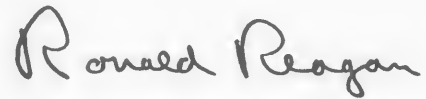
A. The rates of duty in rate columns 1 and 2 for items 155.20 and 155.30 of Subpart A of Part 10 of Schedule 1 of the TSUS are modified and the following rates are established:

155.20.....	2.98125¢ per lb. less 0.0421875¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 1.9265625¢ per lb.
155.30.....	dutiable on total sugars at the rate per lb. applicable under Item 155.20 to sugar testing 100 degrees.

B. Those parts of Proclamation 4334 of November 16, 1974, Proclamation 4463 of September 21, 1976, Proclamation 4466 of October 4, 1976, Proclamation 4539 of November 11, 1977, and Proclamation 4720 of February 1, 1980, which are inconsistent with the provisions of paragraph (A) above are hereby terminated.

C. The provisions of this Proclamation shall apply to articles entered, or withdrawn from warehouse, for consumption after 12:01 a.m. (Eastern Standard Time) on the day following the date of this Proclamation. However, the provisions of this proclamation shall not apply to articles entered, or withdrawn from warehouse, for consumption prior to January 1, 1982 which are imported to fulfill forward contracts that were entered into prior to June 1, 1981 between: (a) an exporter and an end user of such articles; or (b) an importer, broker, or operator and an end user of such articles.

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

A handwritten signature in cursive script that reads "Ronald Reagan". The signature is written in dark ink and is positioned to the right of the main text of the document.

# Rules and Regulations

Federal Register

Vol. 46, No. 248

Monday, December 28, 1981

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

#### 8 CFR Part 238

**Contracts With Transportation Lines; Addition of Air Canada, Canadian Pacific Airlines, Northwest Airlines, Inc., Pacific Western Airlines, Republic Airlines, Wardair Canada (1975) Ltd., and Western Air Lines, Inc.**

**AGENCY:** Immigration and Naturalization Service, Justice.

**ACTION:** Final rule.

**SUMMARY:** This rule adds seven airlines to the listing of carriers which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States.

**DATES:** Effective date of agreement with Wardair Canada (1975) Ltd. at Calgary: September 28, 1981. Effective date of agreements for preinspection at Edmonton: Air Canada—September 14, 1979, Canadian Pacific Airlines—November 18, 1981, Northwest Airlines, Inc.—November 18, 1981, Pacific Western Airlines—November 18, 1981, Republic Airlines—November 18, 1981, Wardair Canada (1975) Ltd.—September 28, 1981, Western Air Lines, Inc.—November 10, 1979.

**FOR FURTHER INFORMATION CONTACT:** Stanley J. Kieszkil, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, NW, Washington, D.C. 20536, Telephone: (202) 633-3048.

**SUPPLEMENTARY INFORMATION:** This amendment to 8 CFR 238.4 is published pursuant to 5 U.S.C. 552. The Commissioner of Immigration and Naturalization entered into agreements with the following carriers to guarantee the preinspection of their passengers

and crews as provided by section 238(b) of the Immigration and Nationality Act, as amended (8 U.S.C. 1228(b)).

#### Effective

At Calgary, Alberta, Canada: Wardair Canada (1975) Ltd., September 28, 1981

At Edmonton, Alberta, Canada: Air Canada, September 14, 1979; Canadian Pacific Airlines, Inc., November 18, 1981; Northwest Airlines, November 18, 1981; Pacific Western Airlines, November 18, 1981; Republic Airlines, November 18, 1981; Wardair Canada (1975) Ltd., September 28, 1981; Western Air Lines, Inc., November 10, 1979.

Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delay effective date is unnecessary because the amendment merely adds air carriers to the listing and is editorial in nature.

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

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

Accordingly, 8 CFR Part 238 is amended as follows:

#### PART 238—CONTRACTS WITH TRANSPORTATION LINES

##### § 238.4 [Amended]

In § 238.4 Preinspection outside the United States, the listing of transportation lines is amended by:

1. Adding in alphabetical sequence, "Wardair Canada (1975) Ltd." under "AT CALGARY".

2. Adding a new heading, "AT EDMONTON" between "AT CALGARY" and "AT FREEPORT" as follows:

##### At Edmonton

Air Canada, Canadian Pacific Airlines, Northwest Airlines, Inc., Pacific Western Airlines, Republic Airlines, Wardair Canada (1975) Ltd., Western Air Lines, Inc.

\* \* \* \* \*

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: December 21, 1981.

Doris M. Meissner,  
Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-36886 Filed 12-24-81; 8:45 am]

BILLING CODE 4410-10-M

## NATIONAL CREDIT UNION ADMINISTRATION

### 12 CFR Part 701

#### Share, Share Draft and Share Certificate Accounts

**AGENCY:** National Credit Union Administration.

**ACTION:** Final rule.

**SUMMARY:** This rule provides Federal credit unions the discretion to determine whether or not to permit an exception to premature withdrawal penalties for IRA/Keogh certificate holders who have attained the age of 59½ years or more. The current exception to the premature withdrawal penalty for these certificate holders is mandatory.

Recently, some Federal credit unions have reported problems with the mandatory exception to premature withdrawal penalties for IRA/Keogh certificate holders who have attained the age of 59½ years or more. On January 1, 1982, the eligibility requirements for IRA/Keogh accounts will be expanded to include most all credit union members. Since many credit unions will be offering IRA/Keogh programs to their members, the potential number of credit union members that could take advantage of the exception to the premature withdrawal penalty will increase. As a result, credit unions could experience significant increases in dividend and operating expense.

**EFFECTIVE DATE:** December 17, 1981.

**FOR FURTHER INFORMATION CONTACT:** Randall J. Miller, Acting Director, Office of Policy Analysis (202) 357-1090.

**SUPPLEMENTARY INFORMATION:** Part 701 of the NCUA Rules and Regulations specifies certain mandatory exceptions to the required penalties for premature withdrawal of funds from share certificate accounts. Premature withdrawal penalties may not be applied if:

(1) The withdrawal is made subsequent to the death of any owner of the share, share draft, or share

certificate account or is made pursuant to Article III, Section 5(e) of the Federal Credit Union Bylaws;

(2) The share or share certificate account is part of a pension plan which qualifies or qualified for specific tax treatment under Section 401(d) or 408 of the Internal Revenue Code and withdrawal is made following the participant's death or disability (as determined under 26 U.S.C. 72(m)(7)) or upon attaining not less than 59½ years of age; or

(3) Such withdrawal is made as a result of the voluntary or involuntary liquidation of the Federal credit union issuing the account.

Recently, some Federal credit unions have reported problems with the mandatory exception to premature withdrawal penalties for IRA/Keogh certificate holders who have attained the age of 59½ years or more. Many of these individuals are still employed. They are taking advantage of the mandatory exception to the withdrawal penalty and rolling over their money market certificates and share certificates every time the dividend rate payable on these certificates increases. This churning of certificates increases dividend expense and operating expense for credit unions.

On January 1, 1982, the eligibility requirements for IRA/Keogh accounts will be expanded to include most all credit union members. Since many credit unions will be offering IRA/Keogh programs to their members, the potential number of credit union members that could take advantage of the exception to the premature withdrawal penalty will increase. As a result, credit unions could experience significant increases in dividend and operating expense.

Federal credit unions have had no recourse against IRA/Keogh certificate holders who have attained the age of 59½ or more, since the exception to the premature withdrawal penalty that applies to these individuals is mandatory. The DIDC rule governing this exception to the premature withdrawal penalty is not mandatory. The NCUA Board has accordingly amended its rules in order to allow Federal credit unions to determine whether or not to permit an exception to premature withdrawal penalties for IRA/Keogh certificate holders who have attained the age of 59½ or more. This amendment is prospective only, i.e., it may be applied only with respect to certificates issued or renewed after its effective date. Further, Federal credit unions which choose to reserve the discretion authorized by this rule should revise their contracts and related forms as necessary and appropriate.

#### Regulatory Flexibility Analysis

The rule will not have a significant economic impact on a substantial number of small credit unions. The rule provides additional flexibility in determining whether or not to impose a premature withdrawal penalty. Therefore, a regulatory flexibility analysis is not required, 5 U.S.C. 605(b).

#### Rulemaking Procedures

The NCUA Board for good cause (as described below), finds that public comment on this amendment is impracticable and contrary to the public interest. Federal credit unions would be placed in a position of substantial competitive disadvantage if their planning operations (for their IRA/Keogh account programs) were delayed beyond January 1, 1981 due to any uncertainty created by the solicitation of public comments prior to the issuance of this amendment. With the increase in IRA/Keogh accounts projected after January 1, 1981, some Federal credit unions may find it necessary to protect themselves from increased expenses by imposing the penalty authorized by this amendment. These credit unions would (if public comment were solicited) delay their entry into the expanded market until a final rule authorizing the penalty provision was adopted. A significant delay may prevent these credit unions from successfully competing for the funds of the expanded number of persons who will become eligible for IRA/Keogh accounts after January 1, 1981. A Federal credit union is a cooperative financial institution democratically controlled by its members, including those persons holding IRA/Keogh accounts in that credit union. Therefore, those persons affected by this amendment will have the opportunity, through the election of the credit union's board of directors, to participate in the decision of their credit union to exercise the authority permitted by this amendment. For these reasons, this amendment is adopted without opportunity for public comment, 5 U.S.C. 553(b)(B). For the same reasons and because the amendments relieve a restriction, this amendment is made effective in less than 30 days, 5 U.S.C. 553(d) (1) and (3).

Dated: December 21, 1981.

(12 U.S.C. 1757(6) and 1766(a))

Rosemary Brady,  
Secretary of the NCUA Board.

#### PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

1. Accordingly, 12 CFR 701.35(f) is revised to read as follows:

##### § 701.35 Share, share draft and share certificate accounts.

\* \* \* \* \*

(f) *Exceptions to the Penalties.* (1) Penalties shall not be applied if: (i) The withdrawal is made subsequent to the death of any owner of the share, share draft or share certificate account or is made pursuant to Article III, Section 5(e) of the Federal Credit Union Bylaws; (ii) Such withdrawal is made as a result of the voluntary or involuntary liquidation of the Federal credit union issuing the account.

(2) Penalties need not be applied if the share or share certificate account is part of a pension plan which qualifies or qualified for specific tax treatment under section 401(d) or 408 of the Internal Revenue Code and withdrawal is made following the participant's disability (as determined under 26 U.S.C. 72(m)(7)) or upon attaining not less than 59½ years of age.

[FR Doc. 81-38964 Filed 12-24-81; 8:45 am]

BILLING CODE 7535-01-M

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Indian Affairs

##### 25 CFR Part 43e

##### Preparation Of A Roll Of Mohave Descendants Enrolled As Members Of The Colorado River Indian Tribes

AGENCY: Bureau of Indian Affairs.

ACTION: Final rule.

**SUMMARY:** The Bureau of Indian Affairs is adding a new part to its regulations to establish procedures to govern the preparation of a roll of Mohave descendants enrolled as members of the Colorado River Indian Tribes. The roll to be prepared will serve as a basis for the distribution of a portion of Mohave judgment funds awarded in Indian Claims Commission Dockets Nos. 283 and 295.

**EFFECTIVE DATE:** December 28, 1981.

**FOR FURTHER INFORMATION CONTACT:** Sharlot Johnson, Branch of Tribal Operations, Phoenix Area Office, Bureau of Indian Affairs, 3030 N. Central Avenue, Suite 705, Phoenix, Arizona

85011, telephone number (602) 241-2314, FTS: 261-2314.

**SUPPLEMENTARY INFORMATION:** Proposed regulations for the preparation of a roll of lineal descendants of the aboriginal Mohave Tribe, who are members of the Colorado River Indian Tribes, who did not share in the funds distributed by the Chemehuevi Distribution Act of September 25, 1970 (84 Stat. 868), were published for comment in the *Federal Register* on October 14, 1981 (46 FR 50565). The roll to be prepared will be used to distribute a portion of the funds derived from an award to the "Mohave Indians who are members of the Colorado River Indian Tribes," and the "Mohave Tribe of Indians of Arizona, California, and Nevada" by the Indian Claims Commission in Dockets Nos. 283 and 295. Funds to satisfy the award were appropriated by Congress and a plan for the use and distribution of the funds was prepared pursuant to the Judgment Funds Distribution Act of October 19, 1973 (87 Stat. 466), and became effective on April 12, 1976.

In order to provide notice to all potentially eligible participants, the regulations provide for the Superintendent to mail a notice to each enrolled member of the Tribes at his/her last known address advising him/her of the preparation of the roll of Mohave descendants and the procedures to be followed. A listing of the names of persons who are included on the proposed roll will be placed on public display throughout the local community and the service area of the Phoenix Area Office and Sacramento Area Office to afford interested persons the opportunity to view the list and appeal the omission of any name from the proposed roll. In accordance with the provisions specified in the regulations, persons who believe they meet the qualifications for enrollment, but whose names are not included on the proposed roll, may appeal the omission of their names and submit information or evidence for consideration to support their claim to eligibility. Appeals must be in writing and must be received by the Superintendent no later than the close of business on the thirtieth (30th) day after the listing of the names of persons included on the proposed roll is placed on public display.

No comments or suggestions were received with regard to the actual text of the regulations and the only changes being made to the regulations are to correct certain typesetting errors: in § 43e.3(d) it should be the "Chemehuevi Distribution Act;" in § 43e.12 the text should read that the "Secretary shall consider the record;" and in § 43e.14 it

should be that to "facilitate the work of the Superintendent." A written request was received, however, from the Chairman of the Tribal Council of the Colorado River Indian Tribes urging that the final rule become effective on the date of publication in the *Federal Register*. Persons who will be affected by this rule are enrolled members of the Colorado River Indian Tribes. The regulations provide for the Superintendent to mail notices to enrolled members at their last known address advising them of the preparation of the roll and the relevant procedures to be followed. Deferring the effective date would only delay direct notification to affected individuals. Consequently, we find good cause exists for dispensing with the 30-day deferred effective date under the exception provided in subsection (d)(3) of 5 U.S.C. 533.

The authority to issue these rules and regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9); and 87 Stat. 466. This final rule is published in exercise of rulemaking authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM8.

The primary authors of this document are: Mitchell L. Bush, Jr., Chief, Branch of Tribal Enrollment Services, and Kathleen L. Slover, Branch of Tribal Enrollment Services, Division of Tribal Government Services, Bureau of Indian Affairs, telephone number: (703) 235-8323.

The Department of the Interior has determined that this document is not a major rule under the criteria established by Executive Order 12291 and does not have a significant economic effect on a substantial number of small entities under the criteria established by the Regulatory Flexibility Act.

Subchapter F of Chapter I of Title 25 of the Code of Federal Regulations is amended by the addition of a new part 43e to read as set forth below.

**Kenneth L. Payton,**  
*Acting Deputy Assistant Secretary—Indian Affairs (Operations).*

**PART 43e—PREPARATION OF A ROLL OF MOHAVE DESCENDANTS ENROLLED AS MEMBERS OF THE COLORADO RIVER INDIAN TRIBES**

- Sec.  
43e.1 Definitions.  
43e.2 Purpose.  
43e.3 Qualifications for enrollment.  
43e.4 Notice.  
43e.5 Preparation of a proposed roll and display of a listing of names included thereon.  
43e.6 Appeals.

- Sec.  
43e.7 Filing appeals and the deadline.  
43e.8 Supporting evidence and burden of proof.  
43e.9 Notification and action by the Tribes.  
43e.10 Action by the Superintendent.  
43e.11 Action by the Director.  
43e.12 Decision of the Secretary on appeals.  
43e.13 Preparation, certification, and approval of roll.  
43e.14 Special instructions.

**Authority:** 5 U.S.C. sec. 1301, R. S. secs. 463 and 465; 25 U.S.C. secs 2 and 9, and 87 Stat. 466.

**§ 43e.1 Definitions.**

As used in these regulations:

(a) "Secretary" means the Secretary of the Interior or his/her authorized representative.

(b) "Assistant Secretary" means the Assistant Secretary for Indian Affairs or his/her authorized representative.

(c) "Director" means the Area Director, Phoenix Area Office, Bureau of Indian Affairs or the Area Director, Sacramento Area Office, Bureau of Indian Affairs or their authorized representatives.

(d) "Superintendent" means the Superintendent, Colorado River Agency, Bureau of Indian Affairs, or his/her authorized representative.

(e) "Staff Officer" means the Enrollment Officer or other person authorized to prepare the roll.

(f) "Plan" means the plan for the use and distribution of Mohave judgment funds awarded in Dockets Nos. 283 and 295 before the Indian Claims Commission, which was prepared pursuant to the Act of October 19, 1973 (87 Stat. 466), and became effective April 12, 1976.

(g) "Tribes" mean the Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California.

(h) "Tribal Council" means the governing body of the Colorado River Indian Tribes.

(i) "Living" means born on or prior to and living on the date specified.

(j) "Lineal Descendants" mean those persons who are related by direct descent from the ancestor through whom eligibility is claimed, namely the children, grandchildren, etc. It does not include collateral relatives such as brothers, sisters, nieces, nephews, cousins, etc.

(k) "Sponsor" means parents, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Superintendent, or other person who files an appeal on behalf of another person.

**§ 43e.2 Purpose.**

The regulations in this part are to govern the compilation of a roll of certain members of the Colorado River Indian Tribes who are lineal descendants of the aboriginal Mohave Tribe eligible to share in the distribution of judgment funds awarded the Mohave Indians by the Indian Claims Commission in Dockets Nos. 283 and 295.

**§ 43e.3 Qualifications for enrollment.**

The roll shall contain the names of persons who meet the following requirements:

- (a) They were living on April 12, 1976;
- (b) They are enrolled members of the Colorado River Indian Tribes and their name appears on the approved membership roll prepared by the Tribes as of April 12, 1976;
- (c) They are lineal descendants of a Mohave Indian; and
- (d) They did not share in the funds distributed by the Chemehuevi Distribution Act of September 25, 1970 (84 Stat. 686).

**§ 43e.4 Notice.**

The Superintendent shall mail a notice to each person whose name appears on the approved membership roll as of April 12, 1976, of the Colorado River Indian Tribes advising him/her of the preparation of the roll of Mohave descendants and the relevant procedures to be followed.

**§ 43e.5 Preparation of a proposed roll and display of a listing of names included thereon.**

The Superintendent shall prepare, with the assistance of the Tribes, a proposed roll of persons who meet the requirements specified in § 43e.3. The proposed roll shall contain for each person a roll number, name, sex, date of birth, date of death if applicable, and name and relationship to the Mohave ancestor through whom eligibility was established. A listing of only the names of the persons included on the proposed roll shall be placed on public display for 30 days at the Colorado River Agency, local community buildings, local post office, Phoenix Area Office, and other Agency offices under the jurisdiction of the Director and the Sacramento Area Office and other Agency offices under the jurisdiction of the Director. The listing shall indicate prominently the deadline for filing appeals contesting the omission of a name, as well as the name, address, and telephone number of a person who may be contacted for further information.

**§ 43e.6 Appeals.**

Persons who believe they meet the qualifications specified in the plan and the regulations in this Part and whose names are not included on the proposed roll may file or have filed by a sponsor an appeal with the Secretary contesting the omission of their names in accordance with the procedures provided in this Part.

**§ 43e.7 Filing appeals and the deadline.**

- (a) The appeal shall be in writing and addressed to the Secretary but filed with the Superintendent, Colorado River Agency, Bureau of Indian Affairs, Parker, Arizona 85344.
- (b) The appeal must be received by the Superintendent no later than the close of business on the thirtieth (30th) day after the listing of the names of persons included on the proposed roll is placed on public display as provided for in § 43e.4. If the appeal deadline falls on a Saturday, Sunday, legal holiday or other nonbusiness day, the deadline will be the next working day thereafter.

**§ 43e.8 Supporting evidence and burden of proof.**

- (a) The appeal should be accompanied by any supporting evidence relied upon as a basis for the appeal, including copies of Bureau or tribal records having a direct bearing on the appellant's contentions. The appellant may furnish affidavits from persons having personal knowledge of the facts at issue. Criminal penalties are provided by statute for knowingly filing false information in such statements (18 U.S.C. 1001).
- (b) The appellant may request additional time to submit supporting evidence. A time period considered reasonable for such submissions may be granted by the official receiving the appeal.
- (c) The burden of proof for establishing the improper omission of any name from the proposed roll is on the appellant.

**§ 43e.9 Notification and action by the Tribes.**

- (a) The Superintendent shall notify the Tribal Council of the receipt of an appeal and shall give the Tribal Council the opportunity to examine the appeal and to present such evidence as it may consider pertinent.
- (b) The Tribal Council shall have not more than 15 days from receipt of notification of the appeal in which to present, in writing, such statements as it may deem pertinent supported by tribal records which have a bearing on the case, along with the complete

enrollment file on the appellant, to the Superintendent.

**§ 43e.10 Action by the Superintendent.**

The Superintendent shall consider each appeal. If after review of the evidence the Superintendent determines that the omission of any name is improper and eligibility has been established, the appellant shall be so notified in writing and the name entered on the roll. If the Superintendent determines that the omission of any name is proper and eligibility has not been established, the appellant shall be so notified in writing and the appeal together with the complete record and the recommendation of the Superintendent shall be forwarded to the Director.

**§ 43e.11 Action by the Director.**

The Director shall consider each appeal. If after a review of the evidence the Director determines that the omission of any name is improper and eligibility has been established, the appellant shall be so notified in writing and the Superintendent directed to enter the name on the roll. If the Director determines that the omission of the name is proper and eligibility has not been established, the appellant shall be so notified in writing and the appeal together with the complete record and the recommendation of the Director shall be forwarded to the Secretary for final determination.

**§ 43e.12 Decision of the Secretary on appeals.**

The Secretary shall consider the record as presented, together with any additional information he/she may consider pertinent. Any such additional information shall be specifically identified in the decision. The decision of the Secretary on an appeal shall be final and conclusive and written notice of the decision shall be given the appellant. When so directed by the Secretary, the Assistant Secretary shall cause to be entered on the roll the name of any person whose appeal has been sustained.

**§ 43e.13 Preparation, certification, and approval of the roll.**

(a) The staff officer shall prepare a minimum of 5 copies of the roll of those persons determined to be eligible for enrollment, including those who established their eligibility by appeal. The completed roll shall contain, for each person, a roll number, name, sex, date of birth, date of death if applicable, and name and relationship to the Mohave ancestor through whom eligibility was established.



(b) A certificate shall be attached to the roll by the Superintendent certifying that to the best of his/her knowledge the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Director shall approve the roll.

#### § 43e.14 Special Instructions.

To facilitate the work of the Superintendent, the Assistant Secretary may issue special instructions not inconsistent with the regulations in this Part.

[FR Doc. 81-36915 Filed 12-24-81; 8:45 am]  
BILLING CODE 4310-02-M

## ENVIRONMENTAL PROTECTION AGENCY

[AD-FRL 1998-2]

### 40 CFR Part 52

#### Approval and Promulgation of Implementation Plans; Statutory Restriction on New Sources Under Certain Circumstances for Nonattainment Areas

**AGENCY:** Environmental Protection Agency.

**ACTION:** Interpretive rule.

**SUMMARY:** On August 7, 1980, EPA promulgated regulations for state new source review programs in areas which have not attained the National Ambient Air Quality Standards (nonattainment areas). At that time, EPA announced that if revisions to such a state program were not approved by EPA by November 7, 1981, the construction moratorium authorized by section 110(a)(2)(I) of the Clean Air Act would take effect in each nonattainment area in each such state. As discussed below, EPA has now concluded as a matter of law that the moratorium did not take effect on November 7, 1981 in any state lacking a new source review program approved as conforming to EPA's August 7, 1980 rulemaking.

**DATES:** This interpretive rule is effective retroactive to November 7, 1981 and will remain in effect until superseded by future action by EPA.

**FOR FURTHER INFORMATION CONTACT:** Kirt Cox, Standards Implementation Branch (MD-15), Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711 (919) 541-5591.

**SUPPLEMENTARY INFORMATION:** The Clean Air Act was amended in 1977 to include Part D, which specifies special requirements for State Implementation Plans (SIPs) for nonattainment areas. At the same time, section 110 of the Act was amended to require a moratorium

on construction of major new and modified sources if a SIP does not meet the requirements of part D after July 1, 1979. Section 110(a)(2)(I).

EPA first issued criteria for state new source review programs in nonattainment areas on April 4, 1979. See 44 FR 20372. However, in *Alabama Power Co. v. Costle*, 636 F.2d 323 (D.C. Cir. 1979), the United States Court of Appeals for the District of Columbia Circuit struck down several analogous provisions in the Agency's regulations for the Prevention of Significant Deterioration (PSD) program. On August 7, 1980, EPA promulgated conforming revisions to its PSD regulations, and complementary revisions to its nonattainment rules. 45 FR 52676. In the "implementation" part of the August 7 promulgation, EPA announced that "[i]f a state does not submit any necessary revisions to its plan within nine months after the date this notice appears in the Federal Register, the construction moratorium will go into effect 15 months after this date \* \* \* (i.e., by November 7, 1981) in all nonattainment areas in that state." 45 FR 52687.

EPA has concluded that it was incorrect on August 7, 1980, to the extent that it indicated that the moratorium would take effect automatically on November 7, 1981, if a state failed to submit SIP revisions in response to the August 7 promulgation, or submitted revisions which EPA had not yet approved. EPA has now concluded that it must conduct an evaluation of a state plan and determine that it is deficient before any moratorium related to the August 7 rulemaking could come into effect. EPA believes that the need to make such an evaluation arises because under section 110(a)(2)(I), all states with EPA-approved (or conditionally approved) Part D plans are states with respect to which the construction moratorium simply does not apply, unless there is some determination by EPA that the SIP no longer satisfies Part D.<sup>1</sup> However, in light of the August 7 promulgation, EPA believes that it had a duty to analyze each SIP, after May 7, 1980 (the date SIP revisions were due), in order to determine whether the SIP continued to meet the requirements of Part D of the Act.<sup>2</sup>

<sup>1</sup> The moratorium must also take effect if EPA or the State conclude that the State is not implementing its Part D plan. Section 173(4).

<sup>2</sup> In this regard, it should be pointed out that EPA acknowledged in the August 7 promulgation that some States might not need to revise their SIPs in response to the August 7 promulgation:

"States need not adopt verbatim the definitions in section 51.18(j)(1), but they must demonstrate that any different definitions they retain or adopt have the effect of being at least as stringent as those set out in § 51.18(j)(1). If a state plan currently includes

EPA has concluded, however, that no analysis is appropriate at this time. First, EPA has promulgated a final rule which substantially amends one of the central provisions of the August 7 regulations—the definition of "source" in nonattainment areas. 46 FR 50766 (October 14, 1981). That same rule also deletes the requirement that reconstructed facilities be treated as new sources for the purposes of nonattainment new source review. *Id.* Second, the August 7 regulations are now the subject of litigation in the United States Court of Appeals for the District of Columbia Circuit (*Chemical Manufacturers Association v. Gorsuch*, No. 79-1112 and consolidated cases). EPA is currently engaged in settlement negotiations with the petitioners in this case. EPA anticipates that these negotiations will result in substantial amendments to the August 7 rules. In view of these facts, EPA believes that it is inappropriate to analyze the SIPs at this time to determine whether they satisfy the August 7 promulgation.

It should be noted, however, that today's action is not intended to affect the status of any construction moratorium currently in effect in any nonattainment area.

EPA finds that it has good cause not to take notice and comment on this interpretive rule. The conclusions reached by the Agency are legal in nature, so that notice and comment are unnecessary.

EPA further finds that it has good cause to make this notice immediately effective, because it removes a restriction. See 5 U.S.C. 553(d)(1).

The Administrator has determined that this interpretive rule is a nationally-applicable final action and is based on determinations of nationwide scope and effect. Under section 307(b) of the Clean Air Act, petitions for review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit by February 26, 1982.

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 requirements. In fact, by lifting a restriction, it removes regulatory requirements.

This action was submitted to the Office of Management and Budget for

definitions or regulatory provisions which are more stringent than the nonattainment definitions and other provisions contained in these rules, the state has the choice of retaining its current regulations or revising them so as to conform to EPA's rules." 45 FR 52687.

review as required by Executive Order 12291.

(Secs.) 110(a)(2)(I), 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7410(a)(2)(I), 7601(a)

Dated: December 18, 1981.

Anne M. Gorsuch,  
Administrator.

[FR Doc. 81-36916 Filed 12-24-81; 8:45 am]

BILLING CODE 6560-26-M

## FEDERAL MARITIME COMMISSION

46 CFR Parts 510, 522, 523, 524, 534, 536, 540, 542, 547 and 551

### OMB Clearance Information

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rule.

**SUMMARY:** Rules are amended to reflect OMB clearance and to inform recipients of information collection requests whether compliance with such request is voluntary or mandatory, as well as the specific benefits they are intended to obtain. The amendment is necessary to comply with Paperwork Reduction Act of 1980 requirements.

**EFFECTIVE DATE:** December 28, 1981.

### FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C. 20573 (202) 523-5725.

**SUPPLEMENTARY INFORMATION:** 44 U.S.C. 3504 requires the Office of Management and Budget to review and approve information collection requests proposed by agencies and to insure that the requests display OMB control numbers. Such requests must also contain information informing recipients why the information is collected, how it is to be used and the compulsory nature of the requirement, i.e., whether it is voluntary, mandatory, or required to obtain a benefit. Therefore, the following CFR parts of Title 46 are amended to reflect OMB requirements. Corrections of erroneous and superfluous statutory authorities have also been made.

### PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

1. The Authority citation for Part 510 is revised to read as follows:

Authority: Secs. 16, 18, 21, 43 and 44, Shipping Act, 1916; 46 U.S.C. 815, 817, 820, 841a and 841b.

2. Add the following paragraph immediately after the Authority citation:

Note.—Approved for use through August 31, 1984. OMB No. 3072-0018.

### § 510.1 [Amended]

3. Number the paragraph presently appearing under § 510.1 as (a). Add a new paragraph (b) to read as follows:

(b) Information obtained under this part is used to determine the qualifications of freight forwarders and their compliance with shipping statutes and regulations. Failure to follow the provisions of this part may result in denial, revocation or suspension of a license for freight forwarding. Persons operating without the proper license may be subject to civil penalties not to exceed \$5,000 for each such violation; for other violations of the provisions of this part, the civil penalties range from \$1,000 to \$25,000 for each violation (46 U.S.C. 815, 831a).

### PART 522—FILING OF AGREEMENTS BETWEEN COMMON CARRIERS OF FREIGHT BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES

1. The Authority citation for Part 522 is revised to read as follows:

Authority: Secs. 15 and 43 of the Shipping Act, 1916; 46 U.S.C. 814 and 841a.

2. Add the following paragraph immediately after the Authority citation:

Note.—Approved for use through September 30, 1984. OMB No. 3072-0040.

### § 522.1 [Amended]

3. a. Number the paragraph presently appearing under § 522.1 as paragraph (a).

b. Add a new paragraph (b) to read as follows:

(b) Adherence with the statute and rules of the Commission is mandatory, and persons operating under agreements without prior Commission approval may be liable to penalties and damages for violations of the anti-trust laws of the United States and may be subject to civil penalties of up to \$1,000 for each day of such default (46 U.S.C. 814) and/or disapproval of agreements.

### PART 523—ADMISSION, WITHDRAWAL AND EXPULSION PROVISIONS OF STEAMSHIP CONFERENCE AGREEMENTS

1. The Authority citation for Part 523 is revised to read as follows:

Authority: Secs. 15 and 43, Shipping Act, 1916; 46 U.S.C. 814 and 817.

2. Add the following paragraph immediately after the Authority citation:

Note.—Approved for use through November 30, 1983. OMB No. 3072-0038.

3. Add a new paragraph (c) to § 523.1 to read as follows:

### § 523.1 Statement of policy.

(c) Conference agreements that do not comply with this part may be disapproved, canceled or modified (46 U.S.C. 814). Violations of the provisions of this part may also subject the conference members to a civil penalty of up to \$1,000 for each violation (46 U.S.C. 831(c)).

### PART 524—EXEMPTION OF CERTAIN AGREEMENTS FROM THE REQUIREMENTS OF SECTION 15, SHIPPING ACT, 1916

1. The Authority citation for Part 524 is revised to read as follows:

Authority: Secs. 15, 35 and 43, Shipping Act, 1916; 46 U.S.C. 814, 833a and 841a.

2. Add the following paragraph immediately after the Authority citation:

Note.—Approved for use through October 31, 1984. OMB No. 3072-0039.

### § 524.1 [Amended]

3. a. Number the paragraph presently appearing under § 524.1 as (a).

b. Add a new paragraph (b) to read as follows:

(b) Compliance is mandatory and failure to meet these filing requirements will result in the party desiring exemption remaining bound by the approval requirements of section 15 of the Shipping Act, 1916. (46 U.S.C. 833a)

### PART 534—GREEN HIDE WEIGHING PRACTICES

1. Remove the Authority language appearing at the end of §§ 534.1 and 534.2, respectively, place it immediately after the section number listing and revise it to read as follows:

Authority: Secs. 16, 17, and 43; Shipping Act, 1916; 46 U.S.C. 815, 816 and 841a.

2. Add the following paragraph immediately after the Authority citation:

Note.—Approved for use through September 30, 1984. OMB No. 3072-0037.

3. Number the paragraph presently appearing under § 534.1 as (a). Add a new paragraph (b) to read as follows:

### § 534.1 General weighing provisions.

(b) Compliance is mandatory and tariffs containing commodity rates on green hides that do not comply with this part may be rejected. Continued use of a tariff not in compliance with the provisions of this part is unlawful and subject to a civil penalty of not more than \$5,000 for each day the violation continues. (46 U.S.C. 817(b)(4), (b)(6).)

**PART 536—PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES**

1. The Authority citation for Part 536 reads as follows:

Authority: Secs. 14b, 15, 16, 17, 18(b), 18(c), 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 813a, 814, 815, 816, 817(b), 817(c), 820 and 841a).

2. Remove paragraph 2 of the Authority citation containing GAO clearance information and substitute the following language therefor:

Note.—Approved for use through October 31, 1984. OMB No. 3072-0009.

3. Add a new paragraph (c) to § 536.0 to read as follows:

**§ 536.0 Scope.**

\* \* \* \* \*

(c) Compliance with this part is mandatory, and any tariff submitted for filing which fails to meet criteria specified in this part is subject to rejection. Upon rejection it shall be void, and its use unlawful. Operating without an effective tariff on file with the Commission or changing rates not in conformance with such a tariff is unlawful and subject to a civil penalty of not more than \$5,000 for each day the violation continues (46 U.S.C. 817(b)(4), (b)(6)).

**PART 540—SECURITY FOR THE PROTECTION OF THE PUBLIC**

1. The Authority citations for Part 540 are revised to read as follows:

**Subpart A—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation**

Authority: Sec. 3, Pub. L. 89-777, 80 Stat. 1357; (46 U.S.C. 817e).

**Subpart B—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility To Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages**

Authority: Sec. 2, Pub. L. 89-777, 80 Stat. 1356; (46 U.S.C. 817d).

**Subpart C—Assessment, Remission, and Mitigation of Civil Penalties**

Authority: Secs. 2 and 3, Pub. L. 89-777, 80 Stat. 1356-1358; (46 U.S.C. 817d and 817e).

2. Add the following paragraph immediately after the Authority citation in Subpart A and in Subpart B:

Note.—Approved for use through October 31, 1984. OMB No. 3072-0011.

3. Remove the Note paragraph regarding OMB approval that presently appears at the end of § 540.9(k) in Subpart A.

4. Number the paragraph presently appearing under § 540.1 as (a). Add a new paragraph (b) to read as follows:

**§ 540.1 Scope**

\* \* \* \* \*

(b) Failure to comply with this part may result in denial of an application for a certificate. Vessels operating without the proper certificate may be denied clearance and their owners may also be subject to a civil penalty of not more than \$5,000 in addition to a civil penalty of \$200 for each passage sold, such penalties to be assessed by the Federal Maritime Commission (46 U.S.C. 91, 817d and 817e).

5. Remove the Note paragraph regarding GAO approval that presently appears at the end of Subpart C, Appendix B.

**PART 542—FINANCIAL RESPONSIBILITY FOR WATER POLLUTION**

1. The Authority citation for Part 542 reads as follows:

Authority: Sec. 311(p) of the Federal Water Pollution Control Act (33 U.S.C. 1321(p), 86 Stat. 862), as amended by the Clean Water Act of 1977 (Pub. L. 95-217, 91 Stat. 1566), and section 3 of Executive Order 11735 (38 FR 21243, 1973).

2. Remove paragraph 2 of the Authority citation containing GAO clearance information and substitute the following language therefor:

Note.—Approved for use through July 31, 1984. OMB No. 3072-0019.

3. Add a new paragraph (d) to § 542.1 to read as follows:

**§ 542.1 Scope.**

\* \* \* \* \*

(d) Failure to follow the provisions of this Part may result in denial of a certificate, and consequently, denial of clearance of a vessel, denial of entry to any port or place in the United States, or its navigable waters, and/or detention of a vessel, as specified in § 542.14. Failure to comply may also subject the vessel operator to a fine of not more than \$10,000 for each failure to comply (33 U.S.C. 1321(p), 46 U.S.C. 91).

**PART 547—PROCEDURES FOR ENVIRONMENTAL POLICY ANALYSIS**

1. The Authority citation for Part 547 is revised to read as follows:

Authority: Sec. 43 of the Shipping Act, 1916 (46 U.S.C. 841a), sec. 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(b)).

2. Add the following paragraph immediately after the Authority citation:

Note.—Approved for use through August 31, 1984. OMB No. 3072-0035.

3. Add a new paragraph (c) to § 547.1 to read as follows:

**§ 547.1 Purpose and scope.**

\* \* \* \* \*

(c) Information obtained under this part is used by the Commission to assess potential environmental impacts of proposed Federal Maritime Commission actions. Compliance is voluntary but may be made mandatory by Commission order to produce the information under section 21 of the Shipping Act, 1916 (46 U.S.C. 820). Penalty for non-compliance with a section 21 order is \$100 a day for each day of default; penalty for falsification of such a report is a fine up to \$1,000 or imprisonment up to one year, or both.

**PART 551—TRUCK DETENTION AT THE PORT OF NEW YORK**

1. The Authority citation for Part 551 is revised to read as follows:

Authority: Secs. 17 and 43 Shipping Act, 1916; (46 U.S.C. 816 and 841a).

2. Remove paragraph 2 of the Authority citation containing GAO clearance information and substitute the following language therefor:

Note.—Approved for use through September 30, 1984. OMB No. 3072-0010.

3. Add a new paragraph (m) to § 551.1 to read as follows:

**§ 551.1 General provisions.**

\* \* \* \* \*

(m) Compliance is mandatory and failure of terminal operators or motor carriers to follow the provisions of this part may result in the assessment of penalties as specified in § 551.7.

**Effective Date**

Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective December 28, 1981.

By the Commission.  
**Francis C. Hurney,**  
*Secretary.*

[FR Doc. 81-30948 Filed 12-24-81; 8:45 am]  
**BILLING CODE 6730-01-M**

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**INTERSTATE COMMERCE  
COMMISSION**

**49 CFR 1056**

[Ex Parte MC-19 Sub No. 36]

**Household Goods Carriers Operational  
Practices**

**AGENCY:** Interstate Commerce  
Commission.

**ACTION:** Notice of Modification of Form  
OCP-100; Confirmation of Date by  
Which Compliance With Final  
Operational Rules Must Be Achieved.

**SUMMARY:** The Commission is making  
minor modifications to Form OCP-100,  
Your Rights and Responsibilities When  
You Move, to reflect changes in the way  
consumers of household goods  
transportation services may contact the  
Commission for advice and assistance.  
All motor common carriers of household

goods are notified that compliance with  
the new operational rules, including  
furnishing Form OCP-100 as amended  
herein, is required as of the date shown  
below.

**DATE:** Effective Compliance Date:  
February 1, 1982.

**FOR FURTHER INFORMATION CONTACT:**  
Ray G. Atherton, Jr., (202) 275-7844; or  
Patricia M. Schulze, (202) 275-7841.

**SUPPLEMENTARY INFORMATION:** The  
Commission adopted final operational  
household goods rules on March 11,  
1981, (46 FR 16200), to become effective  
on June 9, 1981. The effective date was  
stayed pending judicial review. On  
December 9, 1981, the U.S. Court of  
Appeals for the Seventh Circuit upheld  
the Commission's final operational rules  
decision and dissolved the stay. The  
Court noted that the Commission should  
allow household goods carriers a  
reasonable interval before instituting  
actions for noncompliance with the new  
rules, particularly those relating to  
printed documents required to be  
furnished shippers.

Form OCP-100, Your Rights and  
Responsibilities When You Move, is a  
document required by the new rules

(§ 1056.2(a)(1)) to be furnished to  
individual prospective shippers. In the  
10 month period between adoption of  
the rules and the court's decision  
upholding them, the method by which  
the Commission receives complaints  
and inquiries from the public has been  
altered. Form OCP-100, as adopted,  
contains Commission contact  
information which is no longer current.  
To update the contact information, For  
OCP-100 is amended and reproduced in  
its entirety as set forth in Appendix A  
below. These documents reflect only a  
change in Commission practice and, as  
such, do not encompass any substantive  
regulatory change.

An effective compliance date of  
February 1, 1982, is set in recognition of  
the Court's admonition that a  
reasonable time be allowed for carriers to  
achieve compliance.

By the Commission: J. Warren McFarland,  
Director, Office of Compliance and Consumer  
Assistance.

**Agatha L. Mergenovich,**  
*Secretary.*

**BILLING CODE 7035-01-M**

APPENDIX A

COVER - DIMENSIONS OPTIONAL.  
PROVIDING LENGTH X WIDTH EQUALS  
OR EXCEEDS 36 SQUARE INCHES.  
COLOR OPTIONAL. NO PRINTING  
EXCEPT AS BELOW

YOUR RIGHTS AND RESPONSIBILITIES

WHEN YOU MOVE

Prepared By The

INTERSTATE COMMERCE COMMISSION

OFFICE OF COMPLIANCE AND CONSUMER ASSISTANCE

Furnished By

Your Mover

YOUR RIGHTS AND RESPONSIBILITIES

WHEN YOU MOVE

NOTE: The name of the carrier distributing the publication may be substituted for "Your Mover"

Publication CCP-100

**Contents**

Introduction  
 Moving Service Questionnaire  
 Estimates  
   Binding Estimates  
   Non-Binding Estimates Of Approximate Cost  
 Order For Service  
 Bill Of Lading Contract  
 Inventory  
 Shipments Subject To Minimum Weight or Volume Charges  
 Determining The Weight Of Your Shipment  
 Reweighing Of Shipments  
 Picking Up And Delivering Shipments On The Agreed Dates  
 Space Reservation, Expedited Service, Exclusive Use Of A Vehicle, And Guaranteed Pickup And Delivery  
 Notification Of Charges  
 Receipt For Delivery Of A Shipment  
 The Mover's Liability For Loss And Damage  
 Complaints And Inquiries About The Mover's Service  
 Payment Of The Transportation Charges  
 Payment Of The Transportation Charges On Shipments Moved On Two Or More Vehicles  
 Payment Of The Transportation Charges On Shipments Lost Or Destroyed In Transit  
 Filing Of Claims For Loss And Damage Or Delay, Dispute Resolution Programs  
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**Introduction**

The Interstate Commerce Commission (ICC) regulations protect consumers on interstate moves and define the rights and responsibilities of consumers and movers.

The mover gives you this pamphlet to provide information about your rights and responsibilities as a shipper of household goods. You should talk to your mover if you have further questions. The mover will also furnish you with a pamphlet describing its procedure for handling your questions and complaints. The pamphlet includes a telephone number you can call to obtain additional information about your move.

If, after discussing your move with the mover, you still need information or assistance, you may obtain help from an Interstate Commerce Commission office. Local offices are maintained in at least one major city in each state (except Delaware and Hawaii). Regional offices are located in the following cities: Boston, MA; Philadelphia, PA; Atlanta, GA; Chicago, IL; Ft. Worth, TX; and San Francisco, CA. Telephone numbers for

these offices may be found in the telephone directory under the heading UNITED STATES GOVERNMENT. In the Washington, D.C. area call 275-0860.

**Moving Service Questionnaire**

Included with this pamphlet is a brief questionnaire which we ask you to complete and mail, postage free, to the Interstate Commerce Commission. The information which you provide will help the Commission to further assist consumers.

Please answer every question. The name and ICC number of the moving company is found at the top of the bill of lading. The shipment registration or identification number is found on the order for service and the bill of lading of your shipment.

The Service Questionnaire is not a complaint or inquiry form. If you have a complaint or inquiry concerning the mover's services contact the Interstate Commerce Commission offices referred to on page 1 of this publication.

BILLING CODE 7035-01-M

OMB NO. 3120-0037  
Exp. 5/31/83

INTERSTATE COMMERCE COMMISSION MOVING SERVICE QUESTIONNAIRE  
(Not a Complaint Form)

1. Name of the moving company \_\_\_\_\_
2. Mover's ICC number \_\_\_\_\_
3. Your shipment registration or identification number \_\_\_\_\_
4. Moved from \_\_\_\_\_ Moved to \_\_\_\_\_  
(State) (State)
5. Date your shipment was picked up \_\_\_\_\_ (Date) delivered \_\_\_\_\_ (Date)
6. Did you receive an estimate  Yes  No
7. Was the estimate binding?  Yes  No
8. Were the final charges the estimated charges? (Check One)  More  Less  The Same As
9. Was your shipment picked up the agreed pickup date? (Check One)  Before  On  After
10. Was your shipment delivered the agreed delivery date?  Before  On  After
11. Have you or do you intend to file a claim with the mover for property loss or damage in excess of \$100?  Yes  No
12. Would you use the same mover again?  Yes  No
13. Was the *Your Rights and Responsibilities When you Move* booklet helpful to you in your move?  Yes  No

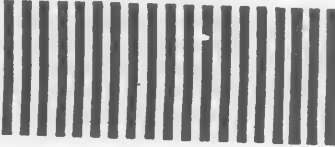
Please show return address in upper left corner of reverse side of this card.

NOTE: THIS QUESTIONNAIRE WILL BE PRINTED ON A PREPAID POST CARD ADDRESSED TO THE INTERSTATE COMMERCE COMMISSION, OFFICE OF COMPLIANCE AND CONSUMER ASSISTANCE, WASHINGTON, D.C. 20423. THIS CARD IS TO BE INSERTED IN THE BOOKLET AND SHOULD BE PERFORATED TO PERMIT EASY REMOVAL. THE CARRIER'S NAME AND ICC NO. MAY BE PRE-PRINTED ON THE QUESTIONNAIRE

BILLING CODE 7095-01-C



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES



BUSINESS REPLY MAIL  
FIRST CLASS PERMIT NO 12815 WASH DC

POSTAGE WILL BE PAID BY THE ICC  
INTERSTATE COMMERCE COMMISSION  
Office of Compliance and  
Consumer Assistance  
Washington, D.C. 20423

## Estimates

Although the ICC cannot require that moving companies give estimates most movers do provide estimates when requested. There are two types of estimates binding and non-binding.

### Binding Estimates

The mover may charge you for providing a binding estimate.

Binding estimates must clearly describe the shipment and all services provided.

When you receive a binding estimate, you can not be required to pay any more than the amount of the estimate. To be effective, a binding estimate must be in writing and a copy given to you before you move. A copy of the binding estimate must also be attached to the bill of lading.

If you agree to a binding estimate, you are responsible for paying the charges by cash, certified check, or money order at time of delivery unless the mover agrees before you move to extend credit or to accept payment by charge card. If you are unable to pay the amount required at the time the shipment is delivered, the mover may place your shipment in storage at your expense until the charges are paid.

### Non-Binding Estimates of Approximate Cost

The mover is not permitted to charge for giving a non-binding estimate.

A non-binding estimate does not bind the mover. When you receive a non-binding estimate there is no guarantee that the final cost will not be more than the estimate.

Non-binding estimates must be in writing and clearly describe the shipment and all services provided. Any time a mover provides such an estimate it is required that the amount of the charges estimated must be entered on the order for service and bill of lading relating to your shipment. If you are given a non-binding estimate, do not sign or accept the order for service or bill of lading unless the amount estimated is entered on each form when prepared by the mover.

If you are given a non-binding estimate, the mover cannot require you to pay more than the amount of the original estimate plus 10 percent, at time of delivery. You will then have at least 30 days after the date of delivery to pay any remaining charges.

*If you request the mover to provide more services than those included in the estimate, the mover may demand full payment for those added services at time of delivery.*

## Order for Service

Moving companies are required to prepare an order for service on every shipment transported for an individual shipper. You are entitled to a copy of the order for service when it is prepared.

The order for service is not a contract. Should your move be cancelled or delayed or if you decide not to use the services of the mover, you should promptly cancel the move.

Should there be any change in the dates on which you and the mover agreed that your shipment will be picked up and delivered, or any change in the non-binding estimate, the mover may prepare a written change to the order for service. The written change should be attached to the order for service.

### Bill of Lading Contract

The bill of lading is the *contract* between you and the mover. The mover is required by law to prepare a bill of lading for every shipment it transports. The information on a bill of lading is required to be the same information shown on the order for service. The driver who loads your shipment must give you a copy of the bill of lading before loading your furniture. You must also sign the bill of lading.

*It is your responsibility to read the bill of lading before you sign it.* If you do not agree with something on the bill of lading *do not sign it* until you are satisfied that the bill of lading shows what service you want.

The bill of lading requires the mover to provide the service you have requested, and you must pay the mover the charges for the service.

*The bill of lading is an important document. Do not lose or misplace your copy.* Have it available until your shipment is delivered, all charges are paid and all claims, if any, are settled.

### Inventory

At the time the mover's driver loads your shipment he or she, although not required to do so, usually inventories your shipment listing any damage or unusual wear. The purpose of this is to make a record of the condition of each item. If the driver does not make an inventory you should make one yourself.

After completing the inventory, the driver will usually sign each page and ask you to sign each page. It is important before signing that you make sure that the inventory lists every item in your shipment and that the entries regarding the condition of each item are correct. You have the right to note any disagreement. When your shipment is delivered if an item is missing or

damaged, your ability to recover from the mover for any loss or damage may depend on the notations made.

*The driver will give you a copy of each page of the inventory. Attach the complete inventory to your copy of the bill of lading. It is your receipt for the goods.*

At the time your shipment is delivered, it is your responsibility to check the items delivered against the items listed on your inventory. The driver usually places a small numbered tag on each item as the inventory is prepared. The numbers should correspond to the numbered items on the inventory form and facilitate checking off the items as they are brought into your new residence. Check each item for damage that did not exist when the shipment was loaded. If new damage is discovered, make a record of it in the space provided on the inventory form. Be sure to call the damage to the attention of the driver and request that a record of the damage be made on the driver's copy of the inventory.

After the complete shipment is unloaded, the driver will request that you sign the driver's copy of the inventory to show that you received the items listed. Do not sign the inventory until you have assured yourself that it is accurate and that proper notations have been entered on the form regarding any missing or damaged items. When you sign the inventory at the time of unloading, you are giving the driver a receipt for your goods.

### Shipments Subject to Minimum Weight or Volume Charges

Movers usually have a minimum weight or volume charge for transporting a shipment. Usually the minimum is the charge for transporting a shipment of at least 500 pounds.

If your shipment appears to weigh less than the mover's minimum weight, the mover is required to advise you on the order for service of the minimum cost before agreeing to transport the shipment. Should the mover fail to advise you of the minimum charges and your shipment is less than the minimum weight, the final charges must be based on the actual weight instead of the minimum weight.

### Determining the Weight of Your Shipment

If charges are to be based upon weight of the shipment, the mover is required to weigh the shipment. Unless your shipment weighs less than 1,000 pounds and can be weighed on a warehouse platform scale, the mover is required to



determine the weight of your shipment by one of the following processes.

**Origin Weighing**—If your shipment is weighed in the city or area from which you are moving, the driver is required to weigh the truck on which the shipment is to be transported before coming to your residence. This is called the *tare weight*. At the time of this first weighing the truck may already be partially loaded with one or more other shipments. This will not affect the weight of your shipment. The truck should also contain pads, dollies, handtrucks, ramps, and other equipment normally used in the transportation of household goods shipments.

After loading, the truck will be weighed again to obtain the loaded weight, called the *gross weight*. The net weight of your shipment is then obtained by subtracting the tare weight from the gross weight.

**Destination Weighing**—The mover is also permitted to determine the weight of your shipment at the destination at the time of unloading. The fact that a shipment is weighed at the destination instead of at the origin will not affect the accuracy of the weight of your shipment. *The most important difference is that the mover will not be able to determine the exact charges on your shipment before it is unloaded.*

Destination weighing is done in reverse to origin weighing. After arriving in the city or area to which you are moving, the driver will weigh the truck, with your shipment loaded on it to obtain the gross weight before coming to your new residence to unload. After unloading your shipment, the driver will again weigh the truck to obtain the tare weight. The net weight of your shipment will then be obtained by subtracting the tare weight from the gross weight.

Each time a weighing is performed the driver is required to obtain a weight ticket showing the date and place of weighing and the weight obtained. The ticket must also have your name and shipment number entered on it along with the I.D. numbers of the truck. The ticket must be signed by the person who performed the weighing. If both the empty (tare) and loaded (gross) weighings are performed on the same scale, the record of both weighings may be entered on one weight ticket.

At the time the mover gives you the freight bill to collect the charges, a copy of every weight ticket relating to your shipment must accompany your copy of the freight bill.

You have the right to observe every weighing. The mover is required to inform you of the specific location of each scale that will be used and to allow you a reasonable opportunity to

be present. If you desire to observe either or both of the weighings, you should tell the mover at the time the order for service is prepared or, in any event, before the day of your move. This will enable the mover to contact you before the weighing to advise you of the location of the scale.

#### Reweighing of Shipments

If your shipment is weighed at origin and you agree with the mover that you will pay the charges at time of delivery, the mover is required to give you written notice of the weight and charges on your shipment before commencing to unload at your destination residence. If you believe that the weight is not accurate, you have the right to request that the shipment be reweighed before unloading.

The mover is not permitted to charge for the reweighing. If the weight of your shipment at the time of the reweigh is different from the weight determined at origin, the mover must recompute the charges based on the reweigh weight.

Before requesting a reweigh, you may find it to your advantage to estimate the weight of your shipment using the following method:

(1) Count the number of items in your shipment. Usually there will be either 30 or 40 items listed on each page of the inventory. For example, if there are 30 items per page and your inventory consists of four complete pages and a fifth page with 15 items listed, the total number of items will be 135. *If an automobile is listed on the inventory do not include that item in the count of the total items.*

(2) Subtract the weight of any automobile included in your shipment from the total weight of the shipment. If the automobile was not weighed separately, its weight can be found on its title or license receipt.

(3) Divide the number of items in your shipment into the weight. If the average weight resulting from this exercise ranges between 35 and 45 pounds per article, it is unlikely that a reweigh will prove beneficial to you and could result in your payment of higher charges.

Experience has shown that the average shipment of household goods will weigh about 40 pounds per item. If a shipment contains a large number of heavy items, such as cartons of books, boxes of tools or heavier than average furniture, the average weight per item may be 45 pounds or more.

#### Picking Up and Delivering Shipments on the Agreed Dates

Agree with your mover on set times for pickup and delivery. You and your mover must reach an agreement as to

when your shipment is to be picked up and delivered. It is your responsibility to determine on what date, or between what dates, you need to have the shipment picked up and on what date or between what dates, you require delivery. It is the mover's responsibility to tell you if the service can be provided on or between those dates or, if not, on what other dates the service can be provided.

In the process of reaching an agreement with a mover, it may be necessary for you to alter your moving and travel plans if no mover can provide service on the specific dates you desire.

Do not agree to have your shipment picked up or delivered "as soon as possible." The dates or periods of time you and the mover agree on should be definite.

Once an agreement is reached on the dates service is to be provided, the mover is required to enter those dates on the order for service. Do not sign or accept an order for service that does not have the agreed dates for service entered on the form. Do not sign or accept an order for service which has dates for the pickup or delivery entered on it which are different from those dates to which you have agreed. The dates you have agreed upon must also be entered on the bill of lading and become part of your contract with the mover.

Once your goods are loaded, the mover is contractually bound to provide the service described in the bill of lading. The only defense for not providing the service on the dates called for in the contract is the "defense of force majeure." This is a legal term which means that if circumstances which could not have been foreseen and which are beyond the control of the mover prevent the performance of the service as agreed to in the bill of lading, the mover is not responsible for damages resulting from the non-performance.

If, after an order for service is prepared, the mover is unable to make pickup or delivery on the agreed upon dates, the mover is required to notify you by telephone, telegram or in person about the delay. The mover must at that time tell you when your shipment can be picked up or delivered. If for any reason you are unable or unwilling to accept pickup or delivery on the dates named by the mover, you should attempt to reach agreement with the mover on alternate dates.

The establishment of a delayed pickup or delivery date does not relieve the mover from liability for damages resulting from the failure to provide

service as agreed. However, when you are notified of alternate delivery dates it is your responsibility to be available to accept delivery on the dates specified. If you are not available and willing to accept delivery, the mover has the right to place your shipment in storage at your expense or hold the shipment on its truck and assess additional charges.

If after the pickup of your shipment, you request the mover to change the delivery date, most movers will agree to do so providing your request will not result in unreasonable delay to their equipment or interfere with another customer's move. However, the mover is not required to consent to amended delivery dates and has the right to place your shipment in storage at your expense if you are unwilling or unable to accept delivery on the date agreed to in the bill of lading.

If the mover fails to pick up and deliver your shipment on the date entered on the bill of lading and you have expenses you otherwise would not have had, you may be able to recover those expenses from the mover. This is what is called an inconvenience or delay claim. Should a mover refuse to honor such a claim and you continue to believe that you are entitled to be paid damages, you may sue the mover. *The Interstate Commerce Commission has no authority to order the mover to pay such claims.*

While it is hoped that your shipment will not be delayed, you should consider this possibility and find out before you agree for a mover to transport your shipment what payment you can expect if the service is delayed through the fault of the mover.

#### Space Reservations, Expedited Service, Exclusive Use of a Vehicle and Guaranteed Pickup and Delivery

It is customary for movers to offer price and service options.

The total cost of your move may be increased if you want additional or special service. Before you agree to have your shipment moved under a bill of lading providing special service, you should have a clear understanding with the mover what the additional cost will be. You should always consider that you may find other movers who can provide the service you require without requiring that you pay the additional charges.

One service option is a *space reservation*. If you agree to have your shipment transported under a space reservation agreement, you are required to pay for a minimum number of cubic feet of space in the moving van regardless of how much space in the van is actually occupied by your shipment.

Another service option is *expedited service* to aid shippers who must have their shipments transported on or between specific dates which the mover could not ordinarily agree to do in its normal operations.

Another customary service option is *exclusive use of a vehicle*. If for any reason you desire or require that your shipment be moved by itself on the mover's truck or trailer, most movers will provide such service.

Still another service option is *guaranteed service on or between agreed dates*. If you take this service option you enter into an agreement with the mover that provides for your shipment to be picked up, transported to destination and delivered on specific guaranteed dates. If the mover fails to provide the service as agreed, you are entitled to be compensated at a predetermined amount or a daily rate (per diem) regardless of the expense you actually might have incurred as result of the mover's failure to perform.

Before requesting or agreeing to any of these price and service options, be sure to ask the mover's representatives about the final costs you will be required to pay and consider all possible alternatives if you feel that the charges will be more than you are willing to pay.

#### Notification of Charges

You must advise the mover at the time you make the arrangements for the move if you wish to be notified of the weight or volume and charges on your shipment. You are required to give the mover a telephone number or address at which the notification will be received.

The mover must notify you of the charges at least one 24-hour weekday prior to the delivery, unless the shipment is to be delivered the day after pickup. The 24-hour requirement does not apply when you obtain an estimate of the costs prior to the move or when the shipment is to be weighed at the destination.

#### Receipt for Delivery of the Shipment

At the time of delivery the mover expects you to sign a receipt for your shipment. This is usually accomplished by having you sign each page of the mover's copy of the inventory.

Movers are prohibited from having you to sign a receipt which relieves the mover from all liability for loss or damage to the shipment. Do not sign any receipt which does not provide that you are signing for your shipment *in apparent good condition except as noted on the shipping documents*.

#### The Mover's Liability for Loss or Damage

All moving companies are required to assume liability for the value of goods which they transport. However, there are different levels of liability, and consumers should be aware of the amount of protection provided and the charges for each plan.

First, unless you make specific arrangements otherwise, the mover is required to assume liability for the entire shipment at an amount equal to \$1.25 per pound times the weight of your shipment. For example, if your shipment weighs 4000 pounds, the mover will be liable to you for loss or damage up to \$5000. Though you have made no specific arrangements for this plan, the mover is entitled to charge you \$5.00 for each \$1000 of liability beyond the "released value" (which will be discussed below) of your shipment. Under this arrangement, if you shipped a 10 pound painting valued at \$1000 in your 4000 pound shipment, you could collect for the full value of the painting if it was lost or damaged. Under this plan, your valuables are somewhat protected, but you pay for it.

Next, if the value of your shipment exceeds \$1.25 per pound, you may obtain additional liability protection from the mover. You do this by declaring a specific dollar value for your shipment. The amount you declare must exceed \$1.25 per pound times the weight of the shipment. If you declare that your 4000 pound shipment is worth \$10,000, the mover will charge you \$5.00 for each \$1000 of declared value, which in this case would result in a charge of \$50.00. If you ship articles that are usually expensive, such as art or antiques, be sure to declare its full value. You must do this in writing.

The least amount of liability a mover can assume when transporting your goods is the "released value" referred to above. Movers publish what are known as released value rates. Under such rates, the mover assumes liability for not more than 60 cents per pound, per article. Under this arrangement, if that 10 pound painting which was described in the previous example were lost or damaged, and you had agreed to a released value shipment, the mover would be liable for not more than \$6.00. Obviously, the consumer should think carefully before agreeing to such an agreement. There is no extra charge for this minimal protection, but you must sign a specific statement on the bill of lading agreeing to it. Remember that unless you do sign such an agreement,

the mover is liable for \$1.25 per pound, and can charge you for it.

The mover pays for loss or damage in each of the three forms of liability described above. These are not insurance agreements. An additional option for the consumer is to agree to the released value transportation and obtain insurance directly from the moving company or from an insurance company. Your regular insurance company should be able to quote you a rate for your move. Some consumers have found this to be an inexpensive and satisfying alternative.

Your mover can sell you or procure for you liability insurance in the amount you require if you release your shipment for transportation at a value of 60 cents per pound per article. In the event of loss or damage which is the responsibility of the mover, the mover would be liable only for an amount not exceeding 60 cents per pound per article and the balance of the loss would be recoverable from the insurance company up to the amount of insurance purchased. The mover's representative can advise you of the availability of such liability insurance and the cost per \$1,000 of coverage.

If you purchase liability insurance from or through the mover, it is required that the mover issue a policy or other written record of the purchase and to provide you with a copy of the policy or other document at the time of purchase. If the mover fails to comply with this requirement, it becomes fully liable for any claim for loss or damage attributed to its negligence.

#### Complaints and Inquiries About the Mover's Service

All movers are expected to respond promptly to complaints or inquiries from their customers. Should you have a complaint or question about your move, you should first attempt to obtain a satisfactory response from the mover's local agent, the sales representative who handled the arrangements for your move, or the driver assigned to your shipment.

If for any reason you are unable to obtain a satisfactory response from one of these persons, you should then contact the mover's principal office. When you make such a call be sure to have available your copies of all the documents relating to the move. Particularly important is the number assigned to your shipment by the mover.

If you do not receive a satisfactory answer, you may contact the Interstate Commerce Commission's offices as discussed on page 1. Anytime you contact the Commission regarding your shipment, please have available the

name of the mover and the number assigned to your shipment.

All interstate moving companies are required to maintain a complaint and inquiry procedure to assist their customers. At the time you make the arrangements for your move, you should ask the mover's representative for a description of the mover's procedure, the telephone number to be used to contact the carrier and whether the mover will pay for such telephone calls.

#### Payment of the Transportation Charges

At the time of payment of the transportation charges, the mover is required to give you a freight bill identifying the service provided and the charge for each service. It is customary for most movers to use a copy of the bill of lading as a freight bill; however, some movers use an entirely separate document for this purpose.

Except in those instances where a shipment is moving on a binding estimate, the freight bill must specifically identify each service performed, the rate per unit for each service, and the total charges for each service. *Do not accept or pay a freight bill which does not contain this information.*

If your shipment was transported on a collect on delivery basis (COD), you will be expected to pay the total charges appearing on the freight bill at the time of delivery unless the mover provided a non-binding estimate of approximate cost and the total charges for the services included in the estimate exceed 110 percent of the estimated charges.

It is customary for movers to provide in their tariffs that freight charges must be paid in cash, by certified check, or money order. When this requirement exists, the mover will not accept personal checks. At the time you make arrangements for your move, you should ask the mover about the form of payment that is acceptable.

Some movers permit payment of freight charges by use of a charge card. However, do not assume that because you have a nationally recognized charge or credit card that it will be acceptable for payment. Ask the mover at the time the arrangements are made.

If you do not pay the transportation charges at the time of delivery the mover has the right under the bill of lading to refuse to give you your goods. The mover may place them in storage at your expense until the charges are paid.

If, before payment of the transportation charges, you discover an error in the charges, you should attempt to correct the error with the driver, the mover's local agent, or by contacting the mover's main office. If an error is

discovered after payment, you should write the mover (the address will be on the freight bill) explaining the error and request a refund.

Movers customarily check all shipment files and freight bills after a move has been completed to make sure the charges were accurate. If an overcharge is found you will be notified and a refund made. If an undercharge occurred you will be billed for the additional charges due.

#### Payment of the Transportation Charges on Shipments Transported on Two or More Vehicles

Although all movers try to move each shipment on one truck it becomes necessary at times to divide a shipment among two or more trucks. This frequently occurs when an automobile is included in the shipment and it is transported on a vehicle specially designed to transport automobiles. When this occurs your transportation charges are the same as if the entire shipment moved on one truck.

If your shipment is divided for transportation on two or more trucks you are not required to pay the total charges until all portions of the shipment have been delivered. However, as each portion of the shipment is delivered, the mover can require payment for that portion.

Movers are also permitted, but not required, to delay the collection of all the charges until the entire shipment is delivered. At the time you make the arrangements for your move, you should ask the mover about its policies in this respect.

#### Payment of Transportation Charges on Shipments Lost or Destroyed in Transit

Movers customarily make every effort to assure that while your shipment is in their possession for transportation, no items are lost, damaged or destroyed. However, despite the precautions taken, articles are sometimes lost or destroyed during the move.

In addition to any money you may recover from the mover to compensate for lost or destroyed articles, you are also entitled to recover the transportation charges represented by the portion of the shipment lost or destroyed.

Should your entire shipment be lost or destroyed while in the mover's possession, the mover cannot require you to pay any of the charges except the amount you have paid or agreed to pay for added liability protection. The fact that you do not pay any transportation charges does not affect any right you may have to recover reimbursement for

the lost or destroyed articles providing you pay the charges for added liability protection.

#### Filing of Claims for Loss and Damage or Delay

##### *Dispute Resolution Programs*

Should your move result in the loss or damage to any of your property you have the right to file a claim with the mover to recover money for such loss or damage.

You have nine months following either the date of delivery or the date on which the shipment should have been delivered to file a claim. However, you should file a claim as soon as possible. If you fail to file a claim within 120 days following delivery and later bring a legal action against the mover to recover the damages, you may not be able to recover your attorney fees even though you win the court action.

The Interstate Commerce Commission cannot resolve loss and damage claims. If you cannot settle a claim with the mover, you may file a civil action to

recover in court. If the mover participates in a dispute resolution program, you may find submitting your claim to arbitration under such a program a less expensive and more convenient way to seek recovery. Movers which participate in a dispute resolution program are required to advise all shippers of the existence and details of the program before they accept a shipment to be transported. If the mover does not provide information about a dispute resolution program at the time an order for service is prepared, you should ask whether the mover participates in such a program.

#### In Conclusion

Should you have any questions about your move which are not answered in this pamphlet, do not hesitate to ask the mover's representative who handled the arrangements for your move, the driver who transports your shipment or the mover's main office for additional information.

For further advice or assistance, contact the Interstate Commerce Commission as discussed on page 1.

#### Points To Remember

- Movers may give binding estimates.
- Non-binding estimates may not be accurate; actual charges may often exceed the estimate.
- Specify pick up and delivery dates in the *order for service*.
- The *bill of lading* is your contract with the mover . . . read it carefully . . . if you have any questions ask your mover or call the I.C.C.
- Be sure that you understand the extent of your mover's liability for loss and damage.
- You have the right to be present each time your shipment is weighed.
- You may request a reweigh of your shipment.
- If you have moved on a non-binding estimate, you should have enough cash or a certified check to pay the estimated cost of your move plus 10 percent more at time of delivery.

[FR Doc. 81-36931 Filed 12-24-81; 8:45 am]

BILLING CODE 7035-01-M

## Proposed Rules

Federal Register

Vol. 46, No. 248

Monday, December 28, 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.

### NATIONAL CREDIT UNION ADMINISTRATION

#### 12 CFR Part 701

#### Request for Comments on Proposal to Deregulate Share, Share Draft, and Share Certificate Accounts

**AGENCY:** National Credit Union Administration.

**ACTION:** Advance notice of proposed rulemaking.

**SUMMARY:** Subsequent to the passage of the Depository Institutions Deregulation and Monetary Control Act of 1980, there have been numerous amendments to § 701.35 of the NCUA Rules and Regulations. This Section governs generally the terms and conditions, including dividend rates payable, on share, share draft, and share certificate accounts. At the present time, the various amendments to § 701.35 provide Federal credit unions the opportunity to offer short- and long-term accounts paying dividends competitive with market rates of interest. Therefore, as a practical matter, Federal credit unions are deregulated under the present regulation. Consequently, the NCUA Board is soliciting comment on a proposal to deregulate § 701.35 by permitting Federal credit unions to offer accounts subject to terms and conditions determined by a credit union's Board of Directors.

**DATES:** Comments must be received on or before February 1, 1982.

**ADDRESS:** Send comments to Regulatory Development Coordinator, Robert Monheit, National Credit Union Administration, 1776 G St., NW, Washington, DC 20456.

**FOR FURTHER INFORMATION CONTACT:** Randall J. Miller, Acting Director, Office of Policy Analysis, Telephone (202) 357-1090, or Robert Fenner, Deputy General Counsel, Telephone (202) 357-1030.

**SUPPLEMENTARY INFORMATION:** In March 1980, the Depository Institutions Deregulation and Monetary Control Act (Pub. L. 96-221) was enacted. Title II, the

Depository Institution Deregulation Act, directed the NCUA Board to provide for the removal of dividend rate ceiling, restrictions on or before March, 1986. Subsequent to the passage of the Act, the NCUA Board approved several amendments to § 701.35 of the NCUA rules and regulations. This Section governs the terms and conditions, including maximum dividend rates payable, on credit union share accounts.

#### The Current Regulation

The current rule defines the various types of accounts that may be offered (§ 701.35(a)) and requires that certain procedures be followed in the issuance of such accounts (§ 701.35(b)). Section 701.35(c) establishes the requirements for share drafts, including requirements of written operational specifications, written account agreements, truncation of drafts, retention of drafts or photo copies, and surety bond coverage. Section 701.35(d) addresses general provisions relating to the qualifying period, renewal, and cancellation of share certificate accounts. Penalties for early withdrawal from share certificate and exceptions to such penalties are contained in § 701.35 (e) and (f). Variable dividends are authorized by § 701.35(g). The dividend structure and ceilings on different types of share, share certificate, and share draft accounts are provided in § 701.35(h). Advertising and disclosure requirements are contained in § 701.35 (k) and (l) respectively.

#### A Deregulation Proposal

The NCUA Board desires to solicit public comment on a proposal to deregulate § 701.35 of the NCUA Rules and Regulations. The deregulation proposal would place the responsibility for determining the terms and conditions governing accounts with a Federal credit union's board of directors. For example, a board of directors would be responsible for determining the classes of accounts to be offered, maturities, dividend rates, minimum denominations, premature withdrawal penalty provisions, and any other terms or conditions governing the account.

In addition, the NCUA Board would like to receive comments on whether the operational constraints and advertising and disclosure provisions in the current regulations should be amended.

Dated: December 18, 1981.

**Rosemary Brady,**  
*Secretary of the Board.*

[FR Doc. 81-38955 Filed 12-24-81; 8:45 am]

BILLING CODE 7535-01-M

### DEPARTMENT OF TRANSPORTATION

#### Federal Aviation Administration

#### 14 CFR Part 11

[Docket No. 22471; Petition Notice No. 81-16]

#### Petition of United Air Lines, Inc. for Rulemaking; Rescind the High Density Traffic Airports Rule

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Publication of petition for rulemaking for change in certain FAA regulations.

**SUMMARY:** This notice publishes for public comment a summary of the petition of United Air Lines, Inc. The summary was provided by United Air Lines. The petitioner requests that a regulation be issued rescinding the High Density Traffic Airports Rule, Part 93, Subpart K of the Federal Aviation Regulations, insofar as it applies to Chicago's O'Hare International Airport. Comments are also invited on United's petition in connection with the applicability of the rule at Kennedy International and LaGuardia Airports. Although this notice sets forth a summary of the petition as received, its publication does not represent any agency position on the merits of the petition. This notice does not propose any amendment of current rules or any change in policy or procedures. After consideration of the available data and comments received in response to this notice, the FAA will determine whether it should proceed to rulemaking or other proceedings based on the United Air Lines petition. If rulemaking is appropriate, a notice of proposed rulemaking containing regulatory proposals will be issued.

**DATES:** Comments must be received on or before February 26, 1982.

**ADDRESS:** Send comments on this petition in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204),

Docket No. 22471, 800 Independence Avenue, SW., Washington, D.C. 20591.

**FOR FURTHER INFORMATION CONTACT:** Edward P. Faberman, Acting Deputy Chief Counsel, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW, Room 900E, Washington, D.C. 20591, Telephone (202) 426-3775.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested persons are invited to submit such written data, views, or arguments on the petition as they may desire. Communications should identify the docket or petition notice number and be submitted in duplicate to the address indicated above. All communications received on or before the closing date will be considered before taking action on the petition. All comments submitted will be available for examination in the FAA docket. Persons wishing the FAA to acknowledge receipt of comments received in response to this notice should submit a self-addressed, stamped postcard which states "Comments to Docket No. 22471." The postcard will be date and time stamped and returned to the commenter.

**Background**

Since April 27, 1969, O'Hare Airport has been operated under a special air traffic rule known as the "High Density" rule (14 CFR 93.121 et seq.). The rule was adopted in response to serious airspace and airport congestion. It was intended to provide relief from excessive delays at certain major terminals including O'Hare, Kennedy International and LaGuardia Airports. The rule limits the hourly number of allocated IFR (instrument flight rules) operations (takeoffs and landings) that may be reserved for the specified classes of users for those airports as follows:

Class of user	John F Kennedy Airport <sup>1</sup>	LaGuardia Airport	O'Hare <sup>1</sup> Airport
Air carriers			
except air taxis	70	48	115
Scheduled air taxis	5	6	10
Other	5	6	10

<sup>1</sup> The allocation of IFR reservation for air carrier except air taxis at the John F. Kennedy Airport is 80 IFR reservations per hour from 5:00 p.m. to 8:00 p.m. These limitations only apply to Kennedy and O'Hare Airports during the hours from 3:00 p.m. to 7:59 p.m., local time.

**Summary of the Petition**

Accordingly, the Federal Aviation Administration publishes a summary of the petition for rulemaking of United Air Lines, Inc. dated December 7, 1981, and invites comments on the petition. This notice is published pursuant to

paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulation (14 CFR Part 11).

Issued in Washington, D.C. on December 21, 1981.

Edward P. Faberman,  
Acting Deputy Chief Counsel.

**Summary of Petition for Rulemaking of United Air Lines, Inc.**

Pursuant to § 11.25 of the Federal Aviation Regulations United Air Lines, Inc. hereby submits a summary of a petition for rulemaking which is being filed concurrently herewith:

United Air Lines, Inc. ("United") petitions the Administrator of the Federal Aviation Administration ("FAA") to promulgate a regulation which rescinds the High Density Traffic Airports Rule, Part 93, subpart K of the FAR's (14 CFR § 93.121, *et seq.*) insofar as it applies to Chicago's O'Hare International Airport. In support of its petition, United states as follows:

The High Density or slots limitations at O'Hare were implemented by the FAA in 1968 in order to combat terminal groundside congestion problems. 33 FR 17896. The FAA specifically indicated that the slot limits were temporary and were to be removed as soon as possible. 34 FR 2603. In spite of the fact that the congestion problem at O'Hare which formed the basis for the rule has long since been corrected, the slot limits have remained in effect.

Developments in the air traffic control system and at O'Hare airport have made the slot limits there obsolete. The FAA, since 1968, has substantially improved and expanded its procedures for air traffic control, particularly in the development and implementation of flow control procedures. Similarly, O'Hare is not physically the same airport as it was in 1968 when the quotas were implemented. Notably, a sixth air carrier runway was constructed in 1971, as well as new Instrument Landing Systems, high speed turnoffs and arrival holding areas which all have served to enhance the capacity of the airport.

Retention of the slot limits at O'Hare is inconsistent with the national air transportation policy of deregulation. The slot limits constitute serious barriers to competition at O'Hare and the three other slot-controlled U.S. airports. At all of the other 637 U.S. air carrier cities these barriers do not exist. Thus the slots rule has created a serious disadvantage for the City of Chicago, its passengers, shippers and air carriers in the highly competitive environment of deregulation.

Elimination of the slots rule will not have an adverse impact on the environment. There is very little relationship between slots and noise impact, since human noise response is a function of the cumulative amount of noise energy that an individual listener is exposed to, rather than to the number of occurrences which produce noise. Moreover, due to the high gate utilization rates at O'Hare, the elimination of the rule will result in only minimal increases in actual operations levels at the airport.

For these reasons, United petitions the FAA to rescind the High Density Rule at O'Hare insofar as it applies at that point.

[FR Doc. 81-36828 Filed 12-24-81; 8:45 am]  
BILLING CODE 4910-13-M

**Federal Highway Administration**

**23 CFR Parts 625, 646, and 655**

[FHWA Docket 80-11]

**National Standards for Traffic Control Devices; Manual on Uniform Traffic Control Devices; Railroad-Highway Projects**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Withdrawal of advance notice of proposed rulemaking.

**SUMMARY:** The purpose of this notice is to announce that the Federal Highway Administration is closing Docket 80-11 without further action and does not intend to institute additional rulemaking proceedings at this time on the subjects of criteria for the selection of specific highway traffic control systems at railroad-highway crossings and the use of flashing light signals without the use of automatic gates. FHWA is taking this action on the basis of the negative response received to the proposals set forth in the advance notice of proposed rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert B. Helland, Office of Traffic Operations, (202) 426-0411, or Mr. Thomas P. Holian, Office of the Chief Counsel, (202) 426-0761, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

**SUPPLEMENTARY INFORMATION:** On June 6, 1980, the Federal Highway Administration issued an advance notice of proposed rulemaking (ANPRM) published in the *Federal Register* on June 12, 1980 (45 FR 40062), inviting interested persons to comment on revising Part VIII of the Manual on Uniform Traffic Control Devices (MUTCD) to (1) include national criteria for the selection of specific highway traffic control systems at railroad-highway crossings and (2) to eliminate the use of flashing light signals without the use of automatic gates.

The advance notice of proposed rulemaking sets forth its subject matters as follows:

Item I. As a result of an advance notice of proposed rulemaking (ANPRM) published in the *Federal Register* on August 10, 1978 (FHWA Docket 78-13) the FHWA is

considering revising Part VIII of the Manual on Uniform Traffic Control Devices (MUTCD) to include national criteria for the selection of specific highway traffic control systems at railroad-highway crossings. Three alternative methods or options are presented for revising Part VIII as follows:

(a) The establishment of national criteria expressed as a baseline hazard index.

(b) The establishment of criteria for selecting specific traffic control systems at railroad-highway crossings based on a quantitative approach. This procedure would involve the computation of hazard index levels and their comparison to development threshold values.

(c) The establishment of criteria based on a descriptive approach. This method would include a listing of descriptive factors which would be utilized in the selection of highway traffic control systems for installation at railroad-highway crossings.

Item II. The FHWA is also considering the desirability of revising Part VIII of the MUTCD to eliminate the use of flashing light signals without the use of automatic gates.

A total of 85 written responses to this advance notice were received. Forty-one responses were received from State highway and transportation departments; 16 from local/county governments; six from State public utility/service commissions; four from railroads; three from other Federal agencies; and 15 from other organizations and individuals.

The overwhelming majority of responses received addressing Item I were negative. Commenters generally opposed the establishment of mandatory national criteria and responded negatively to each of the three alternatives offered in Item I. Commenters argued that any such national criteria, if established, should be identified as good practice and not made mandatory. Many commenters indicated that national criteria should be used to identify certain classes of crossings which should be evaluated by local diagnostic teams, with the final decision on improvements to be made at a specific crossing resting with the local diagnostic team.

Sixty of the 81 commenters responding to Item II opposed this proposed revision to the MUTCD. Ten other respondents provided "qualified no" responses. Generally the commenters argued that the practice of installing automatic gates where there are flashing light signals should be encouraged; however, they believe that there are a number of situations in which gate installation would be inappropriate or impractical. Consequently, these commenters urged that installation of gates not be mandated in all instances when flashing lights are used.

On the basis of the negative response received to the proposals set forth in the advance notice of proposed rulemaking, the FHWA is withdrawing FHWA Docket 80-11.

The FHWA has determined that this document contains neither a major rule under Executive Order 12291 nor a significant regulation under the regulatory policies and procedures of the Department of Transportation. Withdrawal of this advance notice of proposed rulemaking will not have a significant economic effect inasmuch as no costs will be associated with this action. Accordingly, a full regulatory evaluation is not required. Under the criteria of the Regulatory Flexibility Act, it is certified that this action will not have a significant economic impact on a substantial number of small entities.

In consideration of the foregoing, the advance notice of proposed rulemaking published in the *Federal Register* on June 12, 1980 (45 FR 40062), and circulated as advance notice 80-11, is hereby withdrawn.

This withdrawal is issued under the authority of 23 U.S.C. 109 (b) and (d), 315, and 402(a), and the delegation of authority in 49 CFR 1.48(b).

Issued on December 17, 1981.

**R. A. Barnhart,**  
*Federal Highway Administrator.*  
[FR Doc. 81-38063 Filed 12-24-81; 8:45 am]  
BILLING CODE 4910-22-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[A-5-FRL 2001-4]

#### Michigan; Approval and Promulgation of Implementation Plans

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** On June 26, 1981 and on August 24, 1981, the State of Michigan submitted Consent Orders No. 12-1981 and APC 19-1981 for the Dow Chemical Company (DOW) as revisions to the Michigan State Implementation Plan (SIP). Consent Order APC No. 19-1981 provides for control of sulfur dioxide (SO<sub>2</sub>) and total suspended particulates (TSP) emissions from the company's West Side and South Side power plants in Midland County, Michigan. All particulate emission sources at Dow must comply with various parts of Michigan's SIP between July 21, 1981 and December 31, 1985. Consent Order 12-1981 establishes a schedule for installation of TSP control devices and

sets October 1, 1982 as the compliance date for TSP emissions from the liquid waste incinerator in Dow's Building 830. The purpose of today's action is to solicit public comment on the Consent Orders and on EPA's proposed approval of these orders as SIP revisions.

**DATE:** Comments on this SIP revision must be received by no later than January 27, 1982.

**ADDRESSES:** Copies of these SIP revisions are available for review at the following addresses:

Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

Michigan Department of Natural Resources, Air Quality Division, State Secondary Government Complex, General Office Building, 7150 Harris Drive, Lansing, Michigan 48917

Written comments should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604

**FOR FURTHER INFORMATION CONTACT:** Toni Lesser, Regulatory Analysis Section, Air Programs Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6037.

**SUPPLEMENTARY INFORMATION:** On April 25, 1979, the State of Michigan submitted a SIP revision to comply with the requirements of the 1977 amendments to the Clean Air Act (Act). The strategy developed by the State of Michigan to ensure attainment of both the primary and secondary national ambient air quality standards (NAAQS's) for TSP requires reasonably available control technology on the traditional point and fugitive sources of TSP and, where necessary, additional controls on those traditional sources which have been identified as causing or contributing to the TSP problems in nonattainment areas. The additional control requirements are to be contained in enforceable abatement orders. Part of Michigan's submittal included a commitment to develop these abatement orders for the sources contributing to TSP problems in certain nonattainment areas. For Midland County, the State committed to the following schedule (Air Quality Implementation Plan, Table 2.14, p. 2-53) for identifying the sources contributing to the TSP problem and for developing abatement orders for these sources:

(a) Completion of additional studies in Midland County by October 30, 1980;

(b) Development of enforceable control orders or additional emission limits by October 30, 1981; and

(c) Final attainment of the secondary NAAQS for TSP by October 1984.

The Dow Chemical Company is located in an area of Midland County which was designed as nonattainment for the secondary TSP and for the primary SO<sub>2</sub> NAAQS's. The following is a synopsis of EPA's review of Consent Orders #12-1981 and APC #19-1981 for the Dow Chemical Company which were submitted as SIP revisions pursuant to Michigan's earlier commitment.

#### Consent Order No. 12-1981

On June 26, 1981, the State of Michigan submitted to EPA Consent Order #12-1981. The Consent Order provides a schedule for installation of air pollution control devices and/or other equipment to control particulate emissions from the liquid waste incinerator in Building 830 at Dow's Midland plant. The schedule establishes a final particulate emissions compliance date of October 1, 1982. By that time, particulate emissions from the incinerator must not exceed 0.1 pounds of particulate matter per every 1000 pounds of exhaust gases, corrected to 50% excess air. This emission limitation is the same as specified for liquid waste incinerators in Table 31 of Michigan R336.1331.

According to Michigan R336.1331, compliance with this emission limitation must be as expeditious as practicable, but not later than December 31, 1982. On May 6, 1980 (45 FR 29790), USEPA approved the compliance date of December 31, 1982 for the attainment of TSP NAAQS in all nonattainment areas.

USEPA has reviewed Consent Order #12-1981 and concluded that its provisions will not interfere with attainment and maintenance of the Primary TSP standards and will, in fact, contribute to the State's goal of attainment and maintenance of the secondary TSP standard as expeditiously as practicable and prior to Michigan's federally approved secondary attainment date of October 1, 1984.

#### Consent Order APC No. 19-1981

On August 24, 1981, the State of Michigan submitted Consent Order APC #19-1981 to EPA. The Order contains an alternative control strategy for particulate emissions from Dow's West Side and South Side power plants. On October 16, 1981, the State of Michigan submitted a letter to EPA clarifying that only paragraphs A(3), B,C,D, and E on pages 1 through 6 of the Consent Order for the specific sections summarized

below are intended for EPA's proposed rulemaking action.

#### Control Program

The Dow Chemical Company in Midland operates Boilers 14, 15, 16, 17, and 18 at the South Side power plant and Boilers 9, 12, 13, 19, and 20 at the West Side power plant. The TSP and SO<sub>2</sub> emission rates have been in excess of those allowed by the federally approved Michigan Rules 336.1301, 336.1331, and 336.1401. These regulations require Dow's coal/oil fired boilers to meet the following emission limitations:

- (a) Visible emission limits (R336.1301);
- (b) A boiler-specific TSP emission limitation between 0.20 and 0.27 lbs/1000 lbs of exhaust gases at 50% excess air depending on the capacity of the boiler; (R336.1331); and
- (c) A plantwide 1% fuel sulfur content limitation.

To comply with Michigan's rules, Dow originally intended to purchase its steam and electrical power needs from the Midland Nuclear Power Plant to be built by the Consumers Power Company. By this strategy, Dow would have been able to discontinue operation of the West Side and South Side power plants, except during periods of service interruptions at the nuclear plant, and thereby almost totally eliminate TSP and SO<sub>2</sub> emissions from its plants. However, a series of delays in construction of the nearby nuclear plant and litigation with EPA and the State of Michigan have prompted Dow to develop an alternative control strategy. Dow's program now includes the following elements:

- (a) Restricting the use of coal to Boilers 13-17 and 20 only;
- (b) Switching to low sulfur, low ash coal at both plants;
- (c) Constructing a common stack with a baghouse for particulate control at the South Side power plant; and
- (d) Complying with Michigan TSP SIP at the West Side power plant by December 31, 1985.

Paragraph A(3) of Consent Order APC #19-1981 states that the Michigan Department of Natural Resources and Dow have agreed, that between September 1, 1981 and December 31, 1982, Dow shall not burn coal or oil in more than three boilers at the South Side power plant unless the sulfur content of the fuel is less than 0.9 percent by weight. This is more restrictive than the 1.0 percent sulfur content limitation contained in Michigan's October 16, 1981 letter states that emission limitations for particulate matter and continuous emission monitoring requirements submitted as revisions to the existing SIP are

contained in paragraphs B,C,D, and E of the Consent Order. All particulate emission sources at Dow must comply with Michigan's revised SIP by December 31, 1985.

Order APC #19-1981 establishes the following provisions:

(1) A date of December 31, 1982 for compliance with the opacity and TSP rules at the South Side plant (R336.1301 and R336.1331, respectively). In the interim (September 1, 1981 to December 31, 1982), Dow shall install "air pollution control device(s) and/or other equipment" at the South Side plant and the plant must meet:

- (a) A TSP emission limit of 0.62 lbs/1000 lbs of exhaust gases;
- (b) A 24-hour and 30-day rolling average ash content of 7 percent and 5 percent respectively; and
- (c) No specific visible emission limit (compliance determined by the ash content of the coal burned).

(2) A date of December 31, 1985 for compliance with the opacity and TSP rules at the West Side plant. In the interim (September 1, 1981 to December 31, 1985), the West Side plant must meet:

- (a) A TSP limit of 0.47 lbs/1000 of exhaust gases at Boiler 13;
- (b) A TSP limit of 0.55 lbs/1000 lbs of exhaust gases at Boiler 20;
- (c) A 24-hour and 30-day rolling average ash content of 7 percent and 5 percent respectively; and
- (d) No specific visible emission limits (compliance determined by the ash content of the coal burned).

The Consent Order also contains provisions which:

Specify the procedures to be followed for determining compliance with the sulfur and particulate limitations (contained in Appendices A and B of the Consent Order);

Prohibit coal from being burned in Boilers 9, 12, 18, and 19 after the effective date of the Consent Order; and

Require installation of continuous opacity monitors at the South Side plant's new stack by December 31, 1982 and at the West Side plant stacks serving Boilers 13 and 20 by December 31, 1985, if these boilers are to remain in operation.

On September 28, 1981, the United States District Court for the Eastern District of Michigan, in the case of the *United States of America v. Dow Chemical Company* (Civil Action No. 80-40423, E. D. Michigan, July 20, 1981), signed a consent decree which will impose an abatement program on Dow. The decree contemplates that Dow will petition for a modification to the decree to be consistent with the particulate emission limits contained in Consent



Order APC #19-1981. Other than this potential modification, EPA's approval of Michigan's Consent Order will not in any way alter Dow's requirement to comply with all terms of the final consent decree. In addition, the consent decree provides a schedule for completion of a good engineering practice stack and a baghouse for the coal boilers at the South Side plant. These specific measures are referred to only as "air pollution control device(s) and/or other equipment" in the consent order.

#### Attainment Demonstration

On July 8, 1981, Dow submitted to the State results from an air quality modeling analysis using the Industrial Source Complex rural, short-term model. The analysis demonstrates that the interim particulate emission limits at the South Side and West Side plants' coal-fired boilers will not cause or contribute to a violation of the primary TSP NAAQS. The Consent Order APC #19-1981 requires incremental TSP reductions. First, low ash coal is to replace high ash coal at all coal-fired boilers by September 1, 1981. Second, after December 31, 1982, a baghouse and a new common stack at the South Side plant will reduce plantwide TSP emissions to 36% of the interim (September 1, 1981 to December 31, 1982) levels. In addition, a new taller stack, combining the flues presently vented to the existing two stacks, will result in better dispersion and less ambient impact from the South Side plant. Accordingly, Dow will not cause or contribute to a violation of the secondary NAAQS for TSP by the October 1, 1984 attainment date.

Michigan's Consent Order and the judicial consent decree specify the visible emission limitations to be met by the South Side and West Side plants by December 31, 1982 and December 31, 1985, respectively. Appendix B of the judicial consent decree requires coal sampling which will be used to determine compliance with the interim particulate emission limits.

EPA has reviewed Consent Order APC #19-1981 and has concluded that the Order will provide for maintenance of the primary NAAQS for TSP and for the attainment and maintenance of the secondary standard for TSP as expeditiously as practicable and within the State's commitment of attainment by October 1, 1984. The Order will result in substantial enforceable reductions in particulate emissions over present actual emissions and is consistent with the provisions contained in the consent decree issued in the *United States of*

#### *America v. Dow Chemical Company* case.

EPA proposes to approve Consent Order #12-1981 and the parts of APC #19-1981 submitted as revisions to Michigan's SIP. Interested individuals are advised that a 30-day public comment period is being provided on this notice of proposed rulemaking. It is requested that, where possible, comments be submitted in triplicate. All comments received will be available for inspection during normal business hours at the Region V Office listed at the front of this notice.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator certified on January 27, 1981, (46 FR 8709) that approvals of SIPs under sections 110 or 172 of the Clean Air Act would not have a significant economic impact on a substantial number of small entities. Today's action proposes to approve a State action for a site-specific source under Sections 110 and 172 of the Act. It imposes no requirements beyond those which the State and the Federal district court have already imposed on Dow and affects only that company.

Under Executive Order 12291, 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 since it approves provisions which the State adopted and submitted to EPA. EPA is not imposing any requirements which are different from those already required by the State.

(Secs. 110 and 172 of the Clean Air Act)

Dated: November 13, 1981.

Valdas V. Adamkus,  
Regional Administrator.

[FR Doc. 81-36917 Filed 12-24-81; 8:45 am]

BILLING CODE 6560-38-M

## FEDERAL MARITIME COMMISSION

### 46 CFR 510

[General Order 4, Revised; Amdt. 1; Docket No. 81-76]

#### Licensing of Independent Ocean Freight Forwarders

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35) amends sections 1 and 44 of the Shipping Act, 1916 to remove restrictions against affiliations between an independent ocean freight forwarder and a person who is a shipper or consignee or a seller or purchaser of

shipments to foreign countries via oceangoing common carriers. This proposed rulemaking would amend the Commission's rules in General Order 4, Revised (46 CFR 510) to comport with the new statute.

**DATES:** Comments (original and 15 copies) on or before February 1, 1982.

**ADDRESS:** Send comments to Francis C. Hurney at the address listed below.

**FOR FURTHER INFORMATION CONTACT:** Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C. 20573, (202) 523-5725.

**SUPPLEMENTARY INFORMATION:** The Federal Maritime Commission's rules governing the licensing and operation of independent ocean freight forwarders are contained at 46 CFR 510<sup>1</sup> and are commonly known as General Order 4, Revised. The definition of the term "independent ocean freight forwarder" ("forwarder") and the conditions under which forwarders are licensed to operate are based on and subject to sections 1 and 44 of the Shipping Act, 1916 ("the Act"). As a result of recent statutory amendments to sections 1 and 44 of the Act,<sup>2</sup> which remove the restrictions against affiliations between forwarders and persons such as export shippers who use oceangoing common carriers, the Commission now proposes revisions to General Order 4, Revised, for the purpose of bringing those rules into conformity with the amendments to the Act.

Section 1 of the Act has been amended to define a forwarder as follows:

The term "independent ocean freight forwarder" means a person that is carrying on the business of forwarding for a consideration who is not a shipper, consignee, seller, or purchaser of shipments to foreign countries.

Previously, the definition read:

An "independent ocean freight forwarder" is a person carrying on the business of forwarding for a consideration who is not a shipper or consignee or a seller or purchaser of shipments to foreign countries, *nor has any beneficial interest therein, nor directly or indirectly controls or is controlled by such shipper or consignee or by any person having such a beneficial interest.* (emphasis added.)

Section 44 of the Act has been amended by adding new subsection (f):

(f) A forwarder may not receive compensation from a common carrier with respect to any shipment in which the forwarder has a beneficial interest or with

<sup>1</sup> See 46 FR 24565, May 1, 1981.

<sup>2</sup> See section 1608 of Pub. L. 97-35, the Omnibus Budget Reconciliation Act of 1981.

respect to any shipment in which any holding company, subsidiary, affiliate, officer, director, agent, or executive of such forwarder has a beneficial interest.

The statutory amendments further provide that the above-quoted changes to sections 1 and 44 of the Act will remain in effect until December 31, 1983, after which time the definition of an "independent ocean freight forwarder" will revert back to that in effect prior to August 13, 1981, the date of the enactment of the amendments.

The following five revisions to General Order 4, Revised, are being proposed. Additions are enclosed in arrows (▶ ◀), and deletions are enclosed in brackets ( [ ] ):

(1) Section 510.2(j), which defines an independent ocean freight forwarder, would be amended by deleting the references to the no longer prohibited status of having beneficial interests in ocean shipments and/or having shipper or consignee affiliates. The Commission proposes to amend section 510.2(j) to read:

"Independent ocean freight forwarder" refers to a person performing freight forwarding services for a consideration, either monetary or otherwise, who is not a shipper or consignee or seller or purchaser of property in commerce from the United States [and who has no beneficial interest therein, nor directly or indirectly controls or is controlled by such shipper or consignee or by any person having such a beneficial interest].

(2) Section 510.12, which describes a class of persons not eligible for a forwarder's license, would be amended by deleting the references to the no longer disqualifying status of having beneficial interests in ocean shipments and/or having shipper or consignee affiliations. The Commission proposes to amend § 510.12 to read:

No person is eligible for a license who is a shipper, consignee, seller, or purchaser of shipments in commerce from the United States [ , or who has any beneficial interest therein, or who directly or indirectly controls or is controlled by such shipper, consignee, seller, or purchaser of shipments or by any person having a beneficial interest in such shipment.]

(3) Section 510.32(a), which bars a forwarder from having a no longer prohibited beneficial interest in ocean shipments, would be amended by deleting the reference to such beneficial interest. The amended § 510.32(a) would read:

[Beneficial interest.]

▶ Prohibition. ◀ No licensee shall act in the capacity of a shipper, consignee,

seller, or purchaser of any shipment in commerce from the United States [ , nor have any beneficial interest in such a shipment].

(4) Section 510.33(c), which sets forth the certification required to be made by a forwarder in order to obtain compensation from an oceangoing common carrier under subsection 44(e) of the Act, would be broadened for the sole purpose of reflecting new subsection 44(f) of the Act. The amended § 510.33(c) would read.

*Form of certificate.* Prior to receipt of compensation, the licensee shall file with the carrier, in addition to the anti-rebate certification required by § 510.31(h) of this part, a signed certification as set forth below on one copy of the relevant ocean bill of lading which indicates performance of at least two of the listed services in addition to arranging for space:

The undersigned hereby certifies ▶ that neither it nor any holding company, subsidiary, affiliate, officer, director, agent or executive of the undersigned has a beneficial interest in this shipment; ◀ that it is the holder of valid FMC License No. —, issued by the Federal Maritime Commission and has, in addition to soliciting and securing the cargo specified herein or booking or otherwise arranging for space for such cargo, performed at least two (2) of the following services, as indicated:

- (1) Coordinated the movement of the cargo to shipside.
- (2) Prepared and processed the ocean bill of lading.
- (3) Prepared and processed dock receipts or delivery orders.
- (4) Prepared and processed consular documents or export declarations.
- (5) Paid the ocean freight charges.

A copy of such certificate shall be retained by the licensee pursuant to § 510.34 of this part.

(5) New paragraph (h) would be added to § 510.33. That new paragraph would be the above-quoted new subsection 44(f) of the Act, with two technical modifications necessary to conform the statutory language to the definitions in Part 510. First, the word "freight" would be inserted before the words "forwarder may not receive", and, second, the word "oceangoing" would be inserted before the words "common carrier". Those two modifications clarify, but do not alter in any manner, the meaning of the statutory language.

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Commission certifies that the revisions proposed herein would not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposals do not require additional reports or

records, and are based entirely on changes to the underlying law. Any economic impact which might occur would occur as a direct result of the changes to the law, regardless of whether the proposed revisions are adopted or not. Nor are there any rules which the Commission could promulgate that would prevent such occurrence.

#### PART 510—LICENSING OF INDEPENDENT OCEAN FREIGHT FORWARDERS

Therefore, pursuant to sections 18, 21, 43, and 44 of the Shipping Act, 1916 (46 U.S.C. 817, 820, 841a and 841b), and 5 U.S.C. 553, the following provisions of Title 46 of the Code of Federal Regulations are proposed to be amended to read as follows:

1. Section 510.2 is amended by revising paragraph (j) to read as follows:

##### § 510.2 Definitions.

(j) "Independent ocean freight forwarder" refers to a person performing freight forwarding services for a consideration, either monetary or otherwise, who is not a shipper or consignee or seller or purchaser of property in commerce from the United States.

2. Section 510.12 is revised to read as follows:

##### § 510.12 Persons not eligible.

No person is eligible for a license who is a shipper, consignee, seller, or purchaser of shipments in commerce from the United States.

3. Section 510.32(a) is revised to read as follows:

##### § 510.32 Forwarder and principal; fees.

(a) *Prohibition.* No licensee shall act in the capacity of a shipper, consignee, seller, or purchaser of any shipment in commerce from the United States.

4. Section 510.33 is amended by revising paragraph (c) and by adding paragraph (h) to read as follows:

##### § 510.33 Forwarder and carrier; compensation.

(c) *Form of certification.* Prior to receipt of compensation, the licensee shall file with the carrier, in addition to the anti-rebate certification required by § 510.31(h) of this part, a signed certification as set forth below on one copy of the relevant ocean bill of lading which indicates performance of at least two of the listed services in addition to arranging for space:

The undersigned hereby certifies that neither it nor any holding company, subsidiary, affiliate, officer, director, agent or executive of the undersigned has a beneficial interest in this shipment; that it is the holder of valid FMC License No. —, issued by the Federal Maritime Commission and has, in addition to soliciting and securing the cargo specified herein or booking or otherwise arranging for space for such specified herein or booking or otherwise arranging for space for such cargo, performed at least two (2) of the following services, as indicated:

(1) Coordinated the movement of the cargo to shipside.

(2) Prepared and processed the ocean bill of lading.

(3) Prepared and processed dock receipts or delivery orders.

(4) Prepared and processed consular documents or export declarations.

(5) Paid the ocean freight charges.

A copy of such certificate shall be retained by the licensee pursuant to § 510.34 of this part.

(h) A freight forwarder may not receive compensation from an ocean-going common carrier with respect to any shipment in which the forwarder has a beneficial interest or with respect to any shipment in which any holding company, subsidiary, affiliate, officer, director, agent, or executive of such forwarder has a beneficial interest.

By the Commission  
Francis C. Hurney,  
Secretary.

[FR Doc. 81-38899 Filed 12-24-81; 8:45 am]  
BILLING CODE 6730-01-M

#### 46 CFR Part 536

[General Order 13, Admt. No. 10, Docket No. 80-56]

#### Publishing and Filing Tariffs by Common Carriers in the Foreign Commerce of the United States; Prohibition of Filing Temporary Amendments

**AGENCY:** Federal Maritime Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission herewith grants, in part, the petitions for reconsideration for the limited purposes of allowing public scrutiny on those issues which petitioners are of the opinion were not specific enough to allow for meaningful public comment.

Further, the Commission herewith proposes to amend its regulations to permit the receipt of permanent tariff amendments before and after the Commission's normal business hours, including weekends and holidays. It is proposed that tariffs would be receipted before and after its normal business by

establishing a mail drop in the lobby of 1100 L Street, NW., with the utilization of a time clock stamp. This change in regulation will benefit the carriers and conferences of carriers enabling them to satisfy the commercial needs in filing any tariff amendment that might be deemed to be time sensitive.

**DATE:** Comments due on or before February 15, 1982.

**ADDRESS:** Send comments to Francis C. Hurney at the address below.

**FOR FURTHER INFORMATION CONTACT:** Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Room 11101, Washington, D.C. 20573 (202) 523-5725.

**SUPPLEMENTARY INFORMATION:** The Commission published its final rule in this proceeding July 7, 1981 (46 FR 35092) with an effective date of September 8, 1981. The final rule removes from the Commission's tariff filing regulations the practice of allowing the filing of temporary amendments to tariffs published by carriers and conferences of carriers in the foreign commerce of the United States.

The effective date of the Commission's final rule in this proceeding was stayed September 3, 1981 (46 FR 44190) pending a staff analysis and recommendation on allegations made by petitioners<sup>1</sup> that the final rule of the Commission was based upon issues, conclusions and material assumed facts not set forth in the Notice of Proposed Rulemaking (45 FR 58385 Sept. 3, 1980). The petitioners allege that they were not permitted the opportunity to comment on the issues relied on by the Commission in reaching its decision in this proceeding as provided for under the Commission's rules of practice and procedure.

While the Commission's line of rationale set forth in the Notice of Proposed Rulemaking seems to support the conclusion reached in this proceeding, in order to ensure that the amendment of the Commission's tariff filing regulations receives public scrutiny, we have chosen to publish this notice. The purpose of this notice is to allow all interested parties the opportunity to comment on the issues raised by petitioners which might not

<sup>1</sup> North Europe-United States Pacific Freight Conference; Japan/Korea-Atlantic and Gulf Freight Conference; et al., except for United States Lines; Greece/U.S. Atlantic Rate Agreement, et al., The South Atlantic-North Europe Rate Agreement, North Atlantic Continental Freight Conference, North Atlantic Baltic Freight Conference, North Atlantic French Atlantic Freight Conference and the North Atlantic United Kingdom Freight Conference enjoy the petition for stay and reconsideration filed by Greece/U.S. Atlantic Rate Agreement, et al.

have been set forth with the specificity to alert public comment thereon.

In our order of July 7, 1981, we stated that the Commission's regulations would be amended to the extent that it would prohibit the acceptance of any type of temporary tariff amendment. We reached the decision to remove the previous regulation, because, in our opinion, the convenience of such filings is outweighed by the benefits accruing from their discontinuance which will eliminate an unreasonable paperwork burden for the Commission and simplify the use of foreign commerce tariffs by shippers, carriers, and other interested persons.

Petitioners now allege that the basis upon which we reached our decision was not published for their comment in the Notice of Proposed Rulemaking. Stated in brief language our decision to abolish temporary amendments is based on the fact that temporary tariff filings result in an unreasonable administrative burden which occurs in processing temporary tariff filings into the Commission's tariff library.

A comprehensive explanation of our rationale used in arriving at our decision to abolish the privilege of accepting temporary amendments to tariffs begins with the reasons the Commission considered when it originally established its regulations in 1965 under its General Order 13.

Those reasons, summarized in the Commission's decision in this matter (46 FR 35094) were, that:

(1) temporary filings constituted a very small portion of all tariff filings; (2) temporary filings were almost always reductions and therefore, in the shipper's benefit; (3) temporary filings would not impose unmanageable burdens on the Commission's staff; and (4) the carrier industry was very desirous of the opportunity to fully utilize this method of amending tariffs.

It should not be difficult to understand that the reasons used for the promulgation of the temporary tariff filing regulations are no longer considered valid for their retention. Since the time when temporary filings were few in number and did not constitute a major labor intensive operation, they have now reached unmanageable proportions. The statistics to substantiate the increase in temporary amendments were previously published in 46 FR 35094 on July 7, 1981. As far as the needs of carriers to effectuate any quick changes for the public benefit are concerned, we are firmly convinced that the steamship industry will be able to satisfy such needs. However, in order to ease the problem of accommodating any

necessary rapid tariff changes, we are herewith proposing to permit the receipt of permanent tariff filings outside of the Commission's normal hours of business.

The present budget constraints of the U.S. Government are commonly understood by all of us. Such constraints translate into passing on, where possible, the expense of certain technically oriented functions to the beneficiaries of the system. In this issue, we are of the opinion that the discontinuance of temporary filings will diminish the cost to the taxpayer, while on the other hand, amending our regulations to allow for the receipt of permanent tariff filings at the Commission's facilities in Washington, D.C., before and after the Commission's normal business hours to permit immediate changes in tariff material will serve any industry needs that might exist.

Commentators have criticized the Commission because in their opinion, we have not explained the need for the review of temporary tariff amendments, which as we have related, is a labor intensive operation. We are surprised at this comment since the industry is well aware of what is necessary to establish clear, concise and statutorily sound tariff amendments. Temporary tariff amendments do not meet this test in many instances.

On the one hand, commentators describe public interest as requiring immediate changes in rates while on the other hand they do not want the Commission's staff to "spend any time reviewing" the same amendment which was necessary to meet their responsibility under public interest standards; we disagree with the conclusion of the commentators.

Commentators have additionally requested that a joint industry/agency working committee be established to formulate and present further recommendations in this matter, while the committee approach might be of value in regard to certain matters, since this proceeding has provided a forum, extending over a long period of time, indeed, continues to do so, we view the approach as unnecessary and therefore deny the request.

While our decision to eliminate the acceptance of temporary filings may be inconvenient to some interests, it is apparent that there are means by which tariff changes considered time sensitive can be transmitted to the Commission for immediate effectiveness. Alternatively, where it appears impossible to accomplish a tariff change by a means other than a temporary filing method, then upon a demonstration of good cause, waiver of the regulation,

through the special permission process, is an option which the carriers and conferences might wish to consider. Although we are convinced that our goal in this matter is proper, additional time for comment on the issues in this proceeding is granted. The grant of time will allow for any additional input necessary to conclude this proceeding.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 533), and sections 18(b), 22 and 43 of the Shipping Act, 1916 (46 U.S.C. 817(b), 821 and 841(a)) the Commission proposes to eliminate its present regulations (46 CFR 536.10(c)) concerning temporary tariff filings; and further the Commission proposes to permit the filing of tariffs outside its normal business hours.

#### **PART 536—PUBLISHING AND FILING TARIFFS BY COMMON CARRIERS IN THE FOREIGN COMMERCE OF THE UNITED STATES**

Accordingly, the Commission proposes to amend its General Order 13, 46 CFR Part 536 as follows:

##### **§ 536.10 [Amended]**

Paragraph (c) of § 536.10 will be removed.

##### **§ 536.3 [Amended]**

Amend § 536.3 by redesignating paragraph (a) as paragraph (a)(1) and adding new paragraph (a)(2) to read as follows:

(a) \* \* \*

(2) *Receipt of tariffs.* The Commission will provide for the receipt of tariffs filed under the requirements of 46 CFR Part 536 at all times, i.e., 24 hours a day, everyday of the year at its facilities located in Washington, D.C.

By the Commission.

Francis C. Hurney,  
Secretary.

[FR Doc. 81-36893 Filed 12-24-81; 8:45 am]  
BILLING CODE 6730-01-M

#### **OFFICE OF MANAGEMENT AND BUDGET**

##### **Office of Federal Procurement Policy**

##### **48 CFR Parts 15, 22, and 43**

##### **Price Negotiation, Labor Standards for Contracts Involving Construction, and Contract Modifications**

**AGENCY:** Office of Federal Procurement Policy, OMB.

**ACTION:** Notice of availability and request for comment on draft Federal acquisition regulations.

**SUMMARY:** The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR).<sup>1</sup> Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations. **DATE:** Comments must be received on or before February 17, 1982.

**ADDRESS:** Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, NW., Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see *Federal Register*, Vol. 46, No. 50, March 16, 1981, p. 16818 for list).

**FOR FURTHER INFORMATION CONTACT:** William Maraist, (202) 395-3300.

**SUPPLEMENTARY INFORMATION:** The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following parts of the draft Federal Acquisition Regulation are available upon request for public and Government agency review and comment.

##### **Part 15—Contracting by Negotiation Subpart 15.8—Price Negotiation**

This subpart prescribes the cost and price negotiation policies and procedures applicable to negotiated contracts. It applies to pricing of (a) prime contracts, (b) subcontracts subject to Government consent, and (c) contract modifications, including modifications to contracts awarded by formal advertising procedures.

Pub. L. 87-653 contains the statutory requirement for submission of cost or pricing data and provides the basis for audit requirements. Because of the statutory requirement and because of the similarity of the FPR guidance, the thresholds and requirements for cost of pricing data have not been changed in the proposed FAR coverage. The thresholds for audit have, however, been

<sup>1</sup> Filed as a part of original document.

changed to conform to those published in DAC 76-26, dated December 15, 1980. Although civil agencies are encouraged to use field pricing support when it is available, the FAR retains the option permitting civil agency contracting officers to request audits directly from the cognizant audit agency.

OFPP Policy Letter 80-7 of December 9, 1980, established a profit policy for Government-wide use, with an effective date of January 9, 1981. This policy, modified to conform to FAR numbering, format, and organizational conventions, will be published as a separate subpart 15.9.

A requirement has been added that a prenegotiation objectives memorandum shall be prepared whenever a proposed contract or modification involves significant price negotiation. Although neither the DAR nor the FPR has a similar requirement, most agency implementing regulations have required some form of written prenegotiation objective in this situation. The proposed FAR coverage allows each agency to set specific thresholds for prenegotiation objectives memorandums on the basis of its own mission and available assets.

The proposed FAR defines forward pricing rate agreements and formally authorizes their use by civil agencies as well as by DOD.

The Department of Defense forms for offeror submission of cost or pricing data (DD 633) and for requesting exemption from submission of cost or pricing data (DD 633-7) have been standardized and are recommended for use by all Government agencies.

#### **Part 22—Application of Labor Laws to Government Acquisitions**

##### *Subpart 22.4—Labor Standards for Contracts Involving Construction*

This subpart provides the statutory basis for and sets forth labor standards requirements for contracts over \$2,000 involving construction of public buildings and public works. It covers the Davis-Bacon Act, the Copeland Act, and the Contract Work Hours and Safety Standards Act.

#### **Part 43—Contract Modifications**

This part prescribes policies and procedures for preparing and processing contract modifications for all types of contracts including construction and architect-engineer contracts. It covers the various types of contract modifications, availability of funds, and change orders.

Dated: December 22, 1981.

**M. F. Maraist,**  
*Acting Associate Administrator for  
Regulatory Policies and Practices.*

[FR Doc. 81-36933 Filed 12-24-81; 8:45 am]

**BILLING CODE 3110-01-M**

## Notices

Federal Register

Vol. 46, No. 248

Monday, December 28, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### ADVISORY COUNCIL ON HISTORIC PRESERVATION

#### Meeting; Hickory Hill Public Housing Project, Virginia

Notice is hereby given in accordance with § 800.6(d)(3) of the regulations of the Advisory Council on Historic Preservation, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that a panel of members of the Council will meet on January 8, 1982, to consider the proposed construction of the Hickory Hill Public Housing Project, Petersburg, Virginia. It has been determined that this undertaking, which is sponsored by the Department of Housing and Urban Development, will adversely affect the Petersburg National Battlefield Park, a property included in the National Register of Historic Places.

Pursuant to § 800.6(d)(2) of the Council's regulations, the Chairman of the Council decided on December 16, 1981, that a panel should consider this project in accordance with Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470f, as amended).

The Council was established by the National Historic Preservation Act to advise the President and Congress on matters relating to historic preservation and to comment upon, Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council members are the Secretary of the Interior, the Architect of the Capitol, the Secretary of Agriculture, and the heads of four other Federal agencies appointed by the President, one Governor and one Mayor appointed by the President, the President of the National Conference of State Historic Preservation Officers, the Chairman of the National Trust for Historic Preservation, and seven private citizens appointed by the President.

The Council's regulations require that the panel be composed of five members, three from the private sector (with one chairing) and two Federal members. This panel will be chaired by Mr. Alexander Aldrich of Saratoga Springs, New York. The panel will meet in Petersburg, Virginia. Place and time have yet to be set and may be obtained from the Executive Director.

The panel will consider written and oral statements from concerned parties. Written statements should be submitted to the Executive Director of the Council by December 31, 1981. Persons wishing to make oral statements should notify the Executive Director by January 4, 1982. Additional information concerning the meeting or the submission of statements is available from the Executive Director, Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, D.C. 20005 (202-254-3967).

Dated: December 18, 1981.  
Robert R. Garvey, Jr.,  
Executive Director.  
[FR Doc. 81-36908 Filed 12-24-81; 8:45 am]  
BILLING CODE 4310-10-M

### DEPARTMENT OF AGRICULTURE

#### Rural Electrification Administration

#### Tri-State Generation and Transmission Association, Inc., and Colorado-Ute Electric Association, Inc.; Draft Environmental Impact Statement

The Rural Electrification Administration (REA) as lead Federal agency has prepared a Draft Environmental Impact Statement (DEIS) in accordance with the National Environmental Policy Act (NEPA) of 1969, in connection with potential financing assistance to Tri-State Generation and Transmission Association, Inc., (Tri-State), 12076 Grant Street, Thornton, Colorado 80241 and Colorado-Ute Electric Association, Inc., (Colorado-Ute) 845 South Townsend Avenue, Montrose, Colorado 81401. The Bureau of Land Management and the Forest Service have been cooperating agencies.

The construction of the proposed project consists of approximately 145 km (90 miles) of 345 kV transmission line between Hayden and Blue River in Colorado. Associated facilities include

expansion of existing substation facilities at Hayden and construction of two new substations, one in Middle Park, near Kremmling and the other at Blue River, northwest of Dillon, Colorado.

Additional information on the proposed project may be obtained from Frank W. Bennett, Director, Power Supply Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 382-1400.

Persons wishing to comment on the environmental aspects of the proposed project and the DEIS are invited to respond in writing within 45 days of U.S. Environmental Protection Agency's notice of availability of the DEIS. Comments are invited from the public and from Federal, State and local agencies with respect of any environmental aspect of the project.

Copies of DEIS have been sent to various individuals and Federal, State and local agencies. Limited supplies of the DEIS are available upon request to Mr. Frank W. Bennett at the above address. The DEIS may be examined during regular business hours at the following locations and also at the public libraries of Northglenn (Adams County), Kremmling (Grand County), Steamboat Spring (Routt County) and Breckenridge (Summit County), Colorado.

Rural Electrification Administration, 14th & Independence Ave., SW., Washington, D.C. 20250.

Tri-State Generation and Transmission Association, Inc., 12076 Grant Street, Thornton, Colorado 80241.

Colorado-Ute Electric Association, Inc., 845 South Townsend Avenue, Montrose, Colorado 81401.

All comments received within the 45-day period will be considered in the preparation of the Final Environmental Impact Statement. Final REA action will be taken only after REA has reached satisfactory conclusions with respect to the project's environmental effects and other procedural requirements.

This Federal assistance program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Administration Loans and Loan Guarantees.

Dated at Washington, D.C., this 17th day of December, 1981.

Harold V. Hunter,  
Administrator.

[FR Doc. 81-36578 Filed 12-24-81; 8:45 am]

BILLING CODE 3410-15-M

## CIVIL AERONAUTICS BOARD

### Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits; Week Ended December 18, 1981

#### Subpart Q Applications

The due date for answers, conforming application, or motions to modify scope are set forth below for each application. Following the answer period the Board may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings (see 14 CFR 302.1701 et seq.).

Date filed	Docket No.	Description
Dec. 16, 1981	40310	Best Airlines, Inc., c/o William L. Howard, Suite 843, 1511 K Street, N.W., Washington, D.C. 20005. Application of Best Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests issuance of a certificate of public convenience and necessity which would authorize it to engage in scheduled air transportation of passengers and property between: The terminal point: Chicago, Illinois; the intermediate points: Detroit, Michigan, Cincinnati, Ohio, Cleveland, Ohio, Dayton, Ohio, Columbus, Ohio, Akron/Canton, Ohio, Youngstown, Ohio, Toledo, Ohio, Birmingham, Alabama, Memphis, Tennessee, Nashville, Tennessee, Charleston, West Virginia, Atlanta, Georgia, New Orleans, Louisiana, Miami, Florida, Tampa, Florida, Orlando, Florida, Indianapolis, Indiana, Evansville, Indiana, Fort Wayne, Indiana, South Bend, Indiana, Pittsburgh, Pennsylvania, Philadelphia, Pennsylvania, Baltimore, Maryland, Washington, D.C., Newark, New Jersey, and the terminal point: New York, New York.
Dec. 16, 1981	40311	Conforming Applications, motions to modify scope, and Answers may be filed by January 13, 1982. Taino Tours, S.A., c/o Ramon Anibal Paez, Ave. 27 de Febrero esquina Bohechío—Santo Domingo, Dominican Republic. Application of Taino Tours, S.A., pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, requests a foreign air carrier permit authorizing the carriage of persons between: The Dominican Republic and the coterminal points New York, N.Y., San Juan, Puerto Rico; Miami, Fla. and Saint Thomas, V.I. Answers may be filed by January 13, 1982.
Dec. 17, 1981	40314	Aviacion Y Comercio, S.A., c/o Howard G. Feldman, O'Connor & Hannan, 1919 Pennsylvania Avenue, N.W., Washington, D.C. 20006. Application of Aviacion Y Comercio, S.A., pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations, requests amendment and reissuance of its foreign air carrier permit to engage in charter air transportation of passengers and their accompanying baggage and property between points in the United States and points in Spain and elsewhere as set forth in Exhibit 9 attached to this application, also elimination of the conditions appearing in ordering paragraph 3 of Order 77-1-67 and certain conditions contained in applicant's present permit. Answers may be filed by January 14, 1982.
Dec. 17, 1981	40315	Alaska Airlines, Inc., Seattle-Tacoma International Airport, Seattle, Washington 98188. Application of Alaska Airlines, Inc. pursuant to Section 401 of the Act and Subpart Q of the Board's Procedural Regulations requests the Board to renew to the extent necessary on a permanent basis Alaska's permissive mail-only certificate authority at 138 Alaskan bush points listed on segment 3 of Alaska's certificate.
Dec. 17, 1981	40316	Conforming Applications, motions to modify scope, and Answers may be filed by January 14, 1982. Ceskoslovenske Aerolinie, 545 Fifth Avenue, New York, New York 10017 Application of Ceskoslovenske Aerolinie pursuant to Section 402 of the Act and Subpart Q of the Board's Procedural Regulations requests the amendment and/or renewal of its Foreign Air Carrier Permit so as to permit it to continue on its Foreign Air Carrier Permit so as to permit it to continue its on-going operations in scheduled foreign air transportation between the United States of America and the Czechoslovak Socialist Republic. Answers may be filed by January 14, 1982.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 81-36923 Filed 12-24-81; 8:45 am]

BILLING CODE 6320-01-M

#### [Order 81-12-104]

### Fitness Determination of Sunbird, Inc., Order to Show Cause

**AGENCY:** Civil Aeronautics Board.

**ACTION:** Notice of Commuter Air Carrier Fitness Determination—Order 81-12-104, Order to Show Cause.

**SUMMARY:** The Board is proposing to find that Sunbird, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended, and that the aircraft used in this service conform to applicable safety standards. The complete text of this order is available, as noted below.

**DATES:** Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than January 5, 1982, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

**ADDRESSES:** Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-12-104.

**FOR FURTHER INFORMATION CONTACT:** Jim Lawyer, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825

Connecticut Avenue, NW, Washington, D.C. 20428 (202) 673-5088.

**SUPPLEMENTARY INFORMATION:** The complete text of Order 81-12-104 is available from the Distribution Section, Room 100, 1825 Connecticut Avenue, NW, Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-12-104 to Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: December 17, 1981.

Phyllis T. Kaylor,  
Secretary.

[FR Doc. 81-36922 Filed 12-24-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39969]

**United Air Lines, Inc., Compliance With Part 252, Enforcement Proceeding; Assignment of Proceeding**

This proceeding is hereby assigned to Administrative Law Judge William A. Kane, Jr. Future communications should be addressed to Judge Kane.

Dated at Washington, D.C., December 18, 1981.

Joseph J. Saunders,  
Chief Administrative Law Judge.

[FR Doc. 81-36921 Filed 12-24-81; 8:45 am]

BILLING CODE 6320-01-M

**DEPARTMENT OF COMMERCE****Bureau of the Census****Change in Procedures for Computing Poverty Statistics**

Notice is hereby given that the Bureau

of the Census is implementing changes in the procedures used to compute poverty statistics. These technical changes in the official statistical definition of poverty were approved in June 1980 by the Statistical Policy Coordination Committee based on the recommendations of an interagency committee chaired by the Office of Federal Statistical Policy and Standards; this action was reviewed and approved in November 1981 by the Working Group on Economic Statistics of the Cabinet Council on Economic Affairs.

Poverty for statistical purposes is defined as the series of income cutoffs developed by the Social Security Administration in 1964 and revised by an interagency committee in 1969. (For a detailed explanation of the current poverty definition, see *Current Population Reports*, Series P-60, No. 130.) The additional modifications being implemented are as follows:

1. The weighted average of the

poverty thresholds for male- and female-headed nonfarm families by number of children will be employed for the tabulation of data for all nonfarm families of similar size and age composition, regardless of the sex of the family head.

2. Differences in the poverty thresholds for farm and nonfarm families will be eliminated through the use of nonfarm thresholds for all families and unrelated individuals.

3. The poverty matrix will be extended to families of nine or more persons from the current upper limit of seven or more persons.

The revised definition will be used in the poverty tabulations from the 1980 census and will be incorporated into the poverty statistics from the Current Population Survey beginning with estimates for 1981.

The revised poverty matrix for 1979 is presented below:

THRESHOLDS AT THE POVERTY LEVEL IN 1979 BY SIZE OF FAMILY AND NUMBER OF RELATED CHILDREN UNDER 18 YEARS OLD

Size of family unit	Related children under 18 years								
	None	1	2	3	4	5	6	7	8 or more
1 person (unrelated individual):									
Under 65 years .....	\$3,774								
65 years and over .....	3,479								
2 persons:									
Head under 65 years .....	4,858	\$5,000							
Head 65 years and over .....	4,385	4,981							
3 persons:									
.....	5,674	5,839	\$5,884						
4 persons:									
.....	7,462	7,605	7,356	\$7,382					
5 persons:									
.....	9,023	9,154	8,874	8,657	\$8,525				
6 persons:									
.....	10,378	10,419	10,205	9,999	9,693	\$9,512			
7 persons:									
.....	11,941	12,016	11,759	11,580	11,246	10,857	\$10,429		
8 persons:									
.....	13,356	13,473	13,231	13,018	12,717	12,334	11,936	\$11,835	
9 persons:									
.....	18,066	16,144	15,929	15,749	15,453	15,046	14,677	14,586	\$14,024

**FOR FURTHER INFORMATION CONTACT:**

Roger A. Herriot, Chief, Population Division, Bureau of the Census, Washington, D.C. 20233, (301) 763-7646.

Bruce Chapman,  
Director, Bureau of the Census.

[FR Doc. 81-36881 Filed 12-24-81; 8:45 am]

BILLING CODE 3510-07-M

**National Oceanic and Atmospheric Administration****Mid-Atlantic Fishery Management Council; Statement of Organization, Practices and Procedures**

Pursuant to section 302(f)(6) of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), each Regional Fishery Management Council is responsible for determining its organization and prescribing its practices and procedures for carrying out its functions under the Act in

accordance with such uniform standards as are prescribed by the Secretary of Commerce. Further, each Council must publish and make available to the public a statement of its organization, practices and procedures. The Mid-Atlantic Fishery Management Council has revised its Statement of Operating Practices and Procedures as originally published in 42 FR 30578 on June 15, 1977. The revised document is published below.

Dated: December 17, 1981.  
William G. Gordon,  
Assistant Administrator for Fisheries  
National Marine Fisheries Service.

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X. Amendments to Operational Procedures & Practices Manual

I. Name of Council. The name of the Council is the Mid-Atlantic Fishery Management Council (the Council).

II. Location of Offices. The Council's offices are presently located in the Federal Building, North and New Streets, Dover, Delaware 19901.

III. Legal Authority. The Mid-Atlantic Fishery Management Council was created by Section 302(a)(2) of the Fishery Conservation and Management Act of 1976 (the Act).

IV. Council Composition. The Mid-Atlantic Fishery Management Council has nineteen voting members and four non-voting members. Twelve voting members are appointed by the Secretary of Commerce and six of the voting members consist of the principle State officials (or the designee of the official) with marine fishery management responsibility and expertise in each of the member states as appointed by the Governor of the State. The one remaining voting member is the Regional Director of the National Marine Fisheries Service for the Northeast Region (or the designee of the Regional Director).

The non-voting members of the Council are:

A. The Regional Director of the United States Fish and Wildlife Service for the Northeast Region (or the designee of the Regional Director).

B. The Commander of the Coast Guard district for the Mid-Atlantic area (or the Commander's designee).

C. The Executive Director of the Atlantic States Marine Fisheries Commission (or the Executive Director's designee).

D. One representative of the Department of State designated for such purpose by the Secretary of State (or the representative's designee).

IV. Officers and Terms of Office.

A. General. A Chair and Vice Chair shall be elected annually by the voting members of the Council; each such officer shall serve for a period of one year and until a successor is elected and qualified. Officers may succeed themselves. A recording secretary may be appointed by the Chair for a term of one year. The Council may elect other officers as it deems necessary.

B. Authority of the Chair.

1. The Council Chair shall be the chief executive officer of the Council. Subject only to the authority of the Council, the Chair shall have general charge and supervision over, and responsibility for, the business and affairs of the Council. Unless otherwise directed by the Council, the Chair may enter into and execute in the name of the Council, contracts or other instruments in the regular course of business or contracts or other instruments not in the regular course of business which are authorized, either generally or specifically, by the Council. The Council Chair shall have the general powers and duties of management usually vested in the office of the Chair of the Board of a corporation.

2. The Council Chair shall have the authority to appoint and/or dissolve committees of Council members, name their officers and membership, and describe their functions, duties, and responsibilities consistent with the Charter of the Council, the Act, and other applicable law.

3. The Council Chair shall also have the full authority to call meetings as necessary for the conduct of the Council's business.

4. The Council Chair shall have the authority to authorize, approve, or disapprove reimbursement of travel expenses and/or compensation of any eligible members of the Council, its committees or subpanels except that proper notification, at the direction of the Chair, in the Federal Register of a regular meeting of the Council or one of its committees or subpanels shall constitute authorization for travel expenses and/or compensation to be paid to eligible members.

5. The Council Chair shall have the authority to authorize, approve, or disapprove all meetings of Council subpanels or committees.

6. Vice Chairman—In the event of the absence or inability of the Council Chair to serve or fulfill the Chair's obligations, the Council Vice Chair shall assume authority and duties of the Chair.

VI. Staff.

A. Composition. The voting members of the Council shall hire an Executive Director. The duties and functions of the Executive Director are:

1. Supervise, direct, and account for the administration and operation of the Council.

2. Retain, affix the salary of, and dismiss staff as necessary to accomplish the goals of the Council. The Executive Director shall prepare staff job descriptions, revise them as necessary, and review personnel duties to determine if they are consistent with job descriptions and Council guidelines.

3. Assign the duties of the staff as may be necessary to accomplish the goals of the Council.

4. Make and enter into any and all contracts, agreements, or stipulations, and retain, employ and contract for the services of private and public consultants, research and technical personnel, and procure by contract, consulting research, technical and other services and facilities, whenever the same shall be deemed necessary or desirable in the performance of the functions of the Council and whenever funds have been made available for such purposes. All legal procedures and applicable regulations shall be followed. The Council may establish a value above which the Council will approve contracts.

5. Maintain such facilities as may be required for the effective and efficient operation of the Council.

6. Prepare an annual budget for approval by the Council.

7. Prepare annual reports to the Council, and for the Council, to the Secretary of Commerce.

8. Coordinate efforts of the Council with other Councils and related Federal agencies.

9. The Executive Director may transfer funds between line items up to ten percent of the line except transfer between salary and non-salary items.

10. Prepare an Administrative, Operating, and Accounting Procedures Manual for the operation of the Council staff.

11. Prepare and submit a summary report of each Council meeting to the Secretary of Commerce.

12. Carry out other duties as may be assigned by the Council and/or the Council Chair.

B. Additional Staff (on a loan basis). The Council may request the head of any Federal agency to detail to the Council on a reimbursable basis, any personnel of such agency to assist the Council in the performance of its functions under the Act. The length of such details shall be mutually determined by the Council, the Federal employee and his or her agency. Federal employees so detailed retain all benefits, rights and status as they are entitled to in their regular employment. The Council may negotiate arrangements with State or local governments to utilize employees of those governments also.

C. Employment Practices.

1. Nondiscrimination. All activities of the Council must operate under a policy of equal employment opportunity. Council staff positions shall be filled solely on the basis of merit, fitness,

competence and qualifications.

Employment actions shall be free from discrimination based on race, religion, color, national origin, sex, age, or physical handicap.

2. **Salary and Wage Administration.** In setting rates of pay for Council Staff, the principle of equal pay for equal work should be followed. Variations in basic rates of pay should be in proportion to substantial differences in the difficulty and responsibilities of the work performed.

3. The duties of any new position shall be contained in a brief description to be submitted to the NOAA Personnel Office servicing the NMFS Regional Office assigned to the Council prior to the submission of a budget in which the salary of that position is requested. The Council will be provided a salary range appropriate to the position. The Council may fill the position at any salary level within that range, except that, unless recruitment of exceptionally qualified employees is hampered, the policy of hiring at the beginning rate shall be recognized. The annual pay for any staff position may not exceed the equivalent of the top step of GS-15 of the Federal General Schedule at any time. After a position has been filled, the employee may be promoted annually and be recognized for superior performance within the specified salary ranges in accordance with the Council policies.

D. **Relationship Between Council and Staff.** Council members may submit requests for task performance by the Executive Director or the staff to the Council or the Chair for approval and transmittal. Only the Chair, or the Council acting at a duly constituted meeting, may direct task performance by, and exercise supervision over, the Executive Director. The members of the staff shall receive their direction and supervision solely from the Executive Director.

#### VII. Meetings and Hearings.

A. **General.** The Council will meet at the call of the Chair of the Council or upon request of a majority of the voting members.

B. **Frequency and Duration.** The Council will ordinarily meet in a plenary session once a month; but in consideration of the workload, the Chair will determine the actual frequency and duration of meetings.

C. **Location.** In addition to the requirement that Council meetings be held in the Mid-Atlantic area (unless it is a joint meeting with another Council), the meeting place will be of a capacity large enough to accommodate the anticipated public attendance and it should be reasonably accessible to those interested in attending. Statutory

subgroups and subgroups consisting of Council members, as well as the full Council, will meet in particular areas of interest within the Council's area of authority, except Council subgroups may meet outside the Council's jurisdiction as necessary to conduct the business of the Council. Economy, time, and ease of travel should be considered in establishing locations for meetings but opportunity for concerned public attendance throughout the geographical area of authority shall be the prime consideration.

D. **Agendas.** Suggested agendas for all Council meetings will be drawn up by the Executive Director and approved by the Chair. The Chair will be assisted by the Vice Chair, the staff and the members of the Council who wish to contribute. A tentative agenda shall be distributed to Council members at least five calendar days before the subject meeting.

E. **Minutes of Meetings.** Detailed minutes of each meeting must be kept and their accuracy should be certified by the Chair after their adoption by the Council. Such minutes will include, to the extent possible, the following information:

1. The time and place of the meeting.
2. A list of Council or advisory panel members, staff and others present.
3. A complete and informative summary of matters discussed and conclusions reached
4. A listing with copies of all reports and papers received, or approved by the Council during the meeting.
5. Such accounting as is required by law of any portion of the meeting which was closed to the public.
6. The names and affiliation of members of the public who attend or the number or an estimate where a register is impractical, or the members of the public decline to be identified.
7. An explanation of the extent of public participation including a list of those presenting written or oral statements.
8. A copy of the agenda.
9. Copies of any written transcripts or any oral statements.
10. All meetings of the Council will be tape recorded. Actual tape recordings of such meetings, while not necessarily transcribed, will constitute an addendum to the official minutes. The original tape recordings shall be permanently preserved. They shall be kept in a place approved by the Council.

F. **Conduct. General Rules of Procedure—** Meetings shall be conducted in a manner to permit the greatest possible participation by all members of the Council. Notice of any meeting must appear in the **Federal**

**Register.** Meetings may be closed to the public as necessary and in accordance with law and regulations.

Parliamentary procedures should be used as a guide, but need not be rigidly adhered to, at the Chair's prerogative. Decisions by consensus are permitted, except where the issue is Council approval of a Fishery Management Plan or amendment (including any proposed regulations) when a roll call vote is required.

Miscellaneous statutory requirements for meetings include:

1. A majority of the voting members of the Council shall constitute a quorum.

2. Where there is a vote, the majority of the voting members present and voting shall rule. The use of proxy is not permitted.

3. Voting members of the Council who dissent on any issue that is to be submitted to the Secretary are permitted to submit a statement of their reasons for dissent to the Secretary.

G. **Hearings.** The Chair will determine when hearings are appropriate and will designate one voting member of the Council to officiate at such hearings. A record of public attendance at hearings and of the comments made at hearings will be maintained at the Council office.

VIII. **Advisory Panel and Scientific and Statistical Committee.**

A. **General.** The Council will establish a Scientific and Statistical Committee and an Advisory Panel to assist the Council in carrying out the functions of the Act. The Council shall pay the actual expenses of the members of the Committee and Panel, in accordance with controlling law, except that expenses of Federal employees shall be paid at the discretion of the Council, while engaged in the performance of Council business. Persons shall be nominated for membership on the Committee and Panel by Council members and shall be appointed to the Committee and Panel by a majority vote of the Council.

B. **Advisory Subpanels.** By majority vote, the Council may create Advisory Subpanels and appoint members of the Advisory Panel to be members of such Subpanels. The name and function of each Subpanel will be determined by a majority vote of the Council. The Council Chair may designate a Chair for a Subpanel from among the members of the Subpanel.

The Subpanels shall meet in the area encompassed by the Council's constituent States as deemed necessary by the Council Chair except the subpanels may meet outside the Council's geographical area of jurisdiction on joint FMPs or when FMPs

affect persons outside the Council's geographical area of jurisdiction. No staff is assigned to Subpanels, but staff support may be requested from the Chair of the Council.

#### IX. Administrative Management System.

##### A. Administrative Control Procedures Regarding Conflict of Interest.

The Council is responsible for maintaining high standards of ethical conduct among themselves and its staff. Such standards will include but not be limited to the following:

1. No employee of the Council shall use his or her official authority or influence derived from his or her position with the Council for the purpose of interfering with or affecting the results of an election or nomination for any national, State, county or municipal elective office.

2. No employee of the Council will be deprived of employment position, work, compensation or benefit provided for or made possible by the Act on account of any political activity or lack of such activity in support of or in opposition to any candidate of any political party in any national, State, county or municipal election or on account of his or her political affiliation.

3. No Council member or employee shall pay, or offer, or promise, or solicit, or receive from any person, firm or corporation, either as a political contribution or a personal emolument, any money, or anything of value in consideration of either support, or the use of influence, or the promise of support, or influence in obtaining for any person any appointive office, or place of employment under the Council.

4. No Council member or employee of the Council shall use or allow the use of, for other than official purposes, any information obtained through or in connection with his or her Council employment which is not available to the general public.

5. No Council member or employee of the Council shall engage in conduct prejudicial to the interest of the Council.

6. No Council member or employee of the Council shall use Council property on other than official business. Such property shall be protected and preserved from improper or unauthorized operation or use.

B. Procurement Procedures. The procurement system of the Council will be the direct responsibility of the Executive Director. OMB Circular A-110 will be adhered to in procurement and a clear audit trail for all Council expenditures will be maintained.

C. Property Management System. It is the responsibility of the Executive Director to develop and implement

property management procedures that ensure adequate control and protection of Council property, at all times. Such procedures must include as a minimum:

1. A perpetual inventory system for all non-expendable items (office equipment, furniture, etc.).

2. Procedures for marking such items as Council property.

3. Provision of safeguarding sensitive items such as cameras, biological equipment, etc.

4. Procedures to be followed in disposing of surplus items.

5. A summary of all personnel authorized to have access to Council property (to include consultants, etc., if appropriate).

##### D. Accounting and Budgetary Control Procedures.

1. The Executive Director shall have the authority to adopt and install an accounting procedure consistent with and within Federal guidelines.

2. The Executive Director may contract with a Certified Public Accountant to assist in the establishment, operation, maintenance and control of such system.

3. The Council shall bond its employees in the amount of \$50,000. The total funds, on deposit and cash on hand, shall not, at any time, exceed the amount of the bond unless specifically authorized by the Council.

4. Checks may be drawn on the sole signature of the Executive Director, the Deputy Executive Director or the Chair, except that the Council may set a level above which checks must be signed by the Executive Director or the Deputy Executive Director and also the Council Chair of the Vice Chair.

5. Year-end Expenditures and Carryovers. It shall be the policy of the Council not to expend funds at the end of a fiscal year in anticipation of needs which may arise in subsequent fiscal years.

##### E. Travel Reimbursement Procedures.

1. Council, Scientific and Statistical Committee, and Advisory Panel Members and Council staff shall be reimbursed for expenses in accordance with controlling law.

Official telephone calls, taxis, privately-owned vehicle mileage, parking, porters, etc., will be reimbursed in the amount of actual expenditure and are not included in meal and lodging limits.

All claims for reimbursement must be supported with receipts for all expenses other than meals except those expenses that individually amount to less than \$15.

2. Permanent Change of Station Allowances. Allowances authorized and costs incurred because of a permanent

change of station will be as authorized and approved by the Council Chair or his designee.

##### F. Standards for Compensation and Other Personnel Actions.

###### 1. Compensation.

a. Pay Grades and Rates. Each position shall have assigned to it a pay grade for compensation purposes. The pay of employees shall be according to the published rates prescribed for the pay grades assigned by equivalent current GS ratings. A part-time employee working on a regular and continuous schedule of less than 37 and ½ hours per week shall be paid the hourly rate appropriate to the grade and step of the employee for the hours actually worked. Such schedule shall be established as the work situation requires, with the approval of the Executive Director.

Incremental Increases for Full Time Employees. All incremental increases shall be at the beginning of the new budget year. Those employees who have been employed six (6) months or longer shall be eligible for pay raise advancement. Those employees with less than six (6) months service shall not be eligible for pay raise advancement until the following budget year. A Council employee will normally have his pay rate advanced one increment in the pay grade upon completion of one year service, including six (6) consecutive months of satisfactory performance immediately prior to the effective date. These increments shall be made no more often than yearly until the employee has reached the maximum step for the grade of his position, except as provided in the following Section on "Pay for Exceptional Merit." An annual increment is not to be construed as an automatic "right", but rather as an adjunct to satisfactory service. A poor or unsatisfactory performance evaluation shall be the grounds for denial of the annual step increment.

Pay for Exceptional Merit. The most commendable and distinguished employees of the Council who have exhibited such competence and exemplary effort for a period of at least one year, may have their pay advanced two increments within the pay grade upon recommendation of the Executive Director and approval by the Council Chair. Such exceptional increment shall be recommended at the time a normal increment in pay is due and shall not be again recommended for at least one year.

b. Work Schedule and Overtime Pay. The standard work week for all full time employees shall be 37½ hours. The standard work day shall be 8:00 A.M. to

4:30 P.M. with a one hour lunch period. Deviation may be authorized by the Executive Director to meet operational needs. Cases of continuing or permanent schedule deviation shall be subject to the approval of the Executive Director or Council. Employees in supervisory, executive or professional positions shall not be eligible for overtime cash payments. However, they shall be eligible for compensatory leave at the rate of one hour leave for one hour's work. Compensatory leave must be taken within six (6) months of the date from which it was earned. Employees other than supervisory, administrators, executives or professionals shall be eligible for cash overtime payments at the rate of one hour's pay for each hour up to 40 hours per week or in excess of 7½ hours per day and one and one half hours worked in excess of 40 hours per week or in excess of 8 hours per day. Employees eligible for cash overtime may elect to receive compensatory time in lieu of cash overtime. Such requests must be in writing and approved by the Executive Director prior to the end of the pay period in which it is earned. Requests for compensatory time in lieu of cash overtime may not exceed 75 hours at any one time and must be taken within six (6) months of the time that it was earned.

#### 2. Employee Benefits.

a. Paid Holidays. Paid holidays shall be official Federal holidays plus one holiday designated by the Executive Director.

b. Annual Leave. Employees of the Council shall be entitled to annual leave in accordance with the following schedule:

Up to 3 years of service: 13 days per year,

3 to 15 years of service: 20 days per year,

Over 15 years of service: 26 days per year.

Prior Federal, State or local government service will be credited for the purpose of determining leave accrual of individual employees.

Though accruing, employees shall not normally be granted paid annual leave until the completion of six (6) months of continuous service.

Employees may carry over up to 30 days unused annual leave from one year to the next. Amounts remaining above 30 days on the date that the employee began work for the Council will be forfeited.

Employees shall request annual leave as per the guidelines established by the Executive Director.

Lump sum reimbursements not to exceed 30 days (carryover plus current year earnings) of unused leave are

authorized upon employee separation. In the case of the death of an employee, the employee's estate shall be paid in cash for any accumulated annual leave.

Employees working for the Council prior to the approval by the Council of this Statement of Operating Practices and Procedures will continue to be entitled to accrue annual leave at a rate of 20 days per year if they would accrue less than that under the policy set forth above; are entitled to carry over unused annual leave in excess of 30 days that they may have accrued as of the effective date of this Statement of Operating Practices and Procedures as published in the Federal Register, not to exceed 40 days, and are entitled to lump sum reimbursements not to exceed the sum of the carry over days they are entitled to plus any additional days they may have accrued during the current year.

c. Sick Leave. All employees except temporary, seasonal and emergency shall accrue paid sick leave credit at the rate of 13 days per year. Permanent part-time employees shall accrue on a pro rata basis. Sick leave credit may be accumulated without limit. Accrued sick leave shall be credited to the employees pension upon retirement or death. An employee eligible for sick leave with pay may use such sick leave for absence due to illness or death of a member of the employee's immediate family requiring the employee's personal presence. In addition, sick leave can be used for appointments with doctors, dentists, or other recognized medical practitioners, subject to prior approval of the Executive Director. An employee, at his option, may also use sick leave to provide full regular pay during periods when he is paid less than full pay under workmen's compensation provisions. Such leave shall be charged in proportion to the difference between workmen's compensation pay and full pay. Employees cannot take sick leave with pay in excess of the days actually accrued.

An employee needing sick leave shall inform his immediate supervisor of the fact and the reason in advance when possible, or otherwise as soon as practicable; failure to do so may be cause for denial of pay for the period of absence. Before approving pay for sick leave, the Executive Director may require either a medical practitioner's certificate or a written statement signed by the employee setting for the reason for the absence. In the case of an absence of more than three (3) consecutive days, a medical practitioner's certificate may be required as a condition of approval.

d. Administrative Leave. The Executive Director may grant any employee administrative leave for jury duty (no limit); inclement weather (at the discretion of the Executive Director); military duty (not to exceed 15 days each calendar year); military induction examination; and blood donation (up to 4 hours); and for such other reasons as the Executive Director may designate.

e. Personal Leave. Upon a permanent employee's written request the Executive Director may approve a leave without pay, not to exceed three (3) months. Such leave may be renewed for an additional period not to exceed three (3) months by formal action of the Executive Director and written approval by the Chair of the Council.

f. Maternity Leave. Maternity leave may be charged against any accumulated leave credits. After all leave credits are exhausted the employee may continue on maternity leave without pay for a period not to exceed 14 weeks after parturition.

Fringe Benefits. The conditions and benefits outlined in this section are not to be considered as part of any contract of employment but are those benefits which the Council considers to be consistent with the requirements of the Secretary of Commerce. Total benefits obtainable shall not exceed twenty (20) percent (exclusive of FICA) of employees gross salary.

a. Health Insurance. The Council will pay the basic rate for the employee and his family under the plan chosen, including the blood bank. Council members, retirees and surviving spouses of employees will be considered eligible to participate in group health benefits at their own expense and at no cost to the Council.

b. Retirement. The Council will pay ten (10) percent of an employee's salary into a deferred compensation plan. Said plan vesting 20 percent per annum so at the end of five (5) years of service vesting will be 100 percent. Vesting for any year's benefits will not occur until the completion of that year's employment. In the case of the death or disability of an employee, the employee or the employee's estate or beneficiary shall be paid in cash for 100% of the employee's deferred compensation plan.

c. Life Insurance. The Council will pay for coverage up to two times the employee's salary, non-contributory.

d. Long Term Disability Insurance. The staff is eligible for coverage by a disability plan similar to that provided by the Federal Government to its employees.

4. Staff Training. Costs of on the job training and part-time education, at an

undergraduate or postgraduate college level, related to the job requirements of bona fide employees, identified in a through e below are available.

- a. Training materials;
- b. Textbooks;
- c. Fees charged by the educational institution;
- d. Tuition charged by the educational institution, or in lieu of tuition, instructors' salaries and the related share of indirect cost of the educational institution to the extent that the sum thereof is not in excess of the tuition which would have been paid to the participating educational institution; and
- e. Straight-time compensation of each employee for time spent attending classes during working hours not in excess of 156 hours per year where circumstances do not permit the operation of classes or attendance at classes after regular working hours.

Employees desiring Council support for training assignment or tuition aid shall submit a written request to the Executive Director outlining the details and justification of the proposed educational opportunity. Training must be authorized in advance in order to be reimbursed. The Chair approves requests for training which meet the criteria of the Council's training policy and is in the best interests of the Council. Reimbursement is made upon satisfactory completion of the course.

#### 5. Personnel Policies.

a. Probation. All appointments shall be for a probationary period of six (6) months during which the individual's fitness for permanent appointment shall be evaluated. If the Executive Director deems it necessary, the probationary period may be extended for not more than two additional six month periods. In no case shall any probationary period be extended beyond eighteen (18) consecutive months. At any time during the probationary period, the Director may dismiss the employee for reasons of unsatisfactory service or conduct. The Executive Director shall notify the employee in writing of the action, giving the reasons.

b. Unauthorized Absences. Any absence from duty that is not in compliance with the various authorized leaves shall be considered an absence without leave and is cause for disciplinary action. No employee shall be absent from duty without authorization by a supervisor except in case of emergency illness, accident, or serious unforeseen circumstances. Such emergency conditions shall be brought to the attention of the supervisor as soon as practicable. Any employee who is absent from work without a valid leave of absence for three (3)

consecutive working days, may be deemed to have abandoned the position and to have resigned from the staff unless proven to the satisfaction of the Executive Director that such absence was excusable. Nothing herein contained shall be construed as preventing the Director from taking disciplinary action against an employee under paragraph e of this section because of unauthorized absence.

c. Employee Inquiries, Requests, Suggestions and Grievances. Employees and their immediate supervisors should discuss and resolve all employee inquiries, requests and suggestions informally. It is the responsibility of each supervisor to conduct such discussions objectively and to initiate action to resolve problems. If, after such informal action, the problem is not resolved, a formal written grievance may be taken to the Executive Director. Should the employee not be satisfied with the Executive Director's resolution of the grievance, an appeal may be taken to the council.

d. Disability. Action may be initiated by the employee, the employee's legal representative or the supervisor, but in all cases, must be supported by medical evidence acceptable to the Executive Director and the Council.

e. Reprimand or Suspension Without Pay. In situations where a verbal warning has not resulted in the expected improvement, or where more severe action is warranted, the employee may be reprimanded in writing and a copy shall be placed in the employee's personnel folder. An employee may be suspended without pay by the Executive Director for reasons of misconduct, negligence, inefficiency, insubordination, disloyalty, unauthorized absence, or other justifiable reasons when alternate personnel action would not be appropriate. Suspensions without pay shall not exceed thirty (30) calendar days unless approved by the Council. In no case shall suspension with pay be utilized, but retroactive pay may be granted should the suspension subsequently prove unfounded.

f. Reasons for Disciplinary Action. Disciplinary action may be taken for any conduct not in keeping with reasonable standards, as determined by the Executive Director and/or Council.

g. Personnel Records. The Executive Director shall establish an appropriate system for filing personnel records. A master personnel record for each employee shall be established and maintained in the office of the Executive Director which shall include a copy of the application or resume of said Council employee and a copy of each

personnel transaction. Supplementary records, verification of education and employment and any other pertinent information shall also be maintained by the Executive Director's office. Those records are of a confidential nature and shall be kept separately and inspected only with the approval of the Executive Director. Unauthorized disclosure of any portion of an employee's personnel record will be grounds for dismissal.

Employees shall have controlled access to their personnel records. After obtaining permission of the Executive Director, the employee shall be scheduled to examine his records under the supervision of those charged with maintaining such records.

h. Security Investigations. When it is anticipated that security classified information will be kept or handled in Council offices, certain employees shall be designated by the Executive Director to be permitted access to the information in accordance with Federal standards and must first receive appropriate security clearance from the Office of Investigations and Security of the Department of Commerce.

X. Amendments to Statement of Operating Practices and Procedures. This Statement of Operating Practices and Procedures may be amended from time to time by majority vote of the voting members present and voting provided notice of the specific proposed change has been sent in writing to all members of the Council at least ten (10) days in advance of the meeting in which the matter shall be presented. However, notice provisions of this section may be waived by Council if the proposed change is contained in a report of the Rules Committee which has been approved by a majority of the Rules Committee and adopted by the Council.

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#### **Pacific Fishery Management Council; Statement of Organization, Practices and Procedures**

Pursuant to Section 302(f)(6) of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), each Regional Fishery Management Council is responsible for determining its organization and prescribing its practices and procedures for carrying out its functions under the Act in accordance with such uniform standards as are prescribed by the Secretary of Commerce. Further, each Council must publish and make available to the public a statement of its organization, practices and procedures. The Pacific Fishery

Management Council has revised its Statement of Operating Practices and Procedures as originally published in 42 FR 22672 on May 4, 1977. The revised document is published below.

Dated: December 17, 1981.

William G. Gordon,

Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

#### Pacific Fishery Management Council

Statement of Operating Practices and Procedures (SOPPs)

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Statement of Operating Practices and  
Procedures

The Pacific Fishery Management Council, created by section 302(a)(6) of the Magnuson Fishery Conservation and Management Act, hereby publishes a revised Statement of Operating Practices and Procedures (SOPP), as required by section 302(f)(6) of the Act. This revised SOPP for carrying out the Council's functions under the Act, was adopted by the Council during its public meeting held on March 18-19, 1981 in Renton, Washington. Copies may be obtained by writing the Executive Director, Pacific Fishery Management Council, 526 S.W. Mill Street, Portland, OR 97201.

Purpose

The Council shall:

A. Prepare and submit to the Secretary of Commerce a fishery management plan with respect to each fishery in need of management within its geographical area of authority and, from time to time, such amendments to each such plan as are necessary;

B. Prepare comments on any application for foreign fishing transmitted to it by the Secretary of State, and any fishery management plan or amendment transmitted to it by the Secretary of Commerce;

C. Conduct public hearings, at appropriate times and in appropriate locations in the geographic area concerned, so as to allow all interested persons an opportunity to be heard in the development of fishery management plans and amendments to such plans, and with respect to the administration and implementation of the provisions of this Act;

D. Submit to the Secretary of Commerce:

1. A report, before February 1 of each year, on the Council's activities during the immediately preceding calendar year.

2. A report, before December 1 of each year, providing information about the activities, status, and changes in the composition of advisory committees in existence during the preceding calendar year.

3. A report, before December 31 of each year, summarizing closed and partially closed meetings held during the preceding calendar year.

4. A report on financial status and a report on cash transactions, within 30 days after the completion of each quarter, beginning February 1 of each fiscal year.

5. Semi-Annual Performance Progress Reports, outlining the progress on fishery management plan development during the preceding six months, before April 30 and October 31 each year.

6. Any other relevant report which may be requested by the Secretary of Commerce.

E. Review on a continuing basis, and revise as appropriate, the assessments and specifications made with respect to the optimum yield from, and the total allowable level of foreign fishing in, each fishery under a PMP or FMP within its geographic area of authority.

F. Participate in the activities of the Salmon and Steelhead Advisory Commission as mandated by Public Law 96-561 of December 22, 1980 (Title I—Conservation and Enhancement of Salmon and Steelhead Resources); and

G. Conduct any other activities which are necessary and appropriate to the foregoing functions.

Council Composition

The Pacific Fishery Management Council shall consist of representatives of the States of California, Oregon, Washington, and Idaho, and shall have authority over the fisheries in the Pacific Ocean seaward of such coastal states. The Pacific Council shall have 13 voting members, including 8 appointed by the Secretary, at least one of whom shall be appointed from each state.

Voting Members

The voting members of the Council shall be:

A. The state officials with principal fishery management responsibility in the States of Washington, Oregon, Idaho, and California, or the designee of such officials;

B. The Regional Director of the Northwest Region of the National Marine Fisheries Service, or his designee, and

C. Eight appointed members from the states of Idaho, Washington, Oregon and California (at least one of whom shall be appointed from each state).

Non-Voting Members

The non-voting members of the Council shall be:

A. The Regional Director of the U.S. Fish and Wildlife Service, Northwest Region, or his designee;

B. The Commander, Pacific Area of the U.S. Coast Guard, or his designee;

C. The Executive Director of the Pacific Marine Fisheries Commission, or his designee;

D. A representative of the U.S. Department of State, or his designee;

E. A representative of the State of Alaska, or his designee.

#### Officers and Terms of Office

The Council officers shall be a Chairman and a Vice-Chairman, with a term of office of one year each.

#### Staff

**Composition.** The staff of the Council shall comprise an Executive Director, Administrative Officer, Operations Officer, Staff Officers, Executive Secretary, and such other staff as are necessary to carry out Council activities.

**Function.** The staff is responsible for administration and execution of Council operations. Functions include coordination of fishery management plan development; preparation of Council reports, statements, and correspondence; financial management, budget preparation, and procurement; record keeping; meeting logistics; and other administrative activities.

**Employment Practices.** The Council is an equal opportunity employer in full compliance with federal requirements for non-discrimination. Council staff positions are filled solely on the basis of merit, fitness, competence, and qualifications.

1. **Classification.** The duties of full-time and other-than-full-time personnel shall be contained in position descriptions to be submitted to NOAA. As a minimum, position descriptions will cover the specific technical and supervisory duties of the position, any special skills (e.g., word processor operator), and specific education and experience requirements. The Council will then be provided a salary range (usually equivalent to a GS grade) appropriate to the position and a determination of the applicability of the Fair Labor Standards Act. Each employee will be provided with a copy of his or her position description. Any significant change in the scope of duties will necessitate the reclassification of the position.

2. **Recruitment.** All personnel vacancies should be filled on a competitive basis, unless unusual circumstances clearly dictate otherwise. For this purpose, the Council may avail itself of the vacancy advertising system operated by NOAA or any other recruitment tool, including newspapers and local employment agencies.

3. **Leave.** Employees of the Council shall be granted paid leave for holidays, vacations or exigencies, sickness, and

civic duties (jury, military reserve obligations) as determined by the Council. Accrued annual leave shall not exceed 26 days per year, accrued sick leave shall not exceed 13 days per year and paid holidays shall not exceed 10 days per year.

4. **Fringe Benefits.** The Council shall provide its employees the opportunity to participate in group health insurance, life insurance, and a retirement plan, and shall pay for a proportion of such plans. The total benefits, exclusive of social security, shall not exceed 20% of salary.

#### Standards of Conduct

The Council and its staff shall maintain high standards of ethical conduct. These standards include the following principles:

A. No employee of the Council shall use his or her official authority or act in the name of the Council for the purpose of influencing or affecting the result of an election to or a nomination for any national, state, county, or municipal elective office.

B. No employee of the Council shall be deprived of employment, position, work, compensation, or benefit provided for or made possible by the Act on account of any political activity or lack of such activity in support of or in opposition to any candidate or any political party in any national, state, county, or municipal election or on account of his or her political affiliation.

C. No Council member or employee shall pay, or offer, or promise, or solicit, or receive from any person, firm, or corporation, either as a political contribution or a personal emolument any money, or anything of value in consideration of either support, or the use of influence, or the promise of support, or influence in obtaining a Council decision or for any person, any appointive office, place or employment under the Council.

D. No employee of the Council or member of the Council, Scientific and Statistical Committee, and Plan Development or Management Teams shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of his or her Council duties.

E. No Council member or employee of the Council shall use or allow the use of, for other than official purposes, information obtained through or in connection with his or her Council employment which has not been made available to the general public.

F. No Council member or employee of the Council shall use Council property on other than official business. Such property shall be protected and

preserved from improper or deleterious operation or use.

#### Standing Committees of Council Members

The Pacific Council has established three standing committees of Council members. The names and functions of the standing committees are outlined below.

#### Budget Committee

The Budget Committee, comprised of five members, shall be appointed by the Council Chairman and shall meet at least once a year to review the Council's budget proposal. Other meetings of the Budget Committee will be scheduled at the request of the Council Chairman or the majority of voting Council members and may be to discuss such subjects as personnel matters, programmatic contracts, etc. The terms of Committee members shall expire on October 1 of each year. Members of the Committee may be reappointed by the Council Chairman.

**Foreign Fishing Committee.** The Foreign Fishing Committee, comprised of five members, shall be appointed by the Council Chairman and shall meet as required to review foreign fishing permit applications. Meetings of the Foreign Fishing Committee will be scheduled at the request of the Council Chairman or the majority of voting Council members and may be to discuss such ancillary subjects as conditions for joint venture or foreign fishing permits, criteria for recommending rejection of such applications, etc. The terms of Committee members shall expire on October 1 of each year. Members of the Committee may be reappointed by the Council Chairman.

**Inter-Council Salmon Coordinating Committee.** The Inter-Council Salmon Coordinating Committee has been established to coordinate salmon plan development in the North Pacific and Pacific Council areas of jurisdiction. There shall be three representatives from each Council on the Committee. The Committee shall meet as required at the request of either Council Chairman. The terms of Pacific Council representatives on the Inter-Council Salmon Coordinating Committee shall expire on October 1 of each year. Members of the Committee may be reappointed by the Council Chairman.

In the event that additional standing committees are required, they will be submitted to the Assistant Administrator for Fisheries, NMFS, for approval in accordance with existing regulations.

## Meetings

**Frequency.** The Council shall meet as often as is necessary to discharge its duties, but shall meet at least once in each quarter of the fiscal year.

**Duration.** Council meetings shall vary in duration according to workload.

**Location.** Council meetings shall occur throughout the area of jurisdiction of the Council. Criteria for selection of meeting locations shall include ease of transportation for both Council members and the public and the cost of holding such meetings. The Council shall endeavor to meet in the area in which persons reside who might be immediately affected by actions taken by the Council at that particular meeting.

**Agenda or Order of Business.** Notice of Council meetings with agenda will be published in the *Federal Register* at least 20 days prior to the meeting. The Council will also issue press releases to announce time, location and agenda for each meeting.

**Minutes.** Each Council meeting shall be recorded. Summary minutes shall be prepared for all open portions of Council meetings and will be made available to the public. In addition to the summary minutes, the Council shall widely distribute a newsletter summarizing Council action taken during each Council meeting.

**General Rules of Procedure.** The Council shall meet at the call of the Chairman or upon request of a majority of the voting members. Meetings shall be conducted according to *Robert's Rules of Order* and in a manner to permit the greatest possible participation by all members of the Council and the public. Decisions by consensus are permitted except where the issue is Council approval or amendment of a Fishery Management Plan (including any proposed regulations), comments for the Secretary on foreign fishing applications, or management plans prepared by the Secretary. In these cases, a vote is required.

A. A majority of the voting members of the Council shall constitute a quorum for Council meetings, but one or more such members designated by the Council Chairman may hold hearings.

B. When there is a vote, the majority of the voting members present and voting shall rule. The use of proxy is not permitted.

C. The Council shall conduct all meetings and hearings within its geographic area of authority, except when interregional resources are concerned.

D. Voting members of the Council who dissent on any issue to be submitted to

the Secretary are permitted to submit a statement of their reasons for dissent to the Secretary.

**Authority of the Chair.** The Chairman, or in his absence the Vice-Chairman, shall convene and preside over Council meetings. The Chairman may designate Council members to serve on such committees of Council members as are established. The Chairman may also designate Council members to officiate at public hearings. The Chairman will retain voting rights.

## Hearings

The Council shall hold public hearings in order to provide the opportunity for all interested persons to be heard with respect to the development of fishery management plans or plan amendments, and with respect to the administration and implementation of the Act. The Council may use its judgment regarding when and where such hearings should be held, provided they are held in the particular geographic area concerned.

**Conduct.** When it is determined that a hearing is appropriate, the Chairman of the Council will designate at least one voting member of the Council to officiate. Conduct of the hearing, beyond the stipulation that all persons be afforded an opportunity to present their views and be given a chance for expression, is within the discretion of the hearing official under whatever instructions the Council may wish to provide.

**Notice.** Notice of each hearing will be published in the *Federal Register* at least 20 days prior to the hearing. Advance notice also should be given in the local media where the hearing is to take place. Publicity should be sufficient to assure that all interested parties are aware of the opportunity to make their views known.

**Record.** An accurate record of the participants and their views, obtained by use of a tape recording, typewritten transcript, or detailed minutes, shall be available to the Council and maintained as part of the Council's administrative record.

## Scientific and Statistical Committee

The Pacific Council shall have a Scientific and Statistical Committee composed of scientists of national reputation from state and federal agencies, academic institutions, and other sources. Members shall represent a wide range of disciplines required for preparation and review of management plans. The Committee shall meet at the call of the Council Chairman, a majority of the voting members of the Council or the Executive Director. The Committee shall:

A. Identify scientific resources required for the development of management plans and amendments and recommend resources for Plan Development and Management Teams.

B. Provide a multidisciplinary review of management plans or amendments and advise the Council on their scientific content.

C. Assist the Council in the evaluation of such statistical, biological, economic, social, and other scientific information as is relevant to the Council's activities, and recommend methods and means for the development and collection of such information.

D. Recommend to the Council the composition of Plan Development and Management Teams and persons to serve on them.

## Advisory Panel

The Pacific Council shall establish an Advisory Panel. The Advisory Panel shall consist of advisory subpanels, one for each fishery management plan being developed or monitored. Members of the subpanels shall be selected by the majority of voting Council members and shall serve for two-year terms. The Council Chairman shall appoint a Chairman for each advisory subpanel as well as a Chairman of the overall Advisory Panel. Advisory subpanels are accountable to and report to the Council, and shall meet with the approval of the Council Chairman or Executive Director.

Advisory subpanels shall have representation from user groups and interests concerned with management of the fishery for which a plan is being prepared or reviewed. The functions of the subpanels shall be to advise the Council as to fishery management problems, to provide input into fishery management planning efforts, and to advise the Council on the content and effects of management plans and amendments.

## Plan Development Teams

**(PDT) Organization.** A planning team shall be established by the council for each management unit which will be the subject of a planning effort. Plan Development Teams shall be working teams of state, federal, and nongovernment specialists. The Plan Development Teams will report to the Council through the Executive Director.

**Practices and Procedures.** 1. **Work Plans/Scoping.** The Council staff shall be responsible for work plans and the scoping process, with assistance from the Teams, if it is determined that these activities are necessary.



2. *Teams' Responsibility in Drafting of Plans (FMPs).* The Teams are responsible for drafting the management plans and, in that capacity, make the decision with regard to what is included in the successive drafts to be presented to the Council. The SSC and Advisory Subpanels shall advise the Teams and the Council, but their advice is not binding on the Teams. The Council shall decide if the plan is to be modified and Teams shall comply with Council directives.

Plan Development Team members shall remain objective in the drafting of management plans. They should not be subject to pressure from their employers, rather they should be able to develop management plans independently without regard to agency policy. The Council should be assured that the product received from the Team represents the best objective, scientific appraisal of the fishery and the resource. Policy considerations are in the exclusive purview of the Council.

Plan Development Teams shall conduct their planning and evaluation effort in such a way as to satisfy the Magnuson Fishery Conservation and Management Act.

The Council shall seek strong commitments to plan development activities. Plan development should be high priority for all Team members. This time commitment may be formalized in a contract between the agency and the Council. Compensation for agency personnel should be arranged on a case-by-case basis.

Council staff members may be assigned to assist Plan Development Teams.

*Plan Objectives.* The Council shall adopt objectives as early as possible in the plan development process. The objectives shall be operational and as specific as possible.

4. *Alternative Management Measures.* The Teams shall develop and present all viable alternative management measures which would attain the objectives. It shall not be the Team's responsibility to recommend preferred options to the Council, unless such preferences can be made on technical grounds without regard to policy considerations or unless the Council solicits the Team's opinion. It is the duty of only the Council to narrow the list of options.

5. *Plan Drafts.* When Teams present successive drafts of management plans to the Council, they shall submit in writing to the Council a list of problems and alternative solutions which require resolution by the Council. The Council shall respond to each item, at that time if possible, and the Executive Director

shall submit to the respective team(s) a written response from the Council as soon after the meeting as possible.

Upon completion of each draft of a plan, it shall be transmitted to the Council through the Executive Director. Copies will be transmitted to the Scientific and Statistical Committee and the appropriate Advisory Subpanel for review and comment to the Council. The Council shall evaluate these comments and, if necessary, refer the plan back to the Plan Development Team for further work.

6. *Attendant Documents.* The Teams shall have responsibility for drafting the plan, while the National Marine Fisheries Service and Council staff shall take the lead in preparing the Environmental Impact Statement (EIS), Regulatory Analysis (RA), and proposed regulations. The Teams, however, must assist in the preparation of these related documents to ensure that correct interpretations of the plan have been made. In some cases, individual team members may be assigned to these activities. Insofar as possible, preparation of the EIS, RA, and proposed regulations shall occur concurrently with plan development.

7. *Notice of Availability.* When the Council is satisfied with the plan, it together with a draft Environmental Impact Statement (DEIS), Draft Regulatory Analysis, and draft proposed regulations, will be transmitted to the Department of Commerce through the Regional Director of the National Marine Fisheries Service. A notice of availability will be published according to NEPA requirements.

8. *Hearings.* Following publication of the notice of availability of the DEIS, the Council shall sponsor public hearings to solicit input and comments from those groups or individuals who might be affected by future regulatory action. Prior to holding public hearings on the DEIS/FMP, the Council shall distribute copies widely so that all interests have an opportunity to review and consider the proposed action.

After consideration of public comments, the Plan Development Team shall make such revision of the FMP as the Council deems necessary and assist in revision of the DEIS, DRA and proposed regulations as appropriate.

9. *Transmittal to the Secretary.* Upon final adoption of the fishery management plan, the Council shall transmit the final EIS/FMP, final Regulatory Analysis and proposed regulations, through the NMFS Regional Director to the Secretary of Commerce for final approval and promulgation of implementing regulations.

## Management Teams

When necessary, the Council shall appoint a Management Team (MT) to conduct a continuing review of the status of the fishery and resources once a FMP is implemented. One member of the MT will be designated as Chairman. The MT will report to the Council through the Executive Director. The MT will accept responsibility for coordinating the fishery monitoring and plan maintenance process. This Team shall consist of state, federal, and nongovernmental specialists in the area of concern.

The activities of the MT may include: fishery and resource status updates; in-season management activities as defined by respective FMP's; review of management objectives; appraisal of the management regime's effectiveness in achieving the objectives; impact of management measures; FMP amendments; fine-tuning FMPs (without amendment); special analyses and other duties.

The MT cannot be expected to actually perform all of the tasks associated with FMP maintenance. The MT will be dependent on agencies' commitments of resources to accomplishing their tasks.

## Administrative Management System

Office of Management and Budget Circular No. A110 provides uniform administrative requirements applicable to the Pacific Fishery Management Council, including standards for financial management, financial reporting property management, and procurement. The Council will operate in full compliance with these standards.

*Conflict of interest.* Appointed public Council members and administrative employees are subject to Federal laws and regulations concerning bribery and conflicts of interest. Council members drawn from the fishing industry will not be precluded from voting on fishery management plans which might directly affect their income.

*Procurement Procedures.* The Council will contract for services to be provided by other government agencies, educational institutions, profit and non-profit organizations. Detailed procurement procedures have been approved by the Council and are available for review at the Council's office. These procurement procedures provide for agreements and orders for procurement of supplies and services. It includes awards and notices of award: fixed price, cost, cost-plus-a-fixed-fee, negotiated, or incentive type contracts; letter contracts and purchase orders.

Topics covered are formal advertising; sole source procurements; award; contract types; contract administrations; protests, contract disputes, and appeals; and code of conduct.

**Property Management System.** A perpetual inventory system will be maintained of all Council non-expendable tangible personal property having a useful life of more than one year and an acquisition cost of \$300 or more. All such items will be marked "PFMC" with an assigned property control number. All personal property acquired by the Council shall be safeguarded under conditions which a prudent person would follow. Only Council staff or individuals or entities under contract shall have access to Council property. Procedures for disposal of any surplus property shall be submitted to and approved by the Northwest Regional office of NMFS. A listing of federally-owned property will be submitted to the Chief of Administrative Operations Division for the NOAA Northwest Administrative Service Office within 60 days after the close of each fiscal year.

**Accounting and Budgetary Control Procedures.** The accounting and budgetary control system will be maintained in compliance with the U.S. Department of Commerce/NOAA General Provisions and Special Conditions which are included in the cooperative agreements for funding the Council's administrative and programmatic needs. A summary of the financial system ingredients follows:

1. **Formal Books of Accounts.** A cash receipts and disbursements journal, a payroll register journal, a general journal and a general ledger will be maintained to record financial transactions.

2. **Chart of Accounts.** The following general account number structure will be followed in recording financial transactions of the Council:

Assets (1000); Liabilities (2000); Fund Balances (3000); Revenues (4000); Expenses (5000-9000)

The detailed chart of accounts which provides line-item fiscal control over expenditures for monthly reporting to the Council and quarterly reporting to NOAA is available for inspection at the Council's office.

3. **Obligations.** The following guidelines are followed in charging obligations against the proper fiscal year:

Compensation and Benefits: Month in which pay period ends.

Purchase of Supplies and Equipment: Date purchase order is signed.

Transportation: Fiscal period when travel is begun.

Travel Expense: Fiscal period when expense occurred.

Communications, Utilities and Rent: On 1st day of billing period.

Contracts—operational: Fiscal period when expense occurred.

Contracts—programmatic: Fiscal period when item is budgeted.

**Travel Reimbursement Procedures.**

Detailed procedures covering the processing of travel claims are available for inspection at the Council's Office.

The guidelines for reimbursing individuals are as follows:

A. All non-federal members of the Council, Scientific and Statistical Committee, Advisory Panels, Plan Development Teams, Management Teams or Task Forces, staff and special consultants performing authorized services for the Council shall normally be entitled to reimbursement for actual meals and lodging expenses up to a limit set by the Council. However, the total amount claimed for meals and lodging shall not exceed the established federal rate except when authorized in extenuating circumstances.

B. Claims for reimbursement must be supported with receipts for all expenses other than meals except those expenses that individually amount to less than \$15.

C. Official telephone calls, taxis, privately-owned vehicle mileage, common carrier fares, parking, baggage handling, etc. will be reimbursed in the amount of actual expenditure and are not included in meal and lodging limits set by the Council.

**Standards for Compensation and Other Personnel Actions.** Salary and wage administration, fringe benefits, hours of work, etc., for the Council staff are detailed in the Personnel Rules approved by the Council which are available at the Council's office.

1. **Council Member Pay.** Council members whose eligibility for compensation has been established in accordance with NOAA guidelines will be paid on a contract basis without deductions being made for Social Security, or federal and state income taxes. A report of compensation will be furnished each year as required by the Internal Revenue Service. Such compensation is paid on a full day's basis whether in excess of eight hours a day or less than eight hours a day. The time is compensable where the individual member is required to expend a significant private effort which substantially disrupts the employee's daily routine to the extent that a work day is lost to the member. "Homework" time in preparation for formal Council meetings is *not* compensable.

Non-government Council members receive compensation for:

a. Days spent in actual attendance at a meeting of the Council or jointly with another Council.

b. Travel on the day preceding or following a scheduled meeting that precluded the member from conducting his normal business on the day in question if travel time for additional days is necessary.

c. Meetings of standing committees of the Council if approved in advance by the Chairman.

d. Individual member meeting with scientific and technical advisors where approved in advance by the Chairman and a substantial portion of any day is needed.

e. Conducting or attending hearings when authorized in advance by the Chairman.

f. Other meetings involving Council business when approved in advance by the Chairman.

Relationship to Magnuson Fishery Conservation and Management Act (MFCMA) Operations Handbook

This Statement of Operating Practices and Procedures is intended to be in general conformance with the guidelines set forth in the FCMA Operations Handbook distributed by the National Marine Fisheries Service in November, 1980. In the event of any change in the future, the Council shall file an amendment to this statement with the required information.

[FR Doc. 81-36871 Filed 12-24-81; 8:45 am]

BILLING CODE 3510-22-M

### California Department of Fish and Game; Modification of Permit

Notice is hereby given that pursuant to the provisions of Sections 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 351 issued to the California Department of Fish and Game, 1416 Ninth Street, Sacramento, California 95814 on August 16, 1981 (46 FR 43732) is modified as follows:

Section A-1 is changed to read: marking 480 harbor seals (*Phoca vitulina richardii*) with epoxy streamer tags.

This modification is effective December 17, 1981.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300

Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 17, 1981.

Richard B. Roe,

*Acting Director, Office of Marine Mammals & Endangered Species, Notional Marine Fisheries Service.*

[FR Doc. 81-36867 Filed 12-24-81; 8:45 am]

BILLING CODE 3510-22-M

#### Dr. Louis M. Herman; Modification of Permit

Notice is hereby given that pursuant to the provisions of Section 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Scientific Research Permit No. 214 issued to Dr. Louis M. Herman, University of Hawaii, Honolulu, Hawaii 96822 on November 25, 1977 (42 FR 61296) and as modified on January 3, 1980 (45 FR 822), is further modified as follows:

1. Section B-3 is deleted and replaced by:

3. This permit is valid with respect to the taking authorized herein until December 31, 1983.

2. A new Section B-5 is added as follows:

5. The date, specific location of the taking and the desirability of National Marine Fisheries Service observers shall be determined by the Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702. The Holder or his collecting agent shall therefore notify the Regional Director sufficiently in advance of each collecting trip to allow for such a determination.

This modification is effective December 28, 1981.

The modification and related documents are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3000 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702.

Dated: December 17, 1981.

Richard B. Roe,

*Acting Director, Office of Marine Mammals & Endangered Species, Notional Marine Fisheries Service.*

[FR Doc. 81-36868 Filed 12-24-81; 8:45 am]

BILLING CODE 3510-22-M

#### John M. Reinke; Modification of Permit

Notice is hereby given that pursuant to the provisions of §§ 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) and § 220.24 of the regulations governing endangered species permits (50 CFR Parts 217-227), the Scientific Research Permit No. 291 issued to John M. Reinke, 4461 Woodland Park Avenue North, Seattle, Washington 98103, on April 25, 1980 (45 FR 29382), is hereby modified as follows: Section B-8 is deleted and replaced by:

8. This Permit is valid with respect to the activities authorized herein until December 31, 1983.

The modification is effective upon publication in the Federal Register.

The Permit as modified and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3000 Whitehaven Street, NW, Washington, D.C.;

Regional Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way, NE, BIN C15700, Seattle, Washington 98115; and

Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1688, Juneau, Alaska 99802.

Dated: December 17, 1981.

Richard B. Roe,

*Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.*

[FR Doc. 81-36869 Filed 12-24-81; 8:45 am]

BILLING CODE 3510-22-M

#### Quinlan Marine Attractions; Issuance of Permit

On May 13, 1980, Notice was published in the Federal Register (45 FR 31459), that an application had been filed with the National Marine Fisheries Service by Quinlan Marine Attractions, Route 3, Box 540, Lincoln, North Carolina 28092, for a permit to take four (4) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on December 17, 1981, and as authorized by

the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Quinlan Marine Attractions subject to certain conditions set forth therein.

The Permit and related documents are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3000 Whitehaven Street NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702;

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: December 17, 1981.

Richard B. Roe,

*Acting Director, Office of Marine Mammals & Endangered Species, Notional Marine Fisheries Service.*

[FR Doc. 81-36866 Filed 12-24-81; 8:45 am]

BILLING CODE 3510-22-M

#### Office of the Secretary

##### Public Advisory Committee for Trademark Affairs

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of renewal.

**SUMMARY:** In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. (1976) and the Office of Management and Budget Circular A-63 of March 1974, and after consultation with GSA it has been determined that the renewal of the Public Advisory Committee for Trademark Affairs is in the public interest in connection with the performance of duties imposed on the Department by law.

**SUPPLEMENTARY INFORMATION:** The Committee was first established in September, 1970, and its present charter expired on October 12, 1981. The Committee's purpose is to advise the Patent and Trademark Office concerning steps which can be taken to increase the efficiency and effectiveness of administration of the Trademark Act and to provide a continuing flow of knowledge from the private sector to the government in the field of trademarks.

As it was initially established, the Committee will continue to comprise the members of the Advisory Committee for Trademark Affairs of the United States Trademark Association. The membership is balanced and is selected by the President of said association. The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act.

**FOR FURTHER INFORMATION CONTACT:** Inquiries or comments regarding this notice may be addressed to Patricia M. Davis, Committee Control Officer, Deputy Director, Trademark Examining Operations, U.S. Patent and Trademark Office, Washington, D.C. 20231, telephone: (703) 557-3881, or Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230, telephone: (202) 377-4217.

Dated: November 9, 1981.

Dennis C. Boyd,  
*Executive Director, Information Resource Management.*

[FR Doc. 81-36863 Filed 12-24-81; 8:45 am]

**BILLING CODE 3510-CW-M**

### Public Availability of Report on Closed Meetings

**AGENCY:** Department of Commerce.

**ACTION:** Announcing public availability of report on closed meetings of advisory committees.

**SUMMARY:** As required by the Federal Advisory Committee Act and Office of Management and Budget Circular A-63 of March 1974, the Department of Commerce has prepared its report on the activities of closed or partially-closed meetings of advisory committees. Copies of the reports have been filed and are available for public inspection at two locations:

Library of Congress, Newspaper and Current Periodicals Reading Room, Room 1026, John Adams Building, 2nd and Independence Avenue, SE, Washington, D.C. 20540.

Department of Commerce, Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, 14th and Constitution Avenue, NW, Washington, D.C. 20230, telephone (202) 377-4217.

The reports cover the closed and partially-closed meetings of 32 of the Department's 84 committees and several subcommittees, the names of which are listed below.

#### Committee (Subcommittee)

Advisory Committee on East-West Trade

Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee

Computer Systems Technical Advisory Committee

—Foreign Availability Subcommittee

—Hardware Subcommittee

Electronic Instrumentation Technical Advisory Committee

Industry Functional Advisory Committee on Customs Valuations for Trade Policy Matters

Industry Functional Advisory Committee on Standards for Trade Policy Matters TPM

Industry Sector Advisory Committee (ISAC) on Aerospace Equipment for Multilateral Trade Negotiations <sup>1</sup>

ISAC on Aerospace Equipment for TPM

ISAC on Capital Goods for TPM

ISAC on Chemicals and Allied Products for TPM

ISAC on Consumer Goods for TPM

ISAC on Electronics and Instrumentation for TPM

ISAC on Ferrous Ores and Metals for TPM

ISAC on Footwear, Leather, and Leather Products for TPM

ISAC on Industrial and Construction Material and Supplies for TPM

ISAC on Lumber and Wood Products for TPM

ISAC on Nonferrous Ores and Metals for TPM

ISAC on Paper and Paper Products for TPM

ISAC on Services for TPM

ISAC on Small and Minority Business for TPM

ISAC on Textiles and Apparel for TPM

ISAC on Transportation, Construction, and Agricultural Equipment for TPM

ISAC on Wholesaling and Retailing for TPM  
National Advisory Committee on Oceans and Atmosphere

Numerically Controlled Machine Tool

Technical Advisory Committee

Pacific Fishery Management Council

President's Export Council Subcommittee on Export Administration

Sea Grand Review Panel

Semiconductor Technical Advisory Committee

—Discrete Semiconductor Device Subcommittee

—Microcircuit Subcommittee

—Semiconductor Manufacturing Materials and Equipment Subcommittee

South Atlantic Fishery Management Council

Telecommunications Equipment Technical Advisory Committee

Western Pacific Fishery Management Council

#### FOR FURTHER INFORMATION CONTACT:

Mrs. Yvonne Barnes, Committee Management Analyst, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-4217.

Dated: November 9, 1981.

Arlene Triplett,

*Assistant Secretary for Administration.*

FR Doc. 81-36864 Filed 12-24-81; 8:45 am]

**BILLING CODE 3510-CW-M**

<sup>1</sup> Committee was terminated in 1980.

## DEPARTMENT OF DEFENSE

### Defense Science Board Task Force On Command Support; Advisory Committee Meetings

The Defense Science Board Task Force on Command Support will meet in closed session on 25 January 1982 at the Pentagon, Washington D.C., 20301.

The mission of the defense Science Board Task Force is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research, engineering and acquisition issues and to provide long-range guidance in these areas to the Department of Defense.

The Task Force will provide an evaluation of the current technological applications currently employed in the area of command support and will advise upon improvements which appear possible and practical. They will also consider training emphasis and possibilities for improvement in the internal management process.

In accordance with 5 U.S.C. App. I 10(d)(1976), it has been determined that the Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(4)(1976), and that accordingly these meetings will be closed to the public.

M.S. Healy,

*OSD Federal Register Liaison Officer,  
Washington Headquarters Services,  
Department of Defense.*

December 21, 1981

[FR Doc. 81-36858 Filed 12-24-81; 8:45 am]

**BILLING CODE 3810-01-M**

## DEPARTMENT OF EDUCATION

### National Board of the Fund for the Improvement of Postsecondary Education; Meeting

**AGENCY:** National Board of the Fund for the Improvement of Postsecondary Education.

**ACTION:** Notice of Meeting.

**SUMMARY:** This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463, section 10(a)(2)).

**DATE:** January 10, 1982 at 7:30 p.m. through January 11, 1982 at 9:00 p.m.

**ADDRESS:** Shoreham Hotel, 2500 Calvert Street, NW., Washington, D.C..

**FOR FURTHER INFORMATION CONTACT:**

Sven Groennings, Director, Fund for the Improvement of Postsecondary Education, 7th & D Streets, SW., Washington, D.C. 20202 (202) 245-8091.

**SUPPLEMENTARY INFORMATION:** The National Board of the Fund for the Improvement of Postsecondary Education is established under section 1003 of the Higher Education Amendments of 1980, Title X (20 U.S.C. 1135a-1). The National Board of the Fund is established to "advise the Secretary and the Director of the Fund for the Improvement of Postsecondary Education . . . on the selection of projects under consideration for support by the Fund in its competitions."

The meeting of the National Board will be open to the public. The proposed agenda includes:

- Orientation for new Board members
- Discussion of the Mina Shaughnessy Scholars Program
- Discussion of Policy Issues Relevant to the Fund and the Minority Institutions Science Improvement Program

Records shall be kept of all Board proceedings, and shall be available for public inspection at the Fund for the Improvement of Postsecondary Education, 7th & D Streets, SW., Room 3100, Washington, D.C. 20202, between the hours of 8:00—4:30 weekdays, except Federal Holidays.

Dated: December 16, 1981.

Thomas P. Melady,  
Assistant Secretary for Postsecondary Education.

[FR Doc. 81-36908 Filed 12-25-81; 8:45 am]

BILLING CODE 4000-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL-2014-8]

### Management Advisory Group, Construction Grants Program; Meeting Date Change

The Management Advisory Group to the Construction Grants Program meeting, originally scheduled for December 1, 2, 3, 1981, has been rescheduled for January 12, 13 and 14, 1982 (Tuesday, Wednesday and Thursday).

The meeting will be in Washington, D.C. and open to the public. Any member of the public wishing to attend the meeting should contact the Executive Secretary, William A. Whittington (202-426-8986) after January 5, 1982 to confirm the meeting date and the location of the meeting.

The meeting notice was published Friday, November 13, 1981, Document

Number 81-32767 at Page 56040 of the Federal Register.

Dated: December 18, 1981.

Bruce R. Barrett,

Acting Assistant Administrator for Water.

[FR Doc. 81-36898 Filed 12-24-81; 8:45 am]

BILLING CODE 6560-29-M

[PH-FRL-2015-4; OPP-50547A]

### American Hoechst Corp.; Amendment of Experimental Use Permit

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has amended an experimental use permit, No. 8340-EUP-6, issued to American Hoechst Corporation for use of the insecticide tralomethrin (1R(1(S\*)<sup>3</sup>(RS\*)))-2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)cyclopropanecarboxylic acid alpha-cyano-3(3-phenoxyphenyl)methylester on cotton to evaluate control of various insects. The amendment adds four States, California, Georgia, Louisiana, and Mississippi.

#### FOR FURTHER INFORMATION CONTACT:

Franklin D.R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207 CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice that was published in the Federal Register of September 4, 1981 (46 FR 44498) pertaining to the issuance of an experimental use permit, No. 8340-EUP-6, to American Hoechst Corporation. This experimental use permit allows the use of 60 pounds of the insecticide (1R(1(S\*)<sup>3</sup>(RS\*)))-2,2-dimethyl-3-(1,2,2,2-tetrabromoethyl)cyclopropanecarboxylic acid alpha-cyano-3(3-phenoxyphenyl)methylester on cotton to evaluate control of various insects. A total of 200 acres are involved. At the request of the company the permit has been amended. The program is now authorized only in the States of Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, North Carolina, Tennessee, and Texas. A temporary tolerance for residues of the active ingredient in or on cottonseed has been established. Crops treated with the product no longer have to be destroyed or used for research purposes only.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: December 10, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-36882 Filed 12-24-81; 8:45 am]

BILLING CODE 6560-32-M

[TSH-FRL-2015-1; OPTS-51371]

### 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 59(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of two PMNs and provides a summary of each.

**DATES:** Written comments by: PMN 81-638 and 81-639, February 13, 1982.

**ADDRESS:** Written comments, identified by the document control number "[OPTS-51371]" 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 Street SW., Washington, D.C. 20460 (202-382-3532).

#### 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, D.C. 20460 (202-426-2601).

**SUPPLEMENTARY INFORMATION:** The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

#### PMN 81-638

*Close of Review Period.* March 15, 1982.

*Manufacturer's Identity.* Claimed confidential business information. Organization information provided: Annual sales—Over \$500 million. Manufacturing site—South Atlantic region. Standard Industrial Classification Code—2821.

*Specific Chemical Identity.* Claimed confidential business information.

Generic name provided: Polyether reaction product with toluene diisocyanate-methacrylate terminated.

*Use.* The manufacturer states that the PMN substance will be used as an industrial polymer for plastic printing plates.

*Production Estimates.* Claimed confidential business information.

*Physical/Chemical Properties.* Claimed confidential business information.

*Toxicity Data.* Claimed confidential business information.

*Exposure.* The manufacturer states that during manufacturer 2 workers may experience dermal exposure 1 hr/day, 150 days/yr during discharge.

*Environmental Release/Disposal.* The manufacturer states that there will be no release to the environment.

#### PMN 81-639

*Close of Review Period.* March 15, 1982.

*Importer's Identity.* Henley and Company, Inc., 750 Third Avenue, New York, N.Y. 10017.

*Specific Chemical Identity.* Claimed confidential business information. Generic name provided: Aliphatic acid ester.

*Use.* Claimed confidential business information. Generic use information provided: The Importer states that the PMN substance will be used in a destructive, contained use.

*Import Estimates.* Claimed confidential business information.

#### *Physical/Chemical Properties*

Appearance, Clear liquid, pleasant odor

pH 0.3% w/w solution, 4.1

Boiling point @ 20° C, 207-211° C

Flash point, 84-85° C

Melting point, 5° C

Solubility @ 20° C, 0.3%

Density @ 20° C, 1.04 g/ml

Vapor pressure @ 20° C, 1 mbar

*Toxicity Data.* No data were submitted.

*Exposure.* Claimed confidential business information.

*Environmental Release/Disposal.* The importer states that less than 10kg/yr will be released to air, land and water.

Dated: December 16, 1981.

Woodson W. Bercaw,

Acting Director, Management Support Division.

[FR Doc. 81-36885 Filed 12-24-81; 8:45 am]

BILLING CODE 6560-31-M

#### [PH-FRL-2015-3; OPP-50566]

#### Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

#### ACTION: Notice.

**SUMMARY:** EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR Part 172, which defines EPA procedures with respect to the use of pesticides for experimental purposes.

#### FOR FURTHER INFORMATION CONTACT:

The product manager cited in the experimental use permit at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

**SUPPLEMENTARY INFORMATION:** EPA has issued the following experimental use permits:

464-EUP-64. The Dow Chemical Company, P.O. Box 1706, Midland, MI 48640. This experimental use permit allows the use of 900 pounds of the insecticide chlorpyrifos on wheat to evaluate control of aphids, armyworms, brown wheat mites, cutworms, and grasshoppers. A total of 600 acres are involved. The program is authorized only in the States of Kansas, Minnesota, and South Dakota. The experimental use permit is effective from October 27, 1981 to October 27, 1982. Temporary tolerances for residues of the active ingredient in or on wheat, wheat straw, fat, meat, and meat byproducts of poultry and turkey have been established. A food additive regulation for residues of the active ingredient in or on milling fractions (except flour) of wheat has been established. (Jay S. Ellenberger, PM 12, Rm. 202, CM#2, (703-557-2386))

352-EUP-108. E. I. duPont de Nemours and Company, Wilmington, DE 19898. This experimental use permit allows the use of nine pounds of the herbicide methyl 2-[[[(4,6-dimethyl-2-pyrimidinyl)-amino]carbonyl]amino]sulfonyl] benzoate on fallow land to be replanted to wheat or barley to evaluate control of weeds. A total of 1,200 acres are involved. The program is authorized only in the States of Colorado, Idaho, Kansas, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. The experimental use permit is effective from February 1, 1982 to February 1, 1984. (Robert Taylor PM 25, Rm. 251, CM#2, (703-557-1800))

201-EUP-72. The Shell Oil Company, 1025 Connecticut Ave., NW., Suite 200, Washington, DC 20036. This experimental use permit allows the use of 39,600 pounds of the insecticide methomyl on pineapples to evaluate

control of rootknot and reniform nematodes. A total of 600 acres are involved. The program is authorized only in the State of Hawaii. The experimental use permit is effective from October 27, 1981 to October 27, 1983. (Jay S. Ellenberger, PM 12, Rm. 202, CM#2, (703-557-2386))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA Headquarters Office, so that the appropriate file may be made available for inspection purposes from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(Sec. 5, 92 Stat. 819, as amended, (7 U.S.C. 136))

Dated: December 10, 1981.

Robert V. Brown,

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-36883 Filed 12-24-81; 8:45 am]

BILLING CODE 6560-32-M

#### [PH-FRL-2015-2; OPP-50551A]

#### NOR-AM Agricultural Products, Inc.; Amendment of Experimental Use Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

**SUMMARY:** EPA has amended an experimental use permit, No. 2139-EUP-23, issued to NOR-AM Agricultural Products, Inc. for use of the herbicide thidiazuron on cotton to evaluate its use as a defoliant. The amendment extends the experimental use period to July 1, 1983.

#### FOR FURTHER INFORMATION CONTACT:

Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 237, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1830).

**SUPPLEMENTARY INFORMATION:** EPA issued a notice that was published in the Federal Register of September 25, 1981 (46 FR 47297) pertaining to the extension of an experimental use permit, No. 2139-EUP-23, to NOR-AM Agricultural Products, Inc. This experimental use permit allows the use of 1,530 pounds of the herbicide thidiazuron on cotton to evaluate its use as a defoliant. A total of 7,650 acres are involved. The program is authorized only in the States of

Alabama, Arizona, Arkansas, California, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, and Texas. At the request of the company the permit has been amended. The experimental use period has been extended and the permit is now effective until July 1, 1983.

(Sec. 5, 92 Stat. 819, as amended (7 U.S.C. 136))

Dated: December 10, 1981.

**Douglas D. Campt,**  
Director, Registration Division, Office of  
Pesticide Programs.

[FR Doc. 81-36884 Filed 12-24-81; 8:45 am]

BILLING CODE 6560-32-M

[SWH-FRL-1995-5]

### Summary of Panel Discussions Regarding the Land Disposal of Hazardous Waste

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of availability.

**SUMMARY:** During the week of May 18-22, 1981, the Office of Solid Waste held a set of panel discussions to address the major technical issues relating to the land disposal of hazardous waste. Panels were composed of individuals from industry, academia, public interest groups, and EPA. The views and opinions expressed were those of the individuals and not necessarily those of the Agency. Today's notice announces the availability of the summary of these panel discussions for public use and review.

**DATES:** Persons wishing to provide comment on any errors, omission or needed clarification of this summary should do so in writing on or before February 26, 1981.

**ADDRESSES:** Copies of the panel discussions summary are available for viewing at the Subtitle C Docket Room (Room 2836), located at 401 M Street, SW., Washington, D.C. and at all Regional Office Libraries during the hours of 9:00 a.m. to 4:30 p.m. In addition, a limited number of copies are available on a 10-day maximum loan basis by contacting the RCRA Hotline, Office of Solid Waste (WH-565), U.S. EPA, 401 M Street, SW., Washington, D.C. 20460 (phone: 800-424-9346, or in Washington, D.C. 544-1409). Comments should be addressed to Kenneth Shuster, Land Disposal Division, (WH-564), Office of Solid Waste, U.S. Environmental Protection Agency, Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Shuster, Land Disposal Division (WH-564), Office of Solid

Waste, U.S. Environmental Protection Agency, Washington, D.C. 20460, (202) 755-9125.

**SUPPLEMENTARY INFORMATION:** On May 18-22 EPA sponsored a symposium on hazardous waste land disposal. Several national experts on the subject participated to express their views on the current state of the art for predicting the environmental impact of hazardous waste land disposal facilities to EPA and the public.

The views and opinions of the experts were expressed via a series of panel discussion divided into four major subject areas:

1. Leachate predicting quantity and quality; attenuation in liners and the unsaturated zone; and management approaches to control leachate quantity and quality.
2. Predicting leachate plume migration in groundwater; modeling and monitoring.
3. Gas generation and migration: rates of emissions; monitoring and dispersion modeling; and control practices.
4. Health effects resulting from exposures to hazardous waste disposed on or in the land.

The first topic was discussed for two full days and each of the other topics was the focus of a full day's panel discussion. During each session, a number of specific technical points were addressed.

The panel discussion summary is titled "Land Disposal of Hazardous Waste—Summary of Panel Discussions." Readers are encouraged to provide comments on the summary where it is felt that panel opinions are either in error or in need of further amplification or clarification. A compendium of relevant comments will be appended to the summary at a later date.

Dated: November 3, 1981.

**Christopher J. Capper,**  
Acting Assistant Administrator, Solid Waste  
and Emergency Response.

[FR Doc. 81-36873 Filed 12-24-81; 8:45 am]

BILLING CODE 6560-26-M

### FEDERAL COMMUNICATIONS COMMISSION

#### Advisory Committee on Radio Broadcasting; Meeting

The Advisory Committee on Radio Broadcasting will meet to provide information to interested members of the broadcasting industry and the public concerning the Region 2 Administrative Radio Conference held in Rio de Janeiro from November 9, 1981 through December 18, 1981. Members of the U.S.

Delegation to the Conference, including representatives from industry, the FCC and the Department of State, will be on hand to answer questions.

The Rio Conference involved countries throughout the Western Hemisphere and was held under the auspices of the International Telecommunication Union. The purpose of the Conference was to develop an agreement governing the assignment of AM broadcast stations in Region 2—North, Central and South America, the Caribbean and Greenland.

Date: Thursday, January 7, 1982, at 10:30 a.m.

Address: Federal Communications Commission, 1919 "M" Street, N.W., Room 856, Washington, D.C. 20554.

Supplementary information: The meeting will be chaired by Mr. Kalmann Schaefer, Chairman of the U.S. Delegation to the Conference.

For further information: Contact Louis C. Stephens, Federal Communications Commission, Washington, D.C. 20554, (202) 632-7792.

**William J. Tricarico,**  
Secretary, Federal Communications  
Commission.

[FR Doc. 81-36856 Filed 12-24-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-844, 81-845, 81-846;  
File Nos. BPCT-810227KI, BPCT 810615KI,  
BPCT 810615KS]

### Fox Media, Inc., et al.; Hearing Designation Order Designating Applications for Consolidated Hearing on Stated Issues

Adopted: December 1, 1981.

Released: December 16, 1981.

In re Applications of Fox Media, Inc., High Point, North Carolina, BC Docket No. 81-844, File No. BPCT-810227KI; Triad Family Television, Inc., High Point, North Carolina, BC Docket No. 81-845, File No. BPCT-810615KI; and High Point Community Television, Inc., High Point, North Carolina, BC Docket No. 81-846, File No. BPCT-810615KS. For construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications of Fox Media, Inc. (Fox), Triad Family Television, Inc. (Triad) and High Point Community Television, Inc. (High Point) for a new commercial television station to operate on Channel 67, High Point, North Carolina.

2. Applicants for new broadcast stations are required by § 73.3580(f) of the Commission's Rules to give local notice of the filing of their applications.

They must then file with the Commission the statement described in § 73.3580(h) of the Rules. We have no evidence that Fox and High Point published the required notice. To remedy this deficiency, Fox and High Point will be required to publish local notice and to file a statement of publication with the presiding Administrative Law Judge within 40 days after this Order appears in the Federal Register.

#### Fox Media, Inc.

3. No determination has been reached that the tower height and location proposed by Fox would not constitute a hazard to air navigation. Accordingly, an issue regarding this matter will be specified.

4. The proposed tower for Fox is to be located 1.99 miles from the non-directional tower of AM radio station WOKX High Point, North Carolina. Because of the proximity of the proposed tower to WOKX, any grant of a construction permit to Fox will be conditioned to ensure that WOKX's radiation pattern is not adversely affected by the construction of the proposed station.

5. Applicant estimates that it will require \$2,320,588 to construct its proposed facility and operate for three months, itemized as follows:

Equipment .....	\$2,109,104
Land and building.....	16,700
Legal costs.....	5,000
Engineering costs.....	4,000
Installation costs.....	14,080
Miscellaneous costs.....	20,404
Operating costs (3 months).....	151,300
Total.....	2,320,588

6. Applicant estimates its legal costs at \$5,000. This amount seems unreasonably low since this application must be prosecuted in a comparative hearing. Accordingly, an issue will be specified inquiring into whether Fox's estimate of its legal fees is reasonable.

7. Applicant has not submitted its financial plan. Fox indicated that it would be forthcoming; however, our records do not reflect receipt of such an amendment. Applicant's balance sheet shows that it does have \$3,000 cash on which it may rely. Accordingly, a financial issue will be specified to determine whether applicant has available an additional \$2,317,588 over and above the \$3,000 mentioned, as well as funds for additional legal fees if required.

#### Triad Family Television, Inc.

8. The Federal Aviation Administration's approval of applicant's

tower height and location has expired. Consequently, grant of Triad's application shall be conditioned upon revalidation of the FAA clearance.

#### Conclusion and Order

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, before an Administrative Law Judge at a time and a place to be specified in a subsequent Order upon the following issues:

1. To determine with respect to Fox Media, Inc.:

(a) Whether there is a reasonable possibility that the tower height and location proposed would constitute a hazard to air navigation;

(b) Whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is technically qualified.

(c) Whether applicant's estimates of its legal costs is reasonable;

(d) Whether applicant has available an additional \$2,317,588, plus additional funds for legal fees if required;

(e) Whether, in light of the evidence adduced pursuant to issues (c) and (d), applicant is financially qualified.

2. To determine which of the proposals would, on a comparative basis, best serve the public interest.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

11. It is further ordered, That, Fox and High Point shall each file with the presiding Administrative Law Judge proof of publication of local notice of the filing of their applications within 40 days after this Order is published in the Federal Register.

12. It is further ordered, That, in the event of a grant of Fox's application, the construction permit shall contain the following condition:

Prior to construction of the TV tower authorized herein, permittee shall notify AM station WOKX, High Point, North Carolina, so that the AM station may determine operating power by the indirect method. Permittee shall be responsible for the installation and continued maintenance of detuning apparatus necessary to prevent adverse effects upon the pattern of the AM station. Subsequent to construction of the TV tower and installation of all appurtenances

thereon, antenna impedance measurements of the AM antenna shall be made, and sufficient field strength measurements shall be made, at a minimum of eight equally spaced radials, to establish that the AM radiation pattern of the AM station is essentially omnidirectional. The results shall be submitted to the Commission in application for the AM station to return to the direct method of power determination. Thereafter, the TV station may commence Limited Program Tests.

13. It is further ordered, That in the event of a grant of the application of Triad Family Television, Inc. the grant shall be subject to the condition that construction shall not be commenced until FAA approval of the tower height and location has been revalidated.

14. It is further ordered, That the Federal Aviation Administration IS MADE A PARTY RESPONDENT to this proceeding with respect to issue 1(a).

15. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and the party respondent herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

16. It is further ordered, That, the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division,  
Broadcast Bureau.

[FR Doc. 81-39943 Filed 12-24-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-842, 81-843; File Nos. BP-810309AP, BP 810618AD]

**Good News Media, Inc., and Paragon Radio Network, Inc.; Hearing Designation Order Designating Applications for Consolidated Hearing on Stated Issues**

In re Applications of Good News



Media, Inc., Elmwood Township, Michigan, Req: 1400 kHz, 250 W, 1 kW-LS, U, BC Docket No. 81-842, File No. BP-810309AP; Paragon Radio Network, Inc., Elmwood Township, Michigan, Req: 1400 kHz, 250 W, 1 kW-LS, U, BC Docket No. 81-843, File No. BP-810618AD. For construction permit.

Adopted: November 24, 1981.

Released: December 15, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications for a new AM broadcast station.

2. *Good News Media, Inc.* Applicant failed to list the date and place of birth of officer Mr. Dale Perlin, required in Table I, Section II, of Form 301. An amendment will be required.

3. Analysis of the financial data *Good News* submitted reveals that \$58,020 will be required to construct and operate for three months, itemized as follows:

Equipment.....	\$10,410
Building.....	13,550
Construction-period lease.....	1,000
Other construction costs.....	5,500
Operating costs.....	27,650
Total.....	\$58,020

The applicant proposes to finance the station with donations, but has not documented their availability. Further, it has not submitted a balance sheet. Therefore no funds have been shown to be available, and a limited financial issue must be specified.

4. *Other Matters.* Neither applicant has shown where Elmwood Township's business district is located. Further, primarily because both applicants propose a transmitter site at the southern edge of Elmwood Township, their proposed nighttime interference-free (16.5 mV/m) contours would cover only about 73 percent of the area and 76 percent of the population of that community. Both applicants request waiver of § 73.24(j) of our Rules,<sup>1</sup> but their statements are not sufficient to establish that waiver is warranted. An appropriate issue will be specified.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals

are mutually exclusive, they must be designated for hearing in a consolidated proceeding.

6. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to *Good News Media, Inc.:*

a. The source and availability of sufficient funds to meet anticipated costs; and

b. Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine with respect to each proposal whether it would provide coverage of Elmwood Township, Michigan, as required by § 73.24(j) of the Commission's Rules, and if not, whether circumstances exist which warrant waiver of that rule.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine in light of the evidence adduced pursuant to the foregoing issues, which of the applications, if either, should be granted.

7. It is further ordered, That *Good News Media, Inc.* shall file the amendment specified in paragraph 2 above within 30 days after this order is published in the Federal Register.

8. It is further ordered, That to avail themselves of the opportunity to be heard and pursuant to § 1.221(c) of the Commission's Rules, the applicants shall within 20 days of the mailing of this order, in person or by attorney, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this order.

9. It is further ordered, That pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, the applicants shall give notice of the hearing as prescribed in the rule, and shall advise the Commission of publication of the notice as required by Section 73.3594(g) of the Rules.

Federal Communication Commission.

Larry D. Eads,

Acting Chief, Broadcast Facilities Division.

[FR Doc. 81-36944 Filed 12-24-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-849; File No. BPH-810507AE]

**Robert L. Griffis d/b/a/ Griffis Broadcasting Co.; Tye, Texas, Req: 99.3 MHz, Channel No. 257A 0.54 kW (H&V), 714.5 feet; Hearing Designation Order Designating Application for Hearing on Stated Issues**

Adopted: December 3, 1981.

Released: December 21, 1981.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration (i) the above-captioned application of Robert L. Griffis, d/b/a/ Griffis Broadcasting Company (Griffis), for a construction permit for a FM station at Tye, Texas, (ii) a petition to deny filed by Craft Communications, Inc. (Craft) against Griffis (iii) an Opposition filed by Griffis and (iv) other related pleadings.<sup>1</sup>

2. Prior to Griffis becoming an applicant, there were four applications, which had been designated for hearing, three applications for Abilene and one for Tye.<sup>2</sup> Under the "Joint Petitions For Approval of Agreement," the Administrative Law Judge (ALJ) approved agreements which allowed Burke to withdraw its application in exchange for Craft and TX-IN reimbursing him for expenses reasonably incurred in the preparation, filing and prosecution of his application; TX-IN would also withdraw in exchange for a portion of its expenses reasonably incurred in the preparation, filing and prosecution of its application. On August 4, 1980 Abilene Broadcasting Company, Inc. filed with the Commission a "Statement of Dismissal of Application" which was subsequently approved by the ALJ. All three applications were dismissed with prejudice. Since Abilene, Texas has seven broadcasting services licensed to it and Tye, Texas has none, the ALJ found that the withdrawal of the TX-IN application would unduly impede achievement of a fair, efficient distribution of radio services. Craft,

<sup>1</sup> Pursuant to the Commission's *Report and Order in re Revised Procedures for the Processing of Part 1 of the Commission's Rules*, 77 FCC 2d 202, 45 RR 2d 1220 (1970), which directed the deletion of all issue pleadings, those matters sought to be raised by the parties, irrespective of the nomenclature of the pleadings (e.g., Petition to Specify Issues, Petition to Deny, etc.) have been considered only to the extent specifically discussed, and/or issue(s) specified, herein. Accordingly, the opportunity to raise issues that have not been considered herein will be afforded the parties post-designation pursuant to § 1.229 of the Rules.

<sup>2</sup> The three applicants for Abilene were Abilene Broadcasting Company, Inc., Craft Communications, Inc., and W. L. Burke, Jr. (Burke). For Tye, Texas there was TX-IN Transmissions Inc., (TX-IN).

<sup>1</sup> Section 73.24(j) requires in pertinent part that AM proposals provide (a) 25 mV/m service day and night to the business district of the community of license and (b) interference-free service to all residential areas of the community.

therefore, was then required by the ALJ to publish a notice inviting new parties to apply for the facilities specified in TX-IN's, Tye, Texas application pursuant to Section 307(b) of the Act and § 73.3525(c) of the Commission's Rules.<sup>3</sup>

3. On May 7, 1981, the Commission accepted for filing the mutually exclusive application of Griffis for Tye, Texas together with its request that its application be consolidated for hearing with Craft Communications, which was designated for hearing on June 9, 1980.<sup>4</sup>

4. Originally Craft had a financial issue designated against it in *Hearing Designation Order*, 45 FR 47914. However, it rectified the financial deficiency and its "Motion for Partial Summary Decision," eliminating any issues as to material facts which required resolution at hearing, was granted, *Memorandum Opinion and Order*, FCC 80M-1808, released September 25, 1980.

5. The Griffis proposal, although for a different community from that of Craft, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service, a contingent comparative issue will also be specified.

6. The applicant is qualified to construct and operate as proposed. However, since the proposal is mutually exclusive with Craft, the applicant must be designated for hearing in a consolidated proceeding with Craft.

7. Accordingly, it is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the application of Robert L. Griffis is consolidated into the proceeding, in BC Docket No. 80-295, with the application of Craft Communication Inc., at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which receive primary aural service (1.0 mV/m or greater in the case of FM) from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event it is concluded that a choice between the applications should not be based solely on considerations relating to Section 307(b), which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

8. It is further ordered, That, the engineering amendment filed by Griffis is accepted.

9. It is further ordered, That the issues specified in BC Docket No. 80-295 are superseded by the issues specified in this Order.

10. It is further ordered, That, to avail itself of the opportunity to be heard, the applicant herein shall, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

11. It is further ordered, That the applicant herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,  
Chief, Broadcast Facilities Division,  
Broadcast Bureau.

[FR Doc. 81-36940 Filed 12-24-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket Nos. 81-835, etc.; File No. BPCT-810513KF, etc.]

**Media South Broadcasting Corp. et al.;  
Hearing Designation Order  
Designating Applications for  
Consolidated Hearing on Stated Issues**

Adopted: November 27, 1981.

Released: December 16, 1981.

In re Applications of Media South Broadcasting Corp., Jackson, Mississippi, BC Docket No. 81-835, File No. BPCT-810513KF; Jackson Family Television, Inc., Jackson, Mississippi, BC Docket No. 81-836, File No. BPCT-810805KE; Big River Broadcasting Co., Jackson, Mississippi, BC Docket No. 81-837, File No. BPCT-810806KI; Television Corporation of Mississippi, Jackson, Mississippi, BC Docket No. 81-838, File

No. BPCT-810806KJ; For construction permit.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television broadcast station on Channel 40, Jackson, Mississippi.

2. Since no determination has been reached that the tower heights and locations proposed by Jackson Family Television, Inc. and Television Corporation of Mississippi would not constitute a hazard to air navigation, an issue regarding this matter is required.

**Media South Broadcasting Corp.**

3. Applicant has apparently failed to make provision for lease of land or buildings. It will require at least \$2,801,224 to construct and operate as proposed. The applicant has shown that \$3,575,335 is available to finance the proposal, providing a \$774,111 cushion. Since a \$774,111 cushion is available, no financial issue will be specified.

**Jackson Family Television, Inc.**

4. Applicant estimates that \$489,737 will be required to construct and operate as proposed. To finance the proposal, applicant relies upon \$12,500 in existing capital and a \$500,000 loan from First Citizens Bank. The bank letter requires the personal guarantees of the principals of applicant corporation, but no undertaking to guarantee these loans has been submitted. Therefore, a financial issue will be specified to determine the source and availability of an additional \$477,237.

**Big River Broadcasting Co.**

5. The applicant estimates that \$3,797,267 will be required to construct and operate as proposed. No financial statements have been submitted to document the ability of Big River to finance the proposal. However, an installment sales agreement from Harris Corporation has been submitted. The agreement requires an initial 25% down payment of \$784,250 and four months payments (\$243,118), totalling \$1,027,368. Total equipment costs as per the Harris letter is given as \$3,137,000. Therefore, \$2,109,632 is available as deferred credit. When we subtract this figure from the \$3,797,267 total costs, we find that an additional \$1,687,635 will be required and an appropriate issue will be specified.

**Television Corporation of Mississippi**

6. The applicant indicates that \$1,804,500 will be required to construct

<sup>3</sup> *Memorandum Opinion and Order*, FCC 81M-798, released March 19, 1981.

<sup>4</sup> 45 FR 47914, BC Docket No. 80-295, File No. BPH-79052AB (1980).

and operate as proposed. To finance the proposal, applicant relies upon a \$2,200,000 loan from The Television Corporation of Virginia. But, no financial statements were submitted by applicant to evidence The Television Corporation of Virginia's ability to extend the loan. Therefore, the loan cannot be considered as a source of financing and an appropriate financial issue will be specified.

#### Conclusion and Order

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Jackson Family Television, Inc. and Television Corporation of Mississippi whether there is a reasonable possibility that the tower heights and locations proposed would constitute a hazard to air navigation.

2. To determine with respect to Jackson Family Television, Inc.:  
(a) the source and availability of an additional \$477,237;  
(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

3. To determine with respect to Big River Broadcasting Co.:

(a) the source and availability of an additional \$1,687,635 to construct and operate as proposed;  
(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

4. To determine with respect to Television Corporation of Mississippi:  
(a) the source and availability of \$1,804,500 to construct and operate as proposed;

(b) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified.

5. To determine which of the proposals would, on a comparative basis, best serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

9. It is further ordered, That the Federal Aviation Administration is

made a party to the proceeding with respect to issue 1.

10. It is further ordered, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

11. It is further ordered, That the applicants herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the rules.

Federal Communications Commission.

Larry D. Eads,

Chief, Broadcast Facilities Division,  
Broadcast Bureau.

[FR Doc. 81-36942 Filed 12-24-81; 8:45 am]

BILLING CODE 6712-01-M

#### [Report No. 1323]

#### Petitions for Reconsideration of Actions in Rule Making Proceedings

December 18, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the Federal Register. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Part 15 of the FCC Rules to provide for remote control and security devices. (Docket No. 20990, RM's 1617, 2152 & 2223.)

Filed by: Ronald D. Coleman & Edwin N. Lavergne, Attorneys for Pittway Corporation on 12-9-81. John B. Yellott, Jr., Attorney for A.R.F. Products, Inc., on 12-10-81.

Subject: Amendment of Part 94 of the Commission's Rules and Regulations to facilitate operation of low power, limited coverage systems in the 22.0-23.6 GHz. (PR Docket No. 79-337, RM-3241.)

Filed by: Joseph M. Kittner & Lawrence J. Movshin, Attorneys for General Electric Company on 10-29-81.

Subject: Amendment of Subpart H of Part 90 of the Commission's Rules and Regulations to Facilitate Interservice Sharing of Frequencies in the Private

Land Mobile Service below 470 MHz. (PR Docket No. 81-110, RM-3389.)

Filed by: Joseph M. Kittner, Lawrence J. Movshin & James H. DeGraffenreid, Jr., Attorneys for Manufacturers Radio Frequency Advisory Committee, Inc., on 12-14-81. George Petrusas, Attorney for Forest Industries Telecommunications, on 12-14-81. John B. Norton, Attorney for Association of American Railroads, on 12-14-81.

William J. Tricarico,  
Secretary, Federal Communications  
Commission.

[FR Doc. 81-36945 Filed 12-24-81; 8:45 am]

BILLING CODE 6712-01-M

#### FEDERAL DEPOSIT INSURANCE CORPORATION

#### Statement of Policy on Capital Adequacy

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Statement of policy.

SUMMARY: This Statement of Policy is intended to formalize internal guidelines concerning capital adequacy which were previously established by the FDIC's Board of Directors. The Statement of Policy is being published in order to promote greater uniformity among the various FDIC regions and to provide guidance to affected institutions on the FDIC's attitude toward capital adequacy.

EFFECTIVE DATE: December 17, 1981.

FOR FURTHER INFORMATION CONTACT: James L. Sexton, Associate Director, Division of Bank Supervision, Federal Deposit Insurance Corporation, 550 17th Street, NW, Washington, D.C. 20429, (202) 389-4297.

SUPPLEMENTARY INFORMATION: This Statement serves to reemphasize the FDIC's firmly held belief that equity capital is the critical element in determining the adequacy of capital in an operating bank. This policy statement is intended to clearly set forth qualitative criteria to be considered in determining adequacy of bank capital, to inject more objectivity and consistency into the process of determining capital adequacy, to provide nonmember banks with clearly defined goals for use in capital and strategic planning, and to address the issue of disparity in capital levels among banks in different size categories by adopting uniform standards regardless of the size of the institution.

The Regulatory Flexibility Act of 1980 (Pub. L. No. 96-354) does not apply to general statements of policy; therefore,

no regulatory-flexibility analysis is required. The Policy Statement does not entail any specified reporting or recordkeeping requirements within the ambit of the Paperwork Reduction Act of 1980 (Pub. L. No. 96-511). Because this is a Statement of Policy, it is not subject to sections 553 (b) through (d) of the Administrative Procedure Act and may be issued in final form without having been issued as a proposal.

#### FDIC Statement of Policy on Capital Adequacy

The capital composite to be used in assessing the adequacy of bank capital will be equity capital (minus assets classified loss and one-half of assets classified doubtful) expressed as a percentage of total assets (minus assets classified loss and one-half of assets classified doubtful). Equity capital is defined to include common stock, perpetual preferred stock, capital surplus, undivided profits, contingency reserves, other capital reserves, mandatory convertible instruments, and reserves for loan losses.

Other instruments such as limited-life preferred stock or subordinated notes and debentures will not be considered in evaluating capital adequacy since they lack permanence, are not available to absorb losses in a going concern, and impose mandatory servicing requirements. The Corporation neither encourages nor discourages banks from issuing these obligations for funding or other corporate purposes; rather, it wishes to state its view that these obligations are not a substitute for equity capital. To the extent that such instruments are used to increase lending and other legal limits, they may increase the level of risk in an institution by decreasing asset diversification and may, thus, trigger a requirement for a greater proportion of equity capital.

The process of determining the adequacy of a bank's capital will begin with a qualitative evaluation of critical variables that directly bear on the institution's overall financial condition. These variables include the quality, type and diversification of assets; current and historical earnings; provision for liquidity with particular emphasis on asset/liability mismatches and market depreciation in the portfolio of assets; the quality of management; and the existence of other activities which may expose the bank to risk including, in the case of holding company-affiliated banks, the degree of leverage and risk undertaken by the parent company or its affiliates.

To foster objectivity in the analytical process and provide a benchmark for evaluating capital adequacy, the

Corporation has established a *threshold* level for adjusted equity capital for all insured nonmember commercial banks at 6 percent of adjusted total assets. When the adjusted equity capital ratio falls below this level, the Corporation's staff, in cooperation with the State banking department, will contact bank management and/or directors and require submission of a comprehensive capital plan acceptable to the Corporation and the State banking department.

The Corporation has established a *minimum acceptable* level of adjusted equity capital at 5 percent of adjusted total assets for any insured nonmember commercial bank. When the adjusted equity capital ratio falls below this level, the Corporation will insist on a specific program for remedying the equity capital deficiency promptly. The Corporation, in order to bring about increases in capital once the minimum acceptable level is reached (whether that level is 5% or some higher limit as determined through an analysis of the overall condition of the institution), fully intends to utilize its authority to withhold approval of applications of various types and, in cooperation with the State banking department, to initiate administrative actions.

It should be emphasized that the above percentage guidelines are for financially *sound, well-managed, diversified* institutions with established records of adequate capital formation relative to asset growth. They apply regardless of size or holding company affiliation. It should also be recognized that the various State banking departments may impose more stringent capital requirements than those set forth in this policy statement.

To provide protection against unforeseen adversity, the Corporation encourages even the highest-quality institutions to maintain equity capital above these levels. For institutions that are exposed to greater degrees of risk based on the aforementioned critical variables, higher equity capital levels must be maintained. It should be emphasized, with respect to institutions that currently have ratios in excess of the levels set forth above, that the Corporation will not countenance a diminution in capital ratios through payment of excessive dividends or speculative asset growth.

The Corporation intends to review this policy position on an ongoing basis to ensure that the overall level of risk to the insurance fund is acceptable. The standards set forth herein will be reassessed periodically in light of changing conditions in the banking industry and particularly as the process

of deregulation of interest rates and granting of additional banking powers proceeds.

By Order of the Board of Directors dated December 17, 1981.

Federal Deposit Insurance Corporation,  
Hoyle L. Robinson,  
Executive Secretary.

[FR Doc. 81-36872 Filed 12-24-81; 8:45 am]

BILLING CODE 6714-01-M

#### FEDERAL HOME LOAN BANK BOARD

[No. 81-777]

#### Privacy Act of 1974; Systems of Records; Annual Republication

Dated December 16, 1981.

**AGENCY:** Federal Home Loan Bank Board.

**ACTION:** Final Action Systems of Records—Republication.

**SUMMARY:** The Bank Board is required by the Privacy Act of 1974 to republish annually its system of records. The most recent full publication of said systems was made on October 16, 1980 at 45 FR 68840-68856.

The Board herewith republishes the following systems: FHLBB-1, FHLBB-4, FHLBB-5, FHLBB-6, FHLBB-8, FHLBB-10, FHLBB-12, FHLBB-14, FHLBB-15, FHLBB-19, and FHLBB-22. All other systems published as of October 16, 1980 remain unchanged and are incorporated herein by reference. The republished systems are amended to show address changes or changes in agency designations, e.g. substitution of "Office of Personnel Management" for "Civil Service Commission." The System numbered as FHLBB-5 is a new system of records published on August 26, 1981 at 46 FR 43082-83. FHLBB-29 has been eliminated.

**EFFECTIVE DATE:** December 28, 1981.

**FOR FURTHER INFORMATION CONTACT:** William Van Lenten (202) 377-6463.

**AUTHORITY:** 5 U.S.C. 552a.

The full texts of the amended Federal Home Loan Bank Board systems of records are as follows:

#### FHLBB-1

##### SYSTEM NAME:

Internal Office Personnel Files.

##### SYSTEM LOCATION:

See "System Manager."

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal Home Loan Bank Board employees, consultants, and employees

of the Federal Savings and Loan Insurance Corporation, and Federal Savings and Loan Insurance Corporation receiverships.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system consists of a variety of records relating to personnel actions and determinations regarding individuals while employed by the Federal Home Loan Bank Board, as consultants to the Board, or as employees of a Federal Savings and Loan Insurance Corporation receivership. The records may contain information about an individual relating to: Date of birth; social security number; veterans preference; tenure; physical handicap; past and present salaries, grades, and position titles; and may include letters of commendations, reprimands, charges, and decision on charges; notices of reduction-in-force; accident reports; upward-mobility information; locator files; loans with Savings and Loans; personnel actions, including but not limited to appointment, promotion, reassignment, demotion, work detail, transfer, and separation; probationary period; training; minority group; indicator; life insurance, health benefits, and designation of beneficiary; application for employment; letters of reference; performance ratings (MBO/KOI or other as applicable); documentation of personnel actions or decisions made about the individual; awards; records of equipment and materials issued to the individual; leave and time-and-attendance records; travel records; duplicate employee identification cards; and other information regarding the individual.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEMS:**

5 U.S.C. 1302, 2951, 4118, 4308, 4506, and Executive Order 10561, dated September 13, 1954.

**ROUTINE USES OF RECORDS MAINTAINED IN SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in these records is used or may be used:

(1) By Board and receivership officials for review in connection with training, appointments, transfers, promotions, reassignments, adverse actions (including disciplinary actions), determinations of qualifications of an individual, determinations of conflicts of interest, equipment assigned to an individual, entitled benefits, leave authorized and used, travel undertaken, and reimbursements;

(2) By the Office of Personnel Management for when a current or former Federal employee questions the

validity of a specific document in his record;

(3) By the Courts to render a decision when an agency has refused to release to a current or former Federal employee a record under the Freedom of Information Act;

(4) To provide information to a prospective employer of a current or former Federal employee;

(5) To provide data for the automated Central Personnel Data File (CPDF);

(6) To provide data to update Federal Automated Career Systems (FACS), the Executive Inventory File, Security Investigations, the Index on New Hires, and materials concerning adverse actions and termination;

(7) To provide information to a Federal agency, in response to its request, in connection with hiring or retention of an employee, letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter;

(8) In connection with requests for information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if the obtaining of such information is necessary to an agency decision concerning hiring or retention of an employee, issuance of a security clearance, letting of a contract, or issuance of a license, grant, or other benefit;

(9) To refer, where there is indication of a violation or potential violation of law (whether civil, criminal, or regulatory), to the appropriate Federal, State, or local agency charged with responsibility for investigating or prosecuting such violation, of enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto;

(10) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained, or for related personnel management functions or manpower studies, and for utilization in response to general requests for statistical information without personnel identification of individuals under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions;

(11) Verification of employment for credit purposes; and

(12) Disclosure of information may be made to a congressional office from the

record of an individual, in response to an inquiry from that office made at the request of an individual, if such information would be available directly to the individual upon request.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in file folder or on Kardex cards in the lockable containers or in secured rooms.

**RETRIEVABILITY:**

Records are filed by name of individual.

**SAFEGUARDS:**

Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

**RETENTION AND DISPOSAL:**

Cut-off upon termination of employment. Destroy 60 days after cut-off.

**SYSTEM MANAGER(S) AND ADDRESS:**

The business address of each system manager listed below, unless otherwise indicated, is: Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

Director, Office of Policy and Economic Research

General Counsel, Office of the General Counsel

Director, Office of Federal Savings and Loan Corporation

Director, Administration Office

Director, Office of Industry Development

Manager, Scottsdale Office

Federal Savings and Loan Insurance Corporation

Western Office Manager

Federal Savings and Loan Insurance Corporation

Northwest Guaranty Receivership

Federal Savings and Loan Insurance Corporation

Director, Minority Affairs Office

Director, Communications Office

Personnel Liaison Officer, Controller's Division

Director, Office of Community Investment

Director, Administrative Services Division

Director, Office of District Banks

Director, Information System Division

Personnel Liaison Officer, Office of Internal Evaluation and Compliance

Director, Office of Examinations and Supervision

Receivership Agent

Midwestern Office

Federal Savings and Loan Corporation

District Director—Examinations

Office of Examinations and Supervision

Federal Home Loan Bank Board

One Federal Street—Thirteenth Floor  
Boston, Massachusetts 02110  
District Director—Examinations  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
One World Trade Center Floor 103  
New York, New York 10048  
District Director—Examinations  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
11 Stanwix Street  
Gateway Center  
Pittsburgh, Pennsylvania 15222  
Assistant District Director  
Philadelphia Area Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
3 Parkway, Suite 1324  
Philadelphia, Pennsylvania 19102  
District Director—Administration  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
260 Peachtree Street, NW  
10th Floor  
Atlanta, Georgia 30303  
Assistant District Director  
Silver Spring Area Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
8757 Georgia Avenue  
Room 538  
Silver Spring, Maryland 20910  
Assistant District Director  
Charlotte Area Office  
Office of Examinations and Supervision  
230 South Tryon Street  
Suite 502  
Charlotte, North Carolina 28202  
Assistant District Director  
Fort Lauderdale Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
299 E. Broward Blvd., 3rd Floor  
Fort Lauderdale, Florida 33301  
District Director—Examinations  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
2700 DuBois Tower  
511 Walnut Street  
Cincinnati, Ohio 45202  
Assistant District Director  
Cincinnati Area Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
2710 DuBois Tower  
511 Walnut Street  
Cincinnati, Ohio 45202  
Assistant District Director  
Canton Area Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
229 Wells Avenue, NW.  
Canton, Ohio 44703  
Assistant District Director  
Columbus Area Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
LeVogue Tower, Suite 300  
50 West Broad Street  
Columbus, Ohio 43215  
Assistant District Director  
Nashville Area Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board

115 W. Washington Street, Suite 1290  
Indianapolis, Indiana 46204  
District Director—Examinations  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
111 East Wacker Drive, Suite 700  
Chicago, Illinois 60601  
Assistant District Director  
Springfield Area Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
524 South 2nd Street, Room 670  
Springfield, Illinois 62704  
Assistant District Director  
Milwaukee Area Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
517 East Wisconsin Avenue  
Federal Building, Room 609  
Milwaukee, Wisconsin 53202  
District Director—Examinations  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
907 Walnut Street  
Room 501  
Des Moines, Iowa 50309  
Assistant District Director  
Hazlewood Area Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
320 Brooks Drive, Suite 240  
Hazlewood, Missouri 63042  
Assistant District Director  
Bloomington Area Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
2001 Killebrew Drive  
Bloomington, Minnesota 55420  
District Director—Examinations  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
120 East 8th Street, No. 3 Townsite Plaza  
Topeka, Kansas 66601  
Assistant District Director  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
Room 379  
Post Office Building  
18th and Stout Street  
Denver, Colorado 80202  
District Director—Examinations  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
600 Stewart Street  
Suite 610  
Seattle, Washington 98101  
Assistant District Director  
Portland Area Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
U.S. Courthouse, Room 223  
620 SW. Main  
Portland, Oregon 97205  
District Director—Examination  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
600 California Street  
Room 310  
San Francisco, California 94108  
Assistant District Director  
Los Angeles Area Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
3450 Wilshire Blvd., Suite 210

Los Angeles, California 90017  
Assistant District Director  
Scottsdale Area Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
7100 E. Lincoln Drive, Suite D239  
Scottsdale, Arizona 85253  
District Director—Examinations  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
1350 Tower Building  
Little Rock, Arkansas 72201  
Assistant District Director  
Dallas Branch Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
100 Commerce Street  
Room 3-A-6  
Dallas, Texas 75242  
Assistant District Director  
Houston Branch Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
Suite 820  
One Allen Center  
500 Dallas Street  
Houston, Texas 77002  
Assistant District Director  
New Orleans Area Office  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
600 South Street, Room 628  
New Orleans, Louisiana 70130

**NOTIFICATION PROCEDURE:**

Inquiries concerning records shall be made by notifying the appropriate system manager. Such notification must include the individual's name, social security number or employee identification number, date of birth, office of employment (including location), period of employment and the name of the record system.

**RECORD ACCESS PROCEDURES:**

Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the appropriate system manager. Such notification shall include the same information required to be furnished under "Notification", plus a statement setting forth the desired access or changes and the reasons for such changes.

**CONTESTING RECORD PROCEDURES:**

See "Access Procedures".

**RECORD SOURCE CATEGORIES:**

Information in this system of records may have been obtained from the individual, his immediate supervisor, or persons at other supervisory levels, the personnel office, the payroll office, Savings and Loan Associations, U.S. Civil Service Commission, or other sources.

**FHLBB—4****SYSTEM NAME:**

Consumer Inquiry Records and Data.

**SYSTEM LOCATION:**

Consumer Affairs and Civil Rights Division, Office of Examinations and Supervision, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

**SUBSIDIARY:**

Related information may be maintained in FHLBB and FHLBB Regional Offices' files.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who submit inquiries or complaints concerning regulated financial institutions, the deposits of which are insured by the FSLIC and other related corporations e.g.: Holding companies and service corporation.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Inquiries and complaints, the nature of such inquiries or complaints, and information on the investigation and resolution of inquiries and complaints.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information may be disclosed to officials of savings and loan associations in connection with investigation of inquiries and complaints. Relevant referrals may be made to appropriate law enforcement agencies or authorities in connection with investigation and/or prosecution of alleged civil, criminal and administrative violations. Disclosures may be made to a Congressional Office from the record of an individual in response to an inquiry from the Congressional Office made at the request of that individual. Disclosures may also be made to the Federal Reserve Board, other Federal financial regulatory agencies, and the Congress or any of its authorized committees in fulfilling reporting requirements or assessing implementation of applicable laws and requirements. (Such disclosure will be made in a nonidentifiable manner when feasible and appropriate.) Referrals may also be made to other Federal and nonfederal governmental supervisory or regulatory authorities when the subject matter of a complaint or inquiry is more properly within such other agency's jurisdiction. Other disclosures are intra-agency only, including offices of Supervisory Agent.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper, computer tape.

**RETRIEVABILITY:**

By individual name, complaint number or system identifier, or by savings and loan association name, district, complaint code, source code, disposition code; or by some combination thereof.

**SAFEGUARDS:**

Maintained in secured offices.

**RETENTION AND DISPOSAL:**

Active Cases: Cut off at end of calendar year in which case is closed. Transfer to FRC 3 years after cut off.

Closed Cases: Cut off at end of 5th calendar year. Destroy 10 years after cut off.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, as above.

**NOTIFICATION PROCEDURE:**

Director, as above.

**RECORD ACCESS PROCEDURES:**

Director, as above.

**CONTESTING RECORD PROCEDURES:**

Director, as above.

**RECORD SOURCE CATEGORIES:**

Inquirer or complainant (or his or her representative, which may include, e.g., a member of Congress or an attorney); savings and loan association officials, employees and members; examiners and central files on savings and loan associations.

**FHLBB—5****SYSTEM NAME:**

Investigation files.

**SYSTEM LOCATION:**

Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees of the Bank Board under investigation and such other persons involved in Bank System and FSLIC operations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Files contain information concerning investigation of alleged irregularities in the operations of the Federal Home Loan Bank Board, the FSLIC, and FHLBs.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 44 U.S.C. 3101.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

1. In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or other issued pursuant thereto, the relevant records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

2. A record from a system of records maintained by this agency may be disclosed as a routine use to a Federal, state, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from a system of records maintained by this agency may be disclosed to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision.

4. Disclosures may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper documents in file folders.

**RETRIEVABILITY:**

Filed by name of person under investigation and by case number.

**SAFEGUARDS:**

Records are maintained in locked file cabinets in secured rooms with access limited to those persons whose duties, as approved by the Director, require access.

**RETENTION AND DISPOSAL:**

Retained in office for 1 year after administrative closing of file. Retained by Record Center for 14 additional years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Internal Evaluation and Compliance, 1700 G Street, NW., Washington, D.C. 20552.

**NOTIFICATION PROCEDURE:**

Inquiries concerning the records shall be made to the system manager.

**RECORD ACCESS PROCEDURE:**

Persons wishing to have access to their records or to have such records changed or updated (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a brief resume or description of the information thought to be included in the record, a statement setting forth the desired access or changes, and the reasons for such changes.

**CONTESTING RECORD PROCEDURES:**

See access procedures.

**RECORD SOURCE CATEGORIES:**

Subject individuals, employees and officers of the Board and the FHLB's, employees and officers of insured S&LA's, and borrowers and other persons having transactions with insured S&LAs.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Pursuant to 5 U.S.C. 552a(k)(2) and (k)(5), all investigatory material in the record which meets the criteria of these sub-sections is exempt from the notice, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and section 505a.12 of the agency regulations in order for the Board's staff to perform its functions properly.

**FHLBB—6****SYSTEM NAME:**

District Bank Officers' Biography File.

**SYSTEM LOCATION:**

Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Federal Home Loan Bank Officers.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Resumes and Appointment Histories, including salary information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 44 U.S.C. 3101.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) To provide general background information on Bank officers for use by the Director, Office of the District Banks and the Board. Information other than salary data is furnished to the public upon request.

(2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in filing cabinets in file folders.

**RETRIEVABILITY:**

Records are filed by name of individual.

**SAFEGUARDS:**

Access to salary data is limited to personnel who have a need to know the information for a job-related purpose.

**RETENTION AND DISPOSAL:**

Permanent. Cut-off upon retirement or separation of individual, and transfer to the Federal Records Center Offer to National Archives 5 years from date of cut-off.

**SYSTEM MANAGER(S) AND ADDRESS:**

Administrative Assistant (Elections), Office of the Federal Home Loan Banks. See "Location" for address.

**NOTIFICATION PROCEDURE:**

Inquiries concerning the records shall be made to the system manager.

**RECORD ACCESS PROCEDURES:**

Persons wishing to have access to the records shall notify the system manager. Salary information is only available to the individual whose record is kept, and a request for such information must include the individual's name, date of birth, social security number, and period of employment. Inquirers wishing to contest records may do so through the system manager.

**CONTESTING RECORD PROCEDURES:**

See "Access Procedures".

**RECORD SOURCE CATEGORIES:**

The individuals whose records are kept, and the Federal Home Loan Banks.

**FHLBB—8****SYSTEM NAME:**

Candidates for Employment

**SYSTEM LOCATION:**

See "System Manager".

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Candidates for employment by the Federal Home Loan Bank Board.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Resumes, letters of referral, transcripts and internal agency memoranda.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 44 U.S.C. 3101.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) These materials are used by agency officials to evaluate qualifications of candidates for employment.

(2) A record from this system of records may be disclosed as a "Routine Use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

(3) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders. An index card summarizing each application is also prepared and filed.

**RETRIEVABILITY:**

Records are filed by name of candidate.

**SAFEGUARDS:**

Access is limited to supervisors and Personnel Management Office employees whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.



**RETENTION AND DISPOSAL:**

Transfer application to Official Personnel Folder for candidates selected and destroy index card. Destroy files for other candidates after position has been filled.

**SYSTEM MANAGER(S) AND ADDRESS:**

The business address of each System Manager listed below, unless otherwise indicated is:

Federal Home Loan Bank Board  
1700 G Street, NW.  
Washington, D.C. 20552.  
Deputy Director  
Office of the District Banks  
General Counsel, Office of the General Counsel  
Chief, Personnel Operations Branch  
Personnel Management Office.  
Assistant District Director—Personnel Development  
Office of Examinations and Supervision  
Federal Home Loan Bank Board  
260 Peachtree Street, NW.  
Atlanta, Georgia 30303.

**NOTIFICATION PROCEDURE:**

Inquiries concerning records shall be made by notifying the appropriate system manager. Such notification must include name, date of birth, social security number, and name of record system.

**RECORD ACCESS PROCEDURES:**

Persons desiring access to their records or to have such records changed (including modification, addition, and deletion) shall notify the appropriate system manager, furnishing him the information required under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

**CONTESTING RECORD PROCEDURES:**

See "Access Procedures".

**RECORD SOURCE CATEGORIES:**

Individuals whose records are kept, individuals recommending an applicant, agency personnel office. Office of Personnel Management, college placement officers.

**FHLBB—10****SYSTEM NAME:**

Depositors/Account Holders in Defaulted Associations

**SYSTEM LOCATION:**

See "System Manager".

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Every individual with an account in a defaulted association.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information pertaining to the account of an individual, including the type of account, account balance, rate of return and interest earned, insurance payment, and other information relating to savings accounts.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

402, 405 of the National Housing Act.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information contained in this record system may be disclosed:

(1) In connection with settlement of insurance claims against defaulted institutions insured by the Federal Savings and Loan Insurance Corporation, to representatives of the Corporation (including a private contractor assisting in insurance settlement activities by providing needed data processing or other services);

(2) For credit checks (consistent with the Fair Credit Reporting Act) by individuals, firms, or agencies wishing to verify an individual's financial standing;

(3) In the event that a system of records maintained by the Federal Savings and Loan Insurance Corporation to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, Local or Foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; and

(4) To Federal, State and Local authorities, if necessary for assessment, computation, and collection of Federal, State, and Local taxes in accordance with established procedures.

(5) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in lockable containers and on magnetic tape or

other retrieval devices for use in computer systems.

**RETRIEVABILITY:**

Records are filed by a combination of name and account number.

**SAFEGUARDS:**

Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

**RETENTION AND DISPOSAL:**

Retain in office 10 years after payment of last claimed account, then destroy.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director  
Federal Savings and Loan Insurance Corporation  
Federal Home Loan Bank Board  
1700 G Street, NW.  
Washington, D.C. 20552  
Receivership  
Economy Savings & Loan  
2650 W. 51st St.  
Chicago, Ill. 60632

**NOTIFICATION PROCEDURE:**

Inquiries concerning records shall be made to the applicable system manager, furnishing name of the individual, name of institution where account was held, account number, and the name of the record system.

**RECORD ACCESS PROCEDURES:**

Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the appropriate system manager. Such notification shall include the information required under "Notification", plus a statement setting forth the desired access or changes and the reasons for such changes.

**CONTESTING RECORD PROCEDURES:**

See "Access Procedures".

**FHLBB—12****SYSTEM NAME:**

Payroll/Personnel.

**SYSTEM LOCATION:**

Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All current employees and all former employees whose employment terminated within the current calendar year.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information pertaining to (1) employee status, grade, salary, pay plan, hours worked, hours of leave taken and earned, hourly rate, gross pay, taxes, deductions, net pay, location, and payroll history; and (2) employee residence, office, social security number, and address.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 44 U.S.C. 3101.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Information contained in these records is available for intra-Agency use in determining current employment status of employees, history of Payroll/Personnel actions, bi-weekly gross pay, taxes, deductions, and net pay, total wages paid to date and deductions paid. (2) In the event that a system of records maintained by the Board to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, Local or Foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) A record from this system may be disclosed as a routine use to other Federal agencies and the Office of Personnel Management if necessary for or incident to the payment of salaries and expenses incident to employment at the Federal Home Loan Bank Board or other Federal employment, or the vesting, computation, and payment of retirement or disability benefits. (4) A record from this system may be disclosed to Federal, State, and Local authorities for reasons necessary and incident to the assessment, computation, and collection of Federal, State, and Local taxes, in accordance with established procedures. (5) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in computer banks, on magnetic tape, and in file folders.

**RETRIEVABILITY:**

Records are filed by name or social security number.

**SAFEGUARDS:**

Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

**RETENTION AND DISPOSAL:**

Computer records are retained until the end of the calendar year in which employment is terminated; Magnetic tapes are retained for one additional calendar year. Records in file folders are retained for 6 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Information Systems Division. See "Location" for address.

**NOTIFICATION PROCEDURE:**

Inquiries concerning the records shall be made to the system manager. Inquiries must include name, date of birth, social security number, period of employment, and name of record system.

**RECORD ACCESS PROCEDURES:**

Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

**CONTESTING RECORD PROCEDURES:**

See "Access Procedures".

**RECORD SOURCE CATEGORIES:**

Personnel and financial records maintained by the agency.

**FHLBB-14****SYSTEM NAME:**

Asset Management System.

**SYSTEM LOCATION:**

See "System Manager".

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals having loans with defaulted Associations, employees of such Associations, agents who manage property owned by or under the control

of the Federal Savings and Loan Insurance Corporation, and persons who rent such property.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records of loans including applications, title insurance policies, financial statements, credit checks, income tax returns, notes, deeds of trust, insurance policies, appraisals, loan settlement statements, disclosures under Fair Credit Reporting Act and Regulation Z of the Board of Governors of the Federal Reserve, collection letters, correspondence and memoranda relating to the loan or property in question; records of rentals of FSLIC-owned or managed property, including tenants lists, rental schedules, security deposit information, amounts in arrears, evictions, rental judgments and other related information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 406 of the National Housing Act, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Records maintained in this system are used by Federal Savings and Loan Insurance Corporation personnel and its representatives in connection with management of assets of defaulted Associations and are made available in conformance with the Fair Credit Reporting Act to management agents for the Federal Savings and Loan Insurance Corporation, credit inquirers, and attorneys. (2) In the event that a system of records maintained by the Federal Savings and Loan Insurance Corporation to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use to the appropriate agency, whether Federal, State, Local, or Foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may be disclosed as a routine use to Federal, State, and Local authorities if necessary and incident to the assessment, computation, and collection of Federal, State, and Local taxes in accordance with established procedures, or to the verification of an applicant's need for welfare benefits. (4) Disclosure of information may be made

to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Files are maintained in locked file cabinets, secured rooms, and computer secondary storage (off-line).

**RETRIEVABILITY:**

Records are filed by defaulting institution's account number.

**SAFEGUARDS:**

Access is limited to persons whose duties required such access and who have a need to know the information in a record for a particular job-related purpose.

**RETENTION AND DISPOSAL:**

Records relating to loans are maintained for 10 years after repayment of the loan. Records relating to rental property are retained for 5 years. Records pertaining to sales of real estate are retained for 5 years after cash sale or 10 years after sale of properties financed by the Federal Savings and Loan Insurance Corporation. Magnetic tapes: (a) Receivership, Asset Management, and Property Management tapes are retained for 30 days, then blanked; (b) Bank tapes are retained for 90 days, then blanked; (c) Quarterly and year-to-date tapes are retained for 1 calendar year, then blanked.

**SYSTEM MANAGER(S) AND ADDRESS:**

The business address of each system manager, unless other wise indicated, is: Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552, Director, Information Systems Division, Western Office Manager, Federal Savings and Loan Insurance Corporation Receivership Economy Savings & Loan, 2650 W. 51st St. Chicago, Ill. 60632

**NOTIFICATION PROCEDURE:**

Inquires concerning records shall be made to the appropriate system manager. Notification must include name of individual, name of defaulted Association, and, where appropriate, account of loan number, property rented and period rented, Association where employed, period of employment, and employment capacity.

**RECORD ACCESS PROCEDURES:**

Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

**CONTESTING RECORD PROCEDURES:**

See "Access Procedures".

**RECORD SOURCE CATEGORIES:**

Defaulted Savings and Loan Associations; individuals whose records are maintained; credit bureaus; Federal Savings and Loan Insurance Corporation reports; Internal Revenue Service and other taxing authorities; title insurance companies; county officials, such as recorders; and individuals' employers, banks, and Savings and Loan Associations.

**FHLBB-15**

**SYSTEM NAME:**

Discrimination Complaint System.

**SYSTEM LOCATION:**

Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any current or former agency employee of applicant who files a formal complaint of discrimination based on race, color, religious, sex, national origin, or age.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Formal complaints, Equal Employment Opportunity counselors' reports, investigative files, official proposals for resolution, hearing examiners files, Office of Personnel Management appeal files, civil actions (with attendant documentation).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 44 U.S.C. 3101; E.O. 11246.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.**

(1) Records maintained in this system are used to provide documentation of complaint procedures for both administrative and legal purposes, they are made available to the Equal Employment Opportunity officer and Equal Employment Opportunity staff, the parties involved in the complaint procedure and the Office of Personnel Management.

(2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, Local or Foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(3) A record from this system may be disclosed to other Federal agencies for uses incident to employment of an individual by the Federal Government.

(4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

Records are filed by name of individual.

**SAFEGUARDS:**

Access is limited to personnel who have a need to know the information in the record for a job-related purpose, and may be gained only through the Director of Equal Employment Opportunity or the Equal Employment Opportunity officer.

**RETENTION AND DISPOSAL:**

Destroy 4 years after final adjustment for cases resolved within the agency. Transfer other cases to the Office of Personnel Management. Cases resolved by the Commission of a U.S. Court are controlled by the Commission's records schedule. Duplicate copies: Destroy 1 year after resolution of a case.

**SYSTEM MANAGER(S) AND ADDRESS:**

Equal Employment Opportunity officer. See "Location" for address.

**NOTIFICATION PROCEDURE:**

Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, date of birth, period of employment and office of employment

(including location), and name of record system.

**RECORD ACCESS PROCEDURES:**

Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

**CONTESTING RECORD PROCEDURES:**

See "Access Procedures".

**RECORD SOURCE CATEGORIES:**

Equal Employment Opportunity officer, personnel investigations, the complaint.

**FHLBB—19**

**SYSTEM NAME:**

Employee Relations File.

**SYSTEM LOCATION:**

Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individual employees against whom allegations have been made.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records of supporting materials that document adverse actions, complaints, other actions and appeals.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 44 U.S.C. 3101.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Records maintained in the system are used to review status and history of each action; users are the employee relations specialist and, where appropriate, the Office of Personnel Management.

(2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation of potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(3) A record from this system may also be disclosed as a routine use to other Federal agencies for reasons necessary and incident to employment by the Federal Government.

(4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in locked filing cabinets in file folders.

**RETRIEVABILITY:**

Records are filed by name of individual.

**SAFEGUARDS:**

Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose; access may be gained only through the employee relations officer.

**RETENTION AND DISPOSAL:**

Destroy 4 years after final adjustment for cases resolved within the agency. Transfer other cases to Office of Personnel Management.

**SYSTEM MANAGER(S) AND ADDRESS:**

Employee Relations Officer, Personnel Management Office. See "Location" for address.

**NOTIFICATION PROCEDURE:**

Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, date of birth, office of employment of the person making the inquiry, and name of the record system.

**RECORD ACCESS PROCEDURES:**

Persons within to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", the desired access or changes, and the reasons for such changes.

**CONTESTING RECORD PROCEDURES:**

See "Access Procedures".

**RECORD SOURCE CATEGORIES:**

The individual whose record is maintained, the Personnel Management Office Liaison, the individual's

supervisor, complainants and any officials involved in settlement of the complaint.

**FHLBB—22**

**SYSTEM NAME:**

Training Request, Authorization, Notice of Completion of Training

**SYSTEM LOCATION:**

Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees requesting and completing training.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Employee's name, social security number, date of birth, title, grade, office and division; course dates, course sponsor and address, course location, actual hours in class, on or off duty hours, course title; principal purpose of training, type of training, cost of training, budget source, budget type; signatures of employee supervisor, office director, director of Personnel.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 44 U.S.C. 3101.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

- (1) To notify Personnel Management Office of completion of training;
- (2) To keep a record of all training in the employee's Official Personnel File;
- (3) To authorize payment for training by Procurement Management Branch and Controller's Division;
- (4) User is Personnel Management Office;
- (5) Information from this file is also provided to the Office of Personnel Management for use with the Central Personnel Data File;
- (6) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in file folders in filing cabinets.

**RETRIEVABILITY:**

Records are filed by name of individual.

**SAFEGUARDS:**

Access is limited to personnel whose official duties require such access and who have a need to know information contained in a record for a particular job-related purpose, as determined by the Personnel Management Office prior to permitting review of such records.

**RETENTION AND DISPOSAL:**

Cut-off at end of fiscal year. Destroy 2 years after cut-off.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Career Development Branch, Personnel Management Office. See "Location" for address.

**NOTIFICATION PROCEDURE:**

Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, date of birth, office of employment and name of record system.

**RECORD ACCESS PROCEDURES:**

Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification" plus a statement of the desired access or changes and the reasons for such changes.

**CONTESTING RECORD PROCEDURES:**

See "Access Procedures".

**RECORD SOURCE CATEGORIES:**

The employee whose file is maintained, the employee's supervisor, and the Personnel Management.

By the Federal Home Loan Bank Board.

J. J. Finn,  
Secretary.

[FR Doc. 81-36807 Filed 12-24-81; 8:45 am]

BILLING CODE 6720-01-M

**FEDERAL MARITIME COMMISSION****Agreements Filed**

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10327; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans,

Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 18, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-4006.

Filing party: Thomas D. Clark, Esquire, Deputy Port Attorney, Port of Oakland, P.O. Box 2064, 66 Jack London Square, Oakland, California 94604.

Summary: Agreement No. T-4006, between the Port of Oakland (Port) and Canal Industrial Park (Canal), provides for the nonexclusive preferential assignment by Port to Canal of certain marine terminal facilities situated at Berths 10, 11 and 12 at the Port's Outer Harbor Terminal. As compensation, Canal agrees to pay Port a minimum annual sum of \$322,500 for the first year of the assignment and \$310,000 per year thereafter, payment of which may be offset by dockage, wharfage, wharf demurrage, wharf storage and all other charges which accrue under Port's terminal tariff. Any such tariff charges in excess of \$412,500 for the first year, and \$400,000 per year thereafter, will be shared at the rate of 65 percent (Port) and 35 percent (Canal). Tariff charges arising out of operations and cargo of full container vessels will not be shared, however, they will be applied to the minimum annual compensation and breakpoint sums. The term of the agreement is from the date of Commission approval until September 30, 1983.

Agreement No. 134-42.

Filing party: C. J. Smith, Chairman, Gulf/Mediterranean Ports Conference, Suite 927, Whitney Building, New Orleans, Louisiana 70130.

Summary: Agreement No. 134-42 modifies the basic agreement of the Gulf/Mediterranean Ports Conference to comply with the self-policing requirements of General Order 7.

Agreement No. 5660-34.

Filing party: Jeffrey F. Lawrence, Esquire, Billig, Sher & Jones, P.C., 2033 K Street, N.W., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 5660-34 amends the basic agreement of the Marseilles North Atlantic U.S.A. Freight Conference to change voting procedures with respect to rates on intermodal shipments.

Agreement No. 9836-11.

Filing party: Edward D. Ransom, Esquire, Lillick Mchose & Charles, Two Embarcadero Center, San Francisco, California 94111.

Summary: Agreement No. 9836-11 modifies the Malaysia-Pacific Rate Agreement to extend the Agreement's existing ratemaking authority to include through transportation destined for inland and coastal points throughout the United States and Canada.

Dated: December 22, 1981.

By Order of the Federal Maritime Commission.

Francis C. Hurney,  
Secretary.

[FR Doc. 81-38920 Filed 12-24-81; 8:45 am]

BILLING CODE 6730-01-M

**Trailer Marine Transport Corporation and Remolcadores y Chalanes, S.A.; Cancellation**

Filing party: Mr. William F. Roush, Crowley Maritime Corporation, One Market Plaza, San Francisco, California 94105.

Agreement No. 10406-1.

Summary: Agreement No. 10406-1, between Trailer Marine Transport Corporation and Remolcadores y Chalanes, S.A. provides for the cancellation of the agreement by mutual agreement of the parties.

Dated: December 22, 1981.

By Order of the Federal Maritime Commission.

Francis C. Hurney,  
Secretary.

[FR Doc. 81-38919 Filed 12-24-81; 8:45 am]

BILLING CODE 6730-01-M

**FEDERAL TRADE COMMISSION****Line of Business Reports Program; Confidentiality Procedures—Adoption of Final Procedures as to LB Reports for 1973, 1974-76, 1977, and Future Years**

AGENCY: Federal Trade Commission.

**ACTION:** Adoption of Final Procedures for LB Reports for 1973, 1974-1976, 1977, and Future Years.

**SUMMARY:** On August 27, 1980, the Federal Trade Commission published a notice (45 FR 57230) adopting final confidentiality procedures for 1977 Line of Business (LB) reports, and proposing to adopt the same rules for 1973-1976 LB reports, and for future years.

On December 16, 1980 (45 FR 82718), the Commission adopted a supplemental interim confidentiality procedure applicable to 1973-1976 LB reports which gave the General Counsel and his or her staff and Commissioners and their assistants access to LB information for certain limited purposes.

The Commission hereby adopts the proposed confidentiality procedures, as modified by the December 16 notice and by additional modifications noted below, for all previously filed LB reports (1973-1977) and for any reports to be filed in the future. With one exception, these procedures are effective on publication. Names of companies filing 1973 LB reports, which were confidential under the 1973 LB rules and procedures (39 FR 30970 (1974)), will be treated as confidential under ¶ 2 of the rules below until January 27, 1981.

**ADDRESS:** Although most of these procedures become effective immediately, the Commission will receive comments on them. Comments should be addressed to the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW, Washington, D.C. 20580. Comments will be entered on the public record in Room 130 at the above address during normal business hours.

**FOR FURTHER INFORMATION ABOUT THESE PROCEDURES CONTACT:**

Joanne L. Levine (202-523-3800), Office of General Counsel, Federal Trade Commission, Washington, D.C. 20580. For information about LB reporting requirements, call 202-254-8179.

**SUPPLEMENTARY INFORMATION:** As explained in the Commission's notice of August 27, 1980 (45 FR 57230), after enactment of statutory protection for LB reports in Section 4 of the FTC Improvements Act of 1980, 94 Stat. 374, 375 (1980), the Commission adopted final confidentiality rules and procedures (hereinafter "rules") for 1977 LB reports. Those rules attempted to update, clarify, and improve the interim 1977 LB confidentiality rules (45 FR 18946 (1980)), which in turn were almost identical to confidentiality rules for previous LB reporting years (compare, e.g., 41 FR 28041 (1976)). The notice described how the final 1977 rules differed from the

interim 1977 rules, and explained the reasons for each change. See 45 FR at 57232-33.

In the same notice, the Commission proposed to adopt the final 1977 rules for LB reports filed in previous years (1973-1976) and for future years as well. While all aspects of the rules were open to comment, the Commission particularly invited comment on two issues: whether persons objected generally to retroactive modification of confidentiality rules for the 1973-1976 reporting years, and whether any retroactive modification of the rules for the 1973 reporting year should leave intact the prohibition against disclosing the names of 1973 LB reporting companies. Under the rules for all other years, company names already are public. In addition to publishing the notice, the Commission mailed the proposed rules to all reporting companies.

The Commission received six letters, one of which also incorporated comments previously raised in a motion to quash orders to file 1977 LB reports. The Commission also received two letters commenting on the interim supplemental confidentiality procedure.

Some commenters criticized the manner in which the Commission adopted these confidentiality rules and procedures. Contending that these procedures are substantive in nature, they asserted that, in accordance with 5 U.S.C. 553(d), the procedures' effective date should have been postponed for 30 days after publication. As the Commission has noted twice before, these are not substantive provisions affecting reporting companies' rights or obligations; rather, they govern the Commission's internal procedures. Accordingly, the 30-day waiting period is not required by law. See, e.g., *Reynolds Metals Co. v. Rumsfeld*, 417 F. Supp. 365, 371-72 (E.D. Va. 1976), *aff'd in relevant part*, 564 F.2d 663, 667, 669-70 (4th Cir. 1977), *cert. denied*, 435 U.S. 995 (1978); *Shell Oil Co. v. Department of Energy*, 477 F. Supp. 413, 437 (D. Del. 1979), *aff'd*, 631 F.2d 231 (3rd Cir.), *cert. denied*, 101 S. Ct. 1730 (1981).

Commenters have also suggested that prior to their adoption in final form, the Commission should have republished for comment its proposed 1977 confidentiality procedures after enactment of the Federal Trade Commission Improvements Act of 1980, 94 Stat. 374 (1980). Commenters have not explained why such a republication is necessary. Because Section 4 makes permanent the same protections that were previously provided in riders to the Commission's appropriations (see S. Rep. No. 96-500, 96th Cong., 1st Sess. 12

(1979), reprinted at (1980) *U.S. Code Cong. & Ad. News* 1114), there was no need to reevaluate or republish the rules, which were substantially the same as confidentiality rules based on the earlier appropriations riders (see 45 FR 57230-33).

The fact that only two letters opposed retroactive modification of the confidentiality rules for past years to create a uniform set of procedures for all reporting years indicates that this is not a major concern for most reporting companies. Because all modifications must be consistent with the requirement of Section 4 of the FTC Improvements Act that individual company data may not be disclosed outside the Commission and may not be used for law enforcement purposes, retroactive modifications will not diminish the substantial protections afforded to reporting companies' confidential data. Moreover, as the Commission has explained (45 FR 57232-33), most changes adopted here either are clarifications rather than substantive revisions, or are designed to augment existing protective measures.

Because these rules govern internal Commission procedures, the Commission should be able to modify them when experience proves that a new procedure is necessary or an old one impracticable. Moreover, changes in the rules may be necessitated by changes in the Commission's organization (for example, rules for years prior to 1977 still refer to Commission offices that no longer exist). A uniform set of rules simplifies administration within the Commission and eliminates a source of confusion to reporting companies and other persons outside the Commission. Accordingly, the Commission has determined to adopt, with the further changes described below, the rules proposed on August 27, 1980 (45 FR 57230), for all past, present, and future reporting years. Except for good cause in particular instances, the Commission will endeavor to maintain a uniform set of confidentiality rules for the LB program hereafter.

Included in this determination is a decision to disclose the identities of (but not any data reported by) companies that filed 1973 LB reports. The names of reporting companies for all other years are public, and no company has claimed that it has suffered any harm through such identification. Moreover, no company that filed a 1973 LB report has objected to this rules change, even though some of them had earlier objected to release of names under the Freedom of Information Act, 5 U.S.C.

552. The Commission concludes that disclosing the names of 1973 LB reporting companies will not cause them competitive injury or otherwise deprive them of significant protection promised to them under the LB rules and the FTC Act.

In many respects, this change in the rules simply makes officially available information that has been or may become public. The list of companies that received orders to file 1973 LB reports is public, and the identity of companies that did in fact file 1973 LB reports can largely be deduced from public records (*i.e.*, by subtracting from the total the companies that filed motions to quash orders to file 1973 LB reports and companies the Commission had sued in order to obtain compliance with those orders before the orders were later withdrawn). Also, there is a claim pending that the Commission should be ordered to disclose those names in a pending suit filed under the Freedom of Information Act, *Milliken & Co. v. FTC*,

No. 79-1991 (D.D.C.). Because of the lack of harm to reporting companies and because of the desirability of having a uniform set of rules, the rules being adopted today will apply in every respect to 1973 LB report forms. However, because the Commission considers it inappropriate to disclose the names without advance notice, the identity of 1973 LB reporting companies will be treated as confidential LB Report information under ¶ 2 of the rules below, until January 27, 1981.

The Commission's previous notice describes how the proposed rules differ from the rules for the 1973-1976 reporting years (45 FR 57232-33). The following discusses how the final rules differ from those published in that notice, and responds to comments made on the proposed rules. Paragraphs in the rules have been numbered for convenient reference.

**Definitions.** One letter suggested that a reporting company should have access to any marginal notations written by Commission staff on its report form before such notations may be disclosed to persons other than designated officers and employees of the Commission. This is unnecessary because the rules require that before such disclosures may occur, there must be an appropriate certification that no LB report information is disclosed. This adequately protects the reporting company. Furthermore, these notations may not necessarily have any bearing on the particular company, and may include information to which the company is not entitled (*e.g.*, comments about an LB program employee's work, or privileged deliberative materials).

**Paragraph 4.** One comment objected to use of LB data in economic studies, arguing that LB data could be used only for non-analytic "statistical" compilations. The comment also contended that economic studies containing aggregated data could not be used for law enforcement purposes. These objections lack merit. Paragraph 4 is not new; the Commission's confidentiality rules and public statements have consistently declared that LB data may be used in economic studies, and that aggregated data in those studies may be used in connection with the Commission's law enforcement responsibilities. See 39 FR 30970 (1974); 40 FR 21542 (1975); 41 FR 28041 (1976); 120 Cong. Rec. 24356, 37227 (1974); *Supporting Statement: FTC Form LB, 1974 Survey Version* (July 1, 1974), at 2-3, 5-6. Such uses are not prohibited by Section 4 of the FTC Improvements Act (which limits use of individual company LB data to "statistical" purposes) because "statistics" may include analysis of data, and because Section 4 does not limit the uses to which aggregates may be put. Moreover, the same limitation existed in each of the past appropriations riders, yet Congress has never indicated that the use of LB data to conduct economic studies or use of aggregates in enforcement proceedings would contravene either those riders or Section 4.

**Paragraph 5.** In this and subsequent paragraphs, references to the "Division of Financial Statistics" and to its "Assistant Director" have been changed to the "Line of Business" or "LB" "Program" and to its "Program Manager." This change reflects the restructuring of the Division of Financial Statistics and of the position of Assistant Director for that Division. The LB program and the Quarterly Financial Reports ("QFR") program, which had both been operated within the Division, will be operated as two separate units, each under the direction of its own Program Manager.

This reorganization is intended to simplify administration of the Bureau of Economics. The Division of Financial Statistics has recently had little organizational rule apart from housing the LB and QFR programs, each of which has a separate management, purpose, and location from the other. By dissolving the Division into its two separate components, one level of administration will be removed.

The LB Program Manager will report to the Director of the Bureau of Economics. However, the Director may not have access to individual company LB data; thus, the change in organizational titles does not affect the

prohibitions on access to and use of individual company LB data by the Director. When they were part of the Division of Financial Statistics, members of the QFR staff were "designated" for purpose of Section 4 to have access to individual company LB data. Like the LB program, the QFR program has no law enforcement role, and operates under strict confidentiality procedures (see notice published today and 38 FR 18720, 26162 (1973)). Because staff members' access will continue after the reorganization, it is necessary now expressly to designate staff members of the QFR program as employees authorized to have access to individual company LB data.

Several commenters objected to the provision making "special employees" of the LB program "designated officers and employees" for purposes of access to LB report information, asserting that special employees do not qualify for access under Section 4 of the FTC Improvements Act. As the Commission has already noted, the reference to special employees simply made explicit its existing practice, which had been in effect before the Improvements Act (see 45 FR 57232). While they are assigned to the LB program, special employees are subject to the same restrictions on use and disclosure of data and are subject to the same statutory penalties for unauthorized disclosure as are full-time employees of the LB program. Accordingly, there is no valid legal basis for distinguishing between full-time and special employees.

Significantly, the Bureau of the Census—which operates under a confidentiality statute almost identical to that of the Commission (13 U.S.C. 9)—hires special employees and gives them access to confidential data reported to the Census Bureau. Although a recent statutory amendment specifically authorizes such access (13 U.S.C. 23(c)), the legislative history of this amendment states that it was intended to make clear that the Census Bureau's existing practice of using special employees was lawful. See S. Rep. No. 94-1256, 94th Cong., 2d Sess. 7 (1976) reprinted at (1976) *U.S. Code Cong. & Ad. News* 5463, 5469; H. Conf. Rep. No. 94-1719, 94th Cong., 2d Sess. 14 (1976), reprinted at (1976) *U.S. Code Cong. & Ad. News* 5482. Thus, explicit statutory authority is not necessary in order for special employees to qualify as "employees" for purposes of Section 4. See also H.R. Rep. No. 96-872, 96th Cong., 2d Sess. 3, 8 (1980), reprinted at (1980) *U.S. Code Cong. & Ad. News* 2744, 2750, which shows that Congress and the Justice Department regard a statute limiting access to

investigative documents to "duly authorized officials and employees" of the Justice Department (15 U.S.C. 1313) as unquestionably authorizing special employees of the Justice Department to have access to such documents.

*Paragraphs 5, 12.* Specified persons in the Commission's Office of the Secretary are designated to have access to some LB report information to the extent necessary for official recordkeeping purposes within the Commission. The need for such a provision became clear during the Commission's consideration of requests by some companies that their LB report information not be included in published aggregates. In evaluating these requests, limited information regarding the companies' LB data, as well as information on LB disclosure avoidance procedures, necessarily was included in memoranda to the Commission. Because the current rules did not permit members of the Secretary's Office to have access to LB information, these memoranda could not be stored with other official Commission memoranda, nor could members of the Secretary's Office be present to transcribe minutes of any Commission meetings in which LB data might be discussed. This change corrects that situation. It is contemplated that the example above represents one of the very few situations where such access will be necessary; and where necessary, only limited amounts of LB report information will be involved. The Secretary's office has no enforcement duties, and will be subject to the confidentiality strictures described in the rules. The Office is accustomed to handling and maintaining the confidentiality of sensitive, nonpublic information, and this limited access should not adversely affect the confidentiality of reporting companies' data.

*Paragraphs 8, 13.* Some commenters suggested that persons with access to LB data should be forever barred from participating in regulatory activities afterwards. Such automatic disqualification—which takes no account of the amount of information examined or remembered, nor of its relevance to particular proceedings—is overly broad. In the event that persons who have seen a reporting company's LB data are involved in a law enforcement proceeding relating to that company, the appropriate procedure is case-by-case consideration of whether disqualification or recusal of such persons is necessary, or whether other measures would suffice to ensure compliance with Section 4. The rules already require that, on termination of

their LB assignment, officers and employees must certify that they have not retained any individual company LB data. As an added reminder, the rules will also require them to certify that they understand that LB data ordinarily may not be used or disclosed outside the LB program.

*Paragraph 11.* On December 16, 1980, the Commission adopted an interim procedure for 1973–1976 LB reporting years, which gives the General Counsel's Office and Commissioners and their assistants access to LB reports for purposes of litigation involving the LB program and for administration of the confidentiality rules and procedures (45 FR 82718). For the reasons stated in that notice, the Commission adopts this as a permanent provision for all reporting years. (This is a change from the procedures proposed in August 1980 in that those procedures did not give the Commissioners and their assistants access for these purposes.)

Some comments objected on grounds that access by the General Counsel and Commissioners would be used for law enforcement purposes. Section 4 forbids such use, and there is no basis for assuming that these officers and employees will disregard their statutory obligations. Moreover, it must be stressed that the occasions for which access is permitted, and the amount of LB report information that might be disclosed, are strictly limited; the procedure does not contemplate that these persons will have wholesale access to LB data.

*15(e).* A few comments objected to this exception to the Commission's confidentiality procedures, arguing that it could permit the Commission to subpoena a copy of an LB report that a company has retained in its files. This provision does not reflect a change from rules for past years. Rather, it simply repeats in the "limitations" section language that has appeared elsewhere in the rules and procedures. See 40 FR 21542 (1975); 41 FR 28041 (1976). Furthermore, Congress has been aware that the Commission might, for law enforcement purposes, obtain directly from a reporting company financial information classified by product line, and Congress apparently did not consider that to be inconsistent with the restrictions it imposed on LB reports. See 120 Cong. Rec. 37225, 37227 (1974). This exception is consistent with Section 4 of the Improvements Act, which states that "information for carrying out specific law enforcement responsibilities of the Commission shall be obtained under practices and procedures in effect on the date of the

enactment of the Federal Trade Commission Improvements Act of 1980, or as changed by law." It is not presently the Commission's policy to authorize its staff to use compulsory process to obtain a company's retained file copy of an LB report, as distinguished from authorizing compulsory process to obtain financial information classified by industry category. Cf. *Appeal of FTC Line of Business Report Litigation*; 595 F. 2d 685, 697–701 (D.C. Cir.), cert. denied, 439 U.S. 958 (1978).

Lastly, some comments have suggested that the Commission defer collecting LB data for 1977 until various events have occurred, such as the holding of hearings, issuance of reports from the General Accounting Office, and the like. These comments are irrelevant to the confidentiality rules and procedures. To the extent that they are appropriate at all, they should have been raised in a timely motion to quash orders to file the 1977 LB reports. In any event, the Commission has given careful consideration to the value of the LB program and will continue to do so as the products of research using LB data become available.

## FEDERAL TRADE COMMISSION

### Line of Business Reporting Program

#### *Confidentiality Procedures for the 1973–1977 and Future Reporting Years*

Notice is hereby given that the Federal Trade Commission has approved and adopted certain procedures prescribing the confidential handling and use of reports filed by companies pursuant to an Order to File Special Report under the Line of Business ("LB") Program. The rules and procedures shall apply to reports previously filed for the 1973, 1974, 1975, 1976, and 1977 reporting years, and to reports that may be filed for future years. The Commission intends, to the extent feasible, to maintain a uniform set of confidentiality rules and procedures for all LB reporting years.

#### *Definitions*

For purposes of these procedures, the following definitions apply:

"LB Report" means a report filed by a company pursuant to an Order to File Special Report under the LB Program. For the purposes of these rules, it also includes identifiable individual company data contained in or taken from an LB Report form. It does not include information written on a report form if that information was not obtained from a Reporting Company and



does not disclose nonpublic information about a Reporting Company.

*Confidentiality of LB Reports with Respect to Persons Outside the Commission*

(1) These rules and procedures are authorized by the undesignated final paragraph of Section 6 of the Federal Trade Commission Act, as amended by Pub. L. No. 96-252, 94 Stat. 374, 375 (1980), 15 U.S.C.A. 46 (Sept. 1980 Supp.). That paragraph states:

No officer or employee of the Commission or any Commissioner may publish or disclose information to the public, or to any Federal agency, whereby any line-of-business data furnished by a particular establishment or individual can be identified. No one other than designated sworn officers and employees of the Commission may examine the line-of-business reports from individual firms, and information provided in the line-of-business program administered by the Commission shall be used only for statistical purposes. Information for carrying out specific law enforcement responsibilities of the Commission shall be obtained under practices and procedures in effect on the date of the enactment of the Federal Trade Commission Improvements Act of 1980, or as changed by law.

(2) Under these rules and procedures, the Commission will not disclose LB Reports to any person outside the Commission, including Congress, parties in court proceedings, governmental agencies, and members of the public, except pursuant to a superseding act of Congress; or pursuant to an order of a court, but only after all avenues for judicial relief have been exhausted. In the event that the Commission receives a subpoena for an LB Report, it will promptly notify the Reporting Company.

(3) Under Section 10 of the Federal Trade Commission Act, 15 U.S.C. 50, any officer or employee of the Commission who shall make public any information obtained by the Commission, without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor. Upon conviction, the employee may be punished by a fine not exceeding five thousand dollars (\$5,000) or by imprisonment not exceeding one year, or by fine and imprisonment, in the discretion of the court. The Commission considers unauthorized disclosures of LB Reports to be punishable under 18 U.S.C. 1905. The Commission also considers the stealing, conversion, or unauthorized conveyance of LB Reports to be punishable under 18 U.S.C. 641.

*Confidentiality of LB Reports Within the Commission*

(4) Access to and use of LB Reports within the Commission shall be restricted, and persons authorized to

have access to and use of LB Reports shall not release any LB Report, or in any way provide access to them, to anyone not authorized to have access. LB Reports may be used for aggregated statistical and other economic reports authorized by the Commission. The latter reports may be utilized in connection with any Commission investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission. However, they shall not be compiled in such a way that LB data furnished by a particular Reporting Company can be identified. LB Reports shall not be made available to any person within the Commission for use in connection with any Commission investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission. However, this restriction shall not limit the authority of the Commission to require by subpoena or other compulsory process the production of any information or data from any source outside the Commission for use in connection with an investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission.

(5) Access to and use of LB Reports within the Commission shall be restricted to the following offices and divisions: (a) the Line of Business Program, Bureau of Economics; (b) the Quarterly Financial Reports Program, Bureau of Economics, whose staff members will be considered LB Program employees for purposes of these rules in connection with their access to LB Reports; (c) the Data Processing and Information Systems Division of the Office of the Executive Director, under the conditions described below. Sworn officers and employees of these units (including special employees of the LB Program) are designated to have access for purposes of Section 6 of the FTC Act. Additionally, the General Counsel and his or her staff, Commissioners and their assistants, and the Secretary of the Commission and his or her staff may have access to LB Reports under the conditions described below. The Commission members, officers, and employees described above also are designated officers and employees for purposes of Section 6 of the FTC Act.

(6) The LB Program plans, develops and prepares for public dissemination statistical and economic reports, such as the Annual Line of Business Report and staff working papers. The Program's employees shall have access to and use of LB Reports for planning, developing and preparing such statistical and economic reports. Procedures sufficient to assure that LB data furnished by a

particular Reporting Company cannot be identified shall be developed and implemented by the LB Program in connection with each statistical or other economic report to be disseminated which is derived from LB data.

(7) With respect to each such report, the Program Manager of the LB Program shall certify to the Director, Bureau of Economics, that he or she has reviewed and approved the procedures applied thereto. Also, if marginal notations that are not defined as "LB Reports" are to be disclosed to persons other than sworn designated officers and employees of the Commission, the Program Manager shall first certify that no LB Report information is disclosed.

(8) Employees of the LB Program shall not participate in any Commission investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission. Any employee who transfers into or out of the Division shall be formally notified in writing that he or she is subject to these rules, to Section 10 of the FTC Act, and to 18 U.S.C. 641 and 1905. No employee (including a special employee) shall be assigned to or remain in this Program unless he or she certifies that, during such assignment and after its termination for any reason, he or she will abide by the limitations in these rules and amendments to them; will not use or disclose LB Reports except in conformity with these rules; and that after any such assignment's termination he or she will not retain possession of any documents or materials which contain data furnished by a Reporting Company that have not been or may not be disclosed pursuant to these rules. Upon leaving the Program each employee shall certify that he or she does not possess any such documents or materials, and understands that LB Report information may not be used or disclosed outside the LB Program, except as authorized by these rules.

(9) The Director of the Bureau of Economics shall not have access to LB Reports. He or she shall, however, have supervisory responsibility and authority with respect to the LB Program. Such responsibility and authority shall include approving any reports prepared by the Program, making recommendations with respect to the preparation of such reports, and exercising any other supervisory control not requiring access to individual LB Reports.

(10) The Data Processing and Information Systems Division may have access to LB Reports, but only during and for the purpose of electronic processing of information and data

contained in LB Reports. The Division may employ the services of an outside computer facility for purposes of computer processing of LB data, subject to the restriction that no one other than designated sworn employees of the Federal Trade Commission may examine the LB Reports from individual Reporting Companies. Any such outside computer facility shall sign an agreement assuring that the facility and its employees abide by this restriction and other applicable restrictions in these rules and the FTC Act.

(11) Upon notification to the General Counsel by the LB Program Manager that a Reporting Company has failed adequately to comply with an order to File Special Report under the LB Program, the General Counsel and his or her staff and the Commissioners and their assistants may have access to parts of that company's LB Report which are required to evaluate the noncompliance and to advise and represent the Commission with respect to, and to make decisions concerning, any proceeding initiated because of a refusal or failure of the reporting company to file an adequate LB Report. Also, the General Counsel and his or her staff and the Commissioners and their assistants may have access to LB Reports in connection with matters directly related to pending or anticipated litigation concerning the LB Program, and to administration of these rules and procedures. Such access shall not be inconsistent with these confidentiality rules and procedures or with Section 6 of the FTC Act.

(12) For official recordkeeping purposes, the following persons in the Office of the Secretary may have access to documents containing, or to Commission meetings discussing, nonpublic information derived from or relating to LB Reports: the Secretary, Deputy Secretary, Attorney-Advisor to the Secretary, Chief of the Records Division, and their assistants; and employees of the Minutes Branch of the Records Division. Their access will be limited to that required for official recordkeeping purposes related to the LB Program, including attendance at and transcription of Commission meetings, preparation of Commission minutes, and filing of Commission records.

Documents which contain information from an LB Report shall be kept, when not in use, in a locked drawer, cabinet, or safe. However, memoranda, minutes, transcripts, and other such records from which LB Report information has first been deleted may be stored and used without being subject to restrictions applicable to LB Reports.

(13) Any Commission member, officer, or employee who has access to an LB Report shall first be required to certify that, during the assignment and after its termination for any reason, he or she will abide by the limitations in these rules and amendments to them; will not use or disclose LB Reports except in conformity with these rules; and that after termination of the assignment requiring access to LB Reports, he or she will not retain possession of any documents or materials that contain data furnished by a Reporting Company that have not been or may not be disclosed pursuant to these rules. At the end of the assignment the employee shall then certify that he or she does not possess any such documents or materials, and understands that LB Report information may not be used or disclosed outside the LB Program, except as authorized by these rules.

#### *Security of LB Reports*

(14) All Commission members, officers, and employees authorized to have access to and use of LB Reports shall, while in possession of any such material, be personally responsible for ensuring that unauthorized personnel do not obtain access to such material, and for observing the following procedures:

(a) All LB Reports and reproductions of LB data from individual Reporting Companies (such as tabulations, punch cards, tapes or printouts, etc.) shall be conspicuously marked "confidential" or marked with words conveying a similar meaning.

(b) The offices containing LB Reports and reproductions of LB data from individual Reporting Companies shall be locked except during periods of occupancy.

(c) All LB Reports and reproductions of LB data from individual Reporting Companies shall be stored in locked drawers, files, or cabinets except when being used.

(d) All LB Reports and reproductions of LB data from individual Reporting Companies shall be returned to the LB Program immediately after any authorized use of such material is no longer required, except for information in official Commission records, as described in ¶12.

#### *Limitations*

(15) The rules and procedures set forth above shall not apply to:

(a) Disclosure to a court of an LB Report of a Reporting Company in connection with a proceeding initiated because of a refusal or failure of that company to file an adequate LB Report; however, any such LB Report will either be filed in a manner which protects its

confidentiality (such as filing under seal), or the Reporting Company will be given an opportunity to seek such protection from the court;

(b) The identity of a Reporting Company;

(c) Information furnished by a Reporting Company in a document other than an LB Report (e.g., a motion to quash or other motion challenging an Order to File Special Report under the LB Program); such information shall be treated as confidential or publicly accessible pursuant to §§ 4.9, 4.10, and 4.11 of the Commission's procedures and rules of practice, depending on the nature of the document and the information it contains. Pursuant to § 4.10(e) of the Commission's rules, information in such documents should be marked or otherwise identified as confidential in order to receive confidential treatment.

(d) Information or data which are supplied to the Commission in response to a compulsory process order other than an Order to File Special Report under the LB Program, or which the Commission has obtained through means other than an Order to File Special Report under the LB Program. Such information shall be disclosed or treated as confidential in accordance with other laws, including Sections 6(f) and 21 of the FTC Act, as amended by 94 Stat. 374, 385-388, 15 U.S.C.A. 46(f), 57b-2.

(e) The authority of the Commission to require by subpoena or other compulsory process the production of any information or data from any source outside the Commission for use in connection with an investigation or proceeding for carrying out specific law enforcement responsibilities of the Commission.

By direction of the Commission, dated November 27, 1981.

Carol M. Thomas,

Secretary.

[FR Doc. 81-36879 Filed 12-24-81; 8:45 am]

BILLING CODE 6750-01-M

### **Quarterly Financial Reports Program; Confidentiality Procedures**

**AGENCY:** Federal Trade Commission.

**ACTION:** Technical modifications of confidentiality procedures for quarterly financial reports to reflect organizational changes.

**SUMMARY:** Confidentiality procedures for the Commission's Quarterly Financial Reports Program have been modified slightly to reflect organizational changes in the

Commission's Bureau of Economics and Office of the Executive Director.

**ADDRESS:** Although these provisions will be immediately effective, the Commission will receive comments and may take whatever action it deems appropriate in light of the comments.<sup>1</sup> Any comments should be addressed to the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, D.C. 20580. Comments will be entered on the public record in Room 130 at the above address during normal business hours.

**FOR FURTHER INFORMATION ABOUT THESE PROCEDURES CONTACT:** Joanne L. Levine, Office of the General Counsel, Federal Trade Commission, (202) 523-3800. For information about the Quarterly Financial Reports Program, contact Paul Zarrett, Program Manager, (202) 376-3152.

**SUPPLEMENTARY INFORMATION:** The modified confidentiality procedures for the Quarterly Financial Reports ("QFR") Program replace those published at 38 FR 18720, 26162 (1973). The modifications are not substantive in nature, and reflect the following changes in the Commission's organization:

1. Data processing for the QFR Program is now performed by the Data Processing and Information Systems Division in the Office of the Executive Director instead of by the Division of Management.
2. The Statistical Reports Unit of the Bureau of Economics has been abolished. The reports and studies using aggregated QFR data which had been prepared by that unit are now prepared by staff of the QFR Program.
3. The Division of Financial Statistics within the Bureau of Economics, and the position of Assistant Director of the Bureau of Financial Statistics, are being restructured. The QFR Program and Line of Business ("LB") Program, which both had been operated within the Division, will be operated as two separate units, each under the direction of its own Program Manager. The Program Manager will report directly to the Director of the Bureau of Economics, who shall not have access to individual company QFR data. Apart from substituting the "QFR Program" and its "Program Manager" for the "Division of

Financial Statistics" and its "Assistant Director," respectively, there is no change in the strictures on access to and use of the individual company QFR data. It should be noted that staff members of the LB Program will continue to have access to QFR data for statistical purposes. When the LB Program was part of the Division of Financial Statistics, its staff had access to QFR data, and the change in organization is not intended to eliminate that access. Like the QFR Program, the LB Program has no law enforcement role, and operates under strict confidentiality procedures (see separate notice published today and 41 FR 28041 (1976)).

This reorganization is being undertaken to simplify administration of the Bureau of Economics. The Division of Financial Statistics recently has had little organizational role apart from housing the LB and QFR Programs, each of which has a separate management, purpose, and location from the other. By dissolving the Division into its two principal components, one level of administration has been removed.

The rules also specify that staff of the General Counsel's Office and the Commissioners and their assistants may have access to QFR data in connection with legal actions arising from failure of a reporting company to file an adequate, timely report. Although the QFR rules had previously provided that use in such proceedings was an exception to the confidentiality strictures, they had not explicitly identified who could have access under those circumstances. This clarification corrects that omission.

**Procedures for the Use of Confidential Individual Company Data Collected Under the FTC'S Quarterly Financial Reports Program**

Data collected under the Quarterly Financial Reports Program are gathered for the purpose of preparing statistical compilations, consistent with the confidentiality strictures contained herein. Under no conditions, except as noted in the footnotes below, are the individual company reports to be inspected or otherwise used for "taxation, regulation or investigation" or in any Commission adjudication or in connection with any investigation for the purpose of initiating adjudicative proceedings.<sup>2</sup> While the Commission intends to utilize tabulations of Quarterly Financial Reports ("QFR") data in FTC merger statistical reports,

the FTC series on aggregate concentrations, and such other statistical and economic reports as are authorized by the Commission, no individual company data contained in the individual QFR schedules will be revealed in these reports of aggregated data prepared by the FTC. However, these FTC aggregated reports may be utilized in connection with any Commission adjudication or any investigation for the purpose of initiating adjudicative proceedings.

The names of companies, financial data and all other information which are obtained from respondent companies in connection with the Federal Trade Commission's Quarterly Financial Reports Program are confidential, as pledged in the Commission's Resolution of June 23, 1973, requiring Quarterly Financial Statistics and Related Information from Corporations (published at 38 FR 18720 (1973)). Persons authorized to have access to this information may not release, discuss or in any way provide access to such information to anyone not authorized to have access. Further, all such QFR data are considered to be exempt from the disclosure provisions of the Freedom of Information Act. Penalties under Section 10 of the Federal Trade Commission Act provide for fines up to five thousand dollars (\$5,000), or imprisonment not exceeding one year for unauthorized release of such information.

**Authorized access and use.** Access to and use of individual company data within the FTC is restricted to members of the Quarterly Financial Reports Program, which has no involvement in any investigative or regulatory functions of the Federal Trade Commission, and to members of the Line of Business Program.<sup>3</sup> For the purposes of these confidentiality rules and procedures, the latter will also be considered to be members of the QFR Program, and their access to individual company QFR data shall be governed by these rules. Access by members of the Data Processing and Information Systems Division within the Office of the Executive Director ("Data Processing Division") is authorized only during and for the purpose of electronic processing of such data. Access to these data by other government agencies may be granted by specific approval of the Commission, with the understanding that the same confidentiality strictures

<sup>1</sup> Because these confidentiality procedures are not substantive in nature, the 30-day waiting period specified in 5 U.S.C. 553(d) does not apply. See, e.g., *Reynolds Metal Co. v. Rumsfeld*, 417 F. Supp. 365, 371-72 (E.D. Va. 1976), *aff'd in relevant part*, 564 F.2d 663, 667, 669-70 (4th Cir. 1977), *cert. denied*, 435 U.S. 995 (1978); *Shell Oil Co. v. Department of Energy*, 477 F. Supp. 413, 437 (D. Del. 1979), *aff'd*, 631 F.2d 231 (3d Cir. 1981), *cert. denied*, 101 S. Ct. 1730 (1981).

<sup>2</sup> Individual company submissions may be used in legal actions arising from the refusal of a respondent company to file a timely and acceptable QFR Form.

<sup>3</sup> Access to individual company submissions may also be granted to attorneys in the Office of the General Counsel, the Commissioners and their attorney advisors, and their respective support personnel, but only for the purposes described in n. 1.

apply with respect to the individual company data. Any agency which is granted access will be responsible for disclosure analysis consistent with these guidelines.

The Quarterly Financial Reports Program is a statistics-gathering unit which prepares for publication the aggregated Quarterly Financial Report, which presents selected balance sheet and income statement data aggregates for industrial corporations, classified by industry groups and by asset size classes. All mailing of reporting forms and correspondence relating to individual QFR companies (except for correspondence involving legal action for failure to submit reports) will be under the supervision of the Program Manager of the Quarterly Financial Reports Program. The Program is responsible for reviewing, editing and coding all individual company reports and for requesting such tabulations and listings of individual company data from the Data Processing Division as needed to prepare the Quarterly Financial Report. The QFR Program is responsible for the selection and maintenance of the QFR sample panel, in accordance with accepted scientific sampling methodology and federal statistical standards. It requests such other tabulations as may be needed to ensure the statistical reliability and consistency of the QFR published data series. It prepares preliminary estimates and such other special tabulations relating to QFR data as may be requested by the Department of Commerce and the Federal Reserve Board, or as may be directed by the Office of Management and Budget. The Program also is responsible for the preparation of FTC merger statistical reports, the annual FTC statistics on aggregate concentration, and other statistical and economic reports authorized by the Commission.

The QFR Program Manager is responsible for the development and implementation of disclosure analysis procedures applied to all QFR data. He or she shall certify to the Director of the Bureau of Economics that he or she has reviewed and approved all disclosure analysis procedures used in the QFR publication tables and all other tabulations involving QFR source data and that such procedures are adequate to protect against direct or residual disclosure that could result from such tabulations of QFR data.

The Director of the Bureau of Economics will not have access to the individual QFR schedules nor the derived data listings for individual companies utilized by the QFR Program.

He or she shall, however, have supervisory responsibility and authority with respect to the QFR Program. Such responsibility and authority shall include approving any reports prepared by the Program, making recommendations with respect to the preparation of such reports, and exercising any other supervisory control not requiring access to the individual QFR data.

Because, except as noted above (nn. 1 & 2, *supra*), individual company data reported on the QFR schedule may not be used for, or in the course of, any law enforcement action or law enforcement investigation, persons not on the staff of the QFR Program, unless from another governmental agency under conditions described above, shall be denied access to individual company information in the QFR files or data records. Personnel from the QFR Program shall not engage in any activity of the Commission which involves regulation or investigation, nor prepare any reports utilizing QFR data for such purposes while assigned to that Program. Any employee who transfers into or out of the Program will be formally notified in writing that he or she is subject to section 10 of the Federal Trade Commission Act, the above-cited Commission Resolution, and these Rules, which prohibit disclosure, discussion, or release of these data to any unauthorized person.

*Security of individual company QFR data.* All individual company QFR schedules and data records at the Federal Trade Commission must at all times be under the security and supervision of the staff of the QFR Program except during electronic data processing, when the Director of the Data Processing Division shall be responsible for their security, and except when the Commission has approved their use by another government agency under conditions described above.

All rooms containing individual company QFR data will be locked except when occupied. The individual company data will be stored in secured drawers, files, etc., except when being used.

The Director of the Data Processing Division shall be responsible for the security of the original QFR schedules and all derived punched cards and computer records being processed. All punched cards, tapes, printouts, and containers for same, will be conspicuously marked "confidential." The Director of the Data Processing Division will be responsible for the security of data in his or her possession and will personally approve all storage

locations and security procedures, subject to concurrence of the QFR Program Manager. He or she will not permit any special tabulations or listings of QFR data except those specifically approved by the Director of the Bureau of Economics, and for which disclosure analysis procedures have been reviewed and concurred in by the QFR Program Manager for consistency with existing QFR disclosure analysis procedures. Except for magnetic storage media used in processing, all cards, tapes, and printouts containing individual company QFR data will be sent to the QFR Program for secure storage, along with the original QFR schedules.

All persons having use or possession of individual company data will be personally responsible for securing the confidentiality of those data and for following the rules set forth above. Any violation of these rules, either through neglect or otherwise, will result in prosecution to the full extent of the law or any other legal action decided on by the Chairman of the Commission.

By direction of the Commission, dated November 27, 1981.

Carol M. Thomas,  
Secretary.

[FR Doc. 81-36880 Filed 12-24-81; 8:45 am]  
BILLING CODE 6750-01-M

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Public Health Service

#### National Institute for Occupational Safety and Health; Oil and Gas Well Drilling; Request for Information

**AGENCY:** National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control, Public Health Service, HHS.

**ACTION:** Notice of request for information.

**SUMMARY:** NIOSH is requesting information concerning occupational safety hazard exposures and procedures for the protection of workers within establishments primarily engaged in drilling wells for oil and gas field operations for others on a contract, fee, or similar basis (SIC 1381). Also included are casing operations. Excluded are salvage and offshore drilling operations.

The information being requested will be used by NIOSH to develop comprehensive safety recommendations.

**DATE:** Comments concerning this notice should be submitted by February 28, 1981.

**ADDRESS:** Comments should be submitted in writing to Mr. Murray L. Cohen, Chief, Standards and Consultation Branch, Division of Safety Research, S-109, NIOSH, 944 Chestnut Ridge Rd., Morgantown, WV 26505.

**FOR FURTHER INFORMATION CONTACT:** Mr. Peter M. Bochnak, Criteria Manager, or Mr. Ted Pettit, Project Officer, Standards and Consultation Branch, Division of Safety Research, NIOSH, (304) 599-7574 or FTS 923-7574.

**SUPPLEMENTARY INFORMATION:** Under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651, et seq.), NIOSH conducts research and experimental programs to develop recommendations for new and improved occupational safety procedures. NIOSH is currently collecting information and data pertaining to oil and gas well drilling. Interested persons are invited to submit information, suggestions, and comments they believe to be relevant to the development of comprehensive safety recommendations. At this time NIOSH is particularly interested in obtaining information in the following areas:

(1) What are the major safety and health problems in oil and gas well drilling? What statistical data has been collected on accident causal factors, including near-misses, related to the problems? Identify sources and availability of data.

(2) Are there case studies and investigation reports available on accidents, injuries, and near-misses? Appropriate copies without personal identifiers would be useful.

(3) What employee work tasks account for the majority of the accidents, injuries, and near-misses? What are considered to be the most hazardous work tasks?

(4) What procedures have been developed as countermeasures to these problems and have proved to be effective? Please describe in full detail.

(5) What has been accomplished, or is being planned, in equipment design and engineering controls to alleviate these problems?

(6) What training and motivation methods have been developed to increase employee awareness of the problems and appropriate countermeasures?

(7) Information addressing the following safety program management questions would be most useful: (a) Is there a documented safety policy? (b) Who is responsible for implementing the safety program? (c) What are the various elements of the safety program? (d) How is the safety program evaluated? (e) How are safety problems identified? (f) Who is responsible for

correcting safety problems? (g) Are there successful program elements, i.e., safety problem identified, program element developed and implemented, and the results?

(8) What other safety and health research projects are being conducted in these areas? Identify sponsoring and/or conducting organizations.

(9) Of all the present applicable standards (consensus, regulatory, etc.), which ones are the most difficult to understand and implement? Be specific by identifying the standard and source. Briefly describe the problems involved.

(10) What is the estimated total worker population for well drilling (drilling activity only)?

(11) What information is available on the number of blowout and hydrogen sulfide incidents that are occurring and the associated injury and death statistics?

All information received in response to this notice, except that designated as trade secret and protected by section 15 of the Occupational Safety and Health Act, will be available for public examination and copying at the above address.

Dated: December 18, 1981.

J. Donald Millar, M.D.,  
Director, National Institute for Occupational Safety and Health.

[FR Doc. 81-36890 Filed 12-24-81; 8:45 am]  
BILLING CODE 4160-19-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### Arizona; Safford District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Safford District Grazing Advisory Board will be held on Friday, January 29, 1982.

The meeting will begin at 9:00 a.m. in the conference room of the Bureau of Land Management, 425 East 4th Street, Safford, Arizona 85546-2092.

The Agenda for the Meeting will include:

1. Election of chairman and vice-chairman;
2. Proposed rulemaking amending the existing grazing regulations;
3. Supplemental and maintenance feeding policy in Arizona;
4. Business from the floor.

The meeting will be open to the public. Interested persons may make oral statements to the Board between 9:30 a.m. and 10:30 a.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 Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 E. 4th Street, Safford, Arizona 85546-2029, by 4:15 p.m., January 28, 1982.

At the conclusion of that session, the board members will depart via BLM-provided vehicles for the Bryce allotment #4608 for an inspection of resource conditions. Members of the public may accompany the tour but must provide their own transportation. It is expected the board members will return to the Safford District Office at approximately 4:00 p.m.

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 thirty (30) days following the meeting.

Dated: December 18, 1981.

Lester K. Rosenkrance,  
District Manager.

[FR Doc. 81-36890 Filed 12-24-81; 8:45 am]  
BILLING CODE 4310-84-M

[UT-910-43108-84]

### Utah; Uinta-Southwestern Utah Regional Coal Team Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** Pursuant to Federal Coal Management regulations (43 CFR Part 3400) the Regional Coal Team (RTC) for the Uinta-Southwestern Utah Region will meet at 9:00 a.m. on January 26, 1982. This is the initial meeting of the RCT concerning the second round of leasing in the Uinta-Southwestern Utah Coal Region. The team will meet to consider organization for the second round, review expressions of leasing interest, preliminary feasible leasing target and procedures for delineating coal tracts. Written comments on the above subjects or other items of interest are invited. Comments should be submitted to the Regional Coal Team Chairman at the address listed below. Comments must be received by January 22, 1982.

**DATE:** The Regional Coal Team meeting will meet January 26, 1982 at 9:00 a.m.

**ADDRESS:** The meeting will be held in the Salt Palace, Room 220, 100 South West Temple, Salt Lake City, Utah.

**FOR FURTHER INFORMATION CONTACT:** Edward F. Spang, Regional Coal Team Chairman, Federal Building, P.O. Box 12000, 300 Booth Street, Reno, Nevada 89520.

Dated: December 18, 1981.

Roland G. Robinson, Jr.,  
State Director.

[FR Doc. 81-36897 Filed 12-24-81; 8:45 am]

BILLING CODE 4310-84-M

### Arizona; Conveyance of Public Land

Notice is hereby given that pursuant to section 203 of the Act of October 21, 1976 (90 Stat. 2743; 43 U.S.C. 1713), the State of Arizona, Division of Emergency Services, has purchased by noncompetitive sale public land in Mariocopa County, Arizona, described as:

Gila and Salt River Meridian, Arizona,

T. 1 S., R. 2 W.,

Sec. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
Containing 30 acres.

The purpose of this notice is to inform the public and interested State and local government officials of the issuance of the patent to the above-named entity.

December 17, 1981.

Mario L. Lopez,

Chief, Branch of Lands and Minerals  
Operations.

[FR Doc. 81-36889 Filed 12-24-81; 8:45 am]

BILLING CODE 4310-84-M

### Off-Road Vehicle Designation Decision

**Decision:** Notice is hereby given relating to the use of off-road vehicles on public land in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340. The following described lands under the administration of the Bureau of Land Management are designated as open, limited, or closed to off-road motorized vehicle use pursuant to the provisions of 43 CFR 8342.1.

This decision affects approximately 3,351,740 acres of public lands in the Lakeview District, Bureau of Land Management in Klamath, Lake and Harney Counties, Oregon. These designations are a result of land use decisions made in the 1980 Lakeview District Management Framework Plans for the Lost River, Warner Lakes and High Desert Resource Areas, and the off road vehicle implementation plans and environmental assessments dated December 1981 for the three respective Resource Areas. Comments received from a public meeting, meetings with ORV user groups, and written responses influenced the designation decisions. This designation order supercedes off-road vehicle designations made prior to the issuance of the 1981 Warner Lakes, Lost River and High Desert ORV Implementation Plans and

Environmental Assessments. These designations are published as final effective today. Under 43 CFR 4.21 an appeal may be filed within 30 days with the Interior Board of Land Appeals.

A. Open Designation—Areas which are designated as open comprise approximately 3,254,520 acres.

B. Limited Designation—Areas which are designated as limited comprise approximately 86,445 acres. This designation affords protection for resource values where access on existing routes is non-impairing or when resource damage potential exists only at certain times or under certain conditions.

The following identifies the type of restriction on motorized vehicle travel, the specific area/areas where the restriction occurs, the affected acreage, and a brief rationale for each affected area.

1. Travel limited to existing roads and trails.

a. Lost Forest Research Natural Area (8,960 acres)—to protect natural values.

b. Picture Rock Pass (approximately 300 acres)—to protect archeological values.

c. Lake Abert Archeologic Zone (12,000 acres)—to protect archeological values.

d. Alkali Lake Sand Dunes (6,500 acres)—to protect natural values.

2. Temporary Closure.

a. Buck Creek (approximately 200 yards of spur road)—to protect resource values until road can be re-engineered and constructed.

3. Seasonal Closures.

a. Ft. Rock/Silver Lake Deer Winter Range (34,000 acres)—closed from Dec. 1 through March 31 to protect wintering deer.

b. Klamath Deer Winter Range (7,985 acres)—closed from Nov. 1 through April 15, to protect wintering deer.

c. Cox Creek Wildlife Closure (3,000 acres)—closed during hunting season to prevent harassment of deer by vehicles.

C. Closed Designation—Areas closed to vehicles total 10,775 acres. This designation prohibits vehicle use except for emergency or certain administrative purposes and affords full protection to the resource from vehicle related damage.

Closed areas are:

a. Black Hills (1,740 acres)—to protect resource values, threatened plant species.

b. Fossil Lake (6,560 acres)—to protect resource values (fossils).

c. Crane Mountain (1,090 acres)—to protect resource values, rare plants.

d. Lower Klamath Hills (1,385 acres)—to protect resource values, wildlife.

The Off-Road Vehicle Implementation Plans and Environmental Assessments describing more fully the need for the designations and their impact as well as detailed maps describing their locations are available from the office listed below.

Address: For further information about these designations, contact the following Bureau of Land Management Office: District Manager, Lakeview District Office, P.O. Box 151, Lakeview, Oregon 97630, (503) 947-2177.

Richard A. Gerity,

District Manager.

December 17, 1981.

[FR Doc. 81-36897 Filed 12-24-81; 8:45 am]

BILLING CODE 4310-84-M

### Prineville District Grazing Advisory Board; Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Prineville District Grazing Advisory Board will be held January 28, 1982.

The meeting will begin at 1:30 PM in the conference room of the Bureau of Land Management office at 185 East 4th Street, P.O. Box 550, Prineville, Oregon 97754.

The agenda will include: (1) Expanded role of District Grazing Advisory Board, (2) Discussion of proposed rangeland management policies, including assignment of project maintenance responsibilities and criteria for characterizing allotments.

The meeting is open to the public. Anyone wishing to make oral or written statements to the board is requested to do so through the office of the District Manager, at the above named address, at least two days prior to the meeting date.

Summary minutes of the board meeting will be maintained in the District Office and be made available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

December 17, 1981.

James L. Hancock,

Assistant District Manager.

[FR Doc. 81-36892 Filed 12-24-81; 8:45 am]

BILLING CODE 4310-84-M

### Wyoming and Montana; Availability of Final Environmental Impact Statement

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, notice is hereby given that

the Bureau of Land Management (B&M), Department of the Interior, has prepared a final environmental impact statement (EIS) on 19 coal tracts located in Montana and Wyoming.

In addition, in accordance with 43 CFR 3420.6-2, BLM is issuing a call for submission to the BLM of written surface owner consents given by qualified surface owners that would permit mining of Federal coal on the identified tracts where the Federal coal is overlain by privately owned surface. Qualified surface owners also have the opportunity to submit written refusals to consent. The legal descriptions of all the tracts considered for regional lease sale in the final EIS are provided in Appendix A of this notice.

**DATES:** The dates for filing valid surface owner consent agreements, or evidence thereof, are contained in the Supplementary Information section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Chuck Wilkie, Team Leader, Powder River Regional Coal EIS, Casper, Wyoming at the address given below.

**ADDRESSES:** Single copies of the final EIS may be obtained from and are available for inspection at the following addresses:

Wyoming State Office, Bureau of Land Management, 2515 Warren Avenue, Cheyenne, Wyoming 82001

Casper District Office, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601

Montana State Office, Bureau of Land Management, 222 N. 32nd Street, Billings, Montana 59107

Miles City District Office, Bureau of Land Management, West of Miles City, P.O. Box 940, Miles City, Montana 59301

Office of Public Affairs, Bureau of Land Management, 18th and C Streets NW., Washington, D.C. 20240

**SUPPLEMENTARY INFORMATION:** The final EIS analyzes the cumulative regional environmental impacts of four leasing level alternatives including the no action alternative, leasing fourteen tracts at the 1.5 billion ton level with the Spring Draw tract included, leasing at the 1.5 billion ton level with the Kintz Creek and Keeline tracts included, and leasing at the maximum level of 2.6 billion tons with the development of all 19 tracts.

In accordance with 43 CFR 3420.6-2 and 3427 of the coal management regulations, the BLM is also requesting that written surface consent agreements, or evidence thereof, given by qualified surface owners for lands within the region be submitted to the appropriate BLM State Office at the addresses given above. Valid written consents for lands

in which the ownership of the surface is held by qualified surface owners and the ownership of the underlying coal is reserved to the Federal Government will be accepted until 30 working days prior to the publication of each lease sale notice for the specific lands involved in accordance with the announced schedule of regional lease sales established by Secretarial decision. It is the responsibility of parties intending to file consents to be aware of pending lease sale notice dates, as set forth in an announced regional lease sale schedule.

Section 714(c) of the Surface Mining Control and Reclamation Act (SMCRA) states that, "The Secretary shall not enter into any lease of Federal coal deposits until the surface owner has given written consent to enter and commence surface mining operations and the Secretary has obtained evidence of such consent."

As defined in the regulations (43 CFR 3400.0-5(pp)), qualified surface owner "means the natural person or persons (or corporation, the majority stock of which is held by a person or persons) who:

- (1) Hold legal or equitable title to the surface of split estate lands;
- (2) Have their principal place of residence on the land, or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface mining operations; or receive directly a significant portion of their income, if any, from such farming and ranching operations; and
- (3) Have met the conditions of paragraphs (1) and (2) of this subsection for a period of at least 3 years, except for persons who gave written consent less than 3 years after they met the requirements of both paragraphs (1) and (2) of this section. In computing the three year period the authorized officer shall include periods during which title was owned by a relative of such person by blood or marriage if, during such periods, the relative would have met the requirements of this amendment."

Valid written consent is defined in the regulations (43 CFR 3400.0-5(zz)) as "the document or documents that a qualified surface owner has signed that: (1) Permit a coal operator to enter and commence surface mining of coal; (2) described any financial or other consideration given or promised in return for the permission, including in-kind considerations; (3) describe any consideration given in terms of type or method of operation or reclamation for the area; (4) contain any supplemental or related contracts between the surface owner and any other person who is a party to the permission; and (5) contain a full and accurate description of the area covered by the permission."

As required by 43 CFR 3427.2(e), it is the Bureau's responsibility to review all

consents received. The Bureau will verify that the named surface owner is a qualified surface owner as defined in the regulations and that the title for split estate lands described in the filing is held by the named qualified surface owner(s). In addition, to be considered valid, consents entered into after the August 4, 1977, enactment of the Surface Mining Control and Reclamation Act must be transferable to whomever makes the successful bid in a lease sale for the tract that includes the lands to which the consent applies. A written consent shall be considered transferable only if, at a minimum, it allows that after the lease sale for the tract to which the consent applies (i) payment for the consent may be made by the successful bidder or (ii) the successful bidder may reimburse, at the purchase price of the consent, the party that first obtained the consent. If a filing is from anyone other than the named qualified surface owner, the Bureau shall contact the named qualified surface owner, and request confirmation, in writing, that the filed, transferable, written consent, or evidence thereof, to enter and commence surface mining has been granted and that the filing fully discloses all of the items of the written consent.

To facilitate the filing and review of written consents from qualified surface owners, the person submitting the consent is asked to include a statement that the evidence submitted represents a true, accurate, and complete statement of information regarding the consent for the area described. Such a validation statement is required by 43 CFR 3427.3. The statement is to be signed and dated by the person submitting the consent and can be either incorporated directly into the consent document or enclosed as a separate item submitted with the consent document. The statement can be worded as follows: "I (We) hereby declare that the evidence submitted, to the best of my (our) knowledge, represents a true, accurate, and complete statement of information regarding the surface owner consent for the area described." This validation statement does not have to be witnessed or notarized.

A qualified surface owner(s) that has not been contacted by, or requested to enter into any agreement with, a private party and who may wish to give consent to allow permission to enter and commence surface coal mining may prepare, sign, and submit a consent document to the BLM Wyoming or Montana State Offices, as appropriate. The consent document should include the information and requirements specified earlier in this notice in order to

constitute a valid written consent as defined in the coal regulations (43 CFR 3400.0-5(zz)) and must indicate any specific terms the surface owner may request to allow permission to enter and commence surface coal mining. This unilateral consent document must be signed by a private party at least 30 working days prior to the publication of the lease sale notice for the area affected, or the area affected will not be offered for lease sale.

In accordance with 43 CFR 3427.2(a)(2), written statements from qualified surface owners who refuse to consent to coal leasing may be filed with the Wyoming and Montana State Offices, as appropriate, at the addresses given above. Early submission of a refusal to consent, thereby disqualifying the specified lands from further leasing consideration, will deter pressure from persons or parties seeking to enter into a consent agreement and will prevent continued inquiries by the BLM of the status of surface owner consent for the specified lands.

A Secretarial decision for leasing in the Powder River Region is expected in February 1982, after filing of the final EIS. As part of that decision, the Secretary may choose to hold a series of lease sales beginning in April 1982.

Dated: December 11, 1981.

Robert L. Burford,  
Director, Bureau of Land Management.

Approved:

Garey E. Cassuthers,  
Assistant Secretary of the Interior.

#### Appendix A—Legal Description of Federal Coal Tracts

Tracts Included in Preferred Alternative:

##### Maintenance Tracts

Legal Description of Federal Coal in Colstrip A & B Tracts:

T. 1 N., R. 41 E., P.M. Montana,  
Sec. 6, lots 1, 2, 3, 4, S½NE¼,  
N½SE¼NW¼;  
Sec. 8, SE¼;  
Sec. 10, S½SW¼, SW¼SE¼;  
Sec. 18, lots 2, 3, SE¼NW¼, NE¼SW¼,  
SE¼.

T. 2 N., R. 41 E., P.M. Montana,  
Sec. 30, NE¼SE¼, S½SE¼;  
Sec. 32, all.

Legal Description of Federal Coal in Colstrip C Tract:

T. 1 N., R. 40 E., P.M. Montana,  
Sec. 4, lots 1, 2, S½N½, S½;  
Sec. 10, NW¼, NW¼SW¼;  
Sec. 12, lot 3, NW¼SE¼;  
Sec. 14, N½SW¼.

Legal Description of Federal Coal in Colstrip D Tract:

T. 2 N., R. 41 E., P.M. Montana,  
Sec. 14, S½S½, NE¼SE¼;  
Sec. 22, E½;

Sec. 24, all;  
Sec. 26, N½, SE¼, NE¼SE¼, S½SE¼.  
T. 2 N., R. 42 E., P.M. Montana,  
Sec. 30, lots 1, 2, 3, NE¼, E½NW¼,  
NE¼SW¼, N½SE¼.

Legal Description of Federal Coal in Fortin Draw Tract:

T. 50 N., R. 71 W., 6th P.M., Wyoming,  
Sec. 34, SW¼, S½N½.

Legal Description of Federal Coal in Little Rawhide Creek Tract:

T. 51 N., R. 72 W., 6th P.M., Wyoming,  
Sec. 20, All of that part of the SE¼SE¼ lying east of a line 600 feet east of and parallel to the eastern right-of-way boundary of U.S. Highways 14 and 16.  
Sec. 28, All of that part of the SW¼ lying east of a line 600 feet east of and parallel to the eastern right-of-way boundary of U.S. Highways 14 and 16.

All of the part of the NW¼ lying east of a line 600 feet east of and parallel to the eastern right-of-way boundary of U.S. Highways 14 and 16 SE¼.

Sec. 29, All of the part of the E½NE¼ lying east of a line 600 feet east of and parallel to the eastern right-of-way boundary of U.S. Highways 14 and 16.

Legal Description of Federal Coal in North Decker Tract:

T. 8 S., R. 40 E., P.M. Montana,  
Sec. 28, NW¼SW¼, S½S½;  
Sec. 29, S½NW¼, N½SW¼, SE¼SW¼, SE¼;  
Sec. 32, NE¼SW¼;  
Sec. 34, W½W½NE¼, W½.  
T. 9 S., R. 40 E., P.M. Montana,  
Sec. 3, SE¼NE¼, W½SE¼, W½SE¼SE¼, SE¼SE¼SE¼;  
Sec. 4, lot 4, SW¼NW¼;  
Sec. 5, lots 1, 2, S½NE¼, N½SE¼.

Legal Description of Federal Coal in Spring Creek Tract:

T. 8 S., R. 39 E., P.M. Montana,  
Sec. 22, NW¼SE¼;  
Sec. 23, SE¼NW¼;  
Sec. 24, SE¼NW¼, NE¼SE¼;  
Sec. 25, SW¼SW¼.  
T. 8 S., R. 40 E., P.M. Montana,  
Sec. 19, N½ of lot 4, SE¼SW¼, SW¼SE¼;  
Sec. 30, NW¼NE¼, S½NE¼, NE¼SW¼, SE¼;  
Sec. 31, SE¼NE¼.

Legal Description of Federal Coal in West Decker Tract:

T. 9 S., R. 40 E., P.M. Montana,  
Sec. 8, SE¼SW¼.

##### New Mine Development Tracts

Legal Description of Federal Coal in Cook Mountain Tract:

T. 2 S., R. 45 E., P.M. Montana,  
Sec. 29, S½;  
Sec. 30, all;  
Sec. 32, all.  
T. 3 S., R. 45 E., P.M. Montana,  
Sec. 4, W½;  
Sec. 6, NE¼.

Legal Description of Federal Coal in Coal Creek Tract:

T. 3 S., R. 44 E., P.M. Montana,  
Sec. 12, N½NE¼.  
T. 3 S., R., 45 E., P.M. Montana,  
Sec. 6, S½;  
Sec. 8, all.

Legal Description of Federal Coal in NW Otter Creek Tract:

T. 3 S., R. 45 E., P.M. Montana,  
Sec. 30, lots 2, 3, 4, E½SW¼, SE¼.  
T. 4 S., R. 45 E., P.M. Montana,  
Sec. 4, SW¼SW¼;  
Sec. 6, lots 10, 11, 12, 13, 14, 15, 16, 17, N½SE¼;  
Sec. 8, lots 1, 2, 3, 4, 5, 6, 8, E½.

Legal Description of Federal Coal in Timber Creek Tract:

T. 48 N., R. 70 W., 6th P.M., Wyoming,  
Sec. 4, lots 3, 4, S½NW¼, SW¼;  
Sec. 5, lots 3, 4, SE¼NW¼, SW¼;  
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;  
Sec. 8, all;  
Sec. 9, W½W½;  
Sec. 17, all;  
Sec. 18, SE¼;  
Sec. 19, E½;  
Sec. 20, W½, W½E½, E½NE¼.

Legal Description of Federal Coal in Duck Nest Creek Tract:

T. 47 N., R. 71 W., 6th P.M., Wyoming,  
Sec. 5, lot 4, S½NW¼, SW¼;  
Sec. 6, lots 1, 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;  
T. 47 N., R. 72 W., 6th P.M., Wyoming,  
Sec. 1, lot 1, SE¼NE¼, E½SE¼.  
T. 48 N., R. 71 W., 6th P.M., Wyoming,  
Sec. 29, W½;  
Sec. 30, lots 1, 2, 3, 4, E½W½, E½;  
Sec. 31, lots 1, 2, 4, NE¼, E½NW¼, SE¼SW¼;  
Sec. 32, NW¼.

Legal Description of Federal Coal in Keeline Tract:

T. 45 N., R. 70 W., 6th P.M., Wyoming,  
Sec. 31, NE¼;  
Sec. 32, all;  
Sec. 33, NW¼, W½NE¼, SE¼NE¼, S½.  
T. 44 N., R. 70 W., 6th P.M., Wyoming,  
Sec. 4, lots 1, 2, 3, 4, S½N½, S½;  
Sec. 5, lots 1, 2, S½NE¼, SE¼;  
Sec. 8, NE¼, N½SE¼;  
Sec. 9, N½, SW¼, W½SW¼.

Legal Description of Federal Coal in Kintz Creek Tract:

T. 45 N., R. 70 W., 6th P.M., Wyoming,  
Sec. 20, all;  
Sec. 21, all;  
Sec. 22, W½, W½E½;  
Sec. 27, all;  
Sec. 28, E½NE¼;  
Sec. 34, NW¼, NW¼NE¼, S½NE¼, S½;  
Sec. 35, SW¼NW¼, W½SW¼.

##### Tracts included in Other Alternatives in the Powder River EIS

Legal Description of Federal Coal in Ashland (Decker-Birney) Tract:  
T. 3 S., R. 45 E., P.M. Montana,  
Sec. 26, NE¼, NE¼NW¼, S½NW¼, S½;  
Sec. 34, NE¼, NE¼NW¼, S½NW¼, S½.  
T. 4 S., R. 45 E., P.M. Montana,  
Sec. 2, lots 1, 2, 3, 4, S½N½, S½;  
Sec. 4, lots 1, 2, SE¼NE¼.

Legal Description of Federal Coal in Southwest Otter Creek Tract:

T. 4 S., R. 45 E., P.M., Montana,  
Sec. 20, N½NE¼, NE¼NW¼;  
Sec. 22, W½W½, SE¼SW¼;  
Sec. 28, all;



Sec. 34, S $\frac{1}{2}$ SW $\frac{1}{4}$ .  
 T. 5 S., R. 45 E., P.M. Montana,  
 Sec. 4, lots 1, 2, 3, 4, 5, 6, S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
 Sec. 10, S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ .  
 Legal Description of Federal Coal in Spring  
 Draw Tract:  
 T. 52 N., R. 72 W., 6th P.M., Wyoming,  
 Sec. 27, all;  
 Sec. 28, all;  
 Sec. 29, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 31, lots 1, 2, 3, 4, NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
 E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 32, N $\frac{1}{2}$ N $\frac{1}{2}$ ;  
 Sec. 33, NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
 Sec. 34, W $\frac{1}{2}$ W $\frac{1}{2}$ .

Legal Description of Federal Coal in Rocky  
 Butte Tract:  
 T. 49 N., R. 71 W., 6th P.M., Wyoming,  
 Sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
 Sec. 33, S $\frac{1}{2}$ , S $\frac{1}{2}$ N $\frac{1}{2}$ ;  
 Sec. 34, SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
 T. 48 N., R. 71 W., 6th P.M., Wyoming,  
 Sec. 1, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
 Sec. 2, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
 Sec. 3, lots 1, 2, 3, 4, S $\frac{1}{2}$ , N $\frac{1}{2}$ , S $\frac{1}{4}$ ;  
 Sec. 4, lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
 Sec. 5, lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
 E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
 Sec. 8, E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
 Sec. 9, W $\frac{1}{2}$ , NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ .

[FR Doc. 81-36888 Filed 12-24-81; 8:45 am]  
 BILLING CODE 4310-84-M

[OR 5658]

### Oregon; Termination of Classification for Multiple Use Management

#### Correction

In FR Doc. 81-35194, appearing on page 60276, in the issue of Wednesday, December 9, 1981, make the following change:

In paragraph "3." in the second column, change the second word now reading "minimal" to read "mineral".

BILLING CODE 1505-01-M

[INT FEIS-81-54]

### La Sal Pipeline Co.; Shale Oil Pipeline; Availability of Final Environmental Impact Statement

**AGENCY:** Bureau of Land Management (BLM), Interior.

**ACTION:** Notice of Availability of the Final Environmental Impact Statement (FEIS).

**SUMMARY:** Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM has prepared a FEIS on a proposed shale oil pipeline to be constructed and operated as a common carrier by La Sal Pipe Line Company.

**SUPPLEMENTARY INFORMATION:** The BLM has prepared a FEIS on a proposed common-carrier pipeline from the vicinity of Parachute, Colorado to

Casper, Wyoming. The main trunkline would be sixteen inches in diameter. There would be a lateral pipeline from the trunkline to Rangely, Colorado. The purpose of the project would be to transport upgraded shale oil from the Piceance Basin to existing crude oil transportation facilities at Casper and Rangely. The FEIS addresses the comments on the draft EIS. Alternatives analyzed include alternate routes for the main trunkline at river crossings, alternate routes for the Rangely lateral line, and denial of the right-of-way.

**FOR FURTHER INFORMATION CONTACT:** James Dean, Colorado State Office, Bureau of Land Management, 1037 20th Street, Denver, Colorado 80202, (303) 837-6016.

Dated: December 18, 1981.  
 George C. Francis,  
 Bureau of Land Management, Colorado State Director.

[FR Doc. 81-36865 Filed 12-24-81; 8:45 am]  
 BILLING CODE 4310-84-M

### Oregon; Riley Grazing Management Plan; Intent To Prepare Environmental Impact Statement and Conduct Scoping Meeting

The Department of the Interior, Bureau of Land Management, Oregon State Office, will be preparing an Environmental Impact Statement (EIS) on the grazing management program on approximately 1,080,000 acres of public land in the Riley EIS Area of the Burns District in south-central Oregon. Decisionmaking will take place over a several-month period following completion of the final statement.

A public scoping meeting will be held at 7:30 p.m., January 19, 1981, at the Harney County Museum Clubroom, in Burns, Oregon, to identify the significant issues to be discussed in detail in the EIS. At this meeting public comments will also be sought to help develop the preferred land use alternative for the area and various alternatives that could realistically be addressed in the EIS. Possible methods of obtaining public comment on the draft EIS after it is published will be discussed.

The proposed grazing management program will be based on coordinated land use allocations for all resources developed through the Bureau's land use planning system. The objectives of the program are to enhance the vegetative resource, provide quality habitat for wildlife and wild horses, provide a continuous supply of livestock forage, reduce soil erosion and sedimentation damage, improve water quality, improve the recreation and visual resources, and protect archeological and historical sites.

The EIS will discuss alternatives to the proposed grazing management program. A no action alternative will be included in the EIS. Other alternatives being considered for discussion include no livestock grazing and at least one higher and one lower level of livestock grazing than that in the proposal.

The EIS will identify the impacts that can be expected from implementation of either the proposed grazing management program or any of the alternatives discussed. The statement will be an analytical tool used in making final decisions for managing livestock grazing in the Lakeview EIS area.

Information on the time and place of the public meetings may be obtained from:

Josh Warburton, District Manager,  
 Bureau of Land Management, 74 S.  
 Alvord St., Burns, Oregon 97720,  
 Telephone (503) 573-2071

Gerry Fullerton, Statement Leader,  
 Bureau of Land Management (922),  
 P.O. Box 2965, Portland, Oregon 97208,  
 Telephone (503) 231-6955

Dated: December 18, 1981.

Philip C. Hamilton,  
 Chief, Division of Planning and  
 Environmental Coordination, Oregon State  
 Office.

[FR Doc. 81-36894 Filed 12-24-81; 8:45 am]  
 BILLING CODE 4310-84-M

[Bureau Order No. 601, Amdt. 14]

### Oregon; Declaration of Annual Productive Capacity of Jackson and Klamath Master Units

**SUMMARY:** The annual productive capacity for the Jackson and Klamath Master Units Composed of Revested Oregon and California Railroad Grant Lands and the intermingled and adjacent public domain areas in Oregon, declared in Bureau Order No. 601, Amendment No 12, dated May 8, 1980 is amended as follows:

Jackson Master Unit—14,540,000 cubic feet (85,000,000 board feet, Scribner equivalent).

Klamath Master Unit—5,690,000 cubic feet (33,000,000 board feet, Scribner equivalent).

This change is a result of technical revisions in the allowable cut planning process as reported in Amendment No. 1 to the Jackson-Klamath Timber Management Plan Record of Decision, dated December 11, 1981.

The annual productive capacity represents the annual level of harvest which can be sustained in perpetuity without any planned decrease in the future. In addition to the annual

productive capacities, the timber management plan for the combined Jackson-Klamath Master Units specifies the annual harvest of approximately 860,000 cubic feet (5,000,000 board feet, Scribner equivalent) for the next 10 years as part of the cooperative Forestry Intensified Research (FIR) project to determine the number of years needed to re-establish commercial tree species on selected areas not included in the annual productive capacity land base.

The revised timber management plan is described in the Final Jackson-Klamath Timber Management Environmental Statement issued November 28, 1979. This Environmental Statement, together with the record of decision including Amendment No. 1, is available for inspection at the Medford District Office of the Bureau, located at 3040 Biddle Road, in Medford, Oregon, and at the Oregon State Office of the Bureau located at 729 NE Oregon St., Portland, Oregon.

This declaration became effective October 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** Ronald Sadler, BLM, Oregon State Office, 729 NE Oregon St., Portland, Oregon 97232, 503-231-6851.

Dated: December 15, 1981.

William G. Leavell,  
State Director.

[FR Doc. 81-36895 Filed 12-24-81; 8:45 am]  
BILLING CODE 4310-84-M

#### [Bureau Order No. 601, Amdt. 13]

#### Oregon; Declaration of Annual Productive Capacity of Josephine Master Unit

**SUMMARY:** The annual productive capacity of the Josephine Master Unit, composed of Revested Oregon and California Railroad Grant Lands and the intermingled and adjacent public domain areas in Oregon, declared in Bureau Order No. 601, Amendment No. 11, dated September 17, 1979, is amended as follows: the annual productive capacity is 18,500,000 cubic feet (95,000,000 board feet, Scribner equivalent).

This change is a result of technical revisions in the allowable cut planning process as reported in Amendment No. 1 to the Josephine Timber Management Plan Record of Decision dated December 11, 1981.

The annual productive capacity of 18,500,000 cubic feet represents the annual level of harvest which can be sustained in perpetuity without any planned decrease in the future. In addition to the annual productive capacity, the timber management plan

specifies the annual harvest of approximately 1,800,000 cubic feet (9,000,000 board feet, Scribner equivalent) for the next 10 years as part of the cooperative Forestry Intensified Research (FIR) project to determine the number of years needed to re-establish commercial tree species on selected areas not included in the annual productive capacity land base.

The revised timber management plan is described in the Final Josephine Timber Management Plan Environmental Statement issued October 26, 1978. This Environmental Statement, together with the record of decision including Amendment No. 1, is available for inspection at the Medford District Office of the Bureau, located at 3040 Biddle Road, in Medford, Oregon, and at the Oregon State Office of the Bureau located at 729 NE Oregon St., Portland, Oregon.

This declaration became effective October 1, 1981.

**FOR FURTHER INFORMATION CONTACT:** Ronald Sadler, BLM, Oregon State Office, 729 NE Oregon St., Portland, Oregon 97232, 503-231-6851.

Dated: December 16, 1981

William G. Leavell,  
State Director.

[FR Doc. 81-36896 Filed 12-24-81; 8:45 am]  
BILLING CODE 4310-84-M

#### Geological Survey

#### Outer Continental Shelf Oil and Gas Operations; Personnel Safety and Protection in Hydrogen Sulfide-Prone Areas

**AGENCY:** Geological Survey, Interior.

**ACTION:** Notice to propose an amendment to section 5.2, *Personnel Safety and Protection*, of the Hydrogen Sulfide (H<sub>2</sub>S) standard.

**SUMMARY:** The U.S. Geological Survey (USGS) proposes to amend certain requirements of section 5.2, *Personnel Safety and Protection*, of the USGS Outer Continental Shelf (OCS) Standard GSS-OCS-1, "Safety Requirements for Drilling Operations in a Hydrogen Sulfide Environment," First Edition, February 1976, concerning personnel safety and protection in H<sub>2</sub>S-prone areas on the OCS.

Significant questions have been raised as to the necessity of the requirements that personnel undergo an eardrum examination before assignment to H<sub>2</sub>S-prone areas and that personnel with perforated eardrums be prohibited from working in a H<sub>2</sub>S environment. In addition, the USGS also has received data indicating that only pressure-

demand-type respirators should be used in atmospheres immediately dangerous to life or health.

The proposed amendment will remove requirements that are unnecessary, expensive, and burdensome to implement and will require the use of pressure-demand-type respirators that will increase personnel safety. The amendment will result in considerable savings for the lessees.

**DATES:** Written comments and recommendations on the proposal to amend this standard must be received on or before February 26, 1982.

**ADDRESSES:** Comments to: David A. Schuenke, Chief, Branch of Offshore Rules and Procedures, U.S. Geological Survey, 640 National Center, Reston, Virginia 22092.

Public inspection of medical data at: Conservation Manager, Alaska OCS Region, U.S. Geological Survey, 800 A Street, Suite 201, Anchorage, Alaska 99510

Conservation Manager, Atlantic OCS Region, U.S. Geological Survey, 1725 K Street N.W., Suite 204, Washington, D.C. 20006

Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Boulevard, Metairie, Louisiana 70002

Conservation Manager, Pacific OCS Region, U.S. Geological Survey, 1340 West Sixth Street, Los Angeles, California 900017

Deputy Chief, Conservation Division—Offshore Minerals Regulation, U.S. Geological Survey, 640 National Center, 12201 Sunrise Valley Drive, Room 6A113B, Reston, Virginia 22092

**FOR FURTHER INFORMATION CONTACT:** Lloyd M. Tracey, Branch of Offshore Rules and Procedures, Conservation Division, U.S. Geological Survey, 640 National Center, Reston, Virginia 22092, (703) 860-7395; FTS 928-7395.

**SUPPLEMENTARY INFORMATION:** Under Title 30 of the Code of Federal Regulations, §§ 250.10 and 250.11, and in accordance with the USGS Director's Delegation of Authority (45 FR 16570, March 14, 1980), the Deputy Chief, Conservation Division, Offshore Minerals Regulation, proposes to amend section 5.2 of USGS Standard GSS-OCS-1. This standard is incorporated by reference as a requirement in paragraph 8, *Hydrogen Sulfide*, of OCS Order No. 2, applicable to all areas of the OCS. This Order implements 30 CFR 250.41, Control of wells.

#### Background

Section 5.2 of USGS Standard GSS-OCS-1 provides:

**Personnel Safety and Protection.** All personnel shall undergo an eardrum examination before assignment to H<sub>2</sub>S prone areas. Personnel with perforated eardrums shall be prohibited from working in an H<sub>2</sub>S environment.

USGS has received medical data to support the contention that the requirements are medically and scientifically unwarranted, they do not improve the health or safety protection of personnel, they are expensive and burdensome to implement, and they are not necessary. These data are available for public inspection at the locations listed under "ADDRESSES."

When the standard was originally developed, there was a divergence of opinion on the need for these requirements. After considering the available evidence, the USGS adopted these requirements. This decision was based on the opinions of recognized authorities who believed that a person, while using a breathing apparatus in a H<sub>2</sub>S environment, could inhale the toxic gas through a perforated eardrum and the eustachian tube.

Subsection 5.2.5, paragraph (a), does not specify a type of protective breathing apparatus. Now, the USGS has received data which indicate that only pressure-demand-type respirators are adequate protection for personnel working in H<sub>2</sub>S or sulfur dioxide (SO<sub>2</sub>) environments.

This conclusion is based mainly on requirements of the 1980 Edition of the American National Standards Institute (ANSI), Standard Z88.2, and on recommendations of the National Institute for Occupational Safety and Health (NIOSH).

The ANSI Standard Z88.2 indicates that only pressure-demand-type respirators are permitted in "atmospheres immediately dangerous to life or health." NIOSH advises: "For emergency use, or in unknown concentrations or concentrations in excess of 70 mg/in<sup>3</sup> (50 ppm) only a full facepiece positive pressure self contained breathing apparatus is adequate."

As a result of our review of the data recently presented and information contained in our files, the USGS has reconsidered these requirements and proposes to amend section 5.2.

#### Request for Comments

In order to obtain full discussion of the issues, interested parties are requested to submit comments on the proposed amendment. Comments will be accepted through February 26, 1982. Comments should be submitted to David A. Schuenke, Chief, Branch of Offshore

Rules and Procedures, at the address indicated in the preamble of this document under "ADDRESSES."

#### Drafting Information

The primary author of the proposed amendment is Mario Rivero, OCS Orders and Standards Section, Branch of Offshore Rules and Procedures, Conservation Division, U.S. Geological Survey, 640 National Center, Reston, Virginia 22092, (703) 860-7395; FTS 928-7395.

#### Statement of Significance

The Department of the Interior has determined that the proposed amendment to the standard does not constitute a major Federal action significantly affecting the quality of the human environment and, therefore, preparation of an environmental impact statement is not required. The Department has also determined that the issuance of the proposed amendment is not a major rule and does not require a regulatory impact analysis under Executive Order 12291.

The Department of the Interior has determined that this document does not have a significant economic effect on a substantial number of small entities and does not require a small entity flexibility analysis under the Regulatory Flexibility Act.

Dated: October 13, 1981.

**Robert L. Rioux,**  
*Deputy Chief, Conservation Division—  
Offshore Minerals Regulation.*

For the reasons set out in the preamble, section 5.2 of the USGS Standard GSS-OCS-1 is proposed to be amended as follows:

1. In section 5.2, the introductory paragraph is removed.
2. In subsection 5.2.5, paragraph (a) is revised to read as follows:

#### 5.2.5 Personnel Protective Equipment.

(a) All personnel on a drilling facility or aboard marine vessels serving the facility in H<sub>2</sub>S and SO<sub>2</sub> environments shall be equipped with a pressure-demand-type respirator.

Accessory equipment, such as voice-transmission devices and spectacle kits, shall be made available, as needed.

The design, selection, use, and maintenance of the pressure-demand-type respirator used in a H<sub>2</sub>S or SO<sub>2</sub> environment shall conform to—

- (1) Title 29 of the Code of Federal Regulations, Subpart I—Personnel Protective Equipment, § 1910.132, *General requirements*, and § 1910.134, *Respiratory protection*; and

(2) Title 30 of the Code of Federal Regulations, Subpart A—General Provisions, § 11.2-1, *Selection, fit, use, and maintenance of approved respirators*, and Subpart H—Self-Contained Breathing Apparatus, §§ 11.70 through 11.83-19; and

(3) American National Standards Institute (ANSI), Inc., Standard ANSI Z88.2-1980, "Practice for Respiratory Protection."

\* \* \* \* \*

[43 U.S.C. 1334]

[FR Doc. 81-36929 Filed 12-24-81; 8:45 am]

BILLING CODE 4310-31-M

## INTERSTATE COMMERCE COMMISSION

### Commission Press Release Summary

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of proposed procedural change.

**SUMMARY:** In an effort to cut agency costs, the Commission is proposing to restrict press box service and advise-of-all-proceedings participation. A daily Press Release Summary will be available, by subscription, to anyone desiring the service.

**DATES:** Proposed Effective Date: March 1, 1982. Comments: Due January 18, 1982. Comments must be in writing.

**ADDRESS:** Press Release Summary, Room 2215, Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

**FOR FURTHER INFORMATION CONTACT:** Kathleen King, 202-275-0956; Edward Fernandez, 202-275-7591.

**SUPPLEMENTARY INFORMATION:** For many years the ICC has maintained some 240 free private boxes for the Press and ICC constituency based in Washington. A single copy of all ICC decisions and other releases is placed in these boxes each day for pick up on or after the official 12:30 p.m. release time together with an index of the items released. Maintenance of the press boxes costs the Commission in excess of \$590,000 annually.

In an effort to reduce costs and still provide service to local people, as well as people outside of the Washington area, the Commission is proposing to discontinue press box service to all *except* the working press, and replace it with a summary publication (Press Release Summary) of *all* items released each day. The Press Release Summary will categorize releases by decisional body, by type, e.g. certificates, permits

and licenses, restriction removals, name changes, revocation actions, etc. Within this categorization, the docket number, case title, decided date and Commission action taken will be delineated. (See sample page at the end of this notice.) The Press Release Summary will run from 6 to 10 pages each day and will be released at 12:30 p.m., the same time all daily decisions and notices are released from the Secretary's Office.

The Press Release Summary service will be available through the mail on an annual subscription basis for approximately \$160.00. The actual amount charged will be dependent upon the number of subscribers. Consequently, we are asking those who intend to subscribe to send a letter to: Press Release Summary, Room 2215, Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

A sample copy of the summary will be sent on request by calling 800-424-5403 and stating the publication, your name and address.

Subscribers to the summary interested in receiving the full text of a particular item appearing in the summary will be permitted to call a toll free number and a copy will be mailed to them, or they can obtain a copy from the Distribution Staff in Room 2227 of the Commission's Washington office. A copy of the Press Release Summary, together with copies of all decisions, will continue to be made available for review in the Press Room at ICC's Washington headquarters on the day of release.

Discontinuance of the press box service will not affect parties of record who will continue to be served all notices and decisions in a particular case. We are, however, proposing to stop advise-of-all-proceedings mailings except in Abandonment (AB), Ex Parte (EP), Ex Parte Motor (EPM), and Formal Docket (NOR and NOM) proceedings. To be placed on advise-of-all-proceedings status for such cases a letter delineating the party's interest must be sent to the Office of the Secretary.

Decided: December 18, 1981.

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

Agatha L. Mergenovich,  
Secretary.

OFFICE OF THE SECRETARY—DECISIONS AND  
NOTICES RELEASED DEC. 15, 1981—12:30 P.M.

Number, Entire Commission, and Divisions	Title	Decided 1981	Decided by—
MC 135070-182, Jay Lines, Inc.—DFW Airport, TX.	Re: Deny motions of Bowman Transportation, Inc. & Jay Lines, Inc.	11-30	EC.
MC 151270, Batesville Casket Co.—Batesville, IN.	Re: Vacate prior decisions & modify grant of authority to except household goods and bulk commodities.	12-09	EC.
NOR-37373, Western Grain Exchange, Inc. v. Burlington Northern Inc.	Re: Deny Petition of Burlington Northern & Motion to strike of Columbia Grain, Inc. Formerly Western Grain Exchange, Inc.	11-30	EC.
EMBRACED CASES:			
NOR-37374, Montana Merchandising, Inc. v. Burlington Northern Inc.			
NOR-37376, Coast Trading Company, Inc. v. Burlington Northern Inc.			
MC 45721-11, White Bus Company, Inc., East Orange, NJ.	Re: Deny appeals of Trans-Bridge Lines, Inc., Capital Bus Company and Frank Martz Coach Company.	12-09	D1.
MC 110841-23-X, Port Norris Express Co., Inc., Port Norris, NJ.	Re: Deny appeals of ritler Transportation, Inc. and Erickson Transport Corporation and motion of Port Norris Express Co., Inc.	12-08	D1.
MC 150171, Gold Dust Limo Service, Wendover, UT.	Re: Deny appeal of Greyhound Lines, Inc.	12-08	D1.
MC 109490-26, Hedding Truck Service, Inc., Union Center, WI.	Re: Modify prior decision and grant application.	12-11	D2.

[FR Doc. 81-36928 Filed 12-24-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 28691 (Sub-No. 4) and Finance Docket No. 29799]

**Morristown and Erie Railroad Co.;  
Reorganization Plans and Purchase  
Application**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of reorganization plans and acceptance of purchase application.

**SUMMARY:** The Morristown and Erie Railroad Company (M&E) is now in reorganization in a proceeding pending before the District Court for the District of New Jersey. The Court has forwarded to the Commission two plans of Reorganization, and requested that the Commission comment on the merits of each plan. Because one of the two plans is based on the sale and continued rail service of all assets of the M&E, the Commission is also considering a purchase proposal from the proponents of that plan under Section 17(b) of the Milwaukee Railroad Restructuring Act. Therefore the Commission is instituting a consolidated proceeding in which interested parties can submit comments opposing or favoring either reorganization plan and the purchase plan. The Commission has requested the Court to allow it to submit its report on the reorganization and purchase plans on or before March 10, 1982.

**DATES:** (1) Verified statements supporting or opposing the reorganization plans or the purchase application are due on January 15, 1982.

(2) Verified statements from the United States Secretary of Transportation and the Attorney General of the United States are due on February 1, 1982.

(3) Verified replies are due on February 8, 1982.

**ADDRESSES:** An original and 10 copies of all statements should refer to Finance Docket No. 28691 (Sub-No. 4) and Finance Docket No. 29799 and be sent to: Section of Finance, Room 5414, Interstate Commerce Commission, Washington, D.C. 20423.

Copies of any statement should also be sent to:

(1) Representative for Mandelbaum and Mandelbaum: Ravin & Kesselhaut, 80 Main Street, West Orange, NJ 07052.

(2) Representative for the Friedland Group: Pitney, Hardin, Kipp, Szuch, 163 Madison Avenue, Morristown, NJ 07960.

(3) Representative for the trustee: Crummy, Del Deo, Dolan & Purcell, Attorneys for the Trustee, Gateway I, Newark, NJ 07102.

(4) Clerk, United States District Court for the District of New Jersey<sup>1</sup>, Newark, NJ 07102.

**FOR FURTHER INFORMATION CONTACT:**  
Ernest B. Abbott: (202) 275-3002.

**SUPPLEMENTARY INFORMATION:** (1) *Reorganization Plans.* The Morristown and Erie Railroad Company (M&E) conducts operations over a line which extends approximately 16 miles from Morristown, NJ to Great Notch, NJ. The M&E has been in reorganization under Section 77 of the Bankruptcy Act since January 9, 1978. The District Court for the District of New Jersey has forwarded to the Commission for evaluation under Section 77 of the former Bankruptcy Act two plans of reorganization for the M&E.

The first plan, submitted by the firm of Mandelbaum and Mandelbaum, provides for the reorganization of the M&E as a rail carrier, cancellation of its existing shares, and transfer of all shares in the reorganized railroad to Mandelbaum interests in consideration of \$175,000 cash. Under the plan certain classes of creditors will receive cash; remaining classes of creditors will receive a new series of non-interest-bearing notes totaling \$1,308,000 payable over ten years.

Under the second plan, submitted by the Trustee and the Friedland Group<sup>2</sup> for a newly formed corporation, the Morristown and Erie Railway, Inc. (MER), MER would purchase the principal assets of the M&E for the sum of \$500,000.00 cash. M&E would then be liquidated.

(2) *Purchase Application.* On December 10, 1981, the Friedland group also submitted an application under Section 17(b) of the Milwaukee Railroad Restructuring Act for acquisition of assets of the M&E by MER.<sup>3</sup> The application is complete under the Commission's regulations at 49 CFR 1111.20-.25 governing the contents of an application in a minor transaction and the Commission is hereby accepting the application.

(3) *Procedures.* Regulations governing this proceeding are located at 49 CFR

1111.25 and 49 CFR Part 1100. Persons wishing to file verified statements concerning the reorganization plans or the proposed purchase can obtain copies of the plans and purchase application from the respective representatives listed above. All plans are also available for public inspection at the Commission.

*It is ordered:*

1. The application is accepted for consideration;
2. Parties shall comply with the procedural requirements stated above;
3. This decision shall be effective on December 22, 1981.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-36874 Filed 12-24-81; 8:45 am]  
BILLING CODE 7035-01-M

[No. 38692]

#### Shippers Committee OT-5; Review of OT-5 Agreements

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of denial of petition for rulemaking.

**SUMMARY:** The Commission has denied a request for a rulemaking (1) to review the practices of rail carriers with respect to privately owned or leased covered hopper cars, and (2) either (a) to eliminate rail regulation of privately owned covered hopper cars, except with respect to mechanical and safety qualifications, or (b) to require a "sharing formula" covering the placement of carrier and private cars during a period of car surplus. This notice will not be printed in its entirety, but copies of the full decision may be obtained from the address listed below.

Copies: The complete notice is available upon request by called 800-424-5403 or by writing to: The Office of the Secretary, Interstate Commerce Commission, 12th & Constitution Avenue, N.W., Washington, DC 20423.

Dated: December 17, 1981.

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

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 81-36930 Filed 12-24-81; 8:45 am]  
BILLING CODE 7035-01-M

#### Motor Carrier Permanent Authority Replications 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 an appropriate petition for leave to intervene, setting forth the precise manner in which petitioner has been prejudiced, must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleadings shall comply with 49 CFR 1100.247 addressing specifically the issue(s) indicated as the purpose for republication.<sup>4</sup> Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

Agatha L. Mergenovich,  
Secretary.

MC 156793 (Republication) filed June 25, 1981, published in the Federal Register of July 16, 1981, and republished this issue: Applicant: EAST COAST CARTAGE, INC., 10 Otis Street, Westboro, MA 01581. Representative: Harold R. Rudnick (same address as applicant). A decision of the Commission, *Review Board 3*, decided November 18, 1981, and served December 7, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a common carrier, by motor vehicle, transporting such commodities as are dealt in by grocery and food business houses, between points in Maine, New Hampshire, Connecticut, Vermont, Rhode Island, Massachusetts, New York, Pennsylvania, New Jersey, Delaware, Maryland, Ohio, Virginia, West Virginia, South Carolina, North Carolina, Georgia, and Florida; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U. S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

[FR Doc. 81-36875 Filed 12-24-81; 8:45 am]  
BILLING CODE 7035-01-M

#### Motor Carrier; 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 an appropriate petition for leave to

<sup>1</sup> Statements filed with the Court should refer to docket number B 77-3078.

<sup>2</sup> Benjamin J. Friedland, Edward J. Wikzynski, and Wesley R. Weis.

<sup>3</sup> Under the Mandelbaum plan, no separate Commission approval is required for the purchase of all stock in the reorganized M&E, provided the purchasers, prior to the transaction, are not carriers and do not control carriers within the meaning of the Revised Interstate Commerce Act. See 49 U.S.C. 11343.

intervene, must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleadings shall comply with 49 CFR 1100.247 addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 was published in the Federal Register of July 3, 1980, at 45 FR 45539.

By the Commission, Review Board Number 1, Members Parker, Chandler, and Fortier.  
**Agatha L. Mergenovich,**  
*Secretary.*

MC 153583 (republication) filed June 28, 1981, published in the Federal Register of July 22, 1981, and republished this issue: Applicant: S&F TRUCKING, INC., R.R. 1, Box 79, Joseph, OR 97846. Representative: Rex L. Smith (same address as applicant). A decision of the Commission, *Review Board 1*, decided October 1, 1981, and served October 15, 1981, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common carrier*, by motor vehicle, transporting (1) *iron and steel articles*, between Portland, OR, on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, and Wyoming, and (2) *lumber and wood products*, between points in Wallowa County, OR, on the one hand, and, on the other, points in the States named in (1) above; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. The purpose of this republication is to broaden the scope of authority.

[FR Doc. 81-36876 Filed 12-24-81; 8:45 am]  
 BILLING CODE 7035-01-M

#### Motor Carrier Temporary Authority Application; Important Notice

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon

which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

**Note.**—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

#### Motor Carriers of Property

##### Notice No. F-176

The following applications were filed in region I: Send protests to: Interstate Commerce Commission, Regional Authority Center; 150 Causeway Street, Room 501, Boston, MA 02114.

MC 133858 (Sub-11-TA), filed December 10, 1981. Applicant: THE COTTER GARAGE CORPORATION, 86 Granby Street, Bloomfield, CT 06002. Representative: James T. Graham, One Constitution Plaza, 18th Floor, Hartford, CT 06103. *Contract carrier*: irregular routes: *Passengers with their baggage and newspapers in eight-passenger vehicles* from Hartford, East Hartford and Farmington, CT to New York City, NY and return, under continuing contract(s) with United Technologies Corp., Hartford, CT and Aetna Life and Casualty Co., Hartford, CT. Supporting shipper(s): United Technologies Corp., United Technologies Bldg., Hartford, CT 06101; Aetna Life and Casualty Co., 151 Farmington Avenue, Hartford, CT 06156.

MC 133290 (Sub-11 TA), filed December 8, 1981. Applicant: WARRINGTON TRUCKING CO., INC., New Freedom Road, Berlin, NJ 08009. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046. (1) *General commodities (except classes A & B explosives)* between Camden County, NJ, on the one hand, and, on the other, points in FL; (2) *Building materials and products* between Camden and Cumberland Counties, NJ, on the one hand, and, on the other, points in CT, DC, DE, MD, NY, OH, PA

and VA; and (3) *Materials, equipment and supplies used in the manufacture and distribution of the commodities names in (2) above*, between Camden and Cumberland Counties, NJ, on the one hand, and, on the other, points in CT, DC, DE, MD, NY, OH, PA and VA. Supporting shipper: Formigli Corporation, P.O. Box F, Berlin, NJ 08009.

MC 159575 (Sub-1-1TA), filed December 7, 1981. Applicant: N.R.F. DISTRIBUTORS, INC., P.O. Box 2467, Old Belgrade Road, Augusta, ME 04330. Representative: Paul J. Lachance, Narrows Pond Road, Winthrop, ME 04364. *Contract carrier*: irregular routes: *Paper articles, food containers, packing partitions and trays* from points in ME to points in PA, MD, DC, VA, WV, NC, SC, TN and GA, under continuing contract(s) with Keyes Fibre of Waterville, ME. Supporting shipper: Keyes Fibre, College Avenue, Waterville, ME 04901.

MC 149156 (Sub-1-1TA), filed December 9, 1981. Applicant: JOSEPH H. HALEY, d.b.a. HALEY'S COMET TRUCKING, 1966 Main Street, East Hartford, CT 06108. Representative: Joseph H. Haley (same as applicant). *Aircraft parts* between Bloomfield and Stratford, CT, on the one hand, and on the other, Pottstown, PA. Supporting shipper: Kaman Corporation, Blue Hills Avenue, Bloomfield, CT 06002.

MC 73444 (Sub-1-1TA), filed December 14, 1981. Applicant: F. L. CASTINE, INC., 1235 Chestnut Street, Athol, MA 01331. Representative: Donald R. Castine (same as applicant). *Contract carrier*: irregular route: *Tools, hand saws, vises and other products manufactured by L. S. Starrett Company* between Athol, MA and points in the U.S., under continuing contract(s) with L. S. Starrett Co., Athol, MA. Supporting shipper: L. S. Starrett Co., 121 Crescent Street, Athol, MA.

MC 98937 (Sub-1-1TA), filed December 15, 1981. Applicant: WILBRAHAM TRUCKING CORPORATION, 70 Windsor Street, West Springfield, MA 01090. Representative: Phillip E. King Sr., 321 Stonyhill Road, Wilbraham, MA 01095. *General commodities, (except hazardous waste, class A and B explosives)* between points in CT, MA, RI, and Bennington and Windham Counties, VT. Supporting shipper(s): There are six statements in support attached to this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 2060 (Sub-1-4TA), filed December 11, 1981. Applicant: PINE HILL-

KINGSTON BUS CORP., d.b.a. PINE HILL TRAILWAYS, 18 Pine Grove Avenue, P.O. Box 1758, Kingston, NY 12401. Representative: Lawrence E. Lindeman, 425 13th Street NW., Suite 1032, Washington, D.C. 20004. *Common carrier*: regular routes: *Passengers and their baggage, and express and newspapers in the same vehicle with passengers*, between Kingston, NY, and New York, NY as follows: from Kingston via Interstate Hwy 87 to jct NY Hwy 17 [also from Kingston via NY Hwy 32 to New Paltz, then via NY Hwy 299 to jct Interstate Hwy 87], then via NY Hwy 17 to jct NJ Highway 17, then via NJ Hwy 17 to NJ Hwy 3, then via NJ Hwy 3 to Interstate Hwy 495 (also from jct Interstate Hwy 87 and NY Hwy 17 via Interstate Hwy 87 to the Garden State Parkway, then via the Garden State Parkway to Interstate Hwy 80, then via Interstate Hwy 80 to Interstate Hwy 95, then via Interstate Hwy 95 to Interstate Hwy 495), then via Interstate Hwy 495 and the Lincoln Tunnel to New York, NY, and return over the same route, serving intermediate points in NJ and those in NY between Kingston and New Paltz, including New Paltz; restricted against the transportation of passengers and express whose entire journey begins at New York, NY, and ends at any point in NJ, or vice versa. Supporting shipper(s): Peter J Savago, Inc., 101 Main Street, New Paltz, NY 12561; Jane L. Crikson, R. D. #2, Box 40B, Accord, NY 12404; New Paltz Travel Center, 127 Main Street, New Paltz, NY 12561; Student Association, Inc., Rm. 428 Sub, New Paltz, NY 12561.

MC 99535 (Sub-1-1TA), filed December 7, 1981. Applicant: STEVEN FREIGHT SERVICE CO., INC., 16 Sturtevant Street, Somerville, MA 02145. Representative: Robert L. Cope, Suite 501, 1730 M Street, NW., Washington, DC 20036. *Contract carrier*: irregular route: *Health and beauty aids, Drugs and Medicines, Toilet Preparations, Buffing and cleaning compounds, and Raw materials* used in the manufacture and production thereof; between those points in the U.S. east of and including WI, IL, KY, TN and north of and including TN and SC, under continuing contract with American Cyanamid Company, Wayne, NJ. Supporting shipper: American Cyanamid Company, 1 Cyanamid Plaza, Wayne, NJ 07470.

MC 157842 (Sub-1-2TA), filed December 10, 1981. Applicant: WEBBER PETROLEUM COMPANY, 93 Kensington Street, Portland, ME 04101. Representative: Robert E Sutcliffe, Esq., Rudman & Winchell, 84 Harlow Street, P.O. Box 1401, Bangor, ME 04401. *Contract carrier*: irregular routes:

*Petroleum & Petroleum Products (Fuel Oil #5 and #6) in bulk, in tank vehicles* between points in ME and NH under continuing contract(s) with Belcher New England, Inc., Revere, MA. Supporting shipper: Belcher New England, Inc., 222 Lee Burbank Hwy, Revere, MA 02151.

MC 159608 (Sub-1-1TA), filed December 8, 1981. Applicant: MAXICUBE TRANSPORT SYSTEMS, INC., 1128 W. Browning Road, Bellmawr, NJ 08031. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *General commodities, except classes A and B explosives*, between points in the U.S. Supporting shipper(s): There are seven statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.

MC 159659 (Sub-1-1TA), filed December 11, 1981. Applicant: J WAY STERILE SERVICE, INC., 639 Ramsey Avenue, Hillside, NJ 07205. Representative: A. David Millner, 7 Becker Farm Road, P.O. Box Y, Roselund, NJ 07068. *Contract carrier*: irregular routes: *General commodities (except household goods, commodities in bulk, hazardous waste, and classes A and B explosives)*, between points in the U.S., under contract(s) with Mars Manufacturing Co. of Asheville, NC, and Isomedix, Inc. of Whippany, NJ. Supporting shipper(s): Mars Manufacturing, P.O. Box 6874, Asheville, NC 28816; Isomedix, Inc., 80 South Jefferson Road, Whippany, NJ 07981.

MC 155236 (Sub-1-3TA), filed December 11, 1981. Applicant: POTTLE'S TRANSPORTATION, INC., Odlin Road, Bangor, ME 04401. Representative: Clifton E. Pottle, P.O. Box 164, Carnel, ME 04419. *Foodstuffs and related products, malt beverages, wines, and liquors; tires, and automotive products*, between points in MA, NH, RI and VT, on the one hand, and, on the other, points in the U.S. Supporting shipper(s): Allen's Blueberry Freezer, Inc., 248 Main Street, Ellsworth, ME 04605; Paul's Distributors, Inc., 323 Turnpike Street, Rt. 138, Canton, MA 02021; Stratham Tire, Inc., 17 Portsmouth Avenue, Stratham, NH; McLaughlin & Morin, Inc., P.O. Box 6088, Providence, RI 02940; New England Wheel & Rim, Inc., 290 N. Beacon Street, Boston, MA.

MC 155266 (Sub-1-2TA), filed December 11, 1981. Applicant: JOHN J. VETERI LEASING CORP., 265 B, Suite 3B, Route 46 West, Totowa, NJ 07512. Representative: John J. Veteri, P.O. Box 624, West Paterson, NJ 07424. *Steel coils*, between Fairless Hills and Malvern, PA, Sparrows Point, MD, and Tonawanda, NY, on the one hand, and, on the other, Baraboo, WI, Chicago, IL, Eldora, IA,

Manchester, NH, McKeesport, PA, Pawtucket, RI, Reidville, NC and Tyngsboro, MA, and points in their commercial zones, and points in CT, MI, NJ and NY. Supporting shipper: Coleco Industries, Inc., 10 Park Street, Amsterdam, NY 12010.

MC 146312 (Sub-1-1TA), filed December 10, 1981. Applicant: HIGHLAND TRANSPORT CO. LTD., 14th Avenue, Markham, Ontario, CD L3P 3J8. Representative: William J. Hirsch P. C., 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. *Contract carrier*: irregular routes: *Cement admixture, in bulk, in tank vehicle* from Carlstadt, NJ to ports of entry between the US and CD, located on the Niagara River, under continuing contract(s) with The Master Builders Co. Ltd., Ontario, CD. Supporting shipper: The Master Builders Company, Limited, 79 Kincort Street, Toronto, Ontario, CD MM6, 3E4.

MC 159517 (Sub-1-1TA), filed December 14, 1981. Applicant: YELLOW CAB CO. OF GREATER BUFFALO, INC., 4430 Bailey Avenue, Buffalo, NY 14226. Representative: Anthony L. Dutton, 1800 One M & T Plaza, Buffalo, NY 14203. *Contract carrier*: irregular routes: *Passengers* between all points in NY and PA, under continuing contract with the Veterans Administration Medical Center, Buffalo, NY. Supporting shipper: Veterans Administration Medical Center, 3495 Bailey Avenue, Buffalo, NY 14215.

MC 144969 (Sub-1-4TA), filed December 14, 1981. Applicant: WHEATON CARTAGE CO., Industrial Park & Tufts Road, Pennsville, NJ 08070. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. (1) *Food and related products, and (2) Materials, equipment, and supplies used in the sale and distribution of the commodities named in (1) above*, between the facilities used or utilized by Haddon House Food Products, Inc., at points in the Philadelphia, PA Commercial Zone, on the one hand, and, on the other, points in the U.S. Supporting shipper: Haddon House Food Products, Inc., Old Marlton Pike, Medford, NJ 08055.

MC 134806 (Sub-1-21TA), filed December 9, 1981. Applicant: B-D-R TRANSPORT, INC., P.O. Box 1277, Vernon Drive, Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814. *Contract Carrier*: Irregular routes: *Electrical parts and equipment, cable clamps and non-hazardous greases*, from Orange, CT to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY under continuing contract(s) with Burndy Corporation,

Orange, CT. Supporting shipper: Burndy Corporation, Edison Road, Orange, CT 06477.

The following applications were filed in region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm. 620, Philadelphia, PA 19106.

MC 159682 (Sub-II-1-TA), filed December 14, 1981. Applicant: A & L DELIVERY SERVICE, INC., P.O. Box 243, Towanda, PA 18848. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, GA 30326. Contract, irregular, *Merchandise, equipment and supplies used, sold or distributed by a manufacturer of cosmetics*, between Newark, DE, and Tunkhannock, PA; and, between Tunkhannock, PA, on the one hand, and, on the other, Bradford, Susquehanna, Wayne, Sullivan, Wyoming, Pike, Columbia, Northumberland, Mountour, Luzerne, Monroe, Carbon, Northampton, Lehigh, Shuylkill, Berk and Lackawanna Counties, PA., for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Avon Products, Inc., 2100 Ogletown Rd., Newark, DE 19711.

MC 152509 (Sub-II-22TA), filed December 14, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant). *General commodities (except Classes A & B explosives)* between all points in the U.S., under continuing contract(s) with Jack Meiderdrut & Associates, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Jack Meiderdrut & Associates, 1044 Woodcliff Dr., Franklin Square, NY 11010.

MC 159704 (Sub-II-1TA), filed December 15, 1981. Applicant: HOMAN TRUCKING, INC., 45 East Franklin St., Chickasaw, OH 45826. Representative: Jack L. Schiller, 123-60 83rd Ave., Kew Gardens, NY 11415. Contract; irregular: *Yogurt* from the facilities of Dannon Yogurt, Inc. located at or near Minster, Oh to Boston, MA; Philadelphia, PA; Milwaukee, WI and points in NY, under continuing contract(s) with Dannon Yogurt, Inc. of Minster, OH. An underlying ETA seeks 120 days authority. Supporting shipper: Dannon Yogurt, Inc., 234 East First St., Minster, OH 45865.

MC 159684 (Sub-II-1TA), filed December 14, 1981. Applicant: HARRY L. MYERS, d.b.a. MYERS TRANSFER, 1543 Mariner Dr., Reynoldsburg, OH 43068. Representative: James Duvall, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017. *Aluminum stampings* between the

facilities of Anomatic Corporation at Westerville, OH, on the one hand, and, on the other, points in CT, MI, NJ, OK, TN, and TX. An underlying ETA seeks 120 days authority. Supporting shipper: Anomatic Corporation, 175 E. Broadway, Westerville, OH 43081.

MC 107012 (Sub-II-209TA), filed December 14, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Ft. Wayne, IN 46801. Representative: Bruce W. Boyarko (same address as applicant). *Retail merchandise*, from points in the U.S. to points in IL, IN, MI, OH, and WV, for 270 days. An underlying ETA seeks 120 days. Supporting shipper(s): There are six supporting shippers' statements attached to this application that may be examined at the Philadelphia regional office.

MC 159672 (Sub-II-1TA), filed December 14, 1981. Applicant: PENNEX TRANSPORTATION CO., INC., Eastern Avenue at Pennex Drive, Verona, PA 15147. Representative: Norman A. Cooper, 145 W. Wisconsin Avenue, Neenah, WI 54956. *Drugs, toilet articles and materials and supplies used in their manufacture, sale and distribution* between the facilities of Pennex Products Co., Inc. and its subsidiaries Pennex Products International, Inc. and Bonoplast, USA, Inc. on the one hand, and, on the other, points in the United States, for 270 days. Supporting shipper, Pennex Products Co., Inc., Eastern Avenue at Pennex Drive, Verona, PA 15147.

MC 159192 (Sub-II-1TA), filed December 14, 1981. Applicant: R. & J. TRANSPORTATION, INC., R.D. No. 4 Box 4389-A, Pottsville, PA 17901. Representative: Lee E. High, P.O. Box 8551, Reading, PA 19603. *Passengers and their baggage*, in round-trip charter operations between points in Schuylkill County, PA, and points in CT, MA, MD, DE, FL, IL, TN, MI, NH, VT, NJ, NY, SC, OH, VA, WV, WI, and DC for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: There are eleven (11) supporting shippers. Their statements may be examined at the ICC office in Philadelphia, PA.

MC 150724 (Sub-II-5TA), filed December 14, 1981. Applicant: DONALD SANTISI TRUCKING COMPANY, 340 Victoria Rd., P.O. Box 4145, Youngstown, OH 44515. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Steel tank heads*, from Youngstown, OH to points in NM, TX, OR, CA, WA, LA, OK and MN, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s):

Comppo Metal Products Co., 85 E. Hylda St., Youngstown, OH 44507.

MC 159674 (Sub-II-1TA), filed December 14, 1981. Applicant: WILLIAM SAMUEL STANSBURY, 4205 Teklin Drive, Westminster, MD 21157. Representative: James H. Sweeney, P.O. Box 9023, Lester, PA 19113. *Contract, irregular: Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business*, between Baltimore, MD, on the one hand, and, on the other, points in DE, MD, PA, VA, WV and DC, under a continuing contract(s) with Acme Markets, Philadelphia, PA. An underlying ETA seeks 120 days authority. Supporting shipper: Acme Markets, Inc., 124 N. 15th St., Philadelphia, PA.

MC 159630 (Sub-II-1TA), filed December 17, 1981. Applicant: TUCKER TOURS, INC., 4306 Vine St., Capitol Heights, MD 20743. Representative: William P. Tucker, Jr. (same as applicant). *Passengers and their baggage, in charter operations*, between pts. in VA, DC and MD, on the one hand, and, on the other, Atlantic City, NJ; Blueknob, Champion and Liberty, PA; Burlington, NC; Courtland, Hunter Mountain and New York, NY; Louisville, KY; and Smuggler's Notch and Waitsfield, VT, for 270 days. Supporting shipper(s): Cultural Arts Tours, 5250 Chillum Place, N.E., Washington, DC; Full House Enterprise, Inc., P.O. Box 2566, Springfield, VA 22152; Sea & Ski Travel, Inc., 12105 Darnestown Rd., Gaithersburg, MD 20760; Black Ski, Inc., P.O. Box 2204, Washington, DC.

MC 141917 (Sub-II-3TA), filed December 17, 1981. Applicant: LEO J. UMERLEY, INC., 9813 Philadelphia Rd., Baltimore, MD 21237. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20879. *Cement*, between pts. in Baltimore County, MD, on the one hand, and, on the other, pts. in NJ, NY, VA, PA, DE, WV, MD, and DC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Atlantic Cement Co., Inc., 25 Crescent St., P.O. Box 30 Stamford, CT 06904.

The following applications were filed in region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7600, Atlanta, GA 30357.

MC 37896 (Sub-3-9TA), filed December 15, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Building, 918-16th Street,



NW, Washington, D.C. 20006. *Contract carrier*, irregular routes; *Plastic Products*, from Los Angeles, CA to Chicago, IL under a continuing contract(s) with 20th Century Plastics, Inc., of Los Angeles, CA. Supporting shipper: 20th Century Plastics, Inc., 3628 Crenshaw Blvd., Los Angeles, CA 90016.

MC 134064 (Sub-3-13TA), filed December 15, 1981. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30505. Representative: Charles M. Williams, 665 Capitol Life Center, 1600 Sherman St., Denver, CO 90203. *Such commodities as are dealt in by manufacturers or distributors of oil, brake fluid and transmission fluid*, from the facilities of Quaker Supreme Chemical Co., at or near Montgomery, AL, to points in the U.S. in and east of ND, SD, NE, CO, and NM. Supporting shipper: Quaker Supreme Chemical Co., P.O. Box 77, Montgomery, AL 36101.

MC 153914 (Sub-3-3TA), filed December 14, 1981. Applicant: NEWMAN BROTHERS TRUCKING, INC., Highway 96, Belk, AL 35455. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Bldg., Birmingham, AL 35203. *Metal products*, between Fayette and Lamar Counties, AL, on the one hand, and, on the other, all points in the U.S. Supporting shipper: Ox Bodies, Inc., P.O. Box 595, Fayette, AL 35555; Fayco, Inc., P.O. Box 29, Fayette, AL 35555; Black Manufacturing Co., Highway 43 North, Fayette, AL 35555; Omni Products, Inc., P.O. Box 669, Vernon, AL 35592.

MC 159731 (Sub-3-1TA), filed December 16, 1981. Applicant: KENNETH D. PRUETT, d.b.a., STATEWIDE MOBILE HOME MOVERS, 732 Briarcliff Road, Rock Hill, SC 29730. Representative: Helen E. Saville, 1007 Holly Road, Rock Hill, SC 29730. *Mobile homes* between points in SC, NC, VA, TN, AL, GA, FL, WV. There are five Statements of Support attached which can be examined at ICC Regional Office, Atlanta, GA.

MC 19105 (Sub-3-4TA), filed December 16, 1981. Applicant: FORBES TRANSFER COMPANY, INC., Post Office Box 3547, Wilson, NC 27893. Representative: Vance T. Forbes, Jr., (same address as applicant). *Building materials, gypsum and gypsum products*, from the facilities of United States Gypsum Company at Norfolk, VA to points in MD and DC. Supporting shipper: United States Gypsum Company, 53 Perimeter Center East, Atlanta, GA 30346.

MC 157384 (Sub-3-3TA), filed December 16, 1981. Applicant: BENNY WHITEHEAD Rt. 1, Box 359A, Eufaula,

AL 36027. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Contract: Irregular: (1) Wrapping, packaging and baling materials and products; (2) chemicals and chemical products; (3) textile and textile products*, between Jacksonville, FL and Belton, SC, including their respective commercial zones, on the one hand, on the other, points in VA, NC, SC, GA, TN, MS, IA, AR, TX, NM, CA, AZ, MO, AL, OK, NV, CO, KS, OH, NJ, NY, MD, WV, and PA, under a continuing contract or contracts with Eastern Strapping Company, Inc. and Belton Bagging Company. Supporting shippers: Eastern Strapping Company, Inc., 1840 River Oaks Road, Jacksonville, FL 32207 and Belton Bagging Company, P.O. Box 127, Belton, SC 29627.

MC 128220 (Sub-3-4TA), filed December 17, 1981. Applicant: RALPH LATHAM d.b.a., LATHAM TRUCKING COMPANY, P.O. Box 596, Burnside, KY 42519. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. *General commodities (except Class A and B explosives, household goods as defined by the Commission, and commodities in bulk)*, between facilities used by Somerset Foods, Inc. at points in the US in and east of ND, SD, NE, CO, OK, and TX, on the one hand, and, on the other, points in the US in and east of ND, SD, NE, CO, OK, and TX. Supporting shipper: Somerset Foods, Inc., P.O. Box 799, Somerset, KY 42501.

MC 151173 (Sub-3-15TA), filed December 1, 1981. Republication—Originally published in Federal Register of December 14, 1981, page 61013, volume 46, No. 239. Applicant: HARBET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: O. L. Godfrey, Jr., (Same address as above). *Chemicals, plastic film and sheeting, trash bags, gloves, materials equipment and supplies used in the manufacture, sale and distribution thereof, except commodities in bulk* between the facilities and warehouses utilized by Borden Chemicals Division of Borden Inc., on the one hand, and on the other, points in the U.S. Supporting shipper: Borden Chemical Division of Borden Inc., One Clark St., North Andover, MA 01845

MC 148285 (Sub-3-1TA), filed December 17, 1981. Applicant: A. L. COUEY, d.b.a. COUEY TRUCKING COMPANY, P.O. Box 3244, Dalton, GA 30721. Representative: M. C. Ellis, c/o Chattanooga Freight Bureau, Inc., 1001 Market Street, Chattanooga, TN 37402. *Paper and paper Products* between the facilities of Bowater Southern Paper Company, Calhoun, TN, on the one

hand, and, on the other, TOFC ramps at Dalton, GA and Chattanooga and Cleveland, TN, restricted to traffic having prior or subsequent movement via rail. Supporting shipper: Bowater Southern Paper Company, Calhoun, TN 37309.

MC 140334 (Sub-3-8TA), filed December 17, 1981. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717 - 17th Street, Suite 2600, Denver, CO 80202. *Contract: Irregular; Textile mill products; (1) between the facilities of Hoechst Fibers Industries at Spartanburg, SC on the one hand, and on the other, ports of entry on the International Boundary between the U.S. and New Brunswick, Canada located in ME; and (2) between the facilities of Monsanto Company at points in AL, FL and SC on the one hand, and on the other, ports of entry on the International Boundary between the U.S. and Canada located in ME, MI, and NY and points in GA, SC, FL and AL; under continuing contracts with Hoechst Fibers Industries of Spartanburg, SC and Monsanto Company of St. Louis, MO. Supporting shippers: Hoechst Fibers Industries, P.O. Box 5887, Spartanburg, SC 29304; and Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63166. Agatha L. Mergenovich, Secretary.*

[FR Doc. 81-36877 Filed 12-24-81; 8:45 am]  
BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Manufacturer of Controlled Substances; Application

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 17, 1981, Pharmaceuticals Division, Ciba-Geigy Corp., 556 Morris Ave., Summit, New Jersey 07901, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance Methylphenidate (1724).

Any other such applicant, and any person who is presently registered with DEA to manufacture such substance, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or request for a hearing may be addressed

to the Acting Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than January 28, 1982.

Dated: December 18, 1981.

Francis M. Mullen, Jr.,  
Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-36939 Filed 12-24-81; 8:45 am]

BILLING CODE 4410-09-M

## NATIONAL COMMISSION FOR EMPLOYMENT POLICY

**ACTION:** Notice of meeting.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is given of the twenty-fourth meeting of the National Commission for Employment Policy at the Capital Hilton Hotel, 16th and K Streets, NW, Washington, D.C.

**DATES:** January 14, 1982, 1:30 p.m. to 6:00 p.m. and January 15, 1982, 8:30 a.m. to 4:00 p.m.

**Status:** This meeting will be open to the public.

**Matters to be considered:** New Commission members will be sworn in. Members will hear reports on current and planned work, as well as orientation sessions on the Commission's history and structure. Staff work on employment and training delivery systems, labor market problems of Hispanic-Americans and the development of a labor market policy for older workers will be presented. Presentations on the 15th will include congressional and administration viewpoints on the current state of employment policy development.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ralph E. Smith, Deputy Director, National Commission for Employment Policy, 1522 K Street, NW, Suite 300, Washington, D.C. 20005 (202)-724-1553.

**SUPPLEMENTARY INFORMATION:** The National Commission for Employment Policy was established as title V of the Comprehensive Employment and Training Act Amendments of 1978 (Pub. L. 95-524). The Act gives the Commission the broad responsibility of advising the President and the Congress on national employment issues. Business meetings are open to the public. People wishing to submit written statements to the Commission that are germane to the agenda may do so, provided that such statements are in reproducible form and are submitted to the Director at least two days before the

meeting and not more than seven days after the meeting.

In addition, members of the general public may request to make oral presentations to the Commission, time permitting. Such statements must be applicable to the announced agenda and written application must be submitted to the Director at least three days before the meeting. This application should include: name and address of applicant, subject of presentation, relation to agenda, amount of time needed, individual's qualifications to speak on the subject, and a statement justifying the need for an oral rather than written presentation.

The Commission Chairman has the right to decide to what extent public oral presentations may be permitted at the meeting. Oral presentations will be limited to statements of facts and views and shall not include any questioning of Commission members or other participants unless these questions have been specifically approved by the Chairman.

Minutes of the meeting and materials prepared for it will be available for public inspection at the Commission's headquarters, 1522 K Street, NW, Suite 300, Washington, D.C. 20005.

Signed in Washington, D.C. this 17th day of December 1981.

Ralph E. Smith,  
Deputy Director, National Commission for Employment Policy.

[FR Doc. 81-36928 Filed 12-24-81; 8:45 am]

BILLING CODE 4510-30-M

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on January 7-9, 1982, in Room 1046, 1717 H Street, NW., Washington, DC. Notice of this meeting was published in the *Federal Register* on November 25, 1981.

The agenda for the subject meeting will be as follows:

#### Thursday, January 7, 1982

**8:30 A.M.-8:45 A.M.: Opening Session (Open)**—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities.

**8:45 A.M.-9:15 A.M.: Clinch River Breeder Reactor (Open)**—Briefing by NRC Staff regarding project status and

plan for regulatory review of the proposed plant site and design.

**9:15 A.M.-12:00 Noon: Standard Boiling Water Reactors (Open)**—The Committee will hear and discuss a report by representatives of the General Electric Company regarding design changes in the NSSS for their standard boiling water reactors.

Portions of this session will be closed as necessary to discuss Proprietary Information applicable to this matter.

**1:00 P.M.-5:00 P.M.: NRC Safety Research Program Budget (Closed)**—The Committee members will discuss the proposed ACRS report to the U.S. Congress on the proposed NRC Safety Research Program Budget for FY 1983.

This session will be closed to discuss matters which relate solely to the internal personnel rules and practices of the agency and information of a personal nature where disclosure would constitute unwarranted invasion of personal privacy and information the premature release of which would be likely to significantly frustrate proposed agency action.

**5:00 P.M.-6:00 P.M.: Reports of ACRS Subcommittees (Open)**—The Committee members will hear and discuss reports of designated ACRS Subcommittees regarding the status of assigned activities including consideration of Class 9 accidents in the NRC licensing process.

#### Friday, January 8, 1982

**8:30 A.M.-10:30 A.M.: Standard Pressurized Water Reactors (Closed)**—The Committee will hear and discuss a report from representatives of the Westinghouse Electric Corporation regarding proposed changes in the NSSS of their standard pressurized water reactors.

This session will be closed to discuss Proprietary Information applicable to this matter.

**10:30 A.M.-12:30 P.M. and 1:30 P.M.-3:30 P.M.: NRC Safety Research Program Budget (Closed)**—The Committee members will discuss the proposed ACRS report to the U.S. Congress on the proposed NRC Safety Research Program Budget for FY 1983.

This session will be closed to discuss matters which relate solely to the internal personnel rules and practices of the agency and information of a personal nature where disclosure would constitute unwarranted invasion of personal privacy and information the premature release of which would be likely to significantly frustrate proposed agency action.

**3:30 P.M.-5:30 P.M.: Human Factors Considerations (Open)**—The Committee

will hear the report of its Subcommittee on Human Factors and consultants who may be present regarding proposed NRC requirements regarding design of nuclear power plant control rooms and safety parameter display systems.

**5:30 P.M.—6:00 P.M.: Future Committee Activities (Open)**—The members will discuss the proposed scope of and schedule for anticipated activities of ACRS subcommittees and full Committee activities.

**Saturday, January 9, 1982**

**8:30 A.M.—10:30 A.M.: Safety Research Program Budget (Closed)**—The Committee members will discuss the proposed ACRS report to the U.S. Congress on the proposed NRC Safety Research Program Budget for FY 1983.

This session will be closed to discuss matters which relate solely to the internal personnel rules and practices of the agency and information of a personal nature where disclosure would constitute unwarranted invasion of personal privacy and information the premature release of which would be likely to significantly frustrate proposed agency action.

**10:30 A.M.—11:15 A.M.: Design of Control Rooms and Safety Parameter Display Systems (Open)**—ACRS report/comments regarding proposed NRC requirements for design of control rooms and safety parameter display systems.

**11:15 A.M.—12:00 Noon: Reports of ACRS Members Regarding Foreign Regulatory Policies and Requirements (Closed)**—Members of the Committee will report on recent activities related to foreign nuclear regulatory policies and practices.

This session will be closed to discuss information provided in confidence and considered privileged by a foreign source.

**12:00 Noon—1:30 P.M.: Concluding Session (Open)**—The members will complete discussion of items considered during this meeting.

Members will also exchange views regarding the reliability of AC/DC electrical systems in nuclear power plants.

Proposed changes in ACRS procedures related to the conduct of ACRS activities will be discussed.

Procedures for the conduct of and participation in ACRS meetings were published in the Federal Register on October 7, 1980 (45 FR 66535). In accordance with these procedures, oral or written statements may be presented by members of the public, recording will be permitted only during those portions of the meeting when a transcript is being kept, an questions may be asked only by members of the Committee, its

consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92-463 that it is necessary to close portions of this meeting as noted above to discuss matters which relate solely to the internal personnel rules and practices of the agency (5 U.S.C. 552b(c)(2)), Proprietary Information relating to the matters being considered and information considered privileged and provided in confidence by a foreign source (5 U.S.C. 552b(c)(4)), information of a personal nature where disclosure would constitute unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)) and information the premature release of which would be likely to significantly frustrate proposed agency action (5 U.S.C. 552b(c)(9)(B)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634-3265), between 8:15 A.M. and 5:00 P.M. EST. the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92-463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information relating to the matter being considered (5 U.S.C. 552b(c)(4)), information which will be involved in an adjudicatory proceeding

(5 U.S.C. 552b(c)(10)), and information considered privileged and provided in confidence by a foreign source (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634-3265), between 8:15 A.M. and 5:00 P.M. EDT.

Dated: December 21, 1981.

**John C. Hoyle,**

*Advisory Committee Management.*

[FR Doc. 81-36911 Filed 12-24-81; 8:45 am]

BILLING CODE 7590-01-M

### **Advisory Committee on Reactor Safeguards; Subcommittee on Advanced Reactors; Meeting**

The ACRS Subcommittee on Advanced Reactors will hold a meeting on January 21 and 22, 1982, at the Argonne National Laboratory, Building 208, Room C-234, Argonne, IL. The Subcommittee will continue discussion regarding possible design considerations, issues, and criteria for future commercial advanced reactors and plans to prepare a report to submit to the ACRS. Experts in the field of risk perception and aversion will address/discuss those matters with the Subcommittee. Notice of this meeting was published November 25.

In accordance with the procedures outlined in the Federal Register on September 30, 1981 (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

*Thursday and Friday—January 21 and 22, 1982*

*8:30 a.m. until the conclusion of business each day.*

The Subcommittee and its consultants will discuss possible design considerations, issues, or criteria for future commercial advanced reactors and plan to prepare a report to submit to the ACRS.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: December 21, 1981.

**John C. Hoyle,**

*Advisory Committee Management Officer.*

[FR Doc. 81-36912 Filed 12-24-81; 8:45 am]

**BILLING CODE 7590-01-M**

#### **Advisory Committee on Reactor Safeguards; Subcommittee on Fluid Dynamics; Meeting**

The ACRS Subcommittee on Fluid Dynamics will hold a meeting on January 22, 1982 at the Holiday Inn Convention Center, 1020 South Figueroa, Windsor Room Right, Los Angeles, CA. The Subcommittee will continue its review of the Mark III containment modifications and discuss the status of the Unresolved Safety Issues on Mark I and II containments.

In accordance with the procedures outlined in the *Federal Register* on September 30, 1981, (46 FR 47903), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the

necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions which will be closed to protect proprietary information (Sunshine Act Exemption 4). One or more closed sessions may be necessary to discuss such information. To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

*Friday, January 22, 1981—8:30 a.m. Until the Conclusion of Business*

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Paul Boehmert (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close portions of this meeting to public attendance to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: December 21, 1981.

**John C. Hoyle,**

*Advisory Committee Management Officer.*

[FR Doc. 81-36913 Filed 12-24-81; 8:45 am]

**BILLING CODE 7590-01-M**

[Docket No. 50-10]

#### **Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 35 to Facility Operating License No. DPR-2, issued to the Commonwealth Edison Company (the licensee), which revised the Technical Specifications for operation of Unit 1 of Dresden Nuclear Power Station

(the facility) located in Grundy County, Illinois. The license amendment is effective as of its date of issuance.

This amendment authorizes the chemical cleaning of the Primary Cooling System and revises the Technical Specifications to allow deletion of requirements for maintaining containment integrity during the chemical cleaning of the cooling system and exclusion of the radioactive liquid storage tanks in the seismically designed Chemical Cleaning Building from the above-grade curie limitations. This amendment does not authorize operation of Unit 1 subsequent to the chemical cleaning. The Commission will consider such operation as a separate licensing action.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I; these findings 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 environmental impact of the chemical cleaning has been assessed in NUREG-0686 entitled "Final Environmental Statement Related to Primary Cooling System Chemical Decontamination at Dresden Nuclear Power Station, Unit No. 1", dated October 1980. The Commission has determined that the issuance of the technical specification change portion of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of that portion of the amendment. An environmental impact statement evaluating the chemical decontamination authorized by this amendment was prepared and issued in October 1980.

For further details with respect to this action, see (1) the applications for amendment dated December 19, 1974, as supplemented, and November 14, 1979, (2) Amendment No. 35 to License No. DPR-2, and (3) the Commission's related Safety Evaluation and Final Environmental Statement.<sup>1</sup> All of these

<sup>1</sup> The Final Environmental Statement (NUREG-0986) is available for purchase. Contact the National Technical Information Service, Springfield, VA 22161.

at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60451. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 18th day of December 1981.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,  
Acting Chief, Operating Reactors Branch #5,  
Division of Licensing.

[FR Doc. 81-38914 Filed 12-24-81; 8:45 am]

BILLING CODE 7590-01-M

## PRESIDENT'S COMMISSION FOR STUDY OF ETHICAL PROBLEMS

### President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research; Meeting

Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committees Act, that the sixteenth meeting of the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research will be held at the Water Resources Council, Lower Level Conference Room, 2120 L Street, N.W., Washington, D.C., from 9:00 a.m. to 5:00 p.m. on January 8, 1982, and from 9:00 a.m. to 4:15 p.m. on January 9, 1982, and at the offices of the Commission, Suite 555, 2000 K Street, N.W., Washington, D.C., from 7:00 p.m. to 9:30 p.m. on January 8, 1982.

The meeting will be open to the public, subject to limitations of available space. The agenda for Friday, January 8 will include, among other things, Commission deliberation (1) on resuscitation and orders not to resuscitate, (2) on the care of patients who have permanently lost consciousness, and (3) on the Commission's projected schedule of meetings and projects through the completion of its mandated period of operation. The agenda for Saturday, January 9 will include, among other things, testimony on, and Commission discussion of, the ethical and legal implications of decisions in the neonatal intensive care unit.

At 1:15 p.m. on January 8, fifteen minutes will be devoted to comments from the floor on the subject of the agenda items for that day, and at 2:45 p.m. on January 9, fifteen minutes will be devoted to comments from the floor on the agenda items for that day, limited

on both days to three minutes per comment. Written suggestions and comments will be accepted for the record from those who are unable to speak because of the constraints of time and from those unable to attend the meeting.

Records shall be kept on all Commission proceedings and will be available for public inspection at the Commission's office, located in Suite 555, 2000 K Street, N.W., Washington, D.C. 20006.

For further information, contact Andrew Burness, Public Information Officer, at (202) 653-8051.

Alexander M. Capron,  
Executive Director.

[FR Doc. 81-38918 Filed 12-24-81; 8:45 am]

BILLING CODE 6820-AV-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 18351; SR-Amex-81-13]

### American Stock Exchange, Inc.; Order Approving Proposed Rule Change

December 18, 1981.

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006 (SR-Amex-81-13).

On August 10, 1981, the American Stock Exchange, Inc. (the "Amex") 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 Commentary .05 of Amex rule 155. Prior to the amendment the rule provided that if a specialist elected to take or supply for his own account securities named in an order entrusted to him by another member, the specialist was required to promptly notify the member who would then either confirm or reject the transaction. Under the amended rule, a specialist would no longer be required to provide notice to the member when he executes as principal limit orders received through the Post Executive Reporting System ("PER") or the Amex Options Switch System ("AMOS"). With respect to these transactions, a specialist is now required only to furnish the normal execution report which follows the execution of any PER or AMOS order. A member organization would then be permitted to reject such transactions provided that it acts promptly after receiving the execution report and provides written notice of the rejection to the specialist. Any transaction not

rejected in this manner would be deemed to be confirmed.

In addition, the rule change amends Commentary .05 with respect to customers' limit orders which floor brokers have entrusted to specialists for execution, or which specialists have received directly from the floor booths of member firms. The rule previously provided that when a specialist executed such an order, as principal, he was required to fill out a special form to give notice to the member who placed the order, who then either confirmed or rejected the order. Under the amended rule, specialists are relieved of the obligation to fill out special forms to give notice of transactions in which they acted as principal. Instead, specialists are permitted to give notice by stamping each such order ticket with a uniform notation such as "principal transaction." Moreover, any transaction not specifically rejected is deemed confirmed.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 18033, August 14, 1981) and by publication in the *Federal Register* (46 FR 42387, August 20, 1981). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

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. 81-38906 Filed 12-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22330; 70-6686]

**National Fuel Gas Co.; Proposal Relating to Financing of Oil and Gas Drilling Program; Order to Solicit Proxies; Reservation of Jurisdiction**

December 18, 1981.

In the matter of National Fuel Gas Company, 30 Rockefeller Plaza, New York, New York 10112 and Seneca Resources Incorporated, 10 Lafayette Square, Buffalo, New York 14203 (70-6686).

National Fuel Gas Company ("National"), a registered holding company, and Seneca Resources Corporation ("Seneca"), a non-utility subsidiary of National, have filed with this Commission an application-declaration and an amendment thereto pursuant to sections 6(a), 7, 12(b), and 12(e) of the Public Utility Holding Company Act of 1935 ("Act") and Rules 45, 50(a)(5), 62, and 65 thereunder. National filed an amended proxy statement on December 18, 1981.

Seneca is engaged in gas and oil exploration and development activities which are concentrated primarily in the Gulf Coast areas of Texas and Louisiana and also in East Texas. Seneca's operations were expanded in order to develop a base of reserves for the System that could be used to offset declining supplies due to curtailments from pipeline suppliers of the System which were common at the time.

During its 1980 fiscal year, Seneca participated in the drilling of 50 wells of which 27 were found to be productive. During its 1981 fiscal year, Seneca participated in the drilling of 38 wells, 19 of which were found to be productive. At September 30, 1981, Seneca reported a net investment in oil and gas property of \$38,158,403 after deducting \$6,197,086 of depreciation, depletion and amortization. At September 30, 1981, independent engineering firms attributed to the significant properties of Seneca, net proved reserves of 10,671,628 MCF of gas and 774,722 barrels of oil and condensate.

Seneca proposes to create a drilling fund ("Fund") and to sell interests therein to a limited number of institutional investors ("Investors"). The investors will concurrently receive warrants entitling each investor, at its election, to exchange its interests in the properties of the fund at the end of three years for common stock of National. If a warrant is not so exercised, it will expire and the investor will retain its oil and gas interest, while the exercise of the warrant will make Seneca, as National's subsidiary, the owner of such interests.

The warrants will be issued in proportion to each investor's initial investment at a rate approximately the present book value of National common shares. It is expected that the total investment will be \$42 million and that 930,000 warrants will be issued. National would receive \$2 million as consideration for the warrants but reinvest this sum as additional equity capital in Seneca. The remaining \$40 million would be the fund.

Seneca will spend the fund on exploratory prospects which have been generated by it or as a participant in prospects generated by others. It will receive interests in the fund properties and other compensation, as will be more fully described in the agreement with investors still being negotiated. The fund will not extend to development. Seneca and the investors will be obligated to carry their respective developments costs to the extent the exploratory program proves prospects worthy of development.

Seneca is required to expend at least one third of the fund by the end of the first year, at least two thirds by the end of the second year and any balance by the end of the third year, but may expend more rapidly. It expects to apply the initial fund to retirement of its existing bank debt and finance expenditures under its own line of credit to economize on borrowing, but National will guarantee repayment to the fund of any sums spent for Seneca's own purposes, and Seneca is prohibited from mortgaging or placing a lien on any properties of the fund.

If, at the end of the three year period, all investors exercise their warrants National would have issued 930,000 shares of common stock in exchange for \$2,000,000 that was previously paid to National by the Investors, and the properties that were acquired and drilled with the \$40,000,000. It is expected that the investors would exercise the warrants if the results of the drilling program are unsatisfactory, but would retain the oil and gas interests earned if they appear to be more valuable than the stock. To this extent, National will indirectly share part of the risk of its subsidiary's exploration efforts through the warrants.

National's Restated Certificate of Incorporation presently authorizes 9,500,000 shares of common stock. As of November 30, 1981, National has 5,122,515 shares outstanding. The expected 930,000 warrants will represent a potential 18.16% increase to 6,052,515 shares, but the percentage will be reduced to the extent other shares are issued by National during the three years.

Applicants-declarants propose to use an investment banking firm to assist in negotiating and placing interests in the fund with institutional investors. National requests an exception from the competitive bidding requirements of Rule 50. The fees and expenses are estimated to be \$702,000, including \$500,000 for commissions.

National also proposes to amend its Articles of Incorporation, at its Annual Meeting of Shareholders currently scheduled for February 18, 1982, to modify the provisions with respect to preemptive rights of its common shareholders and the provisions as to the par value of its common stock to facilitate the proposed transaction. It requests authorization under section 6(a)(1)(2) and 7(e) of the Act to solicit and adopt such amendments. It states that the affirmative vote of the majority of its common shareholders is required and a vote of preferred shareholders is not required.

National has filed its proxy solicitation material and requests that the effectiveness of its declaration with respect to the solicitation be accelerated as provided in Rule 62.

The application-declaration and an amendment 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 January 14, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in 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 application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective.

It appearing to the Commission that National's declaration regarding the proposed solicitation of proxies be permitted to become effective forthwith pursuant to Rule 62, that jurisdiction should be reserved with respect to the fees and expenses associated with the proposed transaction, and that the transaction does not lend itself to competitive bidding:

It is ordered That the application-declaration, as amended, regarding the proposed solicitation of proxies be, and it hereby is, granted and permitted to

become effective forthwith pursuant to Rule 62.

It is further ordered That National is authorized to negotiate for the sale of the interests as herein described.

It is further ordered That jurisdiction be, and it hereby is reserved, with respect to all fees and expenses associated with the proposed transaction.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 81-36905 Filed 12-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18350; File No. SR-PSE-81-22]

**Self-Regulatory Organization; Proposed Rule Change by Pacific Stock Exchange Inc. Relating to Specialist Responsibility for Execution Reports Not Received by Member Firms**

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 December 7, 1981, the Pacific Stock Exchange 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 proposed Floor Procedure Advice relates to a Specialist's responsibility for execution reports not received by member firms. A Specialist is solely liable for any loss resulting from a report not received for a trade which should have been executed for the first three days following the day on which the customer deserved an execution. On the fourth and fifth day following the day the trade should have been executed, the Specialist is liable for half of any loss which resulted, and the member firm is liable for half of any loss which resulted. After the close of business on the fifth day following the day the trade should have been executed, the member firm is solely responsible for any loss resulting from the failure to receive an execution report.

**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 received on the proposed rule change. The text of these statements may be examined at places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

**(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.**

The proposed rule change sets forth time limitations on a Specialist's liability for execution reports which should have been received by a member firm that had placed an order with the Specialist. The rule specifies when any loss that is sustained as the result of a report not received shall be borne entirely by the Specialist, split between the Specialist and member firm, or borne entirely by the member firm.

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934, in general, and furthers the objectives of Section 6(b) (5) by promoting the cooperation and coordination between Specialists and Floor Brokers to achieve the clearing and settlement of securities transactions.

**(B) Self-Regulatory Organization's Statement on Burden on Competition.**

The proposed rule change imposes no burden on competition.

**(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Other.**

Comments on the proposed rule change were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of the publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 18, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 18, 1981.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 81-36904 Filed 12-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-48343; File No. SR-PSE-81-21]

**Self-Regulatory Organization; Proposed Rule Change by Pacific Stock Exchange Inc. Relating to Increase in Fees for Exchange Services**

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 December 10, 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 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 Pacific Stock Exchange Incorporated is instituting rate increases in fees for Exchange services applicable to Member Organizations, Members, Specialists and Market Makers.

### **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 purpose of the proposed rule change is to offset, in part, the increased costs of supplying services provided by the Exchange. These costs include manpower, systems and utilities associated with providing marketplace services. No significant fee increases have been effected for over two years, with many fees remaining unchanged since 1973. The basis under the Act for the proposed rule change is Section 6(b)(4) permitting the rules of the Exchange to provide for the equitable allocation of reasonable dues, fees and other charges among its Members.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.*

The proposed rule change imposes no burden on competition.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.*

Comments on the proposed rule change were neither solicited nor received.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule

change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

### **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 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, NW, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 18, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 17, 1981.

**George A. Fitzsimmons,**  
Secretary.

[FR Doc. 81-36907 Filed 12-24-81; 8:45 am]

**BILLING CODE 8010-01-M**

[Release No. 34-18352; File No. SR-PHLX-81-18]

### **Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc., Relating to Equity Specialist Rules**

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 December 16, 1981, Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The PHLX, pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 (the "Act"), hereby proposes to amend its equity specialist rules in order to comply with Securities Exchange Rule 11b-1. Specifically the Exchange proposes to amend its rules in order to provide an "affirmative" obligation that a specialist engage in a course of dealings for his own account to assist in the maintenance, so far as practicable, of a fair and orderly market and a "negative" obligation that restricts a specialist's dealings, so far as practicable, to those reasonably necessary to maintain a fair and orderly market. In order to conform its specialists rules to certain current practices and procedures, the PHLX also proposes certain other amendments to these rules.

### **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.*

In Securities Exchange Act Release No. 18157 (October 7, 1981), the Securities and Exchange Commission modified the exemptions provided to regional stock exchanges from Securities Exchange Act Rule 11b-1. The release provides that, effective January 1, 1982, the PHLX will be subject to the provisions of Rule 11b-1 with respect to any security which is listed on PHLX and which is not also listed on either the American or New York Stock Exchanges. The purpose of the proposed amendments to PHLX specialist rules is to conform them to the requirements of subparagraphs (a)(2) (ii) and (iii) of Rule 11b-1. However, the amendments would go beyond the requirements of that rule by providing that the so-called "affirmative and negative obligations" required by it apply in conjunction with Rule 203 to trading in securities for



which the primary market is on another exchange.

This filing also proposes that certain other amendments be made to PHLX rules to conform them with current exchange practices and procedures. For example, the term "specialist" is defined in Rule 201, as proposed in SR-PHLX 81-1, to mean odd-lot dealer and odd-lot dealer specialist. Thus, where appropriate, the terms odd-lot dealer and odd-lot dealer specialist have been deleted from PHLX rules. Rule 216, relating to record retention, has been amended to refer to Securities Exchange Act Rule 17a-4. Certain other rules which define the next sale in the primary market with reference to a two minute time period (Rules 227 (c) and (d) and Rules 228 (d) and (e)) have been deleted because they are obsolete in the era of the Consolidated Last Sale Reporting System.

The basis under the Act for the proposed rule change is in Section 6(b)(1) of the Act which provides, in part, that an exchange have the capacity to comply and to enforce compliance by its members with the provisions of the Act, the rules and regulations thereunder, and the rules of the exchange.

#### B. Self-Regulatory Organization's Statement on Burden on Competition.

The Exchange does not believe that the proposed rule change will impose any 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

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the

Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by January 18, 1982.

For the commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 18, 1981.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 81-36902 Filed 12-24-81; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 12116; 811-3203]

#### Union Acceptance Co.; Filing of an Application for an Order Declaring That Applicant Has Ceased To Be An Investment Company

December 18, 1981.

In the matter of Union Acceptance Company, 415 Professional Building, Fairmont, W. Va. 26554 (811-3203).

Notice is hereby given that Union Acceptance Company ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as a closed-end, non-diversified, management investment company, filed an application on September 3, 1981, requesting an order of the Commission, pursuant to section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Applicant, a Delaware corporation, registered under the Act by filing a notice of registration on Form N-8A on June 8, 1981. Applicant has not filed a registration statement pursuant to section 8(b) of the Act and has not registered its shares under the Securities Act of 1933. Within the last 18 months,

Applicant has not transferred any of its assets to a separate trust, whose beneficiaries were or are security holders of Applicant.

Applicant states that at the time of filing of the application, there were 34 security holders of the Applicant. Applicant is not a party to any litigation or administrative proceeding and there has been no winding up of the Applicant's affairs. As of June 30, 1981, Applicant had total assets and liabilities of \$1,832,197. Applicant continues to be in the business of investing.

On June 27, 1979, Applicant made an offer to purchase for cash all of the shares of its common stock at the price of \$61.60. The offer was made to all stockholders other than members of the Hotchkiss family, the members of which then held and still hold a controlling interest in Applicant. Five thousand two hundred and nine (5,209) shares, or 54.7% of the shares owned by persons other than the Hotchkiss family, were tendered and purchased by Applicant. Those purchases reduced the number of record holders of Applicant's common stock from 610 to 507 and the number of holders of round lots from 26 to 8. Applicant was not registered under the Act at that time and the offer, therefore, violated Section 7(a)(2) of the Act. This fact was disclosed to stockholders in the proxy statement of Applicant dated June 9, 1981.

On March 17, 1980, Applicant filed a preliminary copy of a Transaction Statement pursuant to Rule 13e-3 under the Securities Exchange Act of 1934 in connection with a proposed 1-for-20 reverse split of the then-outstanding common stock. In a letter dated April 4, 1980, the Division of Corporation Finance of the Commission ("Division") advised Applicant that it was an investment company subject to the Act. Upon further study of the Act, Applicant determined that it had been an investment company since April, 1979, when a subsidiary of Applicant, Bell Furniture Company, was sold.

Applicant advised the Division that it would register as an investment company under the Act and carry out a reverse split. The reverse split would leave Applicant with fewer than 100 stockholders, and therefore, under section 3(c)(1) of the Act, Applicant would no longer be an investment company within the meaning of the Act.

Section 3(c)(1) of the Act provides that any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than 100 persons and which does not presently propose to make a public offering of its securities is not an investment company.

The reverse split was described in the Applicant's proxy statement dated June 9, 1981. As a result of a vote of holders of common stock at a special meeting on June 30, 1981, Applicant's certificate of incorporation was amended on July 1, 1981, to effect a 1-for-20 reverse split of its common stock. As a result of that transaction, the number of stockholders was reduced from 509 to 34.

Applicant submits that it is no longer an investment company as defined by section 3(c)(1) of the Act since it now has less than 100 shareholders and has no plans to make a public offering of its stock. Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking of such order, the registration of such company under the Act shall cease to be in effect.

Accordingly, Applicant requests that the Commission issue an order pursuant to section 8(f) of the Act declaring that it has ceased to be an investment company.

Notice is further given that any interested person may, not later than January, 11, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 81-30903 Filed 12-24-81; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD-81-102]

#### New York Vessel Traffic Service; Advisory Committee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the New York Harbor Vessel Traffic Service Advisory Committee to be held on 27 January 1982, in the conference room, second floor, U.S. Coast Guard Marine Inspection Office, Battery Park Office, New York, New York, beginning at 9:30 a.m.

The agenda for this meeting of the New York Harbor Vessel Traffic Service Advisory Committee is as follows:

Review of proposed operating procedures for Vessel Traffic Service New York.

The New York Harbor Vessel Traffic Service Advisory Committee was established by Commander, Third Coast Guard District to advise on the need for, and development, installation and operations of a Vessel Traffic Service for New York Harbor. Members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Attendance is open to the interested public. With advance notice to the Chairman, members of the public may make oral statements at the meeting. Persons wishing to present oral statements should so notify the Executive Director no later than the day before the meeting. Any member of the public may present a written statement to the Committee at any time.

Additional information may be obtained by writing Captain D. J. Linde, USCG, Executive Director, NYHVTS Advisory Committee, New York Vessel Traffic Service, Governors Island, New York, New York 10004; or by calling (212) 668-7954.

Dated: December 14, 1981, in New York, N.Y.

J. S. Gracey,  
Vice Admiral, U.S. Coast Guard, Commander,  
Third Coast Guard District.

[FR Doc. 81-36861 Filed 12-24-81; 8:45 am]

BILLING CODE 4910-14-M

## Federal Aviation Administration

### Availability of Final Environmental Impact Statement; Proposed Ocean Shores Airport; City of Ocean Shores, Washington

The Northwest Regional Office of the Federal Aviation Administration (FAA) announces the availability for public review of the Final Environmental Impact Statement for the proposed Ocean Shores Airport at the City of Ocean Shores, Washington. Copies of the document are available for public review at the Offices of the City of Ocean Shores, the FAA Office in Seattle (Airports Division), and the Ocean Shores City Library. Review comments must be received by Mr. Mark Beisse, Acting Chief, Planning and Programming Branch, FAA Building, King County International Airport, Seattle, Washington 98108 by January 29, 1982. For information or questions, please call Mr. Beisse at (206) 767-2633.

Dated: December 28, 1981.

Mark A. Beisse,  
Acting Chief, Planning and Programming  
Branch, ANW-610.

[FR Doc. 81-36827 Filed 12-24-81; 8:45 am]

BILLING CODE 4910-13-M

## Office of the Secretary

### Minority Business Resource Center Advisory Committee; Relocation of Meeting

This notice is given to advise of the relocation of the Minority Business Resource Center Advisory Committee meeting originally scheduled to be held January 18, 1982 in San Francisco, CA. Notice of meeting was published in the *Federal Register* issue of December 7, 1981 (46 FR 59690).

Notice is hereby given of the relocation of said meeting for January 18, 1982, at 10:00 a.m. until 1:00 p.m. in Room 9230-9232 at the Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590. The agenda for the meeting remains the same as published in the issue of November 27, 1981.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than the day before the meeting. Information pertaining to the meeting may be obtained from Ms. Betty Chandler, Minority Business Resource

Center, 400 7th Street, SW., Washington, D.C. 20590, telephone (202) 426-2852.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on December 18, 1981.

**Melvin Humphrey,**

*Director, Office of Small and Disadvantaged Business Utilization.*

[FR Doc. 81-36832 Filed 12-24-81; 8:45 am]

**BILLING CODE 4910-62-M**

# Sunshine Act Meetings

Federal Register

Vol. 46, No. 248

Monday, December 28, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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### FEDERAL COMMUNICATIONS COMMISSION.

*Additional Item To Be Considered at Commission Open Meeting, Thursday, December 17, 1981*

The Federal Communications Commission will consider this additional item on the subject listed below at the Open Meeting scheduled for Thursday, December 17, 1981, starting at 9:30 A.M. in Room 856, at 1919 M Street, NW., Washington, D.C.

#### *Agenda, Item No., and Subject*

Common carrier—10—Title: CC Docket No. 80-286, *Amendment of Part 67 of the Commission's Rules.*

Summary: The Commission will decide whether to request comments on the Federal-State Joint Board's recommended decisions phasing CPE out of the jurisdictional separations process and freezing SPF.

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this additional item.

Additional information concerning this meeting may be obtained from Maureen Peratino FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: December 16, 1981.

William J. Tricarico,  
Secretary, Federal Communications  
Commission.

[S 1929-81 Filed 12-23-81; 8:15 am]

BILLING CODE 6712-01-M

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### FEDERAL COMMUNICATIONS COMMISSION.

*Deletion of Agenda Items From December 17th Open Meeting*

The following item has been deleted at the request of the Office of Commissioner Rivera from the list of

agenda items scheduled for consideration at the December 17, 1981, Open Meeting and previously listed in the Commission's Notice of December 10, 1981.

#### *Agenda, Item No., and Subject*

Common Carrier—9—Title: Prescription of Revised Depreciation Rates (AT&T).

Summary: The Commission will consider revised whole-life and remaining-life depreciation rates for all or portions of the plant for long lines department and the operating companies of the American Telephone & Telegraph Co.

Title: Prescription of Revised Depreciation Rates (GTE).

Summary: The Commission will consider revised remaining-life depreciation rates for all or portions of the plant of the companies of the GTE Service Corporation for which the Commission prescribes depreciation rates.

Title: Prescription of Revised Depreciation Rates (Continental Telephone Co. of Virginia).

Summary: The Commission will consider revised remaining-life depreciation rates for all of the plant of the Continental Telephone Co. of Virginia.

Issued: December 16, 1981.

William J. Tricarico,  
Secretary, Federal Communications  
Commission.

The following item has been deleted at the request of the Office of Commissioner Fogarty from the list of agenda items scheduled for consideration at the December 17, 1981, Open Meeting and previously listed in the Commission's Notice of December 10, 1981.

#### *Agenda, Item No., and Subject*

Broadcast—5—Title: *Third Further Notice of Proposed Rule Making in Docket No. 21474* (Broadcast Equal Employment Opportunity Rules).

Summary: The Commission will consider whether to issue a *Third Further Notice of Proposed Rule Making* in its ongoing equal employment opportunity ("EEO") proceeding. The proposals under consideration would modify various data filing requirements.

[S. 1930-81 Filed 12-23-81; 9:09 am]

BILLING CODE 6712-01-M

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### FEDERAL ELECTION COMMISSION.

**DATE AND TIME:** Thursday, December 10, 1981 (followed the conclusion of the open meeting).

**PLACE:** 1325 K Street, NW., Washington, D.C.

**STATUS:** Due to extra ordinary circumstances, the Commission held a meeting which was closed to the public for the purposes of discussing the release of the Reagan/Bush Audit Report on December 11, 1981.

**DATE AND TIME:** Thursday, December 17, 1981 at 10:00 a.m.

**PLACE:** 1325 K Street, NW., Washington, D.C. (Fifth Floor).

**STATUS:** Due to the lack of a quorum, the open meeting was not held.

**PERSON TO CONTACT FOR INFORMATION:** Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S 1932-81 Filed 12-23-81; 10:17 am]

BILLING CODE 6715-01-M

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### FEDERAL ENERGY REGULATORY COMMISSION.

**Meeting December 22, 1981**

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552b:

**AGENCY HOLDING MEETING:** Federal Energy Regulatory Commission.

**TIME AND DATE:** December 29, 1981, 10:00 a.m.

**PLACE:** 825 North Capitol Street, N.E., Washington, D.C. 20426, Room 9306.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

**CONTACT PERSON FOR MORE INFORMATION:** Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

#### **Consent Power Agenda**

*740th Meeting—December 29, 1981, Regular Meeting (10:00 a.m.)*

CAP-1.—Docket No. ER82-80-000, Public Service Company of Oklahoma

CAP-2.—Docket No. ER78-338 (Phase I and II), Public Service Company of New Mexico

**Consent Miscellaneous Agenda**

- CAM-1.—Docket No. GP82—, Section 107 Well Category Determination, Amoco Production Company, USA Amoco T #1 Well, JD81-46228
- CAM-2.—Docket No. QF82-6-000, Mercy Hospital and Medical Center, Small Power Production and Cogeneration Facilities—qualifying status

**Consent Gas Agenda**

- CAG-1.—Docket No. RF82-13-000, National Fuel Gas Supply Corporation
- CAG-2.—Docket No. RF82-16-000, United Gas Pipe Line Company
- CAG-3.—Docket No. TA82-1-30-000, Trunkline Gas Company
- CAG-4.—Docket No. CI81-460-000, Pennzoil Producing Company; Docket No. CI81-356-001, Aminoil Development, Inc.; Docket No. CI81-43-000, Arco Oil and Gas Company; Division of Atlantic Richfield Company; Docket No. CI76-201, Chevron U.S.A. Inc.; Docket No. CI81-2-000, Arco Oil and Gas Company, Division of Atlantic Richfield Company; Docket No. CS71-571-000, Houston Oil & Gas Company, Inc.; Docket No. CI81-189-000, Southwest Gas Storage Company
- CAG-5.—Docket No. RP76-3, The Inland Gas Company, Inc.
- CAG-6.—Docket No. TC82-5-000, Mid Louisiana Gas Company
- CAG-7.—Docket No. CP81-478-000, Tennessee Gas Pipeline Company, a division of Tenneco Inc.
- CAG-8.—Docket No. CP81-181-000, United Gas Pipe Line Company and Florida Gas Transmission Company

**Power Agenda**

- I. Licensed Project Matters
- P-1.—Reserved
- II. Electric Rate Matters
- ER-1. Docket No. ER82-67-000, Wisconsin Public Service Company
- ER-2. Docket No. ER82-79-000, Ohio Edison Company
- ER-3. Docket Nos. ER77-485 and ER77-551, Carolina Power & Light Company; Docket No. E-9606, North Carolina Electric Membership Corporation, et al., v. Carolina Power & Light Company

**Miscellaneous Agenda**

- M-1. Reserved

**Regular Gas Agenda**

- I. Pipeline Rate Matters
- RP-1. Reserved
- II. Producer Matters
- CI-1. Reserved

**III. Pipeline Certificate Matters**

- CP-1. Docket Nos. RP72-99 and TC79-6 (compensation), Transcontinental Gas Pipe Line Corporation
- CP-2. Docket No. CP82-73-000, Northwest Pipeline Corporation

**Kenneth F. Plumb,**  
*Secretary.*

[S-1933-81 Filed 12-23-81; 10:52 am]

**BILLING CODE 6717-01-M**

**5****POSTAL SERVICE BOARD OF GOVERNORS.***Vote to Close Meeting*

On December 21, 1981, by recorded vote taken during a telephone conference call, the Board of Governors of the United States Postal Service voted to close to public observation a portion of its meeting scheduled for January 7, 1982. Each of the members voted in favor of closing this portion of the meeting, except Mr. Benson (who was absent) and Mr. Sullivan (who had rung off before the vote was taken). The meeting is expected to be attended by the following persons: Governors Hardesty, Babcock, Camp, Hughes, Jenkins and Sullivan; Postmaster General Bolger, Deputy Postmaster General Benson; Secretary of the Board Cox; and Counsel to the Governors Califano.

The portion of the meeting to be closed will consist of a discussion among the members of compensation for certain postal executives.

The Board is of the opinion that public access to this discussion would be likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(6) of title 5, United States Code, and § 7.3(f) of title 39, Code of Federal Regulations, the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), in that it is likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy. The Board

has also determined that the public interest does not require that the Board's discussion be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that, in his opinion, the meeting to be closed may properly be closed to public observation, pursuant to section 552b(c)(6) of title 5, United States Code and § 7.3(f) of title 39, Code of Federal Regulations.

**Louis A. Cox,**  
*Secretary.*

**W. Allen Sanders,**

*Liaison Officer for the U.S. Postal Service.*

[S-1931-81 Filed 12-23-81; 9:58 am]

**BILLING CODE 7710-12-M**

**6****UNITED STATES RAILWAY ASSOCIATION.**

**AGENCY HOLDING THE MEETING:** United States Railway Association.

**DATE AND TIME:** January 7, 1982; 2:00 p.m.

**PLACE:** Board Room, Room 2-500, Fifth Floor, 955 L'Enfant Plaza North, SW, Washington, D.C.

**STATUS:** The first portion of this meeting will be closed to the public; the remainder will be open to the public.

**MATTERS TO BE CONSIDERED BY THE USRA BOARD OF DIRECTORS:**

*Portions Closed to the Public (2:00 p.m.)*

1. Internal Personnel Matters.
2. Litigation Report.
3. Review of Conrail Proprietary and Confidential Financial Information.

*Portions Open to the Public (2:30 p.m.)*

4. Approval of Minutes of December 3 Meeting.
5. Conrail Monitoring.

**CONTACT PERSON FOR MORE**

**INFORMATION:** Alex Bilanow, (202) 426-4250.

[S 1928-81 Filed 12-22-81; 4:24 pm]

**BILLING CODE 8240-01-M**