

Federal Register

Thursday
December 10, 1981

Highlights

- 60562 Wilderness Study Areas** Interior/BLM requests comments on energy and mineral resource data gathering. (Part II of this issue)
- 60512, 60513 Continental Shelf—Oil and Gas Leasing** Interior/GS announces availability of second edition of Atlantic and Pacific Indexes and Gulf of Mexico Summary Report No. 2. (2 documents)
- 60429 Natural Gas** DOE/FERC revises certain producer reporting requirements.
- 60470 Supplemental Security Income (SSI)** HHS/SSA proposes to revise rules on deeming of income and resources to students and aliens.
- 60504 Grant Programs—Aged** HHS/HDSO invites applications for planning and development of long term care gerontology centers under the Multidisciplinary Centers of Gerontology Program.
- 60492 Motor Vehicles—Fuel Economy** DOE announces availability of First Edition of 1982 *Gas Mileage Guide*.
- 60481 School Buses** DOT/NHTSA proposes change in rearview mirror requirements.

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FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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- 60458 Minority Business** DOT modifies definition of "Hispanic" in its minority business enterprise regulation.
- 60421 Securities** SEC interprets Regulation S-K management remuneration disclosure requirements.
- 60446 Hazardous Waste Management** EPA decides that certain generators may qualify for interim status as storage facilities.
- 60435 Helium** Interior/Mines revises rules on purchase by Federal agencies.
- 60457 Radio** FCC allows entry of new stations into public coast station market.
- 60486 Imports** Commerce/ITA and Interior propose 1982 allocation provisions on watch quotas for producers in the Virgin Islands, Guam, and American Samoa.
- 60490** CITA adjusts restraint level for certain cotton and man-made fiber apparel products from Haiti.
- Countervailing Duties** Commerce/ITA issues notices on the following: (2 documents)
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- 60486** Viscose rayon staple fiber from Sweden
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Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

Delay In Effective Date for Required Use of Diverter-Type Mechanical Samplers

Correction

In FR Doc. 81-34449 appearing on page 58277 in the issue for Tuesday, December 1, 1981, third column, second full paragraph, fifth line from the bottom, insert the following after "the": "effect of providing the grain industry with the option of having".

BILLING CODE 1505-01-M

Agricultural Marketing Service

7 CFR Part 905

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 6, Amdt. 1]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Tangerine Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers the minimum size requirement applicable to fresh shipments of Dancy variety tangerines from 2½ inches to 2¼ inches in diameter on and after December 7, 1981. This action allows an increase in the supply of tangerines in recognition of demand conditions and the size composition of available supply in the interest of growers and consumers.

EFFECTIVE DATE: December 7, 1981.

FOR FURTHER INFORMATION CONTACT:

William J. Doyle, Acting Chief, Fruit Branch, F&V AMS, USDA, Washington,

D.C. 20250, telephone (202) 447-5975.

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

This amendment is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Citrus Administrative Committee, and upon other available information. It is hereby found that the regulation of Florida Dancy tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

Interim regulation 5, setting minimum grade and size requirements for Florida Dancy tangerines, was effective for the period October 19, 1981 through December 6, 1981. The final rule is to become effective on and after December 7, 1981. The final rule provides, among other things, that the minimum diameter of Florida Dancy tangerines be not smaller than 2¼ inches.

This amendment would relax limitations on the handling of Dancy tangerines by permitting each handler, on and after December 7, 1981, to ship 210 size (2¼ inches) Dancy tangerines.

The committee reports that the total

quantity of large fruit is less than anticipated and there is a need to augment the total available supply by permitting shipment of smaller sized fruit. Thus, relaxation of the regulation is necessary to allow a greater proportion of the available supply to reach the market.

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

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

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Accordingly, the provisions of § 905.306 (Orange, Grapefruit, Tangerine and Tangelo Regulation 6 (46 FR 60170) are amended by revising table I paragraph (a) to read as follows:

§ 905.306 Orange, Grapefruit, Tangerine, and Tangelo Regulation 6.

(a) * * *

TABLE I

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (in.) (4)
Tangerines: Dancy.....	On and after 12/7/81.....	U.S. No. 1.....	2¼

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

Dated: December 4, 1981.

Russell L. Hawes,

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

[FR Doc. 81-35330 Filed 12-9-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 907

[Navel Orange Reg. 531; Navel Orange Reg. 530, Amdt. 1]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period December 11-December 17, 1981, and increases the quantity of such oranges that may be so shipped during the period December 4-December 10, 1981. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: This regulation becomes effective December 11, 1981, and the amendment is effective for the period December 4-10, 1981.

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

SUPPLEMENTARY INFORMATION:

Findings

This rule has been reviewed under Secretary's Memorandum 1512-1, and Executive Order 12291 and has been designated a "non-major" rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Navel Orange Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981-82. The marketing policy was recommended by the committee following discussion at a public meeting on October 6, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on December 8, 1981, at Redlands, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges is good.

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

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

1. Section 907.831 is added as follows:

§ 907.831 Navel orange regulation 531.

The quantities of navel oranges grown in Arizona and California which may be handled during the period December 11, 1981, through December 17, 1981, are established as follows:

- (a) District 1: 1,274,000 cartons;
- (b) District 2: Unlimited cartons;
- (c) District 3: 126,000 cartons;
- (d) District 4: Unlimited cartons.

2. Section 907.830 *Navel orange regulation 530* (46 FR 58639) is hereby revised to read:

§ 907.830 Navel orange regulation 530.

- (a) District 1: 1,547,000 cartons;
- (b) District 2: Unlimited cartons;
- (c) District 3: 153,000 cartons;
- (d) District 4: Unlimited cartons.

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

Dated: December ??, 1981.

D. S. Kuryloski,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-35547 Filed 12-9-81 11:31 am]

BILLING CODE 3410-02-M

7 CFR Part 1133

Milk in the Inland Empire Marketing Area; Order Suspending Certain Provisions

AGENCY: Agriculture Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This action suspends certain provisions of the Inland Empire Federal milk order that affect the regulatory status of distributing plants. The suspension is based on a cooperative association's request considered at a public hearing on a proposal to merge the Puget Sound and Inland Empire orders. The public hearing was held in Seattle, Washington, on September 15-19, 1981, and on September 21, 1981, in Spokane, Washington. The suspension is effective beginning for the month of December 1981 and continues until final disposition is made of the hearing proceeding. Such action recognizes the current marketing situation of the cooperation association and is in the interest of producers associated with the market.

EFFECTIVE DATE: December 10, 1981.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

Notice of Hearing: Issued June 11, 1981; published June 16, 1981 (46 FR 31424).

Notice of Postponement of Hearing: Issued June 30, 1981; published July 6, 1981 (46 FR 34805).

Notice of Rescheduling of Hearing: Issued July 23, 1981; published July 28, 1981 (46 FR 38524).

Notice of Proposed Suspension: Issued November 6, 1981; published November 12, 1981 (46 FR 55707).

This administrative action is governed by the provisions of sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

The action will not have a significant economic impact on a substantial number of small entities. It lessens the regulatory impact of the order on certain milk handlers and tends to ensure that

dairy farmers who supply milk for the area will have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Inland Empire marketing area.

It is hereby found and determined that beginning for the month of December 1981 and continuing until final disposition is made of the hearing proceeding on the proposal to merge the Puget Sound and Inland Empire orders the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1133.7, paragraph (a)(2).

Statement of Consideration

This action suspends the minimum total route disposition requirement that a distributing plant must meet to qualify as a pool plant under the order. The order now requires that a distributing plant must dispose of at least 40 percent of its milk receipts as fluid milk products on routes during February through August and 50 percent of such receipts during other months before the plant is qualified for pool plant status.

The suspension was requested by Northwest Dairymen's Association (NDA), a cooperative association, at the above mentioned hearing. The cooperative represents a majority of the dairy farmers supplying the market, and its marketing agent, Consolidated Dairy Products Co. (Consolidated), operates two pool distributing plants and a nonpool manufacturing plant in the market. Also, NDA was the proponent of the proposal to merge the Puget Sound and Inland Empire orders.

At the hearing, proponent testified that the need for the suspension stems from changes in plant operations and milk movements contemplated by Consolidated as a result of the September 1, 1981, merger of Mayflower Farms (Mayflower) with NDA. Proponent's spokesman testified that among the changes under consideration is the combining of the nonpool manufacturing plant operated by Consolidated with the former Mayflower pool distributing plant at Spokane into one integrated plant. Both of these plants are located on the same premises but presently are operated separately. The witness stated that this change would result in significant operating efficiencies. He indicated, however, that if these plants are

combined, the total Class I route disposition of the combined plant would be less than the order's present requirement for a pool distributing plant. He claimed that failure of the combined plant to meet the pooling requirements would result in the milk of many of NDA's member producers who are regular suppliers on the market not being priced and pooled under the order. The witness indicated that the suspension should be effectuated soon so that Consolidated could proceed with the desired revamping of its Spokane facilities. No one testified in opposition to the suspension request at the hearing.

Subsequent to the hearing, NDA renewed its suspension request and asked that it be considered prior to the time that a complete review could be made of the post-hearing briefs on this limited issue considered at the hearing. The basis of this later request was that the plans to combine the two plants at Spokane were finalized and the suspension was needed immediately to make the change feasible. Whether the plants should be combined had not yet been decided at the time of the hearing.

In response to NDA's later request, the Department issued a notice of proposed suspension which provided interested parties the opportunity to comment on the proposed action. Comments in support of the suspension request were filed separately by NDA and Consolidated. Further, they indicated in their comments that the suspension will provide Consolidated with greater flexibility in determining whether to continue operating its Moses Lake plant as a pool distributing plant. There were no comments filed in opposition to the proposed suspension.

One of proponent's proposals considered at the merger hearing would remove the total route disposition requirement for pooling a distributing plant that the cooperative now seeks to have suspended. No one opposed this proposal at the hearing. However, whether or not the proposal would be adopted in a merged order that may be issued as a result of the hearing proceeding, is a matter to be determined after the hearing record and post-hearing briefs are completely evaluated. In the interim, suspension of the total route disposition requirement for pooling a distributing plant is warranted on the basis of the hearing evidence as it will tend to assure orderly marketing pending the outcome of the hearing proceeding.

Without the suspension, Consolidated might be able to meet the total route disposition pooling standard for the combined plant operation either by

moving considerable quantities of fluid milk products between its two distributing plants associated with the market or discontinue receiving milk from some of its producers. This would tend to disrupt the normal and efficient marketing practices of the handler and would jeopardize the pool status of some of the producers involved. The suspension action, however, will enable Consolidated to make certain changes in its plant operations that will result in significant operating efficiencies. Also, it will permit the producers regularly supplying the Spokane plant to continue to share uniformly with other producers supplying the market in the proceeds from Class I sales in the market.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that without this action a number of dairy farmers who have been regularly supplying the fluid market could lose their producer status under the order and thus no longer share in the Class I sales of the market.

(b) This suspension does not require of persons affected substantial or extensive preparations prior to the effective date; and

(c) The marketing problems that provide the basis for the suspension were fully reviewed at a public hearing and all interested parties had the opportunity of being heard on this matter.

Therefore, good cause exists for making this order effective December 10, 1981. It is therefore ordered, that the aforesaid provisions of the order are hereby suspended beginning for the month of December 1981 and continuing until final disposition is made of the hearing proceeding on the proposal to merge the Puget Sound and Inland Empire orders.

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

Effective Date: December 10, 1981.

Signed at Washington, D.C., on December 7, 1981.

C. W. McMillan,
Assistant Secretary, Marketing and
Inspection Services.

[FR Doc. 81-35410 Filed 12-9-81; 8:45 am]

BILLING CODE 3410-02-M

Packers and Stockyards Administration**9 CFR Parts 201, 202, 203, and 204****Regulations, Rules of Practice, Policy Statements and Organization and Functions**

AGENCY: Packers and Stockyards Administration, USDA.

ACTION: Final rule.

SUMMARY: This document amends Chapter II of 9 CFR to change the agency to the Packers and Stockyards Administration from Agricultural Marketing Service. The changes are made because the Packers and Stockyards Administration was re-established as a separate agency by Secretary's Memorandum 1000-1 issued June 17, 1981, and the revision of delegation of authority (46 FR 47747).

DATES: Effective December 10, 1981.

FOR FURTHER INFORMATION CONTACT: Calvin W. Watkins, Assistant to the Administrator, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, phone (202) 447-7201.

SUPPLEMENTARY INFORMATION: On June 17, 1981, the Secretary, by Memorandum 1000-1, re-established the Packers and Stockyards Administration as a separate unit within the Department. Parts 201, 202, 203 and 204 of Chapter II, Title 9 of the Code of Federal Regulations, contain the Agricultural Marketing Service as the agency responsible for administering the provisions of the Packers and Stockyards Act, 1921, as amended. Part 204, Organization and Functions, is amended to show the current organization and functions of the Packers and Stockyards Administration. Also, it is amended to set forth the Freedom of Information Act procedures of the agency.

On October 14, 1981 (46 FR 50510), the definitions of terms in 9 CFR Part 201.2 were revised to reflect the reorganizational changes. The definitions in 9 CFR Part 201.2 also apply to 9 CFR Part 202, 9 CFR Part 203 and 9 CFR Part 204.

The chapter title of Title 9, Animals and Animal Products, Chapter II, is changed to read Packers and Stockyards Administration, Department of Agriculture, rather than Agricultural Marketing Service (Packers and Stockyards), Department of Agriculture.

Footnote 1 to 9 CFR Parts 201, 202 and 203 is removed. In addition, Parts 202 and 203 are amended to change the name of the agency to Packers and Stockyards Administration and the

Agency head to the Administrator of the Packers and Stockyards Administration.

This rule relates to agency organization, management and personnel, and consequently the requirements of 5 U.S.C. 553 do not apply. Further, since the rule relates to agency organization, management, and personnel, it is exempt from the provisions of Executive Order 12291 by Section 1(a)(3) of that Order. Lastly, this action is not a rule as defined in Public Law 96-354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Accordingly, Chapter II of Title 9 of the Code of Federal Regulations is amended as set forth below:

1. The title of Chapter II is revised to read:

CHAPTER II—PACKERS AND STOCKYARDS ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

2. Footnote 1 to the Part 201 heading is removed.

PART 202—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER THE PACKERS AND STOCKYARDS ACT

1. Footnote 1 to the Part 202 heading is removed.

2. Section 202.102 is amended by revising paragraphs (e) and (f) to read as follows:

§ 202.102 Rule 2: Definitions.

* * * * *

(e) "Agency" means those divisions and offices of the Packers and Stockyards Administration of the Department which are charged with administration of the Act;

(f) "Agency Head" means the Administrator, Packers and Stockyards Administration, of the Department, or any officer or employee of the Agency to whom authority is lawfully delegated to act for the Administrator;

* * * * *

PART 203—STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT

1. Footnote 1 to this Part 203 heading is removed.

§ 203.17 [Amended]

2. Section 203.17 is amended by removing the words "Packers and Stockyards—AMS" wherever they appear and inserting in their place the words "The Packers and Stockyards Administration."

(7 U.S.C. 228(a))

1. Part 204 is revised to read as follows:

PART 204—ORGANIZATION AND FUNCTIONS

Public Information

Sec.

- 204.1 Introduction.
- 204.2 Organization.
- 204.3 Delegations of authority.
- 204.4 Public inspection and copying.
- 204.5 Indexes.
- 204.6 Requests for records.
- 204.7 Appeals.

Authority: 5 U.S.C. 552

Public Information

§ 204.1 Introduction.

The Packers and Stockyards Administration hereby describes its central and field organization, indicates the established places at which and methods whereby the public may secure information, directs attention to the general course and method by which its functions are channeled and determines and set forth the procedures governing the availability of opinions, orders, and other records in the files of said Administration.

§ 204.2 Organization.

(a) The Packers and Stockyards Administration consists of a headquarters office located in the South Building of the U.S. Department of Agriculture in Washington, D.C., and 13 regional offices. The Washington headquarters office is organized to include the Office of the Administrator and two Divisions, the Packer and Poultry Division and the Livestock Marketing Division.

(b) *Office of the Administrator.* This office has overall responsibility for administering the provisions of the Packers and Stockyards Act, 1921, as amended and supplemented (7 U.S.C. 181 *et seq.*), for enforcement of the Truth-in-Lending Act (15 U.S.C. 1601-1665) with respect to any activities subject to the Packers and Stockyards Act, 1921, as amended, and for executing assigned civil defense and defense mobilization activities. These responsibilities include formulation of long range and current programs relating to assigned functions; technical and administrative direction and coordination in the execution of approved policies and programs carried out by the Packers and Stockyards Administration; review and evaluation of program operations and determination of remedial measures for improvement; maintenance of relations and communications with producer and industry groups.

(1) *The Administrator.* The Administrator is responsible for the general direction and supervision of programs and activities assigned to the Packers and Stockyards Administration except such activities as are reserved to the Judicial Officer (32 FR 7468). He reports to the Assistant Secretary for Marketing and Inspection Services.

(2) *Deputy Administrator.* The Deputy Administrator shares overall responsibility with the Administrator for the general direction and supervision of programs and activities assigned to the Packers and Stockyards Administration.

(3) *Assistant to the Administrator.* The Assistant to the Administrator participates with the Administrator and Deputy Administrator in the development, administration, and analysis of policies and program and directs the internal administrative management, information, and related activities of the Packers and Stockyards Administration and maintains liaison for management support services.

(4) *Director, Industry Analysis Staff.* The Director of the Industry Analysis Staff serves as the source of economic advice for the Administrator on broad policy questions and on the economic implications of various Administration programs and policies on livestock and poultry producers, on the several segments of the livestock, meat, and poultry marketing, processing, and wholesaling industries, and on consumers.

(c) *Packer and Poultry Division.* This Division carries out the enforcement of the provisions of the Packers and Stockyards Act relating to packers and live poultry dealers and handlers and licensees. These responsibilities and functions include determination of applicability of the provisions of the Act to individual packer and poultry operations, surveillance of these operations, investigation of complaints, initiation of formal proceedings, when warranted, to correct illegal practices, and maintenance of working relationships with the meat packer and poultry industries.

(d) *Livestock Marketing Division.* This Division enforces those provisions of the Packers and Stockyards Act relating to stockyard owners, market agencies, and dealers. Included within these responsibilities and functions are determination of the applicability of the provisions of the Act to individual stockyard operations; posting of stockyards; registration and bonding of market agencies and dealers; bonding of packers; testing of scales and checkweighing; acceptance for filing of schedules of rates and charges; surveillance and investigation of the

lawfulness of rates and charges of stockyard owners and market agencies and the adequacy of stockyard services furnished by stockyard owners and market agencies; and surveillance and investigation of trade practices within the purview of the Act, other than packer and poultry marketing practices. The Division also initiates formal proceedings, when warranted, to correct illegal practices, rates, or charges and maintains working relationships with producer and industry groups.

(e) *Field Service.* (1) The Field Service of the Packers and Stockyards Administration is divided into 13 regional offices. These offices are responsible for supervision of the operations of stockyard companies, market agencies, dealers, packers, and poultry dealers and licensees to assure compliance with the Act. They formulate recommendations relating to enforcement of the Act; conduct investigations to determine the existence of and develop evidence of, unfair trade practices; evaluate the adequacy of stockyard facilities and services; receive and investigate complaints including reparation complaints; prepare investigative reports and recommend corrective action, audit books, records, and reports of persons subject to the Act; review applications for registration, licenses, and rate changes for accuracy and compliance; assist in prosecution of cases; and maintain relationships with producers, the trade, States, and other groups interested in the welfare of the livestock and poultry industries concerning enforcement of the Act.

(2) The addresses of these offices, which are under regional supervisors, are as follows:

Atlanta—Room 338, 1720 Peachtree Street, NE., Atlanta, GA 30309
 Bedford—Turnpike Road, Box 101E, Bedford, VA 24523
 Denver—208 Livestock Exchange Building, Denver, CO 80216
 Fort Worth—Room 8A36, Federal Building, 819 Taylor Street, Fort Worth, TX 76102
 Indianapolis—Suite 24, 537 Turtle Creek, South Drive, Indianapolis, IN 46227
 Kansas City—828 Livestock Exchange Building, Kansas City, MO 64102
 Lawndale—15000 Aviation Boulevard, Room 2W6, P.O. Box 6102, Lawndale, CA 90261
 Memphis—Room 459, Federal Building, 167 North Main Street, Memphis, TN 38103
 North Brunswick—825 Georges Road, Room 303, North Brunswick, NJ 08902
 Omaha—909 Livestock Exchange Building, Omaha, NE 68107
 Portland—9370 S.W. Greenburg Road, Suite E, Portland, OR 97223
 South St. Paul—208 Post Office Building, Box 8, South St. Paul, MN 55075
 Springfield—975 Durkin Drive, Suite G, Springfield, IL 62704

§ 204.3 Delegation of authority.

(a) *Deputy Administrator.* Under the direction of the Administrator, the Deputy Administrator is hereby delegated authority to perform all the duties and to exercise all the functions and powers which are now or which may hereafter be, vested in the Administrator (including the power of redelegation).

(b) *Division Directors.* The Directors of the Industry Analysis Staff, Livestock Marketing Division, and the Packer and Poultry Division, under administrative and technical direction of the Administrator and the Deputy Administrator, are hereby individually delegated authority, in connection with the respective functions assigned to each of said organizational units in § 204.2, to perform all the duties and to exercise all the functions and powers which are now, or which may hereafter be, vested in the Administrator (including the power of redelegation) except such authority as is reserved to the Administrator and Deputy Administrator under paragraph (i) of this section.

(c) *Branch Chiefs.* (1) The Chief of the Financial Protection Branch; the Chief of the Marketing Practices Branch; the Chief of the Scales and Weighing Branch of the Livestock Marketing Division; the Chief of the Livestock Procurement Branch, the Chief of the Meat Merchandising Branch, and the Chief of the Poultry Branch of the Packer and Poultry Division are hereby individually delegated authority under the provisions of section 402 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 222), to issue special orders pursuant to the provisions of section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)) and, with respect thereto, to issue notices of default provided for in section 10 of the Federal Trade Commission Act (15 U.S.C. 50).

(2) The Chief of the Financial Protection Branch of the Livestock Marketing Division is hereby delegated authority to perform all acts, functions, and duties with respect to suspending the operation of schedules of rates and charges of stockyard owners and market agencies and extending the time of such suspensions as prescribed in section 306(e) of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 207(e)); all acts, functions and duties as prescribed in § 1.133 of Part 1 of Title 7 (7 CFR 1.133) with respect to the investigation and disposition of information furnished concerning apparent violations involving rates or charges or the application of regulations

of stockyard owners and market agencies, or the alleged failure of such persons to furnish reasonable stockyard services as required by section 304 of the same Act (7 U.S.C. 205); all acts, functions, and duties with respect to the posting and deposing of stockyards pursuant to the provisions of section 302(b) of the same Act (7 U.S.C. 202(b)); perform all acts, functions, and duties of the Administrator with respect to the execution of bonds and trust fund agreements under §§ 201.27 through 201.38 of this chapter, including the power to determine that a bond is inadequate under § 201.30(f) of this chapter, and to determine the amount of bond needed under such paragraph; and perform all acts, functions, and duties with respect to the investigation and disposition of informal complaints for reparation as prescribed in § 202.104 of this chapter and to arrange for the service of documents and perform all other acts, functions, and duties of the Administrator and Administration as prescribed in §§ 202.104 through 202.108 of this chapter.

(3) The Chief of the Poultry Branch of the Packer and Poultry Division is hereby delegated authority to perform all acts, functions, and duties of the Director of said Division with respect to issuing of licenses pursuant to the provisions of section 502(b) of the Packers and Stockyards Act, as amended (7 U.S.C. 218a(b)).

(e) *Regional Supervisors.* (1) The Regional Supervisors of the Packers and Stockyards Administration are hereby individually delegated authority under the provisions of section 402 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 222), to issue special orders pursuant to the provisions of section 6(b) of the Federal Trade Commission Act. (15 U.S.C. 46(b)), and, with respect thereto, to issue notices of default provided for in section 10 of the Federal Trade Commission Act (15 U.S.C. 50); to notify persons deemed to be subject to the bonding requirements in 7 U.S.C. 204 of their obligations to file bonds or trust fund agreements in conformity with §§ 201.27 through 201.38 of this chapter; to notify persons deemed to be subject to the reporting requirements in § 201.97 of this chapter of their obligations to file annual reports; and to grant reasonable requests for extension of 30 days or less, of the time for the filing of such annual reports in conformity with § 201.97 of this chapter.

(2) The Regional Supervisors are hereby individually delegated authority, when there is reason to believe that there is a question as to the true

ownership of livestock sold by any person, to disclose information relating to such questionable ownership to any interested person.

(f) *Investigative employees.* All employees of the Packers and Stockyards Administration assigned to or responsible for investigations in the enforcement of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*) or the enforcement of the Truth-in-Lending Act (15 U.S.C. 1601-1665) with respect to any activities subject to the Packers and Stockyards Act, 1921, as amended or any other Act with respect to any civil defense or defense mobilization activities assigned to the Administration, are hereby individually delegated authority under the Act of January 31, 1925, 43 Stat. 803, 7 U.S.C. 2217, to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of the aforementioned Acts. This authority may not be redelegated and will automatically expire upon the termination of the employment of such employee with the Packers and Stockyards Administration.

(g) *Concurrent authority and responsibility to the Administrator.* No delegation prescribed herein shall preclude the Administrator or Deputy Administrator from exercising any of the powers or functions or from performing any of the duties conferred upon them, and any such delegation is subject at all times to withdrawal or amendment by the Administrator or Deputy Administrator or the Division Director responsible for the function involved. The officials to whom authority is delegated herein shall (1) maintain close working relationships with the Division Directors and Administrator or Deputy Administrator as the case may be, (2) keep them advised with respect to major problems and developments, and (3) discuss with them proposed actions involving major policy questions or other important considerations or questions, including matters involving relationships with other Federal agencies, other agencies of the Department, other Divisions or offices of the Packers and Stockyards Administration, or other Governmental or private organizations or groups.

(h) All prior delegations and redelegations of authority relating to any function or activity covered by these delegations of authority shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked. Nothing herein shall affect the validity of any action

heretofore taken under prior delegations or redelegations of authority or assignment of functions.

(i) *Reservations of authority.* There is hereby reserved to the Administrator and Deputy Administrator the authority with respect to proposed rulemaking and final action for the issuance of regulations (§ 201.1 of this chapter *et seq.*), rules of practice governing proceedings (§ 202.1 of this chapter *et seq.*), and statements of general policy (§ 203.1 of this chapter *et seq.*), and the issuance of moving papers as prescribed in the rules of practice governing formal adjudicatory administrative proceedings instituted by the Secretary (7 CFR Part 1, subpart H, 1.133); and the authority to make final determinations in accordance with the provisions of 7 CFR Part 1, Subpart A, as to the availability of official records and information made or obtained in connection with the administration of the Packers and Stockyards Act which are considered exempt from disclosure under § 204.7 of this part.

§ 204.4 Public inspection and copying.

(a) Facilities for public inspection and copying of the indexes and materials required to be made available under 7 CFR 1.2(a) will be provided by Packers and Stockyards Administration during normal hours of operation. Request for this information should be made to the Freedom of Information Act Officer at the following address: Freedom of Information Act Officer, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250.

(b) Copies of such materials may be obtained in person or by mail. Applicable fees for copies will be charged in accordance with the regulations prescribed by the Director, Office of Operations and Finance, USDA.

§ 204.5 Indexes.

Pursuant to the regulations in 7 CFR 1.4(b), the Packers and Stockyards Administration will maintain and make available for public inspection and copying current indexes of all material required to be made available in 7 CFR 1.2(a). Notice is hereby given that publication of these indexes is unnecessary and impractical, since the material is voluminous and does not change often enough to justify the expense of publication.

§ 204.6 Request for records.

(a) Requests for records under 5 U.S.C. 552(a)(3) shall be made in accordance with 7 CFR 1.3(a). Authority

to make determinations regarding initial requests in accordance with 7 CFR 1.4(c) is delegated to the Freedom of Information Act Officer of the Packers and Stockyards Administration. Requests should be submitted to the FOIA Officer at the following address: Freedom of Information Act Officer (FOIA Request), Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250.

(b) The request shall identify each record with reasonable specificity as prescribed in 7 CFR 1.3.

(c) The FOIA Officer is authorized to receive requests and to exercise the authority to (1) make determination to grant requests or deny initial requests, (2) extend the administrative deadline, (3) make discretionary release of exempt records, and (4) make determinations regarding charges pursuant to the fee schedule.

§ 204.7 Appeals.

Any person whose request under § 204.6 of this Part is denied shall have the right to appeal such denial in accordance with 7 CFR 1.3(e). Appeals shall be addressed to the Administrator, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

(5 U.S.C. 552).

Done at Washington, D.C., December 4, 1981.

James L. Smith,

Acting Administrator, Packers and Stockyards Administration.

[FR Doc. 81-35412 Filed 12-9-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 81-ASW-64; Amdt. 39-4274]

Airworthiness Directives; Mitsubishi Aircraft International, Inc.; (MAI) Model MU-2B Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires inspection and/or replacement of engine wiring harnesses on MAI MU-2B series airplanes. There have been several reports of kinked and frayed wiring in the engine wiring harness. These defects could result in fires or

other malfunctions resulting from shorted wiring.

DATES: Effective December 10, 1981. Compliance required as prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from Mitsubishi Aircraft International, Inc., Post Office Box 3848, San Angelo, Texas 76901. A copy of the Service Bulletin may be examined at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas, or Rules Docket in Room 916, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Al Backstrom, Propulsion Branch, Aircraft Certification Division, ASW-140, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 624-4911, extension 525.

SUPPLEMENTARY INFORMATION: There have been reports of kinked and frayed wiring in the engine wiring harness of 16 MU-2B series airplanes. These failures can lead to failure or improper operation of the electrical system and the possibility of engine compartment fires. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued which requires inspection and/or replacement of engine wiring harness to prevent fires or other malfunctions resulting from shorted wiring on MAI MU-2B airplanes. Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

Adoption of the Amendment

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

Mitsubishi Aircraft International, Inc. (MAI): Applies to MAI Model MU-2B-25/-26/-26A/-40, serial numbers 313SA, 321SA, 348SA through 453SA, Model MU-2B-35/-36A/-60, serial numbers 652SA, 661SA, 697SA through 799SA, 1501SA through 1538SA, and 1540SA.

Compliance is required as indicated unless previously accomplished.

Within the next 25 hours' time in service from the effective date of this AD:

1. Visually inspect the engine's electrical wiring to determine if nonshielded and noncolor coded wiring is white or brown

(tan). Inspection may be made at connectors P4001 and P4020. Remove spiral wrap as required for inspection.

2. If wires are brown (tan) inspect in accordance with paragraph 4.

3. If wires are white, open the harness as necessary and inspect wires for identification:

a. If white wires are marked MS 25471-XX (XX indicates wire gauge), inspect in accordance with paragraph 4.

b. If white wires are marked M 22759/5-XX no further inspection is necessary and the airplane may be returned to service.

4. Each 25 hours' time in service remove wiring harness which incorporates wires affected by paragraph 2 or 3a from the engines and visually inspect all brown (tan) or white insulated MS 25471-XX wires for tight loop, kinks, or bulged deformation. If these conditions are found, replace the wiring harness using one of the procedures in paragraph 5 before further flight. Inspections may be discontinued when wires are replaced using one of the procedures in paragraph 5.

5. Before 300 hours' time in service, after the effective date of this AD, replace all brown (tan) or white insulated MS 25471-XX wires using one of the procedures specified in Part 3 of MAI S/B SB036/71-003 Revision A or alternate means approved by the Chief, Aircraft Certification Division, Southwest Region, Federal Aviation Administration.

A special flight permit may be issued in accordance with FAR 21.197 to allow flight of the airplane to a location where this AD can be accomplished.

This amendment becomes effective December 10, 1981.

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

Note.—The FAA has determined that this document involves a regulation which is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979) nor will it have significant economic effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act since it involves relatively low cost per aircraft. A final regulatory evaluation has been prepared for this regulation and has been placed in the docket. A copy of it may be obtained by contacting the person identified under the caption "For Further Information Contact."

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

Issued in Fort Worth, Texas, on November 25, 1981.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 81-35465 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-EA-26; Amdt. 39-4276]

Airworthiness Directives; Piper

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes A.D. 80-22-15 applicable to various Piper type airplanes and issues a new airworthiness directive (A.D.) covering the inspection for cracks and replacement, where necessary, of the lift strut forks. It also requires inscription of "No Step" on the strut. This new A.D. is prompted by the fact that with the termination of the mandatory times in A.D. 80-22-15, a simpler version of the correction can be published since it permits deletion of unnecessary paragraphs.

EFFECTIVE DATE: December 14, 1981. Compliance is required as set forth in the A.D.

ADDRESS: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: C. Kallis, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There has been an alleged problem in the field in understanding A.D. 80-22-15. This was contributed to by the need to incorporate a number of mandatory times which, while necessary, tend to confuse the needed action. This present A.D. is simpler and easier to understand. Thus, in view of the fact that this new rule is clarifying in nature and does not add an additional burden on any person, notice and public procedure hereon are unnecessary and the rule may be made effective in less than 30 days.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation

Regulations, 14 CFR 39.13 is amended, by revoking A.D. 80-22-15 and by issuing a new airworthiness directive as follows:

Piper: Applies to the following Piper series aircraft certificated in all categories: PA-22, PA-20, PA-19, PA-18, PA-17, PA-16, PA-15, PA-14, PA-12, PA-11, J5, J4, J3, J2, L-21, L-18, L-14, L-4, AE-1 and HE-1.

(a) For Models PA-12, PA-14, PA-16 PA-18, PA-19, PA-20, PA-22, J5, J4, L-14, L-18, L-21, AE-1 and HE-1.

1. Unless already accomplished in the last 450 hours in service, within the next fifty hours in service and thereafter at intervals not to exceed 500 hours in service, remove lift strut forks, and inspect for cracks by "magnetic" means or approved equivalent.

2. Replace lift strut forks prior to the accumulation of 1000 hours in service if used at any time on float equipped aircraft, and prior to the accumulation of 2000 hours in service if used on landplanes. Replacement parts must be parts with the same number manufactured with rolled threads, or approved equivalent.

3. Lift strut forks manufactured with machined (cut) threads are unacceptable for use.

(b) For Models J2, J3, L4, PA-11, PA-15, and PA-17 airplanes, inspect wing lift strut forks in accordance with (a)(1).

(c) For models in paragraphs (a) and (b), unless already accomplished, within the next 50 hours in service, inscribe the statement NO STEP in 1" minimum high letters, in a color which contrasts with the airplane color, or each wing lift strut approximately 6" from the bottom of the struts, and in such direction so that the NO STEP caution can be read when entering and leaving the airplane.

(d) Replace cracked parts before further flight with lift strut forks of the same part number, or approved equivalent, both of which meet the requirements of this AD. For the models in paragraph (a) these forks must have rolled threads; for the models in paragraph (b) these forks may have either machined (cut) or rolled threads.

(e) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region may adjust the compliance times specified in this AD.

(f) Equivalent parts and inspections must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(g) Airplanes may be ferried to a base in accordance with FAR 21.197 where the AD can be accomplished.

Note (1): The following parts are acceptable for use on the airplanes as indicated. The dashed numbers are Piper's new numbers (since September 1981) with the Piper "logo" metal stamped at the fork-end of the parts.

Old part Nos.	New part Nos.	Model
P/N 13770	P/N 13770-2	J3, L-4, PA-11.
P/N 11431	P/N 11431-2	J4.
P/N 11281	P/N 11281-4	PA-15, PA-17, J2
P/N 14481	P/N 14481-2	PA-12, PA-14, PA-16, PA-18, PA-19, PA-20, PA-22, J5, L- 14, L-18, L-21, AE-1, HE-1.

Note (2): To distinguish between machined and rolled threads, a 10-power magnifying glass should be used to examine the threads. A rolled thread is processed by a thread die configuration which upsets the material when forming the thread. This results in an even threaded surface with generous radii in the root of the thread. A machined thread will show machining marks and "tear" areas on the thread surface along with sharp V shaped roots, all caused by the cutting tool. Both conditions are easily discernible under a magnifying glass and not readily recognized with the naked eye.

Effective Date: This amendment is effective December 14, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354(a), 1421, 1423, and 1431(b); Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 14 CFR 11.89.)

Note.—The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not major under Executive Order 12291. It has been further determined that this document involves an emergency regulation under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the person identified above under the caption "For Further Information Contact."

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

Issued in Jamaica, New York, on November 27, 1981.

Timothy L. Hartnett,
Acting Director, Eastern Region.

[FR Doc. 81-35288 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 81-NE-19; Amdt. 39-4277]

Airworthiness Directives; Rolls-Royce Ltd., DART 542-10, 542-10J, and 542-10K Turboprop Engines**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule; request for comments.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to Rolls-Royce DART 542-4, 542-4K, 542-10, 542-10J, and 542-10K engines installed on Convair Model 340/440 (commonly known as Convair 600/640) and NAMC Model YS-11 airplanes by deleting certain model Rolls-Royce DART engines in the Convair model airplanes; by increasing the initial inspection interval for other Rolls-Royce DART engine models as installed on NAMC Model YS-11 airplanes; and by providing for terminating action.

DATES: Effective—December 10, 1981. Comments on the rule must be received on or before January 11, 1982. Compliance schedule as prescribed in body of AD.

ADDRESSES: The applicable Service Bulletins may be obtained from: Rolls-Royce, Ltd., Technical Publications Department, East Kilbride G74 4PY, Scotland.

A copy of each service bulletin¹ is contained in the Rules Docket, Federal Aviation Administration, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT: Donald F. Perrault, Engine Standards Section, ANE-215, Engineering and Manufacturing Branch, Aircraft Certification Division, New England Region, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone: (617) 273-7347.

SUPPLEMENTARY INFORMATION: Amendment 39-1652, AD73-12-03, currently requires inspection of the engine mounting feet for cracks and inspection of the mounting feet studs for fracture, looseness, and loose nuts, and repairs as necessary on Rolls-Royce, Ltd., DART 542-4, 542-4K, 542-10, 542-10J, and 542-10K engines installed on NAMC YS-11 and General Dynamics/Convair Model 340/440 airplanes. After issuing Amendment 39-1652, the FAA

has determined that the inspections are no longer required for certain engine models listed in that amendment; that the initial inspection interval can be increased for certain other engine models; and that inspections can be terminated when certain Rolls-Royce modifications are incorporated. Therefore, the AD is being amended to delete certain engine models from the applicability statement; to increase the inspection interval for remaining models until the manufacturer's recommended design modifications are installed; and also to make reference to the current issue of the Rolls-Royce Service Bulletin.

Since this amendment relieves restrictions and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

Request for Comments on the Rule

Although this action is in the form of a final rule which is relaxatory and, thus, was not preceded by notice and public procedure, comments are invited on the rule.

When the comment period ends, the FAA will use the comments submitted, together with other available information, to review the regulation. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the AD and determining whether additional rulemaking is needed. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule.

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-1652, AD73-12-03, as follows:

1. Amend the applicability statement by striking "542-4, 542-4K" and by deleting all references to Convair airplanes so as to read: "Applies to Rolls-Royce DART engine models 542-10, 542-10J, and 542-10K which do not have Rolls-Royce, Ltd., Modification No. 1681 and Modification No. 1768 incorporated, as installed on, but not limited to, NAMC YS-11 airplanes."

2. Revise compliance paragraph (a) to read:

(a) Within the next 400 hours time in service after the effective date of this AD or within 400 hours time in service since the last

inspection, whichever occurs sooner, and thereafter at intervals not to exceed 400 hours time in service since the last inspection, inspect engine top mounting feet which do not incorporate Modification 1681 and side mounting feet which do not incorporate Modification 1768 for cracks and the mounting feet studs for fracture, looseness, and loose nuts, in accordance with Rolls-Royce Service Bulletin Da72-384, Revision 2, dated September 1979.

3. Strike from paragraph (b) the words "dated August 24, 1971," and insert "Revision 2, dated September 1979."

4. After paragraph (b), add a note to read:

Note.—Rolls-Royce DART Service Bulletins Da72-411 and Da72-444 concern Modification No. 1681 and Modification No. 1768, respectively.

The manufacturer's Service Bulletins identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 533(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Technical Publications Department, Rolls-Royce, Ltd., East Kilbride G74 4PY, Scotland. The documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and at the New England Region Office.

Amendment 39-1652 became effective July 1, 1973.

This amendment 39-4277 becomes effective December 10, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1855(c)); 14 CFR 11.89)

Note.—The FAA has determined that this document involves a regulation which is not major under Executive Order 12291 or significant under the provisions of Department of Transportation Regulatory Policy and Procedures (44 FR 11034; February 26, 1979). The anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Note.—The incorporation by reference provision of this document was approved by the Director of the Federal Register on December 31, 1980.

¹ Service Bulletins filed as a part of original document.

Issued in Burlington, Massachusetts, on November 30, 1981.

Robert E. Whittington,
Director, New England Region.

[FR Doc. 81-35285 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 93

[Docket No. 19497; Amdt. No. 93-45]

Special Airport Traffic Areas and Air Traffic Rules for Abbotsford, BC, and Sault Ste. Marie, ON, Canada

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Special Airport Traffic Areas and Air Traffic Rules in U.S. airspace near Sault Ste. Marie, Ontario, and Abbotsford, British Columbia, Canada. The rule requires pilots to establish two-way radio communication with the Canadian airport traffic control tower and to receive authorization from Canadian Air Traffic Control before operating in the designated special airport traffic area. The requirements enhance the level of safety within the designated U.S. airspace by establishing consistency with rules applied in Canadian Positive Control Zones. The rule reduces the midair collision potential caused by uncontrolled and unknown aircraft operating in the airspace in which air traffic control is currently provided by Canada to aircraft operating under instrument flight rules (IFR).

EFFECTIVE DATE: January 21, 1982.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Davis, Air Traffic Rules Branch (AAT-220), Air Traffic Service, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 426-3128.

SUPPLEMENTARY INFORMATION:

Background

By a letter dated January 9, 1978, the Superintendent of International Coordination, Transport Canada, requested the FAA to issue a special air traffic rule under Part 93 of the Federal Aviation Regulations. The letter requested a rule which would establish special airport traffic areas and air traffic rules that would apply to operations in U.S. airspace within control zones designated for certain Canadian airports. The requested rule required pilots to establish two-way radio communication with the Canadian airport traffic control tower and to receive a Canadian ATC clearance before operating in the specified areas.

The Canadians requested that the special airport traffic areas be associated with airports located at Sault Ste. Marie, ON, and Abbotsford, BC, Canada.

Through letters of agreement, jurisdiction of certain U.S. airspace juxtaposed to Canadian positive control zones is delegated by the United States to the Canadian air traffic facilities for the control of IFR traffic. However, unlike the requirements for operation in U.S. airport traffic areas under FAR §§ 91.85 and 91.87, Canadian rules for positive control zones in Canadian airspace require aircraft to have authorization to enter or operate in the control zone and to maintain two-way radio communications with the control tower. Further, the Canadian requirement does not govern aircraft operating in U.S. airspace. Similarly, a U.S. airport traffic area does not exist, under the general rules, for Canadian airports and the requirements of §§ 91.85 and 91.87 do not apply to operations in the vicinity of those airports with operating control towers in Canada. Consequently, pilots operating to, from, and near those airports do not have protection of either rule while in the United States airspace.

Discussion of Comments

On April 30, 1981, the FAA published a Notice of Proposed Rulemaking (NPRM) which detailed the rule-changes requested by the Canadians (46 FR 24199). Only two comments were received in response to the NPRM.

The Air Line Pilots Association concurred with the proposal, but expressed doubt that the proposed regulation would tend to reduce the midair collision potential. The FAA believes that the mandatory communication requirement will facilitate the issuance of information by ATC concerning conflicting aircraft traffic, and, thus, will indeed reduce the midair collision potential.

The Aircraft Owners and Pilots Association (AOPA) objected to the proposal because of the *special* designation of the airport traffic areas. AOPA requested instead that a U.S. type airport traffic area be established in U.S. airspace. The FAA disagrees with this comment because the airspace is designated for Canadian airports, not U.S. airports, and the preponderance of traffic that would be affected by the rule would be operating into and out of those Canadian airports. The AOPA proposal, involving dissimilar types of airspace and procedures affecting common operations, would be disconcerting to pilots and ATC alike.

In commenting further, AOPA pointed out that VFR traffic pattern operations at Lynden, Washington, and Sault Ste. Marie, Michigan, airports, both of which are just outside the proposed airspace designations, should be excluded from the proposed rule. The FAA agrees. In the case of Lynden, Washington, the southernmost line has been moved northward by 30 seconds, limiting the special ATA to that airspace which is north of State Highway 546 and the airport management's recommended traffic pattern. In the case of Sault Ste. Marie, the traffic patterns are all northeast of the airport and do not conflict with the proposed airspace designation.

In its comment, AOPA identified four errors in the proposed rule as it appeared in the Federal Register. Those errors have been corrected as follows:

1. The ceiling for Abbotsford special ATA has been changed from 3000 feet to the intended 4000 feet.
2. The ceiling for Sault Ste. Marie special ATA has been changed from 4000 feet to the intended 3000 feet.
3. The "180°T bearing" specified in proposed § 93.183(b)(2) has been changed to the intended "108°T bearing."
4. The words "all statute miles southeast" in proposed § 93.183(b)(3) have been changed to the intended "11 statute miles southeast."

Discussion of the Rule

In order for the Canadian airport control towers to effectively control the air traffic within the control zones, it is necessary that the controller in the terminal area be aware of all aircraft movements within the control tower's area of jurisdiction. With this awareness, controllers will be better able to separate aircraft and provide pilots with air traffic services, thereby enhancing the safe and efficient use of the navigable airspace. This rule accomplishes those objectives by requiring pilots to comply with requirements that would apply if that airspace were Canadian and controlled by the appropriate Canadian air traffic control tower.

This rule applies the special air traffic rules to the U.S. portion of the Abbotsford control zone at or below 4000 feet MSL. A requirement for radio contact is placed on pilots desiring to operate aircraft within or through the Abbotsford and Sault Ste. Marie positive control zones and the corresponding U.S. special airport traffic areas prior to entering the designated U.S. areas. All aircraft operating in the special airport traffic areas must have a

clearance from Canadian Air Traffic Control. The rule enables ATC to effectively control the air traffic within the tower's area of jurisdiction, including that in the United States.

Adoption of the Amendment

Accordingly, Part 93 of the Federal Aviation Regulations (14 CFR Part 93) is amended, effective January 21, 1982, by adding a new Subpart Q to read as follows:

PART 93—SPECIAL AIR TRAFFIC AREAS AND AIRPORT TRAFFIC PATTERNS

* * * * *

Subpart Q—Abbotsford, BC, and Sault Ste. Marie, ON: Special Airport Traffic Areas and Air Traffic Rules

Sec.

93.181 Applicability; scope.

93.183 Special airport traffic areas.

93.185 Communications.

Authority: Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.45.

Subpart Q—Abbotsford, BC, and Sault Ste. Marie, ON: Special Airport Traffic Areas and Air Traffic Rules

§ 93.181 Applicability; scope.

This subpart describes special airport traffic areas and air traffic rules for persons operating in the airspace designated under this subpart for Abbotsford, British Columbia, and Sault Ste. Marie, Ontario, Canada.

§ 93.183 Special airport traffic areas.

Special airport traffic areas under this subpart are designated as follows:

(a) For Abbotsford, BC,—that airspace in the United States at or below 4,000 feet MSL within the area bounded by a line beginning 48°58'00" N; 122°21'43" W, thence counterclockwise along the arc of a circle of 4 nautical miles radius centered on the Abbotsford airport at 49°01'32" N; 122°21'43" W, thence to 49°02'00" N; 122°28'40" W, to 49°02'00" N; 122°33'45" W, to 48°58'00" N; 122°33'45" W; and thence to the point of beginning.

(b) For Sault Ste. Marie, ON—that airspace in the United States at or below 3,000 feet MSL within the following areas:

(1) Within a 5-statute-mile radius of the Sault Ste. Marie, Ontario Airport (lat. 46°29' N; long. 84°31' W, estimated);

(2) Within 1.75 statute miles north of the 108°T bearing from the geographical center of the airport extending from the 5-statute-mile radius zone to 5.5 statute

miles southeast;

(3) Within 1.75 statute miles each side of the 118°T bearing from the geographical center of the airport extending from the 5-statute-mile radius zone to 11 statute miles southeast; and

(4) Within 1.75 statute miles each side of the 293°T bearing from the geographical center to the airport extending from the 5-statute-mile radius zone to 5.5 statute miles northeast.

§ 93.185 Communications.

For operations within the special airport traffic areas under this subpart the following apply:

(a) *General.* Unless otherwise authorized or required by ATC, each person operating an aircraft within a special airport traffic area designated under this subpart shall comply with the applicable provisions of this section.

(b) *ATC clearance.* No person may operate an aircraft within a special airport traffic area designated under this subpart without prior authorization from the appropriate Canadian airport traffic control tower.

(c) *Two-way radio communication.* No person may operate an aircraft within a special airport traffic area designated under this subpart unless two-way radio communications are maintained between that aircraft and the appropriate control tower. However, if the radio fails in flight on an aircraft operating under VFR, within the designated area (with weather conditions at or above VFR weather minimums), and the operator maintains visual contact with the tower, the operator may continue to operate that aircraft and land as soon as possible. If the radio fails in flight on an aircraft operating either under IFR within the designated area, or under VFR within the designated area and visual contact with the tower cannot be maintained, the operator shall comply with the requirements of § 91.127 of this chapter.

(Secs. 307 and 313(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)), and 14 CFR 11.45.)

Note.—The FAA has determined that this document involves a regulation which is—(1) not major under Executive Order 12291; and (2) not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the regulatory evaluation prepared for this action is contained in the regulatory docket. Further, it is certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant impact on a substantial number of small entities because of its low altitude, localized applicability in two small areas on the Canadian border and the nominal, routine

nature of the air traffic rules involved.

Issued in Washington, DC, on November 10, 1981.

J. Lynn Helms,
Administrator.

[FR Doc. 81-35289 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231, 241 and 271

(Release Nos. 33-6364, 34-18302, IC-12070)

Interpretation of Rules Relating to Disclosure of Management Remuneration

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff interpretations.

SUMMARY: The Commission has authorized the issuance of this release setting forth the views of its Division of Corporation Finance (the "Division") regarding the management remuneration disclosure requirements of Item 4 of Regulation S-K. This release sets forth responses to the remuneration questions most frequently received by the Division. This release also supersedes two prior interpretive releases. The questions and responses in those releases have either been superseded or are restated in this release with revisions where appropriate. Interpretive responses to questions concerning personal benefits which were published in a third release, which is not being superseded, are summarized in a table in this release. Publication of the Division's views is intended to provide guidance to issuers and others in complying with the management remuneration disclosure requirements.

FOR FURTHER INFORMATION CONTACT: Ann M. Glickman, Office of Chief Counsel, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, at (202) 272-2573.

SUPPLEMENTARY INFORMATION: In November 1980, the Commission adopted amendments to the management remuneration disclosure requirements of Item 4 of Regulation S-K (17 CFR 229.20),¹ which significantly altered some of the requirements for disclosing the compensation of officers and directors in registration statements,

¹ Release No. 33-6261 (45 FR 76982) (November 14, 1980).

proxy statements, and periodic reports filed pursuant to the Securities Act of 1933 (the "Securities Act") [15 U.S.C. 77a et seq.] and the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a et seq.]. During the months following the adoption of the amendments, the staff of the Division received numerous requests for interpretive advice regarding the amended requirements. Further, many inquiries were received regarding the continuing validity of interpretive views previously published by the Division on the subject of management remuneration. Therefore, in order to address the issues raised for the benefit of all interested persons, the Commission has authorized the publication of this release setting forth the current views of the Division.

Release No. 33-6261, in which the most recent amendments to Item 4 were adopted,² Release No. 33-5904,³ which discussed the requirements for disclosure of personal benefits or "perquisites," and this release are intended to serve as the sole sources of interpretive guidance on the subject of disclosure of management remuneration in filings with the Commission. Consequently, Release No. 33-6166,⁴ which discussed a broad range of disclosure issues, may be regarded as superseded, since the 1980 amendments either codified or rendered inapplicable many of the interpretations contained in that release. Those interpretations in Release No. 33-6166 which have continuing validity have been reiterated herein.⁵

Although some of the interpretations in Release No. 33-5904, covering personal benefits provided to officers and directors, have been codified or otherwise superseded, many continue to provide useful guidance. Those interpretations which still may be relied

upon are listed in the following table under appropriate captions.

Description	Interpretation No. in Release 33-5904
A. Types of Personal Benefits:	
Use of company property.....	13, 20
Automobiles, limousines.....	14, 16
Corporate aircraft.....	17, 18
Club and other memberships.....	22, 24
Medical examinations.....	25
Liability insurance; indemnification.....	28, 29
Payment of living expenses.....	30, 31, 32
Security devices.....	33
Corporate loans.....	34
Use of corporate staff or consultants.....	36, 40
Transactions with outside parties.....	38, 39, 41, 42
Expense accounts.....	44, 45, 46
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B. Alternative Means of Valuation:	
Valuation in general.....	7(a), (b) & (c)
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Use of company assets.....	21
Club memberships.....	23
Medical examinations.....	26
Company loans.....	35(a)
Use of corporate staff.....	37
C. Identification of Perquisites:	
Identification generally.....	5 & 6

Release No. 33-6027⁶ provided interpretive guidance on: (1) the choice of executive officers to be named in the Item 4(a) remuneration table, and (2) disclosure relating to defined benefit pension plans. That release was codified in part and superseded in part by subsequent rule amendments. As a result, it may be disregarded in its entirety.

The remainder of this release sets forth the staff's interpretations in a question and answer format, with appropriate explanatory notes.

17 CFR Parts 231, 241 and 271 are amended by adding this release thereto.

five most highly compensated executive officers and directors of reporting entities, naming such persons, and for all officers and directors as a group (the "remuneration table").

A. Format; Amounts and Persons Included in the Remuneration Table

(1) **Question:** Must a registrant list all columns specified in Item 4(a)(3) in its remuneration table regardless of their applicability?

Answer: No. The registrant is required to include only those columns for which it has information required to be reported in the remuneration table.

(2) **Question:** May a registrant include additional columns in its table? If so, must these additional columns be aggregated?

Answer: Instruction 5 to Item 4(a) specifically permits the inclusion of additional columns. It is unnecessary, however, to aggregate them. It has been the Division's experience that some registrants do not include bonus payments in Column C1 but instead place them in a separate column. The Division encourages this practice.

(3) **Question:** Are all cash amounts received as remuneration included in Column C1?

Answer: No. Column C1 includes salaries, fees, directors' fees, commissions and bonuses. All other forms of cash remuneration should be included in Column C2. Once the determination has been made that an amount should be reported in Column C rather than Column D, the fact that the distribution of such amount will be deferred is of no importance in determining whether Column C1 or C2 is the appropriate column.

(4) **Question:** Corporate directors who are not employees of the corporation or firms with which corporate officers and directors are associated may be hired by the corporation to perform specific tasks. Should the compensation for performance of such tasks be reported in the Item 4(a) remuneration table or pursuant to Item 4(f)?

Answer: Generally, such compensation is reported pursuant to Item 4(f), having been paid in connection with a transaction in which a corporate officer or director had a direct or indirect material interest. The exception to this general rule is compensation paid to a director who is an individual consultant, which should be reported in the Item 4(a) remuneration table. The reason for this exception is to increase comparability between the disclosures of corporations who hire individual consultants to perform certain functions and the disclosures of those

² One portion of the explanatory material contained in Release No. 33-6261 has led to confusion in the treatment of performance unit rights in tandem with stock options or stock appreciation rights. Part II, E.4. of that release (45 FR at 76989) stated that for such performance unit rights, the "accrual balance" with regard to such a right should be reported under the potential [unrealized] value for the related stock option or stock appreciation right. In accordance with Instruction 12 to Item 4(d), the potential [unrealized] value of the performance unit right, rather than the accrual balance related thereto, should be so reported.

³ 43 FR 6060 (February 6, 1978).

⁴ 44 FR 74808 (December 12, 1979).

⁵ Specifically, the following interpretations of Release No. 33-6166 have been reiterated in this release: 1, 2, 15, 16, 18, 19, 25, 26, 27, 28, 29, 31, 33, 34, 36, 37, 38, 43, 45, 46, 49, 50, 51. The following have been included in modified form: 3, 6, 7, 12, 35, 39, 49. The following interpretations were either codified in or superseded by the November 14, 1980 amendments: 4, 5, 8, 9, 10, 11, 13, 14, 17, 20, 21, 22, 23, 24, 30, 32, 40, 41, 42, 44, 47, 48, 52, 53.

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B. Appendix A to Schedule 14A.....	(56)

I. The Remuneration Table

Item 4(a) of Regulation S-K requires disclosure, in a specified tabular format, of total aggregate remuneration for the

⁶ 44 FR 16368 (February 22, 1979).

corporations that have the same functions performed by corporate employees.

(5) *Question:* A person becomes a corporate officer during the course of a corporation's fiscal year. His annualized compensation would be sufficient to cause him to be named in the remuneration table of Item 4(a); however, the actual compensation paid him would not. Should the officer be included in the remuneration table as one of the five named individuals?

Answer: No. The person need not be named in the remuneration table as one of the highest-paid individuals. The actual compensation paid to him should be included in the group disclosure for all officers and directors.

(6) *Question:* Which officers are contemplated by Item 4(a)(2), which requires that all officers and directors as a group be included in the remuneration table? How does the group of "officers" differ from the group of "executive officers," from whom the five most highly compensated may be selected?

Answer: Instruction 1(b) defines the term "executive officer" as follows:

An "executive officer" of the registrant means its president, secretary, or treasurer, any vice president of the registrant in charge of a principal business unit, division, or function (such as sales, administration or finance), and any other individual who performs similar policy-making functions for the registrant. Executive officers of subsidiaries may be deemed executive officers of the registrant if they perform such policy-making functions for the registrant.

The group of "officers" is more inclusive than the group of "executive officers"; it comprises all executive officers as well as persons with primary responsibility for certain corporate functions who are not included within the top policy-making group. For example, a corporate vice-president in charge of public relations might be considered an officer, although he might not be included within the group of executive officers.

Generally, a corporation's officers and executive officers are identifiable by title; however, membership in either group is determined by the functions performed for the corporation. For example, in the case of a one-bank holding company, persons with official positions only in the bank subsidiary may nonetheless perform significant policy-making functions for the parent holding company and should be regarded as executive officers of the holding company. Conversely, a large bank holding company with numerous vice-presidents who do not have primary responsibility for any corporate

function would not regard these vice-presidents as officers.

B. Perquisites

Instruction 2(d) to Item 4(a) requires the inclusion in the remuneration table of "[t]he value of personal benefits which are not directly related to job performance, other than those provided to broad categories of employees and which do not discriminate in scope, terms or operation in favor of officers or directors, furnished by the registrant or its subsidiaries * * *." Subpart (1) of the instruction indicates how such perquisites should be valued. Subpart (2) sets forth an exclusion from the disclosure requirements if the registrant cannot without unreasonable effort or expense determine the specific amount of certain personal benefits or the extent to which benefits are personal rather than business benefits. Subpart (3) requires expanded disclosure regarding perquisites if such personal benefits aggregate to a specific threshold.

(7) *Question:* When is the footnote disclosure called for by subpart (1) of Instruction 2(d) required?

Answer: Subpart (1) requires footnote disclosure when the aggregate actual incremental costs for such personal benefits are significantly less than the aggregate amounts the recipient would have had to pay to obtain the benefits. For the purposes of Instruction 2(d), the comparison of incremental cost to the personal value to the recipient is to be done on an aggregate basis individual by individual, and perquisite by perquisite.

(8) *Question:* If the registrant pursuant to subpart (2) of Instruction 2(d) cannot determine, without unreasonable effort or expense, the specific amount of certain personal benefits or the extent to which benefits are personal rather than business, and after reasonable inquiry the registrant has concluded that the aggregate amounts of such personal benefits do not in any event exceed \$10,000, must an affirmative statement that the conditional exclusion has been utilized be included in the covering letter submitted to the Commission with the proxy statement, report or registration statement?

Answer: If the conditional exclusion has been utilized by the registrant, this fact should be noted in the covering letter which accompanies the filed document.

(9) *Question:* Is the conditional exclusion a *de minimis* perquisite exclusion?

Answer: The conditional exclusion is not a *de minimis* perquisite exclusion; rather, it is available if the registrant cannot determine without unreasonable

effort or expense the specific amount of certain personal benefits or the extent to which benefits are personal rather than business benefits. Otherwise, the specific amounts of any personal benefits are to be included in Column C2.

(10) *Question:* If an issuer has utilized the \$10,000 conditional exclusion for a particular individual, should the amount of personal benefits conditionally excluded be considered for the purpose of determining whether the footnote disclosure describing such benefits called for by subpart (3) of Instruction 2(d) is required?

Answer: The amount of such personal benefits is not required to be considered for the purpose of the footnote disclosure. The footnote requirement of subpart (3) of Instruction 2(d) relates only to amounts representing personal benefits included in Column C2.

(11) *Question:* If an individual has over \$10,000 of "indeterminable" personal benefits, should the entire amount or only the amount in excess of \$10,000 be included in Column C2?

Answer: The entire amount of such personal benefits would be included in Column C2, not merely the amount in excess of \$10,000.

(12) *Question:* Does disclosure in response to Instruction 2(d) satisfy all other disclosure requirements of Item 4?

Answer: No. Instruction 2(d) and the other Item 4 provisions may overlap, and therefore additional disclosure may be necessary. For example, a low interest loan obtained from the registrant by an officer or director may be required to be described under Item 4(e) of Regulation S-K as well as reported as a personal benefit in the remuneration table. However, duplicate disclosure is unnecessary where a form of disclosure satisfies all the requirements of the pertinent provisions.

(13) *Question:* Is a life insurance plan covering all salaried employees, in which benefit payout is proportional to remuneration, to be regarded under Instruction 2(c) to Item 4(a) as discriminatory in scope, terms or operation in favor of officers or directors, because their remuneration levels are generally higher than those of other salaried employees?

Answer: No.

(14) *Question:* With regard to split-dollar life insurance, must Column C2 reflect all of the premiums paid by the registrant?

Answer: Instruction 2(c) requires the inclusion of the cost of the premiums paid by the registrant or its subsidiaries. Therefore, if under a split-dollar life insurance policy the company will

recoup some or all of its premiums from the proceeds of the policy, the Division will raise no objection if the registrant includes only the amounts relating to the policy that have been expensed for financial reporting purposes. Registrants should also be aware of their obligation to describe such a plan briefly under Item 4(b)(1).

(15) Question: Instruction 2(c) and Item 4(b)(1) indicate that information need not be furnished with respect to any group life, health, hospitalization or medical reimbursement plans which do not discriminate in favor of officers and directors and which are available generally to all salaried employees. In order to qualify for this exception must a policy taken out with an insurance company be involved?

Answer: No. "Reimbursement" plans, similar to life insurance or otherwise, need not be funded by an insurance company policy to qualify for this exception.

(16) Question: Should a remunerative amount arising as a result of a life, health or medical reimbursement plan which is to be reported pursuant to Instruction 2(c) to Item 4(a) be deemed a prerequisite for the purpose of determining whether footnote disclosure is required under subpart (3) of Instruction 2(d)?

Answer: No. The staff would not object if registrants excluded such amounts from the calculation determining whether the footnote disclosure is necessary.

(17) Question: Is specific disclosure required for all prerequisites provided by a registrant?

Answer: Outside of the footnote provisions called for by subpart (1) of Instruction 2(d) which requires disclosure where the personal benefit is significantly in excess of reported cost, and by subpart (3), which requires disclosure where aggregate amounts exceed certain limits, there is no specific requirement for separate disclosure of personal benefits per se. However, registrants may voluntarily include additional columns or subcolumns pursuant to Instruction 5 to Item 4(a). In practice, some registrants have provided information regarding the components of compensation reported in Column C2.

(18) Question: The conditional exclusion for personal benefits provided in subpart (2) of Instruction 2(d) is available if "after reasonable inquiry, the registrant has concluded that the aggregate amounts of personal benefits which cannot be specifically or precisely ascertained do not in any event exceed * * * \$10,000 for each person in the group * * *". If one officer/director has no "indeterminable"

prerequisites, may his \$10,000 maximum be allocated to other group members?

Answer: No. The company may not allocate the "unused" portion of one officer/director's conditional exclusion to another officer/director who has over \$10,000 of "indeterminable" personal benefits.

(19) Question: How does the footnote disclosure requirement of subpart (3) of Instruction 2(d) with regard to personal benefits apply to the group disclosure?

Answer: Subpart (3) of Instruction 2(d) requires footnote disclosure only for the persons named in the remuneration table and not for the group. As stated previously, some registrants provide a description of the components of remuneration reported in C2 for the named individuals and for the group.

(20) Question: If an issuer gives an officer/director a personal benefit which is tax deductible to the company as compensation expense, may the incremental cost that must be reported pursuant to Instruction 2(d) be discounted to account for the value of the tax deduction to the company?

Answer: The incremental cost to the company is to be computed without regard to tax benefits. In reporting remuneration generally, there is no provision for adjustments relating to tax benefits accruing to a registrant. For example, a corporation's contributions to a TRASOP on behalf of its officers and directors are reportable pursuant to Item 4(a), although the amounts paid may be taken as a credit against the corporation's federal taxes.

C. Allocation of Amounts Between Columns C and D

Column D of the remuneration table reports the aggregate of contingent forms of remuneration accrued during the course of the fiscal year for individuals named in the remuneration table and the group of all officers and directors. "Contingent remuneration," as defined in Instructions 2(e) and 3 to Item 4(a), is remuneration whose measurement, vesting, or distribution is "subject to future events." This does not mean that all remuneration to be paid in the future should be reported in Column D. If the "future event" is certain to occur (e.g., retirement or other termination of employment), the remuneration should be reported in Column C. If the "future event" may or may not occur (e.g., the performance of future services for the company), the remuneration should be reported in Column D.

(21) Question: The company has a deferred bonus plan under which amounts are presently expensed but benefits are payable only if the

participant is living at the date of payment. Is the remuneration reported in Column C1 or D?

Answer: The registrant must determine whether a true contingency exists. Under normal circumstances, if by standard actuarial tables the officer or director is expected to be living at the payment date, then no true contingency is present and the amount "accrued" for the officer or director should be reported in Column C1. Column C1 would be used instead of Column C2 because, notwithstanding the fact that the distribution is deferred, the amount relates to a bonus. See Instruction 2(a).

(22) Question: A corporation expenses each year an amount used to purchase an annuity for one of its officers. The annuity is payable on a yearly basis beginning upon retirement and provides for payments for at least ten years to the annuitant or his estate. Payments beyond the ten year period will be made only if the annuitant is still alive. Should the expense of the annuity be reported in Column C or Column D?

Answer: A portion of the annuity premium (that used to purchase the "ten year certain" feature) should be reported in Column C and the rest of the corporation's expense in Column D (if a true contingency exists as to the officer's receipt of that portion of the annuity). In the event that such split reporting is impracticable, the registrant may report the entire amount in Column C.

(23) Question: A corporation pays amounts into a TRASOP for the benefit of its employees. Such amounts, although fully vested, are subject to adjustments for tax reasons. Are such amounts to be reported in the C2 or D column?

Answer: Such amounts should be reported in the C2 column if expensed by the company. Credits to the company's books on account of later adjustments may be reported in Column D. (See Question 25.)

(24) Question: The company's tax-qualified profit sharing retirement plan has the following vesting schedule: year 1-0%, year 2-10%, year 3-20%, and 10% increments in the following years. No benefits are payable until after termination. How would the company's annual contributions of \$1,000 to the plan for an officer/director be reported in the table?

Answer: The vested portion of profit-sharing or other retirement plans would be reportable in Column C2, and the unvested portion in Column D. Accordingly, with regard to the specific inquiry, the disclosure should be as follows:

First year disclosure:

Col. C2, 0
Col. D, \$1000

(There is no vesting in year 1)

Second year disclosure:

Col. C2, \$100
Col. D, \$900

(The schedule calls for 10% vesting. However, since the prior year's contribution has already been reported in Column D, no reporting is necessary for any amount reported in Column D in year 1 that vests in year 2. Thus, only the second year's contributions must be reported.)

Third year disclosure:

Col. C2, \$200
Col. D, \$800

(The basic principle is that no reporting is required for amounts previously reported in Column D that vest in subsequent years.) The table need not disclose cumulative account balances, nor any additions (or deductions) to a participant's account resulting from the annual allocation of trust earnings (or losses) or of amounts reallocated as forfeiture for the accounts of terminated employees who were not fully vested.

(25) Question: Is Column D exclusively for contingent remuneration?

Answer: All positive entries in Column D should be for remuneration subject to a true contingency but nevertheless expensed during the fiscal year for financial reporting purposes. However, negative adjustment entries with respect to amounts previously reported in Column C (and, of course, against amounts previously reported in Column D) are always to be reported in Column D.

(26) Question: What type of disclosure is necessary if negative adjustments are reported in Column D?

Answer: Subpart (2) of Instruction 3(b) to Item 4(a) provides, "if amounts credited pursuant to this instruction are so reflected in the table [in Column D], include a footnote briefly stating the amount of such credit and describing such treatment." The instruction discusses appropriate footnote treatment in the event that there are several plans generating negative entries.

D. Other Matters Relating to the Remuneration Table

(27) Question: Compensation may be paid in the form of "restricted shares," whose restrictions lapse over a period of years. The award of such shares is generally accounted for by expensing amounts over the period during which the restrictions lapse on the basis of the value of the shares at the time of the initial award. How are these awards to be reported?

Answer: Such awards are not considered stock appreciation rights,

because changes in market value during the years in which the awards are expensed are not taken into account in the expensing process. Rather, the amounts expensed are based upon share values at the time of the initial award. Such awards are therefore reported in the Item 4(a) remuneration table. Amounts expensed are reported in that table for the fiscal year during which they are expensed, in the C2 or D column, as appropriate. In the table for the year during which restrictions finally lapse, market appreciation of the shares since the date of the award is reported in the C2 column (even though such appreciation is not expensed); decline in market value is reported in Column D. Dividends paid under this sort of restricted share program would be reported in Column C2 in the year paid.

(28) Question: An employee has the option of deferring payment of a portion of his compensation until retirement. During the time of deferral, the corporation pays the employee interest on the amount deferred. Is this interest required to be reported as compensation in the remuneration table?

Answer: Yes. The interest should be reported in the C2 column. This situation should be differentiated from the situation in which an employee's deferred compensation is paid into a thrift plan or other plan with funds separate from the general funds of the corporation. In such a case, any interest paid on the employee's account would not be required to be reported.

II. Item 4(b)(1)—Description of Proposed Remuneration

Item 4(b)(1) provides for a brief description of:

(A) all remuneration payments proposed to be made in the future pursuant to any ongoing plan or arrangement to the individuals and group specified in Item 4(a). The description should include a summary of how each plan operates, any performance formula or measure in effect (or the criteria used to determine payment amounts), the time periods over which the measurement of benefits will be determined, payment schedules, and any recent material amendments to the plan. Information need not be furnished with respect to any group life, health, hospitalization, or medical reimbursement plans which do not discriminate in scope, terms or operation in favor of officers or directors of the registrant and which are available generally to all salaried employees.

(29) Question: If no amounts have been expensed by the corporation in the current fiscal year or are to be expensed in future years in connection with ongoing plans or arrangements, are such plans or arrangements still required to be reported under Item 4(b)(1)?

Answer: Yes. If the corporation has an obligation to make future payments, even if it is no longer expensing amounts in connection with such payments, continuing disclosure is required.

(30) Question: Does Item 4(b)(1) require that the registrant describe proposed salary increases for the current fiscal year?

Answer: Ordinarily, no description would be required. In the event, however, that the current year's salary increases will be substantially more than would be required to compensate officers and directors for the effects of inflation and increased responsibilities, it would appear appropriate to expand the Item 4(b)(1) discussion to include a brief description of the increases. Of course, any salary arrangements embodied in employment agreements would have to be fully described. (See Question 34.)

(31) Question: Are informal arrangements whereby corporations provide officers and directors with such prerequisites as automobiles or financial planning required to be described in Item 4(b)(1)?

Answer: No. If such benefits are significant in relation to compensation as a whole, they will be disclosed under Item 4(a) in footnote form, pursuant to Instruction 2(d), subpart (3). If arrangements relating to prerequisites have been formalized as a part of a written contract, disclosure would be necessary.

(32) Question: Is any description of stock option or stock appreciation rights plans required by Item 4(d)?

Answer: While such a description is not required by Item 4(d), it should be included in the discussion of management remuneration pursuant to Item 4(b)(1). The description may be placed with the registrant's disclosure pursuant to Item 4(d).

(33) Question: In describing an Employee Stock Ownership Plan or similar employee benefit plan pursuant to Item 4(b)(1), is it necessary to state the assets accumulated by the plan to date?

Answer: No. Because employer contributions to the plan are disclosed in the remuneration table as they are set aside on a yearly basis, it is not necessary to state total (accumulated) plan assets under Item 4(b)(1) or elsewhere.

(34) Question: Are individual contractual arrangements, such as employment agreements, with (a) individuals named in the remuneration table, and (b) individuals who are not named but are included in the group

disclosure, required to be disclosed under Item 4(b)(1)?

Answer: Yes. (a) Arrangements with persons named in the remuneration table should be fully disclosed, naming such persons. (b) Arrangements with officers or directors who are not named in the remuneration table should also be fully disclosed, but such persons need not be named in the course of disclosure. If a number of group members who are not specifically named in the remuneration table are covered by similar contracts or arrangements, such contracts or arrangements may be described generally, giving ranges of benefits, to the extent such disclosure is not misleading.

(35) *Question:* Certain life insurance plans discriminate in favor of officers and directors and are therefore required to be described pursuant to Item 4(b)(1). If the premiums paid by the company pursuant to such plans are not reported in the Item 4(a) remuneration table because they are not allocable to individuals, is any disclosure of such premiums required?

Answer: Such disclosure is generally not required if the allocation cannot be made.

(36) *Question:* A corporation maintains an incentive compensation plan. Payments are made from an incentive compensation fund depending upon the corporation's attainment of certain pre-determined earnings goals over a period of several years. Are specific dollar amounts of earnings goals required to be stated in the description of the plan required by Item 4(b)(1)?

Answer: No. If the following elements are included in the Item 4(b)(1) disclosure of incentive compensation plans, specific earnings targets used to determine awards under such plans need not be disclosed in dollar amounts. However, the fact that earnings targets exist should be disclosed, and there should be a general indication of the manner in which such targets are set.

1. The description should identify the person or persons determining the recipients and the amounts of incentive compensation pursuant to the plan.

2. The description should state the time period over which corporate performance is to be measured to determine awards under the plan.

3. The description should set forth the criterion or criteria of corporate performance used to determine the aggregate amount available and the specific amounts awarded to particular individuals under the plan.

4. The description should indicate whether compensation under the plan may be paid even if there is no

improvement in performance over prior periods. For example, a profit sharing plan ordinarily provides for contribution of a percentage of profits, regardless of whether profits for the year represent an improvement over the prior year.

5. The description should indicate whether the full amount of the incentive compensation fund must be awarded in a particular year, or whether there is discretion not to award the full amount.

6. The description should include any maximum or ceiling on the total amounts available under the plan or on the amounts which may be awarded to specific individuals. For example, an individual's incentive compensation bonus for a year may be limited to a percentage of that person's salary.⁷

(37) *Question:* Does the language of Item 4(b)(1) calling for a description of "recent material amendments" to plans of remuneration require discussion of amendments to stock option plans whose sole purpose is to permit options granted and to be granted under the plan to be treated as "incentive stock options" for federal income tax purposes?

Answer: No. Such amendments are not required to be described pursuant to Item 4(b)(1), nor need they be reflected in disclosure made pursuant to Item 4(d).

III. Item 4(b)(2)—Defined Benefit Plans

The requirements of Item 4(b)(2), as adopted in the 1980 amendments, represented a revision of the Commission's previous disclosure regulations for defined benefit pension plans. Formerly, amounts expensed by the registrant with respect to such plans were to be reported in the item 4(a) remuneration table. However, such reporting of defined benefit plan expenses was frequently impracticable, since it was not actuarially possible to attribute portions of the amounts expensed to the accounts of individuals in the remuneration table. Registrants utilized an alternative format for reporting compensation in the form of defined benefit plans—a pension table showing how amounts payable upon retirement varied with years of service and final compensation. Item 4(b)(2) as amended makes this type of disclosure applicable to all defined benefit pension plans, where pension benefits depend on years of service and final or final average compensation. (Other types of defined benefit plans are described through the use of a table showing the estimated annual benefits to be paid

upon retirement to the named individuals in the Item 4(a) remuneration table. See Instruction 3 to Item 4(b).)

(38) *Question:* What should be included in the Item 4(a) remuneration table concerning a defined contribution plan or "individual account plan," as opposed to a defined benefit plan?

Answer: The amount of the contribution attributed to or allocated for the account of an officer/director should be reflected in the table. Since there usually is no waiting period prior to vesting under these plans, company contributions will generally be reported in Column C2. It should be noted that a brief description of such a plan is required by Item 4(b)(1).

(39) *Question:* Does Item 4(b)(2) require a specified number of columns or set increments in both the remuneration and years of service classifications for the pension table?

Answer: No. Since the staff is not in a position to determine what is appropriate disclosure for the myriad of retirement plans, neither the number of columns nor set increments of amounts have been mandated. However, most issuers appear to reflect four or five classifications each as to remuneration and years of service.

(40) *Question:* If a registrant maintains several defined benefit plans, must it provide separate pension tables?

Answer: If it is possible to consolidate the plans into one table which accurately reflects the registrant's retirement program, the company may present only one table. However, if such a consolidation is not possible, separate tables would be required.

(41) *Question:* Is pension table disclosure required if only one Item 4(a) individual is covered by a defined benefit pension plan?

Answer: If the registrant is able to provide information similar to that which the table would provide as to the one participant, the staff would not object to omission of a full table. Comparable information would include information as to potential benefits reflecting any increases in remuneration and years of service.

(42) *Question:* A corporation has two types of retirement plans applicable to its officers and directors. One is a defined benefit pension plan; the other, a profit-sharing plan in which each year amounts are accrued for the accounts of individual officers. How are these plans to be reported? Should they be combined in a table under Item 4(b)(2)?

Answer: The defined benefit pension plan should be reported in the form of the pension table required by Item

⁷This interpretation represents the position taken by the Division in its letter to Leland J. Markley, Esq., dated February 20, 1981.

4(b)(2). The profit-sharing plan should be reported in the Item 4(a) remuneration table. Because it is generally impracticable to compose a table of the type described in Item 4(b)(2) covering both types of plans accurately, only supplementary plans which are defined benefit pension plans should be included in the pension table.

(43) *Question:* May the pension table reflect benefits to be paid upon retirement after an offset for expected Social Security benefits has been made?

Answer: No. The table should disclose benefits expected to be paid prior to adjustments for Social Security benefits or other offsets. However, the description of the plan should indicate whether plan benefits are subject to offset.

(44) *Question:* Is the statement of "current remuneration" covered by a defined benefit or actuarial plan, as called for by Item 4(b)(2)(ii), required to reflect increases in salary or other compensation since the close of the last fiscal year?

Answer: No. The term "current remuneration covered by the plan" refers to that portion of total compensation for the most recent fiscal year upon which computation of plan benefits is based.

Example: Column C1 reflects compensation of \$100,000 for executive A during the most recently ended fiscal year; \$60,000 in salary and \$40,000 as bonus. The corporation's defined benefit pension plan provides a retirement benefit whose computation is based solely on a participant's salary. The issuer should specify \$60,000 as executive A's "current remuneration covered by the plan," since that amount differs by more than 10% from the \$100,000 figure set forth in Column C1.

(45) *Question:* Should the "credited years of service" required to be stated under Item 4(b)(2)(ii) be computed as of a recent date or as of the individual's projected retirement date?

Answer: "Credited years of service" are to be computed as of a recent date, rather than the individual's retirement date. The "credited years" figure should be computed without regard to plan vesting arrangements.

(46) *Question:* Instruction 3 to Item 4(b), which is to be followed when the use of an Item 4(b)(2) pension table is inappropriate, requires a description of the plan "as required by Item 4(b)(2)." What information is required to be furnished in this description?

Answer: As much of the information called for by Item 4(b)(2) as will aid in understanding the plan should be furnished. For example, if the plan payments are based upon remuneration,

the remuneration covered by the plan should be described. On the other hand, if payments under the plan do not depend upon credited years of service, such information need not be included.

(47) *Question:* How are "career average pension plans," in which pension benefits are determined on the basis of the beneficiary's average compensation during his entire term of employment and on the basis of his years of service, to be reported under Item 4(b)(2)?

Answer: Such plans are covered by Instruction 3 to Item 4(b)(2), and may be reported as described in that instruction. The Division would not object, however, to the use of a table similar to the pension table illustrated in Item 4(b)(2), with the figures along the vertical axis representing career average compensation rather than final or average final compensation, to report such pension benefits. If such a table is utilized, the registrant should state the credited years of service for the individuals named in the Item 4(a) remuneration table, as well as each person's average annual salary since the beginning of his employment. The Division will not object if the table does not provide for increases in existing compensation levels; registrants may present as the highest remuneration level the highest amount of current covered compensation for any individual named in the Item 4(a) remuneration table.

IV. Item 4(d)—Stock Options and Stock Appreciation Rights

The November 14, 1980 amendments represented a departure from past practice in reporting remuneration in the form of stock options and stock appreciation rights ("SARs"). Such remuneration had been disclosed in the Item 4(a) remuneration table. In adopting the amendments, the Commission noted that such disclosure tended to be distortive, since the remuneration table reflected fluctuations in market value as well as actual grants of options and SARs. Now, information concerning remuneration in the form of stock options and SARs appears in a separate presentation, usually in tabular format, and is specified by Item 4(d).

(48) *Question:* Under some compensation plans, an employee may defer a portion of his compensation until retirement. The deferred portion is put into "phantom stock"; i.e., the employee's deferred compensation is converted into stock equivalents based on the market value of the company's stock at some time during the year of award. Upon retirement, the employee

will receive the then market value of all "phantom stock" into which compensation was converted in previous years. The equivalent of dividends on all phantom shares credited to an employee's account are paid during the years in which compensation is deferred. How is remuneration under this type of deferred compensation plan properly reported?

Answer: It is the staff's understanding that, in accounting for this type of phantom stock plan, amounts are expensed and credited from year to year in accordance with fluctuations in the market price of the stock. Therefore, awards under this type of plan are properly reported in an SAR table pursuant to Instruction 1 to Item 4(d).

If the employee's cash compensation, which he has elected to defer, represents a "floor" for what he will receive upon retirement, regardless of the market value of the stock at that time, that amount should be reported in the remuneration table under Item 4(a). The "base price" shown in the SAR disclosure will then be the market value at which compensation is converted into phantom stock units. However, if the cash which the employee will receive upon retirement depends solely on the market price of the stock at that time, no amount of compensation deferred should be reported in the remuneration table under Item 4(a). The "base price" in the SAR disclosure will be zero.

Dividend equivalents should be reported as compensation in the C2 column of the remuneration table for the years in which dividends are paid.

(49) *Question:* Performance units are a form of deferred compensation in which the amount which will be paid out depends on the market price of stock at a future date and the attainment of performance goals (which may be measured in different ways) at such date. For each unit awarded, the award recipient will be paid 100% of the market value of a share of stock if the performance goal is reached, a lesser percentage if some lower performance level is attained. What is the proper disclosure of awards of performance units?

Answer: Because the amount expensed on account of the award of such units varies from year to year with the market value of the stock as well as the projected attainment of performance goals, awards of such units should be reported as awards of SARs under Instruction 1 to Item 4(d). The following information should be furnished: (A) The number of units awarded during the period of time covered by the remuneration disclosure; (B) The total

amount of cash paid out during the period on account of maturation of performance unit awards made in previous years; (C) The number of awarded units which may be paid out in future years, if performance goals are attained; (D) The "potential value" of such units already awarded but not paid out at the close of the reporting period (this figure is derived by multiplying the "C" figure by the market value of the company's stock at the close of the reporting period).

Because performance unit awards are frequently paid out in terms of the full value of shares, the "base" price will be zero, and need not be disclosed. Otherwise, the information furnished, as described in (A) through (D) above, corresponds to the disclosures specified in Item 4(d)(iv).

Following Instruction 8 to Item 4(d), the information specified in (A), (C) and (D) above should be furnished without regard to the possibility that performance goals may not be attained, although the fact that payout will be dependent upon attainment of performance goals should be reflected in a footnote. Alternatively, (A), (C) and (D) may be expressed in terms of ranges which may be achieved, with appropriate footnote disclosure.

(50) *Question:* Instruction 7 to Item 4(d) calls for additional disclosure of grants of stock options and SARs since the end of the last fiscal year under certain circumstances. In what documents is such disclosure required to be included?

Answer: Such disclosure should be included in proxy and information statements, annual reports on Form 10-K, and all other documents in which information is furnished pursuant to Item 4(d) except Securities Act registration statements in which Item 4(d) information is incorporated by reference.

(51) *Question:* For purposes of Item 4(d), should registrants prepare a separate table for each plan under which stock options or SARs are awarded?

Answer: No. Information regarding all such plans may be cumulated into two types of disclosure—that regarding stock options and tandem SARs and that relating to non-tandem SARs. The use of the tabular format described in Appendix A, while optional, is encouraged.

(52) *Question:* Does Item 4(d)(ii), which calls for a statement of the net value of securities or cash "realized" during the year on account of the exercise of options or realization of

SARs, require inclusion of any gains derived as a result of the sale of shares acquired through the exercise of options?

Answer: No. In Item 4(d)(ii), "realization" refers only to the exercise of options or SARs and not to any subsequent sales of securities.

(53) *Question:* In computing the potential [unrealized] value of options and rights pursuant to Item 4(d) as of the end of a specified period, what measure of market value should be used?

Answer: If the security is reported on the Consolidated Transaction Reporting System, the staff suggests using the price of the last sale reported thereon for the last day of the specified period or, if there are no reported transactions on the Consolidated Transaction Reporting System, the mean of the closing bid and offer reported on the Consolidated Quotation System. For exchange-listed securities not reported on the Consolidated Transaction Reporting System, the price of the last sale on the exchange on that date should be used in the computation or, if there are no reported transactions on the exchange on that date, the means of the closing bid and offer on the exchange on that date. For NASDAQ-quoted securities, the mean of the reported closing bid and offer for that date should be utilized. For all other securities, the staff suggests using the mean of the highest independent bid and lowest independent offer current on that date, determined on the basis of reasonable inquiry.

(54) *Question:* In computing the net value of securities realized pursuant to Item 4(d)(ii) and the potential [unrealized] value of options or rights pursuant to Item 4(d)(iii), and in making the corresponding calculations in Item 4(d)(iv)(D) and (F), is it permissible to discount the fair market value of the security acquired through the exercise of the option or right because the recipient has a required holding period pursuant to Rule 144 under the Securities Act or Section 16(b) of the Exchange Act?

Answer: No. The fair market value may not be discounted when calculating the spread between the acquisition price and market value.

V. Other Matters

A. Item 4(h)—Termination of Employment

(55) *Question:* An individual named in the Item 4(a) remuneration table for the most recent or next preceding fiscal year resigns his employment and signs a

consultancy contract with his former employer. Are the payments to the individual required to be disclosed pursuant to Item 4(h)?

Answer: Yes. Such payments are deemed to be made pursuant to a "remunerative arrangement" which results from the employee's resignation and are therefore subject to disclosure under Item 4(h).

B. Appendix A to Schedule 14A

(56) *Question:* Table I of Appendix A includes a line relating to sales of shares by optionees. Is such information required to be disclosed by Item 4(d)?

Answer: No. Information relating to sales of shares is required to be furnished only in proxy statements used to solicit shareholder approval of a bonus, pension, option or similar plan. Such information is required by Items 9, 10 and 11 of Schedule 14A under the Exchange Act. Incidentally, when information is furnished for stock options and SARs pursuant to these items, it should be furnished for the period from the beginning of the fifth full previous fiscal year through the most recent practicable date.

By the Commission,
December 3, 1981.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-35401 Filed 12-9-81; 8:45 am]
BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 34

[Docket No. RM81-18]

Application for Authorization of the Issuance of Securities or Assumption of Liabilities; Order Granting Rehearing

Issued: December 3, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order granting rehearing for purposes of further consideration.

SUMMARY: The Federal Energy Regulatory Commission (Commission) grants rehearing for the limited purpose of further consideration of a petition to rehear Order No. 182, a final rule to revise Part 34 of the Commission's regulations. That final rule, which was

issued on October 7, 1981 (46 FR 50511, October 14, 1981), clarified and simplified Part 34 and reduced or eliminated certain requirements in that Part.

FOR FURTHER INFORMATION CONTACT:

Cathy Ciaglo, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street NE., Room 8104-B, Washington, DC 20426, (202) 357-8606.

SUPPLEMENTARY INFORMATION:

In the matter of revision of Part 34—Application for authorization of the issuance of securities or the assumption of liabilities; order granting rehearing for purposes of further consideration.

On October 7, 1981, the Federal Energy Regulatory Commission (Commission) issued a final rule to revise Part 34 of its regulations, "Application for Authorization of the Issuance of Securities or the Assumption of Liabilities" (Order No. 182, 46 FR 50511, October 14, 1981). That final rule clarified and simplified the provisions of Part 34 and reduced or eliminated certain of the requirements specified in that Part. The revisions were made as part of the Commission's ongoing program to review all of its reporting requirements and to eliminate any further collection of data that are not needed for Commission decisionmaking and regulatory duties.

On November 6, 1981, the law firm of Simpson Thacher and Bartlett filed a timely application for rehearing or reconsideration of that final rule. In order to have sufficient time to consider the issues raised in this application, the Commission will grant rehearing of the final rule solely for the purpose of further consideration.

The Commission Orders: Rehearing of Order No. 182 is granted for the limited purpose of further consideration of the issues raised in the application for rehearing. This action does not constitute a grant or denial of the application on its merits in whole or part. As provided in § 1.34(d) of the Commission's regulations, no answers to this application will be entertained by the Commission because this order does not grant rehearing on any substantive issues.

By the Commission. Commissioner Sheldon voted present.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-35417 Filed 12-9-81; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Parts 154, 157, 250, and 260

[Docket No. RM81-16; Order No. 196]

Discontinue Producer Reports and Related Form Nos. 108 and 314-B and To Reinstitute and Revise Producer Filing Instructions

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is discontinuing two reporting requirements and the related regulations: FPC Form No. 108 "Rate Schedule Analysis on a Continuing Basis" (18 CFR 260.6), and FPC Form No. 314-B, "Annual Statement for Independent Producers Holding Small Producer Exemptions" (18 CFR 154.104).

In lieu of Form No. 108, which is composed of five separate schedules, the Commission substitute simplified requirements, Format No. FERC 558, "Contract Summary to be Filed by All Applicants for Certificates of Public Convenience and Necessity, Including Successors in Interest" (18 CFR 250.5); and Format No. FERC 559, "Independent Producer Rate Change or Initial Billing Statement" (18 CFR 250.14).

Form No. 314-B is replaced by a requirement that companies file a simple statement with the Commission stating that they have lost their small producer status by producing more than 10 million Bcf of gas per year.

DATE: The revisions in this rulemaking are effective January 6, 1982.

FOR FURTHER INFORMATION CONTACT: Stephen Badzik, Federal Energy Regulatory Commission, Office of Pipeline and Producer Regulation, 825 North Capitol Street, NE, Room 6006-F, Washington, D.C. 20426, (202) 357-8758.

SUPPLEMENTARY INFORMATION:

Issued: December 7, 1981.

By this rule, the Federal Energy Regulatory Commission (Commission) discontinues two of its reporting requirements: FPC Form No. 108, "Rate Schedule Analysis on a Continuing Current Basis," and FPC Form No. 314-B, "Annual Statement for Independent Producers Holding Small Producer Exemptions." Two of the five schedules in Form No. 108 and the supporting documents in the form are deleted in their entirety. In lieu of the other three schedules in the form, the Commission substitutes the simpler reporting requirements of the new Format Nos. FERC 558 and 559. The Commission also replaces Form No. 314-B with a less burdensome reporting requirement.

Certain necessary revisions are made to the Commission's regulations to reflect these form changes.¹

The changes are made as part of the Commission's ongoing program to review all of its reporting requirements, to eliminate requirements that are not necessary to the performance of its regulatory responsibilities and to reduce the burden of filing required data with the Commission. The changes resulting from this rulemaking should reduce respondent reporting burden significantly.²

I. Background and Summary of Proposed Changes

A. Form No. 108. The filing of the Form No. 108 had been required since 1976 under § 260.6 of the Commission's regulations.³ The form collected, in a computer format, information from large independent gas producers concerning natural gas flowing in interstate commerce. It was required to be filed each time a rate schedule was submitted to the Commission for the first time or a rate schedule presently on file with the Commission was proposed to be amended. Much of the information in the form had been used for determinations respecting biennial national rate adjustments under section 4 of the Natural Gas Act (15 U.S.C. 717c). With the passage of the Natural Gas Policy Act (NGPA) (15 U.S.C. 3301-3432), however, biennial rate adjustments were discontinued. As a result, most of the data collected in Form No. 108 has become obsolete.

More specifically, two of the schedules in Form No. 108, Schedule No. 501, "Independent Producer Natural Gas Sales Summary," and No. 505, "Independent Producer Annual Rate Schedule Sales Data", collected annual gas sales, volume and revenue reports. These reports became insufficient after

¹ The Commission's predecessor, the Federal Power Commission, was authorized to collect the information in Form Nos. 108 and 314-B under sections 4, 7, and 10 of the Natural Gas Act (15 U.S.C. 711-717w). Pursuant to section 402(a)(1)(C) and (D) of the Department of Energy Organization Act (42 U.S.C. 7101-7352), the authority under sections 4 and 7 of the Natural Gas Act was transferred to the Commission. The Secretary of Energy delegated the authority of section 10 of the Natural Gas Act to the Commission under Delegation Order 0204-1 (October 1, 1977).

² In anticipation of the rulemaking proceeding in this docket, the Commission issued an order on May 5, 1980 to suspend, until further notice, the filing of the two schedules which are deleted from Form No. 108, and the filing of the Form No. 314-B (45 FR 33600, May 20, 1980).

³ Form No. 108 was promulgated in Order No. 556, Docket No. RM76-10, November 22, 1976 [41 FR 52441, November 30, 1976], and was revised in Order No. 556-A, Docket No. RM76-10, August 5, 1977 (42 FR 41271, August 16, 1977).

passage of the NGPA because they did not collect data required for NGPA compliance purposes. Moreover, the Commission's field audit program has proven to be an effective means of assuring producer and pipeline compliance with the NGPA and with the Commission's regulations. In addition, information about actual gas volumes and revenues can be obtained through specific data requests to the producers and pipeline companies. The Commission, therefore, issued a Notice of Proposed Rulemaking on February 19, 1981 (46 FR 14899, March 3, 1981) proposing, among other things, to discontinue Form No. 108 and the requirements of Schedule Nos. 501 and 505 in that format. The Commission's regulations at § 260.6 that require the filing of Form No. 108 were also proposed to be eliminated.

Schedule No. 502 of Form No. 108 "Independent Producer Rate Schedule Identification and Contract Data" and Schedule No. 503, "Independent Producer Rate Schedule Pricing Provisions and Actual Quality Data" collected summary data about gas contracts. These schedules were filed each time a producer submitted a new contract or contract amendment. Although the passage of the NGPA makes the filing of much of the data in these schedules unnecessary, sections 4 and 7 of the Natural Gas Act still require that certain information be reported about gas that is "committed or dedicated to interstate commerce" within the meaning of section 2(18) of the NGPA. In the February 19th notice, therefore, the Commission proposed to replace Schedule Nos. 502 and 503 with the new Format No. FERC 558, "Contract Summary to be Filed by all Applicants for Certificates of Public Convenience and Necessity, Including Successors in Interest." This format would be filed with every producer's application for a certificate of public convenience and necessity and would be prescribed under a new § 250.5 of the Commission's regulations. The notice also provided that this requirement would include NGPA pricing data, certain new elements that are required for a certificate application and a few additional clarifying items. The notice further stated that the new Format No. FERC 558 would represent an 82 percent reduction in data elements from Schedule Nos. 502 and 503 and would be designed for human (*i.e.*, noncomputer) responses.

The fifth, and last, of the Form No. 108 schedules is Schedule No. 507, "Independent Producer Rate Change Filing or Initial Billing Statement".

Schedule No. 507 reported either the initial rate a producer proposed to charge under its requested certificate for a newly certificated sale of natural gas under section 7 of the NGA, or a change that a producer proposed to make to the rate that it filed under section 4 of the NGA. Many changes in rate filings have been eliminated under the blanket affidavit procedures adopted in Commission Order Nos. 15 and 25.⁴ Therefore, in the February 19th notice, the Commission proposed to replace Schedule No. 507 with a new, simpler format to be entitled, "Format No. FERC 559, Independent Producer Rate Change or Initial Billing Statement". The notice proposed that this new format would be required by § 250.14 of the Commission's regulations. It would be required to be filed at the time a certificate to sell gas is submitted, and when a rate change is proposed. Format No. FERC 559 would continue to collect the basic data for new rates or changes in rates and would also require new information for NGPA compliance purposes. Much of the data previously required in Schedule No. 507 would be totally eliminated from the new format, according to the notice. As a result of the proposed deletions in the new, simplified format, there should be a 30 percent reduction in data elements from that previously required.

B. *Form No. 314-B.* Section 154.104 of the Commission's regulations has required the filing of annual reports of interstate sales by small producers in the statement set out in § 250.11. These data were submitted on Form No. 314-B.⁵ The report was used to identify small producers and their affiliates whose combined annual jurisdictional sales exceeded 10 million Mcf, so that small producer certificates could be cancelled

⁴Order No. 15, "Amendments to the Commission's Regulations Relating to Independent Producer Filing Requirements", Docket No. RM79-4 (issued November 17, 1978), 43 FR 55758 (November 29, 1978), amended by Order No. 15-A, "Amendments to the Commission's Regulations Relating to Independent Producer Filing Requirements", Docket No. RM79-4 (issued December 28, 1978), 44 FR 1100 (January 4, 1979); Order No. 25, "Amendments to the Commission's Regulations Relating to Independent Producer Filing Requirements", Docket No. RM79-31 (issued March 27, 1979), 44 FR 19389 (April 3, 1979).

⁵Although Form No. 314-B was not specifically mentioned in either § 154.104 or § 250.11, the data prescribed in § 250.11 were required through Commission practice to be reported by respondent companies on the Form No. 314-B. Section 250.11 was promulgated in Order No. 308, "Rate and Certificate Filings by Small Independent Producers", Docket No. R-279 (issued October 29, 1965), 30 FR 14099 (November 5, 1965), amended by Order No. 428-A, "Exemption of Small Producers From Regulation", Docket No. R-393 (issued April 9, 1971), 36 FR 7233 (April 16, 1971), and also amended by Order 428-D, "Exemption of Small Producers From Regulation", Docket No. R-393 (issued May 4, 1972), 37 FR 9559 (May 12, 1972).

with respect to future sales. (See 18 CFR 157.40(a)(1) and (d).)

Because the NGPA now prescribes the maximum statutory prices for producer sales in both interstate and intrastate markets, the annual report of interstate small producer sales are of minimal value to the Commission. Therefore, the notice proposed the elimination of the Form No. 314-B and the reporting burden it represented. In lieu of this requirement, the notice proposed that companies file a simple statement with the Commission, described in 18 CFR 157.40(a), that they have lost their small producer status if and when their jurisdictional sales exceeded 10 million Mcf during the previous calendar year.

II. Summary and Analysis of Comments and Changes

The Commission received comments from seven natural gas producers and an interested party in response to the Notice of Proposed Rulemaking.⁶ All of the comments, at least generally, supported the eliminations proposed in this rulemaking.⁷ One commenter stated that eliminating Schedule Nos. 501 and 505 of Form No. 108 will result in savings of approximately 250-300 man-hours per year. Two other commenters stated that the revised reporting requirements were more practical than the existing forms. Another added that the revised requirements provide all of the information necessary for the analysis of proposed rate schedules under the Natural Gas Act and the NGPA and they alleviate the burdens on producers of providing information that is no longer necessary for the Commission's analysis of gas rate schedules. The Commission has, therefore, adopted the changes to §§ 154.92, 154.94, 154.104, 157.24, 157.40, 250.11 and 260.6, that were proposed in the Notice of Proposed Rulemaking.

Several of the commenters also offered suggestions for changes to Format No. 558 (new § 250.5) and to Format No. 559 (new § 250.14). With respect to the changes for Format No. 558, one company said that Item (8), "Total price in dollars per MMBtu (including all adjustments and tax

⁶Comments were submitted by: Champlin Petroleum Company; Conoco, Inc. (concurring with Exxon's comments); Exxon Corporation; Henderson Clay Products, Inc.; Santa Fe Energy Company; Shell Oil Company; Sun Gas Company, a Division of Sun Oil Company; and Texas Gas Exploration Corporation, a subsidiary of Texas Gas Transmission Corporation.

⁷One commenter supported the proposed discontinuance of Form No. 314-B and added that it "did not disagree" with the proposed requirement to report the loss of small producer status instead of the requirement to file an annual report.

reimbursement)" should require only a statement of total price in dollars per MMBtu, exclusive of any adjustments for lawful add-ons. With respect to Item (9), which elicits a separate specification of adjustments included in the total price per MMBtu, the company said that the item should prescribe a specification of adjustments in the mode actually billed and received, whether in cents per MMBtu, per Mcf, or otherwise. According to this company, these changes to Items (8) and (9) would simplify the reporting requirement with respect to the burdensome conversion of data from MMBtu to Mcf or some other basis.

The Commission agrees with these suggestions and has amended Item (8) to require the base price in dollars per MMBtu (exclusive of any statutory adjustments and tax reimbursements) and has clarified Item (9) to require a report of the statutory adjustments including tax reimbursements to be added to the base price in Item (8). The footnote to Item (9) has also been clarified to require the amount for each type of statutory adjustment in the manner actually billed and received, either in cents per MMBtu or Mcf.

The company also suggested that Item (10), "Estimated Sales Volumes (Mcf per month)" should be modified to specify which "month" is involved (*i.e.*, month of initial deliveries, or peak production, or average month's production over a long period). This commenter added that Item (10) should provide that the data reported do not constitute a representation or warranty of gas availability by the seller.

The Commission has clarified Item (10), as suggested. The estimated sales are "for the first month of deliveries." In addition, the Commission will require that these sales be reported in MMBtu or Mcf, to be consistent with the requirement in Item (9). However, the Commission need not state that the reported data in Item (10) do not constitute a representation or warranty of available gas, because only "estimated" sales volumes are requested in that item. Such information of course, would not be warranted.

The company also suggested that Item (11), "Delivery Pressure" should specify whether a statement of maximum/minimum contract pressures or a statement of anticipated actual working pressure is required. In addition, the commenter stated that this item should also provide that the data reported do not constitute a warranty of delivery pressure by the seller.

In response to this suggestion, the Commission has clarified Item (11). What will be required is the "estimated

delivery pressure" of the reported gas. The Commission believes that this terminology is more accurate than the suggested "anticipated actual working pressure". As in Item (10), these estimated data are not supposed to constitute a representation or warranty of delivery pressure.

Finally, this company claimed that clarification was needed in Item (13), "Other special conditions affecting price", as to the type of information required. As a result, the Commission has reexamined Item (13) and has determined that it is not necessary, because sufficient data respecting conditions that affect price are reported elsewhere in the format. Therefore, Item (13) has been entirely deleted from the form.

Three of the commenters offered several suggestions for revisions to Format No. FERC 559 (the proposed § 250.14). First, they criticized the "Note" that follows the format heading that, among other things, provides the requirements for filing tax reimbursement data. Each of these commenters objected to the statement: "Applications filed to collect rates at Natural Gas Act or contract rate levels must include tax items 9(a) through (e)". They argued that, because there are now only NGPA rates and not NGA rates, the work "tax" is misused in the sentence. They also requested clarification of the terms "NGPA rate" and "contract rate" in the Note. One of these commenters noted that all rates are, in fact, NGPA rates, even where the Commission's NGA jurisdictions is retained. Another suggested that tax reimbursement data should be furnished only when the producer collects contract rates that are different from applicable NGPA rates.

These commenters also criticized the requirement in the "Note" for a statement, under oath, that such producer "will be reimbursed only for taxes actually paid, to the extent contractually authorized". One of the commenters said that the Commission does not seek tax reimbursement data for NGPA rates and two commenters stated that the oath requirement simply restates the statutory requirements of sections 110 and 504 of the NGPA and § 271.1102(a) of the Commission's regulations. One company suggested that the oath requirement could be replaced by an estimate of the taxes to be collected.

The Commission has revised Format No. 559 by, among other things, entirely eliminating the "Note" and its oath requirement, and by adding several instructions to clarify the requirements

in the format.⁸ With respect to the Note, the Commission has transferred the reporting of tax reimbursements to "Other adjustments" (the new Item (11)(c)). The instruction for Item (11)(c) has been clarified to specifically provide that "Other adjustments" includes tax reimbursements (if the change is to the base rate, other than to the maximum lawful price under the NGPA), dehydration, compression, etc. Although the Commission does not agree that the oath provision restates requirements in the NGPA and the regulations, the Commission does agree that the oath is not an essential requirement to the format and can be eliminated.

One of the commenters requested clarification of Item (8) of Format No. FERC 559, "Regulation Section (type of change)." The commenter also suggested that Items (12) and (13) (data respecting future NGPA escalations under § 154.94(h) affidavits, and reports of rate applications under sections 102(d) or 108 of the NGPA, respectively) should be grouped immediately after Item (8), for ease of reporting.

In response to this comment, the Commission has clarified Item (8) (new Item (6)) by eliminating the requirement to identify the section of the regulations that pertains to the filing, because it creates an added burden that is not essential to the Commission's regulation. Instructions have been added to Item (6), specifying the type of rate change to be reported. The Commission has also moved Items (12) and (13) (new Items (9) and (10), respectively), to follow the three related items, "Type of Change" (new Item (6)), "Contract Basis" (new Item (7)), and "Proposed Effective Date" (new Item (8)).

Two of the commenters stated that Item (9), "Rate Information" should not require that data be reported on both an MMBtu and Mcf basis. According to one of these commenters, the necessary conversion calculations to do this would be difficult. The Commission believes that the reporting of rate information in this format will be acceptable either in MMBtu's or Mcf's. The instructions to Item (9) (new Item 11) have been revised accordingly.

One company stated that Item (9)(b), "Btu adjustment" should be changed to require estimated data, because the Btu content of gas can change over a period of time. This company also

⁸ The Commission also rearranged the items in the format so that they are presented in a more logical manner and made other minor revisions, such as requiring the Field or Plant and the County or Parish identification in the new Item (5), and also requiring in Item (15) the name and telephone number of a contact person, as necessary.

recommended that Item (9) be placed immediately before Item (14). "Remarks" because explanations of (9)(d), "Other, explain" would be made in Item (14).

The Commission has determined that information about the sales volumes and the Btu content of gas is not really needed for establishing qualification to collect the maximum lawful price for such gas. When the Commission needs information about volumes and Btu content, it can collect it in specific data requests. As a result, the proposed Items (9)(b), (10) and (11) can be entirely eliminated from the new format. In addition, Item (9) (new Item (11)) has been placed immediately before Item (14) (new Item (12)), as suggested.

A commenter requested clarification of Item, the proposed Item (12), by asking whether future NGPA escalations are to be covered by blanket affidavits filed under § 154.94(h) of the Commission's regulations. The commenter argued that a "yes" response to the inquiry would appear to obviate further filings of Format No. FERC 559.

As suggested, the Commission has included a clarifying instruction for Item (12) (new Item (9)). This item pertains only to the first sales of gas for which qualification to collect the NGPA base rate under § 154.94(h) is being established by Format No. FERC 559. Section 154.94(h) permits producers who are contractually authorized to collect NGPA maximum lawful prices to state that such first sales will be covered by a previously-submitted blanket affidavit.

One commenter recommended a change to the proposed Item (13)(b), which requires the effective date of the final determination of a rate application under section 102(d) or 108 of the NGPA. Since the Commission does not publish the date of a final determination, the commenter suggested that Item 13(b) should require "the date of filing a determination with the Commission, as published in the Federal Register." The Commission agrees with this suggestion and has accordingly changed Item (13)(b) (new Item (10)(b)) to read, "Date jurisdiction agency's well determination is received by the FERC, as published in the Federal Register."

Finally, one commenter suggested that the address requirement in Item (15)(c) (new item (13)) should provide for the use of Post Office numbers as an alternative to a street address. The Commission agrees with this recommendation and has merely left the address line blank, so that any appropriate address can be inserted.

III. Effective Date

The changes in this final rule will be effective January 6, 1982.

(Natural Gas Act, 15 U.S.C. 717-717w; Department of Energy Organization Act, 42 U.S.C 7101-7352; E.O. 12009, 3 CFR Part 142)

In consideration of the foregoing, the Commission amends Parts 154, 157, 250 and 260 of Chapter I, Title 18, Code of Federal Regulations, as set forth below.

By the Commission.
Kenneth F. Plumb,
Secretary.

PART 154—RATE SCHEDULES AND TARIFFS

1. Section 154.92 is amended by revising the second sentence of paragraph (a) and the second sentence of paragraph (b) to read as follows:

§ 154.92 Filing of rate schedules by independent producer.

(a) * * * To each such rate schedule, there shall be attached a billing statement, in the format specified in § 250.14.

(b) * * * To each such rate schedule there shall be attached a statement, in the format specified in § 250.14, which shows the estimated sales and billing for the first month of service, in sufficient detail to show the method of billing and price used.

2. Section 154.92 is further amended by removing paragraph (e) in its entirety.

3. Section 154.94 is amended by revising paragraph (f), and amending Appendix A by revising the fourth paragraph of Item II of the Instructions for Completing Exhibit A to read as follows:

§ 154.94 Changes in rate schedules.

(f) *Notice of change in rate level.* An independent producer who is proposing a contractual change in rates, charges, etc., shall file the information specified in § 250.14.

Appendix A to § 154.94

Exhibit A

Instructions for Completing Exhibit A

II. Specific Instructions. Respondent Name and Code:

Applicable Just and Reasonable Rate Previously Established Under the NGA: Enter

either the base rate (Mcf at 14.73 psia) reflected in the last notice of change in rate submitted for the vintage involved or the base rate reflected in the initial billing statement. See § 250.14 of this chapter.

§ 154.104 [Removed]

4. Section 154.104 is removed in its entirety.

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

5. Section 157.24 is amended by revising the first sentence of paragraph (a) to read as follows:

§ 157.24 Contents of application.

(a) Every application for a certificate of public convenience and necessity required under § 157.23 shall be filed with the Commission and shall contain, in the form specified in § 250.5, a summary of each contract for the sale or transportation of natural gas for which a certificate is requested.

6. Section 157.40 is amended in paragraph (a)(1) by revising the last two sentences of the second paragraph to read as follows:

§ 157.40 Exemption of small producers from certain filing requirements.

(a) *Definitions.* (1) * * * If such termination occurs as a result of merger or affiliation, the producer shall give notice thereof to its purchasers and to the Commission within 30 days of the effective date of such occurrence. If such termination occurs as a result of sales having exceeded the 10,000,000 Mcf limitation during a calendar year, the producer shall give notice thereof to its purchasers and to the Commission by letter to be submitted on or before April 1 of the following year.

PART 250—FORMS

7. Chapter I, Subchapter G, Part 250 is amended by adding a new § 250.5 to read as follows:

§ 250.5 Contract summary to be filed by all applicants for certificates of public convenience and necessity, including successors in interest. (See § 157.24(a) of this chapter.)

OMB Reference: "Format No. FERC 558" is the identification number used by the Commission and the Office of Management

and Budget to reference the filing requirements in § 250.5

All applicants shall complete Part I. An applicant who is an assignee (including farmout) filing as a successor shall also complete Part II-A and Part II-B if the related rate schedule is under suspension, if the rate is in effect subject to refund, or if the sale is being made by the assignor under temporary certificate with a rate refund condition. The reporting pressure base is 14.73 psia. The information in this format will not be treated as confidential or proprietary.

Date _____

Part I

- (1) Name of applicant _____
- (2) Person responsible for application: _____
- (a) Name and title _____
- (b) Mailing address _____
- (c) Telephone No. _____
- (3) Name of purchaser _____
- (4) Are applicant and purchaser affiliated?
No _____ Yes _____
- (5) Location of sale _____
(Field, County, State)
- (6) Type of application ¹ _____
- (7) Date of contract _____
- (8) Base price in dollars per MMBtu
(exclusive of any statutory adjustments and tax reimbursements)

¹Specify whether initial service, add acreage, delete acreage, continue service of predecessor, farmout, or other. If "other", give details.

(9) Statutory adjustments, including tax reimbursements, to be added to the base price in Item (8) above ²

(10) Estimated sales for the first month of deliveries (MMBtu or Mcf per month) _____

(11) Estimated delivery pressure _____

(12) Delivery point, e.g., wellhead, plant tailgate, central point in field, etc. _____

(13) Advance payments: Yes No

Part II-A

- (14) Assignor _____
- (15) Description of service to be continued:
(a) FERC Docket No.(s) under which assignor was originally authorized: _____
- (b) Proposed disposition of assignor's FERC Gas Rate Schedule(s) _____

Part II-B

- (16) Suspension Docket No. _____
- (17) Price currently being collected subject to refund (in dollars per MMBtu) _____

²Specify the amount for each type of statutory adjustment (e.g., gathering, dehydration, compression, liquefiable hydrocarbons, etc.) in the manner actually billed and received, either in cents per MMBtu or Mcf.

(18) Date price made effective subject to refund _____

(19) Estimated amount subject to possible annual refund \$ _____

(20) In addition to the refund obligation required by § 154.92(d)(3), does assignee intend to file bond or undertaking to assure total refund: (a) from the date increased rate of assignor became effective subject to refund or (b) from date operation commenced under assignor's temporary certificate containing a refund condition? Yes No

§ 250.11 [Removed]

8. Section 250.11 is removed in its entirety.

9. Chapter I, Subchapter G, Part 250 is amended by adding a new § 250.14 to read as follows:

§ 250.14 Independent producer rate change or initial billing statement.

(See §§ 154.92 and 154.94)

OMB Reference: "Format FERC No. 559" is the identification number used by the Commission and the Office of Management and Budget to reference the filing requirements in § 250.14.

BILLING CODE 6717-01-M

This format is to be used to file either a Notice of Change in Rate or an Initial Billing Statement by checking the appropriate box and answering the applicable questions. Rates should be shown in dollars to three decimal places. The reporting pressure base is 14.73 psia. The information in this format will not be treated as confidential or proprietary.

Check One: RATE CHANGE STATEMENT (§ 154.94)
 INITIAL BILLING STATEMENT (§ 154.92)

- (1) Producer _____
- (2) Buyer _____
- (3) Gas Rate Schedule No. _____
- (4) Basic Contract Date _____
- (5) Location:
 - (a) Field/Plant _____
 - (b) County/Parish _____
 - (c) State _____
- (6) Type of change _____
- (7) Contract Basis _____
- (8) Proposed Effective Date _____
- (9) Are future escalations to be covered by affidavit filed under § 154.94(h)? _____
- (10) (a) FERC Notice of Determination Control No. _____
- (b) Date jurisdictional agency's well determination is received by the FERC, as published in the Federal Register _____

For Commission Use Only	
Gas Rate	_____
Schedule No.	_____
Supplement No.	_____
Memo No.	_____
Docket No.	_____
Filing Date	_____
Effective Date	_____

(11) Rate Information:
 Check One: \$ per MMBtu \$ per Mcf

	Current	Proposed
(a) Base rate	\$ _____	\$ _____
(b) Gathering allowance	_____	_____
(c) Other adjustments	_____	_____
(d) Total rate	_____	_____

(12) Remarks _____

 (13) Person responsible for this filing:—
 (a) Name and title _____
 (b) Signature _____
 (c) Address _____

 (d) Contact Person (if different from person identified in (a)) _____

 (e) Telephone number of person to be contacted _____

 (f) Date _____

Instructions

Item (6): Use only for reporting rate changes (e.g., change in contract rate; change in minimum rate or maximum lawful price under sections 102(d), 104, 106(a), 108, or any other applicable section of the NGPA).
 Item (7): Specify the basic article or section of the contract. If the basis for the proposed rate is an amendment, supply the date of the amendment.
 Item (9): This information applies only to the first sales for which qualification to collect the NGPA base rate under the rate schedule is being established.
 Item (10): This information applies to the first well under a rate schedule that qualifies for the gas ceilings under either sections 102(d), 108, or any other applicable section of the NGPA.
 Item (11)(c): Report the total adjustment amounts and explain under Item (12), "Remarks". These adjustments include tax reimbursements (if the proposed change is to base rates other than to the maximum lawful price under the NGPA), dehydration, compression, etc.

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

§ 260.6 [Removed]
 10. Section 260.6 is removed in its entirety.

[FR Doc. 81-35415 Filed 12-9-81; 8:45 am]
 BILLING CODE 6717-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[T.D. 7798]

Procedure and Administration; Periodic Report of Actuary; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final rule.

SUMMARY: This document contains a correction to the Federal Register publication beginning at 46 FR 57482 on November 24, 1981, of amendments to the regulations which were the subject of Treasury Decision 7798 relating to

periodic actuarial reports filed for defined benefit pension plans.

EFFECTIVE DATE: In the case of a plan in existence on January 1, 1974, the regulations are effective for plan years beginning after December 31, 1975. In the case of a plan not in existence on January 1, 1974, the regulations are effective for plan years beginning after September 2, 1974. This correction is to be effective in the same manner.

FOR FURTHER INFORMATION CONTACT: George B. Baker of the Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224, 202-566-3422 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

On July 8, 1980, the Federal Register published at 45 FR 45926 proposed amendments to the Procedure and Administration Regulations (26 CFR Part 301) under sections 6059 and 6892 of the Internal Revenue Code of 1954, as added by section 1033 of ERISA. On November 24, 1981, the Federal Register published Treasury Decision 7798 (46 FR 57482) (FR Doc. 81-33721). The purpose of these final regulations was to provide guidance to plan administrators who are required to file the report and to actuaries who must prepare the report.

Need for a Correction

As published, the full text of the regulations, in § 301.6059-1(d)(6), appearing on page 57484 in the left-hand column, incorrectly prints the word "reflecting" in place of the phrase "furnished to comply with". Due to a misprint, § 301.6059-1(d), on page 57484 in the left-hand column in the first line, contains an erroneous cross reference, "paragraph (d)(1)(v) and", which should be deleted.

Drafting Information

The principal author of these corrections is George B. Baker of the Employee Plans and Exempt Organizations Division of the Office of Chief Counsel, Internal Revenue Service.

Correction of Publication

PART 301—PROCEDURE AND ADMINISTRATION

Accordingly, the publication of the amendments to the regulations which were the subject of FR Doc. 81-33721 (46 FR 57482) is corrected by revising the first sentence of paragraph (d) and by revising subparagraph (6) of paragraph (d) of § 301.6059-1 to read as follows:

§ 301.6059-1 Periodic report of actuary.

(d) *Certification by enrolled actuary.* The actuarial report filed on Schedule B must be signed by an enrolled actuary (within the meaning of section 7701(a)(35)) or there may be attached to the report a statement signed by the actuary that contains the statements described in paragraph (c) (4) and (5) of this section. * * *

(6) A statement furnished to comply with the requirements of paragraph (c)(6) of this section. * * *

Dated: December 4, 1981.
 James F. Malloy,
Acting Director, Employee Plans and Exempt Organizations Division.
 [FR Doc. 81-35406 Filed 12-9-81; 8:45 am]
 BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Mines

30 CFR Part 602

Purchases of Helium by Federal Agencies; Revised Regulations

AGENCY: Bureau of Mines, Interior.
ACTION: Final rule.

SUMMARY: This revised rule establishes new regulations associated with the purchase of helium by Federal agencies. The revised regulations reflect changes required to conform them to Federal court decisions which invalidated portions of current regulations.

DATE: The revised regulations will become effective January 11, 1982.

FOR FURTHER INFORMATION CONTACT: M. H. Williamson, Division of Helium Operations, Bureau of Mines, 1100 S. Fillmore St., Amarillo, Tex 79101, A/C 806 376-2614, FTS 735-1614.

SUPPLEMENTARY INFORMATION: A proposed rule revising 30 CFR Part 602 was published in 45 FR 82669-82694 on Tuesday, December 16, 1980. A 30-day period ending January 15, 1981, was allowed for public comment. No comments were received on the proposed 30 CFR Part 602. Therefore, the Bureau of Mines, Department of the Interior, by publication herein will make the revision final, subject to the following minor corrections.

Corrections to 45 FR 82669 through 82674 are as follows:

Section 602.3 last word of heading: should be "contracts" (45 FR 82669).

Section 602.1, 11th line, first word and all subsequent places: should be

"January 15, 1982" (45 FR 82669, 82670, and 82671).

Section 602.2(c), 14th line, and all subsequent places: "High-Purity" should be "Grade-A" (45 FR 82670 and 82671).

Section 602.2(d) and Appendix, Article I, Definitions, paragraph 1.14 entire paragraph: should be "Grade-A helium" means the grade of helium produced at the Bureau's helium plants, and it is 99.995 percent pure helium or better, by volume (45 FR 82670 and 82671).

Section 602.2(h), first sentence: should read " * * * regardless of physical state or in mixture with other gases, * * * " (45 FR 82670).

Section 602.2(k), first word: should be "Bureau" (45 FR 82670).

Section 602.3 (Title), last word: should be "contracts" (45 FR 82670).

Section 602.3(b) is redesignated as paragraph (c);

Section 602.3(c) is redesignated as paragraph (d);

Section 602.3(d) is redesignated as paragraph (e)

Section 602.3 Add a new paragraph (b) which reads as follows:

(b) The information collection requirements contained in this section have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1032-0113. The information is being collected to identify firms desiring to become helium distribution contractors. This information will be used to determine responsible applicants as possible contractors, to establish an accountability of helium transfer between distributors, and to report distributor annual sales, transfers, and purchases of Bureau of Mines helium as certification of compliance with 30 CFR Part 602. The obligation to respond is required to obtain a benefit.

Section 602.3(a) after last sentence: add "(The currently approved helium distribution contract is set out in the Appendix to this Part.)" (45 FR 82670).

Section 602.3(c), last sentence and all subsequent places: change mailing address to 1100 S. Fillmore St. (45 FR 82670 and 45 FR 82674).

Section 602.3(c), last sentence: change telephone number to FTS 735-1638 (45 FR 82670).

Section 602.3(d), first sentence: fourth word should be "contracts" (45 FR 82670).

New Heading: After the last sentence of § 602.3(e) the word "Appendix" should be inserted between that paragraph and the sample contract. (45 FR 82670).

Appendix: Contents, Addendum "C", and all subsequent places: Form No. should be 1575-A (45 FR 82670, 82672, and 82674).

Appendix: Contract, Article I, Definitions, paragraph 1.7: Last sentence

should read "The term does not include Federal agencies, but does include Federal agency contractors." (45 FR 82671).

New Heading: After the last sentence of § 602.3(d) the word "Appendix" should be inserted between that paragraph and the sample contract (45 FR 82670).

Appendix: Contents, Addendum "C", and all subsequent places: Form No. should be 1575-A (45 FR 82670, 82672, and 82674).

Appendix: Contract, Article I, Definitions, paragraph 1.7: Last sentence should read "The term does not include Federal agencies, but does include Federal agency contractors." (45 FR 82671).

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

Accordingly, pursuant to authority provided by the Helium Act of 1960 (50 U.S.C. 167 et seq.), 30 CFR Part 602 is amended as set forth below.

Dated: August 20, 1981.

William P. Pendley,

Assistant Secretary of the Interior.

Part 602 of Title 30, Chapter VI is revised to read as set forth below:

PART 602—HELIUM DISTRIBUTION CONTRACTS

Sec.

602.1 Purpose.

602.2 Definitions.

602.3 Bureau helium distribution contracts.

Authority: The Helium Act of 1960, Pub. L. 86-777, 50 U.S.C. 167, et seq., 5 U.S.C. 301.

§ 602.1 Purpose.

The purpose of this Part 602 is to establish procedures governing distribution of Bureau of Mines helium by a system of authorized private helium distributors. To the same end, the regulations prescribe certain requirements that must be met by private helium distributors under new contracts, entered into with the Bureau of Mines with an effective date of January 15, 1982, or later, to distribute Bureau of Mines helium.

§ 602.2 Definitions.

As used in this part—

(a) "Helium Act" means Pub. L. 86-777, 74 Stat. 918 (50 U.S.C. 167-167n).

(b) "Helium" means the element helium regardless of its physical state.

(c) "Bureau of Mines helium" or "Bureau helium" is helium, regardless of physical state or purity, available for purchase or purchased from the Secretary or a Bureau helium

distribution contractor after the effective date of this revision of 30 CFR 602.

Bureau helium cannot be obtained from any other source of supply. Bureau of Mines helium includes volumes of helium available for delivery or delivered to the purchaser or Bureau helium distribution contractors in the Grade-A gaseous physical state or liquid physical state, and volumes of Grade-A gaseous helium used as raw stock to produce (1) liquid helium, and the liquid produced therefrom, (2) a gaseous or liquid mixture having a purity of helium different from Grade-A, (3) a gaseous or liquid mixture having a concentration of helium-4 isotope different from the concentration of such isotope in Grade-A helium, and (4) helium mixtures different in any other way from Grade-A gaseous helium. Bureau helium does not include private helium stored under contract with the Bureau and redelivered to the private enterprise in crude, Grade-A gaseous, or liquid helium form.

(d) "Grade-A helium" means the grade of helium produced at the Bureau's helium plants, and it is 99.995 percent pure helium or better, by volume.

(e) "Federal agency" means any department, independent establishment, commission, administration, foundation, authority, board, or bureau of the United States Government, or any corporation owned, controlled, or in which the United States Government has a proprietary interest, as these terms are defined in 5 U.S.C. 101-105; 5 U.S.C. 551 (1); 5 U.S.C. 552(e); or in 18 U.S.C. 6, but does not include Federal agency contractors.

(f) "Bureau Helium Distribution Contractor" is a private helium merchant (as defined by the Texas Business and Commercial Code Ann., Title 1, Sec. 2.104 (Uniform Commercial Code)) that, by new contract with an effective date of January 15, 1982, or later with the Bureau, has Bureau helium available for distribution.

(g) "Private helium purchaser" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, state or political subdivision thereof, purchasing or wanting to purchase helium. The term does not include Federal agencies, but does include Federal agency contractors.

(h) "Helium requirement" or "requirement of helium" is all helium, regardless of physical state or in mixture with other gases, that is required by or delivered to a Federal agency to accomplish an objective, project, mission, or program of the Federal agency.

(i) "Major helium requirement" or major requirement of helium" is a helium requirement or delivery of 5,000 standard cubic feet (scf), measured at 14.7 pounds per square inch absolute pressure and 70° Fahrenheit temperature, or more, including liquid helium gaseous equivalent, during a calendar month, including the first 5,000 scf per calendar month when the "helium requirement" equals or exceeds 5,000 scf per calendar month.

(j) "Secretary" is the Secretary of the Department of the Interior.

(k) "Bureau" is the Bureau of Mines of the United States Department of the Interior.

§ 602.3 Bureau helium distribution contracts.

(a) Any private helium merchant may make application to the Bureau to become a Bureau helium distribution contractor and, upon meeting the requirements of this Part and upon execution of a three-year distribution contract with the Bureau, may become a Bureau helium distribution contractor. To be eligible, a prospective contractor must demonstrate: adequate financial resources to pay for Bureau helium and helium-related services in advance, adequate facilities and equipment to meet delivery schedules and quality standards required by purchasers of Bureau helium, a satisfactory record of performance in the distribution of helium, and/or other compressed gases, a certificate of competency and/or a determination of eligibility from the Small Business Administration if the prospective contractor is a small business concern and is determined to be nonresponsible and/or ineligible by the contracting officer, and be otherwise qualified and eligible to receive an award of a Bureau helium distribution contract under applicable laws and regulations. Effective January 15, 1982, and thereafter, only those helium merchants having a valid Bureau helium distribution contract shall be included on Bureau lists of Bureau helium distribution contractors. (The currently approved helium distribution contract is set out in the Appendix to this Part.)

(b) The information collection requirements contained in this section have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1032-0113. The information is being collected to identify firms desiring to become helium distribution contractors. This information will be used to determine responsible applicants as possible contractors, to establish an accountability of helium transfer between distributors, and to report

distributor annual sales, transfers, and purchases of Bureau of Mines helium as certification of compliance with 30 CFR 602. The obligation to respond is required to obtain a benefit.

(c) Bureau helium distribution contracts shall require the Bureau helium distribution contractor to deliver only Bureau helium to supply (1) major helium requirements of any Federal agency, whether or not Bureau helium is specified by the agency, and (2) any helium requirement of any Federal agency if procurement documents in any manner specify or evidence intent to acquire Bureau helium. Information about which Federal agencies have major helium requirements is available from Bureau of Mines Division of Helium Operations, 1100 S. Fillmore St., Amarillo, Texas 79101, telephone 806 376-2638 or FTS 735-1638.

(d) Bureau helium distribution contracts shall also require the Bureau helium distribution contractor to deliver only Bureau helium to (1) any private helium purchaser, including Federal agency contractors, if procurement documents in any manner specify or evidence intent to acquire Bureau helium, or (2) another Bureau helium distribution contractor if certification as Bureau helium is required or furnished.

(e) Contracts shall include provisions for sources of supply of Bureau helium, quantity, quality, delivery requirements, Bureau helium book inventory, actual physical volume of helium in inventory, commingling, accounting and reporting procedures, records and facilities examinations, shipping points, payments, and contract termination.

Appendix

Bureau Helium Distribution Contract No. 14-09-0060 — Between United States Department of the Interior, Bureau of Mines and —

Contents

Preamble
 Article I, Definitions
 Article II, Term of Contract
 Article III, Bureau Helium Distribution Contractor
 Article IV, Bureau of Mines
 Article V, Conditions
 Article VI, General Provisions
 Addendum "A"—Application
 Addendum "B"—Certificate of Resale of Bureau of Mines Helium (Form HA-285a)
 Addendum "C"—Bureau of Mines Helium: Stocks, Receipts, and Distribution Annual Report (Form 6-1575-A(1-77) Rev.)

Bureau Helium Distribution

Contract

This contract, made this — day of —, 19—, pursuant to the Helium Act (Act of 1960, Public Law 86-777, 74 Stat. 918, 50 U.S.C. 167 et seq., 5 U.S.C. 301), between the United

States of America, Department of the Interior, Bureau of Mines, hereinafter styled Bureau of Mines, represented by the officer executing this contract, and — whose principal address is — hereinafter styled Bureau Helium Distribution Contractor, or Contractor.

Witnesseth that:

Whereas, pursuant to provisions of the Helium Act: "The Department of Defense, the Atomic Energy Commission, and other agencies of the Federal Government, to the extent that supplies are readily available, shall purchase all major requirements of helium from the Secretary," (of the Department of the Interior);

Whereas, the Bureau of Mines, by virtue of authority delegated by the "Secretary" (of the Department of the Interior) under the Helium Act administers the production and distribution of helium for Federal use;

Whereas, the authorization of private helium merchants to participate in the distribution of Bureau of Mines helium for Federal use is advantageous to both the United States Government and the private helium merchants; and

Whereas, an application to become a Bureau Helium Distribution Contractor, attached to and forming a part of this contract (Addendum A), has been received by the Bureau of Mines from the private helium merchant named as a party to this contract.

Now Therefore, in consideration of the mutual and dependent covenants herein contained, it is mutually agreed between the parties as follows:

Article I—Definitions

1.1 "Bureau Helium Distribution Contractor" is a private helium merchant (as defined by the Texas Business and Commercial Code Ann., Title 1, Sec. 2.104 (Uniform Commercial Code)) that by new contract with an effective date of January 15, 1982, or later with the Bureau, has Bureau helium available for distribution.

1.2 "Bureau" is the Bureau of Mines of the United States Department of the Interior.

1.3 "Bureau of Mines helium" or "Bureau helium" is helium, regardless of physical state or purity, available for purchase or purchased from the secretary or another Bureau helium distribution contractor after the effective date of this contract. Bureau helium cannot be obtained from any other source of supply. Bureau of Mines helium includes volumes of helium available for delivery or delivered to purchasers or Bureau helium distribution contractors in the Grade-A gaseous physical state or liquid physical state and volumes of Grade-A gaseous helium used as raw stock to produce (1) liquid helium and the liquid produced therefrom, (2) a gaseous or liquid mixture having a purity of helium different from Grade-A, (3) a gaseous or liquid mixture having a concentration of helium-4 isotope different from the concentration of such isotope in Grade-A helium, and (4) helium mixtures different in any other way from Grade-A gaseous helium. Bureau helium does not include private helium stored under contract with the Bureau and redelivered to

the private enterprise (owner) in crude Grade-A gaseous, or liquid helium form.

1.4 "Contracting Officer" is the person executing this contract on behalf of the Government and includes a duly appointed successor or authorized representative.

1.5 "Federal Agency" is any department, independent establishment, commission, administration, foundation, authority, board, or bureau of the United States Government, or any corporation owned, controlled, or in which the United States Government has a proprietary interest, as these terms are defined in 5 U.S.C. 101-05; 5 U.S.C. 551(1); 5 U.S.C. 552(e); or in 18 U.S.C. 6, but does not include Federal agency contractors.

1.6 "Federal Agency Contractor" is any individual, corporation, partnership, firm, association, trust, estate, public or private institution, or a State or political subdivision thereof which has entered into or that is obligated by a contract or cooperative agreement with a Federal agency, or received a grant from a Federal agency, or which subcontracts with a Federal Agency Contractor.

1.7 "Private helium purchaser" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, state or political subdivision thereof, purchasing or wanting to purchase helium. The term does not include Federal agencies, but does include Federal agency contractors.

1.8 "Helium" is the element helium regardless of its physical state.

1.9 "Helium Requirement" or "Requirement of Helium" is all helium, whether in the gaseous or liquid state or in mixtures with other gases, that is required by or delivered to a Federal agency, to accomplish an objective, project, mission, or program of the Federal agency.

1.10 "Major Helium Requirement" or "Major Requirement of Helium" is a helium requirement of 5,000 scf or more during a calendar month, including the first 5,000 scf per calendar month when the "helium requirement" equals or exceeds 5,000 scf per calendar month.

1.11 "Secretary" is the Secretary of the Department of the Interior.

1.12 "Shipping Point" is a shipping facility of the Bureau Helium Distribution Contractor from which Bureau of Mines helium is available.

1.13 "Standard cubic foot" (scf) is a 1-cubic-foot volume of Grade-A helium measured at a pressure of 14.7 pounds per square inch absolute and a temperature of 70° Fahrenheit. Volumes of liquid helium shall be expressed in liters or U.S. gallons. One liter of liquid helium is equivalent to 28.63 standard cubic feet of gaseous helium. One U.S. gallon of liquid helium is equivalent to 100.8 standard cubic feet of gaseous helium. One pound of liquid helium is equivalent to 96.67 standard cubic feet of gaseous helium. Appropriate Grade-A gaseous equivalents of volumes of helium mixtures different in any way from Grade-A gaseous helium may be used, and such equivalents must be used when required by the Division of Helium Operations, Bureau of Mines, Amarillo, Texas.

1.14 "Grade-A helium" means the grade of helium produced at the Bureau's helium

plants, and it is 99.995 percent pure helium or better, by volume.

Article II.—Term of Contract

2.1 This contract shall be effective on the date heretofore stated and shall remain effective for a period of three (3) years thereafter unless sooner terminated as hereinafter provided in Section 6.2 or for default.

Article III.—Bureau Helium Distribution Contractor

3.1 The Bureau Helium Distribution Contractor (hereafter styled Contractor) shall deliver only Bureau of Mines helium to supply: (1) major helium requirements of a Federal agency without regard as to whether or not Bureau of Mines helium is specified by the agency, (2) any quantity of helium to a Federal agency if procurement documents specify in any manner that Bureau of Mines helium be furnished, (3) any quantity of helium to private helium purchasers if procurement documents specify in any manner the intent that Bureau of Mines helium be furnished, (4) any quantity of helium to another Bureau helium distribution contractor if certification as Bureau of Mines helium is required or furnished.

3.2 Helium delivered for Federal use under the terms of this contract shall conform to the quality, quantity, and delivery requirements agreed to between the Contractor and the purchasing Federal Agency or private helium purchaser.

3.3 Each delivery of helium that requires Bureau of Mines helium in accordance with Sec. 3.1 of this contract shall be made only from an inventory of Bureau of Mines helium on hand except as provided in Sec. 3.4 of this contract.

3.4 Helium is a fungible commodity; therefore, the Contractor may commingle Bureau of Mines helium with helium from other sources. For purposes of Bureau helium accounting records, as much of the Contractor's helium inventory will be considered Bureau of Mines helium as is equal to the volume of: (1) helium purchased from the Bureau of Mines and delivered to the Contractor, plus (2) helium delivered to the Contractor by another Bureau helium distribution contractor and certified as Bureau of Mines helium in accordance with Sec. 3.11 of this contract, less (3) helium deliveries in accordance with Sec. 3.1 of this contract. The Contractor may, except as restricted by Sec. 3.6 of this contract, sell as Bureau of Mines helium volumes of helium from its inventory even though its inventory does not contain, at the time of sale, sufficient helium purchased from the Bureau of Mines or helium received from and certified as Bureau of Mines helium by another Bureau helium distribution contractor to meet the Bureau of Mines helium requirements of the purchaser; however, the Contractor shall report such sales as sales of Bureau of Mines helium and shall, within thirty (30) calendar days following the end of a reporting period or discovery of a negative inventory of Bureau of Mines helium, whichever is sooner, place a firm procurement order with the Bureau of Mines or another Bureau helium distribution contractor for sufficient Bureau of Mines

helium to restore its Bureau of Mines helium inventory to a positive value. Failure to order sufficient helium within the thirty (30) day period shall be sufficient grounds to terminate this contract for cause, according to Sec. 3.7.

3.5 The Contractor's opening inventory of Bureau of Mines helium on its initial report to the Bureau shall be any Bureau of Mines helium received and not delivered in accordance with the provisions of this contract within the thirty (30) day period immediately preceding the effective date of this contract, except that, in the event that the Contractor was an Eligible Private Helium Distributor at the time of entering into this contract, opening inventories under this contract will be determined by the Bureau of Mines based on the Eligible Distributor's reports for the previous reporting periods and examination of Eligible Distributor's helium accounting records by a Bureau representative.

3.6 The inventory balance of Bureau helium at the end of an annual reporting period may be carried forward as the opening inventory for the subsequent period, provided, however, that at no time shall the inventory of Bureau helium exceed the total volume of helium in physical inventory.

3.7 At the end of each annual reporting period, the Contractor shall have a positive or zero balance of Bureau of Mines helium in its inventory. Negative closing balances of Bureau of Mines helium at the end of the annual reporting period, whether reported by the Contractor on its "Bureau of Mines Helium" (Addendum C), or revealed through Bureau of Mines examination of the Contractor's Bureau helium accounting records, if not changed to a positive value within thirty (30) days according to Sec. 3.4, shall be sufficient cause for termination of this contract.

3.8 The Contractor shall not add or delete shipping points designated in the original application (Addendum A) except through amendment of this contract. The Contracting Officer, upon receipt of a written request from the Contractor to amend the contract to add or delete shipping points, along with a full explanation of the reason therefor, may send a contract amendment to the Contractor for execution or notify the Contractor of rejection of the request.

3.9 The Contractor shall keep Bureau helium accounting records necessary to show compliance with this contract. Such records shall be kept in a central location and shall be retained for one (1) year following the last day of the applicable annual reporting period. Helium accounting records shall include but are not limited to the following: (1) records of sales of Bureau of Mines helium to each Federal agency and to each private helium purchaser, (2) all pertinent documents supporting sales of Bureau of Mines helium, (3) helium sales contracts between the Contractor and another Federal Agency Contractor who, in the opinion of the Contracting Officer, may reasonably be considered a Federal Agency Contractor, (4) all pertinent documents supporting any contention that a Federal Agency Contractor was not required to use Bureau of Mines

helium to meet the requirements of a Federal Agency, or a Federal Agency Contractor whose order intended delivery of Bureau of Mines helium in the opinion of the Contracting Officer, (5) certificates of Resale of Bureau of Mines helium certifying the resale of helium as required by Sec. 3.11 of this contract.

3.10 The Contracting Officer or his duly authorized representative shall have access to and the right to examine, during the Contractor's normal business hours, any pertinent books, documents, records, and physical facilities involving transactions related in any way to this contract.

3.11 Sales of Bureau of Mines helium to another Bureau helium distribution contractor shall be certified on a "Certificate of Resale of Bureau of Mines Helium" as illustrated in Addendum B to this contract. The original of the Certificate shall be furnished to the buyer. The Contractor shall submit a fully executed copy of each Certificate issued during a reporting period with its annual report of "Bureau of Mines Helium." One copy of each Certificate issued shall be retained in the Central Bureau helium accounting records of the Contractor.

3.12 Receipts of Bureau of Mines helium from another Bureau helium distribution contractor shall be substantiated by the original "Certificate of Resale of Bureau of Mines Helium" executed and issued by the selling Bureau helium distribution contractor at the time of the sale and retained in the buying contractor's Bureau helium accounting records according to Sec. 3.9(5). The buying contractor shall submit a copy of each original Certificate received during a reporting period with its annual report of "Bureau of Mines Helium," (Addendum C). No claimed receipt of Bureau of Mines helium from another Bureau helium distribution contractor will be allowed on an annual report unless fully supported by copies of valid Certificates.

3.13 The Form No. 6-1575-A Rev., "Bureau of Mines Helium" attached as Addendum C to this contract, shall be used by the Contractor to report the stocks, receipts, and distribution of Bureau of Mines helium. The required reporting period is January 1 through December 31 of each calendar year. The reports are due at the Bureau of Mines office indicated below on or before the thirtieth (30th) day of January of each year following the applicable preceding reporting period. The completed forms shall be submitted to the Department of the Interior, Bureau of Mines, Division of Helium Operations, 1100 S. Fillmore St., Amarillo, Texas 79101. Copies of the blank form may be obtained from the above address.

Article IV.—Bureau of Mines

4.1 The Bureau of Mines will place the Contractor's name, address, and locations of designated shipping points on the Bureau of Mines list of Bureau Helium Distribution Contractors.

4.2 The Bureau of Mines will furnish its list of Bureau Helium Distribution Contractors to known users of Bureau of Mines Helium, and to other parties upon request, for their use in obtaining Bureau of Mines helium.

4.3 The Bureau of Mines authorizes the Contractor to sell and distribute Bureau of Mines helium in accordance with the provision of this contract and to compete in the open market for such sales of Bureau of Mines helium that are otherwise reserved to the Secretary of the Department of the Interior.

4.4 The Bureau of Mines will furnish, upon request by the contractor, information as to which Federal agencies have major helium requirements.

Article V.—Conditions

5.1 Repurchase Rights

The Bureau of Mines shall have the right to repurchase from the original purchaser helium that has been sold by the Bureau and that has not been resold, lost or dissipated, when needed for United States Government use, as provided in Sec. 6(e) of the Helium Act. However, small volumes of Bureau helium purchased by the Contractor from another Bureau helium distribution contractor shall not be subject to repurchase by the Bureau.

5.2 Liability

(a) The Bureau of Mines warrants the quality and quantity of helium delivered to the original purchaser only and assumes no further liability, financial or otherwise, in connection with any sale or delivery of helium hereunder, including but not limited to claims relating to: (1) losses on business transactions or commitments between original purchaser and third parties, such as the Contractor, (2) losses on original purchaser's helium containers filled by the Bureau, or (3) losses occasioned by transportation delays.

(b) Contractor shall be liable for any and all actual damages to the Government caused by Contractor, Contractor's representatives, or Contractor's owned or leased equipment.

(c) Contractor is hereby advised that helium requirements of the United States Government shall have priority over non-Government requirements and that such priority requirements of the Government or occasions of Force Majeure may cause delay or deferral of shipment of any helium ordered by Contractor from the Bureau of Mines or another Bureau helium distribution contractor under this contract.

Article VI.—General Provisions

6.1 This contract cannot be assigned or otherwise transferred without the express written approval of the Contracting Officer.

6.2 This contract may be terminated at any time by either party by serving not less than sixty (60) days' written notice of termination upon the other party, stating therein the date that such termination shall be effective. In the event of contract

termination under the provisions of this Sec. 6.2, a report of receipts and distribution of Bureau of Mines helium, as required by Sec. 3.13 of this contract, shall be submitted for the period from January 1 to the effective date of the termination in the calendar year in which the termination occurs within 15 days after the effective date of the termination.

6.3 Disputes

(A) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in Sec. 6.3.a above, provided, that nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

Standard Provisions

The remainder of the contract is comprised of nine standard provisions as follows:

- 6.4 Officials Not to Benefit
- 6.5 Covenant Against Contingent Fees
- 6.6 Utilization of Small Business Concerns
- 6.7 Utilization of Labor Surplus Area Concerns
- 6.8 Utilization of Minority Business Enterprises
- 6.9 Equal Opportunity
- 6.10 Affirmative Action for Handicapped Workers
- 6.11 Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era
- 6.12 Clean Air and Water

In witness whereof, the parties hereto have caused this contract to be fully executed in duplicate by their proper officers the day and year first above written.

United States of America, Department of the
Interior, Bureau of Mines.

By _____

Contracting Officer.

Bureau Helium Distribution Contractor.

(Name of Individual or Company)

By _____

(Signature)

Title _____

(The following is to be executed if
Contractor is a Corporation.)

I, the undersigned, hereby certify that I am
the _____ Secretary of the above-
named corporation; that the officer who
signed this contract on behalf of such
corporation was then acting in the capacity
indicated; and that the records of the
corporation, of which I have custody, indicate
that such officer has the authority to so bind
the corporation and that such authority is
within the scope of its corporate power, and
has not been revoked.

(Signature)

(Affix Corporate Seal)

BILLING CODE 4310-53-M

Form 4-1593-X
Helium Order (5-81)



Addendum A
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF MINES
WASHINGTON D.C. 20241

C.M.B. No. 1032-0113
Approval Expires 12 31/ 83

Application to enter into a contract with the United States
Department of the Interior, Bureau of Mines, as a
Bureau Helium Distribution Contractor

"The Payment Reduction Act of 1980 (94 U.S.C. 15) requires us to inform you that: This information is being collected to determine whether applicant data necessary for completion of a contract. This information will be used to determine whether applications are eligible for helium distribution contracts. The obligation to respond is required to obtain a benefit."

Application is hereby made on this date, _____, 19____, by _____, whose principal address is _____ to enter into a contract with the United States Department of the Interior, Bureau of Mines, as a "Bureau Helium Distribution Contractor." Upon acceptance of this application and execution of the contract by both parties, the Contractor may sell and distribute Bureau of Mines helium for Federal use and may compete in the open market for such sales that are otherwise reserved, by statute, to the Secretary of the Department of the Interior.

Applicant submits the following information and attests to its accuracy and completeness, with the understanding that the Bureau of Mines may make further inquiry of Applicant or others. (If additional space is needed to answer any question, additional sheets may be attached. If additional sheets are used, please reference all answers to the applicable question number.)

1. As of the date of this application, applicant is or is not distributing helium for Federal use as a Bureau of Mines "Eligible Private Helium Distributor."
2. If the answer to 1. above is negative, applicant has or has not previously been an Eligible Private Helium Distributor.

3. Indicate the range of total volume of helium (commercial end/or Bureau of Mines helium) distributed by the Company during the past calendar year:
 - More than 2,000 Mcf of gaseous helium
 - Less than
 - More than 50,000 liters of liquid helium
 - Less than
4. Indicate the range of total volume of other compressed or liquefied gases distributed by the company during the past calendar year.
 - More than 5,000 Mcf of compressed gases
 - Less than
 - More than 100,000 liters of liquefied gases
 - Less than
5. List each shipping point, along with the mailing address thereof, that Applicant wishes to designate for distribution of Bureau of Mines helium for Federal use.

6. Describe Applicant's facilities and equipment to be used in supplying helium requirements of Federal use customers.

a. Plant and container filling

b. Containers

c. Quality control and methods

d. Does Applicant have rail siding within or adjacent to its facilities?

7. Based on past performance records, estimate delivery time to Federal use customers that Applicant anticipates serving.

_____ Z within 24 hours after receipt of order.

_____ X longer than 24 hours after receipt of order.

8. Based on Applicant's present accounting system, describe any problems that would result from the records and reporting requirements of the contract.

9. Present a statement of facts concerning Applicant's financial capability, including the maintenance of an inventory of Bureau of Mines helium to meet anticipated sales for Federal use.

The Government reserves the right to reject any application and not award a contract.

Applicant hereby acknowledges that it has reviewed the attached contract documents and agrees to the terms thereof, and further agrees that this application, if approved, will be attached to and form a part of the resulting contract.

Name of Applicant

Name and Title of Signer
(Print or Type)

Signature

Date

Addendum B

Form 6-1580-A
Helium Oper. (9-81)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF MINES
WASHINGTON D.C. 20241

O.M.B. No. 1032-0113
Approval Expires 12/31/83



INDIVIDUAL COMPANY
DATA—PROPRIETARY

The data furnished in this report will be treated in confidence by the Department of the Interior, except that they may be disclosed to Federal defense agencies, or to the Congress upon official request for appropriate purposes.

CERTIFICATE
OF
RESALE
OF
BUREAU OF MINES HELIUM

"The Paperwork Reduction Act of 1980 (44 U.S.C. 35) requires us to inform you that: This information is being collected to determine distributor accountability and certification of compliance with the 30 CFR 602. This information will be used to account for helium transfer between distributors. The obligation to respond is required to obtain a benefit."

I certify that on this _____ day of _____, 198 __, _____ standard cubic feet of Bureau of Mines helium (convert liquid helium to its gaseous helium equivalent) was sold from

(Company) _____,

to

(Company) _____.

Name _____

Title _____

Company _____

Address _____

Signature _____

Form 6-1575-A
Helium Oper 9-81)

Addendum C
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF MINES
WASHINGTON D.C. 20241

O.M.B. No. 1032-0113
Approval Expires 12/31/83
**INDIVIDUAL COMPANY
DATA—PROPRIETARY**



BUREAU OF MINES HELIUM:
Stocks, Receipts, and Distribution

Year 19_____

To: Bureau of Mines, Helium Operations,
Department of the Interior
1100 South Fillmore Street
Amarillo, Texas 79101

The data furnished in this report will be treated in confidence by the Department of the Interior, except that they may be disclosed to Federal defense agencies, or to the Congress upon official request for appropriate purposes.

"The Paperwork Reduction Act of 1980 (44 U. S. C. 35) requires us to inform you that: This information is being collected for the purpose of distributor accountability and certification of compliance with the Regulation. This information will be used to report annual sales, transfers, and purchases of Bureau helium as certification of compliance with 30 CFR 602. The obligation to respond is required to obtain a benefit."

This report is required by contract. The Bureau of Mines may withhold deliveries under a contract or terminate a contract with a private helium distributor for failure to comply with the reporting provisions specified by contract.

SECTION 1. COMPANY IDENTIFICATION.

Each distributor should prepare this report. Indicate opening stocks, receipts, distribution and closing balance, in Section 2 for indicated annual period.

1. Your company name _____
2. Address _____

SECTION 2. STOCKS, RECEIPTS, AND DISTRIBUTION FOR INDICATED ANNUAL PERIOD.

Because sales of Bureau of Mines helium to civilian consumers are not required to be reported, the closing balance of Bureau of Mines helium may exceed the total closing helium inventory. However, it is not possible for the opening inventory of Bureau of Mines helium to exceed the total helium inventory at the beginning of a reporting period. Purchases and transfers from sources other than the Bureau of Mines must be supported by copies of certificates from suppliers. Copies of this certificate are enclosed with this mailing.

Item 1)	Liquid and Gaseous Helium Standard Cubic Feet (2)
1. Opening Inventory:	
a) Carryover closing balance from previous period or total helium inventory, whichever is smaller	_____
2 Receipts:	
(a) By purchase from Bureau of Mines	_____
(b) By purchase from another distributor	_____
(c) Total receipts (equals 2 (a) plus 2 (b))	_____
3 Total Available for Distribution this Period (equals 1 (a) plus 2 (b))	_____
4 Distribution:	
(a) By sale to Federal agencies	_____
(b) By certified sale to another distributor	_____
(c) Total distribution (equals 4 (a) plus 4 (b))	_____
5. Closing Balance (equals 3 minus 4 (c))	_____
6. CLOSING INVENTORY (actual helium on hand at end of period)	_____

✓ Liquid helium shall be reported in gaseous helium equivalent. One liter of liquid helium is equivalent to 26.63 standard cubic feet and 1 gallon of liquid helium is equivalent to 100.82 standard cubic feet.

CERTIFICATION—I certify that the forgoing report is true, correct, and complete to the best of my knowledge and belief.

Name _____ Title _____

Signature _____ Date _____

Name of person to be contacted regarding this report			Tel area code	No	Ext.
Address No.	Street	City	State	Zip	

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 701

[SECVININST 5211.5B]

Availability of Records and Publication of Documents Affecting the Public

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: This rule corrects an error in existing Department of Navy Privacy Act rules by deleting an incorrect reference.

DATE: December 10, 1981.

FOR FURTHER INFORMATION CONTACT:

Ms. Gwendolyn Aitkens, Naval Records Management and Administrative Services Division, OPNAV 09B1P, Room 4D-471, The Pentagon, Washington, D.C. 20350. Telephone (202) 694-2004.

SUPPLEMENTARY INFORMATION: In § 701.104(a)(3) of Subpart F of Title 32 of the *Code of Federal Regulations* there is erroneous reference to a nonexistent § 701.108 of the title. Accordingly this section is amended as follows:

PART 701—AVAILABILITY OF DEPARTMENT OF THE NAVY RECORDS AND PUBLICATION OF DEPARTMENT OF THE NAVY DOCUMENTS AFFECTING THE PUBLIC

Subpart F—Personal Privacy and Rights of Individuals Regarding Their Personal Records

§ 701.14 Policy, responsibilities and authority. [Amended]

In paragraph (a)(3) after the words Federal Register remove the comma, insert a period and remove the remainder of the sentence beginning with the words "in accordance with * * *"

M. S. Healy,

*OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.*

December 7, 1981.

[FR Doc. 81-35385 Filed 12-9-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 80-091]

Drawbridge Operation Regulations; Milwaukee, Menomonee, and Kinnickinnic Rivers, and South Menomonee and Burnham Canals, Wisconsin

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the City of Milwaukee, Wisconsin, the Coast Guard is revising the regulations governing the operation of certain bridges across the Milwaukee, Menomonee and Kinnickinnic Rivers, and the South Menomonee and Burnham Canals. This action will relieve the bridge owner of the burden of having bridgetenders on duty at these bridges from 11 p.m. to 7 a.m. This change will not affect hours of operation of the North Broadway, North Water, and Michigan Street bridges across the Milwaukee River, the Plankinton Avenue bridge across the Menomonee River, or the Kinnickinnic Avenue bridge across the Kinnickinnic River, nor will it affect the hours of operation of all but one of the railroad bridges.

EFFECTIVE DATE: This amendment becomes effective on January 11, 1982.

FOR FURTHER INFORMATION CONTACT:

Robert W. Bloom, Jr., Chief, Bridge Branch, United States Coast Guard, 1240 East Ninth Street, Cleveland, Ohio 44199 (216-522-3993).

SUPPLEMENTARY INFORMATION:

On August 4, 1980, the Coast Guard published a proposed rule (45 FR 41617) concerning this amendment. The Commander, Ninth Coast Guard District also published the proposal as a Public Notice dated August 15, 1980. Interested parties were given until September 4, 1980, and September 17, 1980, respectively to submit comments.

Drafting Information

The principal persons involved in drafting this Final Rule are: Robert W. Bloom, Jr., Chief, Bridge Branch, Ninth Coast Guard District, and Lt. M. E. Reeves, Project Attorney, Ninth Coast Guard District, Legal Office.

Discussion of Comments

One Comment was received which recommended that the Milwaukee River

bridges be retained on the old published schedule which states that the draws need not open from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m. and two hours notice is required at all other times; and that public vessels of the United States, state or local government vessels used for public safety, vessels in distress and vessels having a license to carry 50 or more passengers when proceeding to or from their regular landing places on their regular trips, shall be passed through the draws of the bridges even though regulated periods are in effect. This was an oversight in the original proposal and will be incorporated in these regulations. A new paragraph (d) and (h) will reflect this action. Paragraphs (d), (e), and (f) will also be changed to paragraphs (e), (f), and (g), and an additional paragraph (h) has been added.

Eight comments were received which were concerned with the free movement of vessels over navigable waters of the United States. These regulations, however, do not substantially restrict the free movement of vessels over the waterways in the City of Milwaukee. They only require that a specified amount of advance notice be given, between the hours of 11 p.m. and 7 a.m., in order for a vessel to pass through the draws of certain bridges operated by the City of Milwaukee.

One commentor was concerned with the removal of bridgetenders, during the 11 p.m. to 7 a.m. shift, on the Broadway and Water Street bridges over the Milwaukee River and the North Plankinton Avenue bridge over the Menomonee River. The Proposed Rule did not include these bridges for removal of the 3rd shift bridgetenders.

One comment was received requesting the 11 p.m. to 7 a.m. bridgetender service be maintained on the Kinnickinnic Avenue, North 6th Street, and South 6th Street bridges. After a review of the bridgetender logs and a discussion with the City of Milwaukee officials, it was determined that the 11 p.m. to 7 a.m. bridgetender would remain on the Kinnickinnic Avenue bridge. However, bridgetender logs did not support the need for bridgetenders on the North and South 6th Street bridges during the 3rd shift. The Kinnickinnic Avenue bridge has been added to section (b) which states what bridges shall open on signal except for the two one hour periods during vehicle rush hours.

These regulations have been reviewed

under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since its impact is expected to be minimal because these regulations only require a vessel to give advance notice to have a bridge open during hours when navigation through certain draws is minimal.

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.655 to read as follows:

§ 117.655 Milwaukee, Menomonee, and Kinnickinnic Rivers, and South Menomonee and Burnham Canals, Milwaukee, Wisconsin; bridges.

(a) The draws of the Chicago and North Western bridges across the Kinnickinnic River, mile 1.0, and Milwaukee River, mile 0.3, and the Chicago, Milwaukee, St. Paul and Pacific bridge across the Menomonee River, mile 0.1, shall open on signal at all times.

(b) The draws of the North Broadway Street, North Water Street, and Michigan Street bridges across the Milwaukee River, mile 0.5, 0.6, and mile 1.13, respectively; the North Plankinton Avenue bridge across the Menomonee River, mile 0.1, and the Kinnickinnic Avenue bridge across the Kinnickinnic River, mile 1.45, shall open on signal, except that from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Saturday, except holidays, the draws need not open.

(c) The draws of the Chicago, Milwaukee, St. Paul, and Pacific Railroad bridge and the Chicago & North Western Railway bridge across the Kinnickinnic River, mile 1.5 and mile 1.52 respectively; and the draw of the Chicago, Milwaukee, St. Paul and Pacific Railroad bridge across the Burnham Canal, mile 0.8, shall open on signal if at least two hours notice is given.

(d) The draws of the bridges across the Milwaukee River need not open from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., and need not open at all other

times unless at least 2 hours notice is given.

(e) All other drawbridges across the Kinnickinnic, and Menomonee Rivers, and the Menomonee and Burnham Canals shall open on signal. However, from 7:30 a.m. to 8:30 a.m., and 4:30 p.m. to 5:30 p.m., Monday through Saturday, except holidays, the draws need not open, and from 11 p.m. to 7 a.m., the draws shall open on signal if at least two hours notice is given.

(f) *Signals.* (1) The opening signal for all drawbridges except those listed below is one long blast followed by one short blast.

(i) The opening signal for the Chicago and North Western drawbridges across the Kinnickinnic River, mile 1.0, and the Milwaukee River, mile 0.3, is two long blasts.

(ii) The opening signal for the Broadway Street drawbridge, mile 0.5, is three long blasts followed by one short blast.

(iii) The opening signal for the Water Street drawbridge, mile 0.6, is three long blasts followed by two short blasts.

(iv) The opening signal for the Chicago, Milwaukee and St. Paul and Pacific Railroad drawbridge across the Menomonee River, mile 0.1, is two long blasts followed by two short blasts.

(2) The acknowledging signal when the draw will open is the same as the opening signal.

(3) The acknowledging signal when the draw will not open or is open and must be closed is four short blasts.

(g) The owners of or agencies controlling the bridges, other than those required to open on signal at all times, shall keep conspicuously posted on both the upstream and downstream sides of the bridge, where it may be read at any time, a copy of the regulations in this section as they pertain to each bridge, together with information stating exactly to whom advance notice shall be given when an opening is required.

(h) Public vessels of the United States, state or local government vessels used for public safety, vessels in distress and vessels having a license to carry 50 or more passengers when proceeding to or from their regular landing places on their regular trips, shall be passed through the draws of bridges in this section as quickly as possible even though regulated periods are in effect.

(33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(g)(3))

Dated: December 2, 1981.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard Commander,
Ninth Coast Guard District.

[FR Doc. 81-35408 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 122 and 262

[SWH-FRL-1965-7]

Consolidated Permit Regulations and Hazardous Waste Management System

AGENCY: Environmental Protection Agency.

ACTION: Notice of issuance of regulation interpretation memorandum.

SUMMARY: The Environmental Protection Agency (EPA) is issuing today a Regulation Interpretation Memorandum (RIM) which provides official interpretation of the issue of whether a generator who accumulates hazardous waste pursuant to 40 CFR 262.34, may qualify for interim status after November 19, 1980. This issue arose when the requirements for submitting a Part A permit application (one of the prerequisites to qualifying for interim status) were amended on November 19, 1980. The provisions interpreted today are part of the Consolidated Permit Regulations promulgated under Subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended (RCRA).

DATE: This Regulation Interpretation Memorandum becomes effective December 10, 1981.

FOR FURTHER INFORMATION CONTACT: Deborah Wolpe, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, Washington, D.C. 20460 (202) 755-9107.

SUPPLEMENTARY INFORMATION: In the matter of RIM 122-81-01, Regulation Interpretation Memorandum on whether a generator accumulating hazardous waste in compliance with 40 CFR 262.34 may qualify for interim status after November 19, 1980.

Issue

EPA has received questions concerning the interpretation of 40 CFR 122.23(a) and 262.34. Section 122.23(a) of the regulations and Section 3005(e) of RCRA provide the criteria which the owner or operator of a hazardous waste management (HWM) facility must meet to qualify for interim status. Section 262.34 allows a generator to accumulate wastes on-site for a 90-day period without having to obtain a RCRA permit or comply with the applicable standards under Part 264. The question we will respond to today is whether a generator who has been accumulating hazardous waste in accordance with § 262.34 may

qualify for interim status if wastes continue to be accumulated beyond the 90-day period. The question arises because generators who accumulate hazardous waste pursuant to § 262.34 are not required to qualify for interim status, but may want to qualify in the future.

Decision

A generator who has been accumulating hazardous waste in accordance with 40 CFR 262.34, and who begins to store the waste for more than 90 days may qualify for interim status as a storage facility if (1) the storage area was in existence on or before November 19, 1980 (i.e., the generator was accumulating hazardous waste at the facility on or before that date and the waste accumulated is the same before and after November 19, 1980;¹ (2) the owner or operator complied with Section 3010(a) of RCRA; and (3) the Part A permit application is submitted within 30 days of the date that the waste first becomes subject to Parts 265 or 266, or a longer period if the Administrator so allows under 40 CFR 122.22(a)(3). This thirty day filing period of 40 CFR 122.22(a) is triggered when the storage period exceeds 90 days.

Discussion

On May 19, 1980, EPA published regulations interpreting the three statutory requirements of RCRA necessary to qualify for interim status.² On November 19, 1980, EPA amended the regulatory requirements to clarify the circumstances under which an owner or operator of a hazardous waste management (HWM) facility could qualify for interim status.³ Pursuant to Section 3005(e) of RCRA and 40 CFR 122.23(a) as amended, a person who:

- (1) Owns or operates a facility which is required to have a permit under Section 3005 of RCRA and which was in existence on November 19, 1980⁴ and
- (2) Has complied with the requirements of Section 3010(a) of RCRA; and
- (3) Has complied with the requirements of Section 3005 of RCRA governing submission of Part A permit applications shall have interim status and shall be treated as having been issued a RCRA permit.

¹ For a discussion of the "same waste" criteria see 45 FR 76634-76635, November 19, 1980.

² See 40 CFR 122.22(a) and 122.23(a), and the accompanying preamble discussion, which interprets Section 3005 of RCRA, 42 U.S.C. 6925; 45 FR 33321-33324, 33433-33434 (May 19, 1980).

³ 45 FR 76630-76636 (November 19, 1980).

⁴ See definition of "Existing hazardous waste management (HWM) facility", 40 CFR 122.3, 46 FR 2344-2348 (January 9, 1981) for interpretation of this requirement.

This memorandum interprets the third requirement, that of filing a permit application, as it applies to generators accumulating hazardous waste in compliance with 40 CFR 262.34.

A. Requirement that the Owner or Operator Submit a Part A Permit Application

Prior to November 19, 1980, 40 CFR 122.22(a) required that all owners and operators of existing HWM facilities submit Part A of their permit application not later than six months after the first promulgation of regulations in 40 CFR Part 261 listing and identifying hazardous wastes.

On November 19, 1980, this section was amended to allow owners and operators of existing HWM facilities to submit their Part A permit applications either six months after the date regulations are first published which require them to comply with the Part 265 interim status standards (i.e., EPA brings them into the HWM system through a regulatory amendment), or thirty days after they first lose their regulatory exemption and become subject to already effective standards (i.e., the facility brings itself into the HWM system), whichever occurs first.⁵

The November 19, 1980, amendment clarifies the requirements for filing Part A permit applications and qualifying for interim status in three situations: (1) After an EPA amendment to the regulations; (2) after a revised filing deadline has been announced by EPA; or (3) after a change in the facility's own operations after November 19, 1980, brings it into the HWM system. Generators accumulating hazardous waste in compliance with 40 CFR 262.34, but who then exceed the allowed accumulation time, fall into this third category.

B. Qualification for Interim Status as a Result of a Facility's Changes in its Own Operations

The November 19, 1980, amendment addresses two situations in which a change in the facility's own operations would bring it into the HWM system. The first situation involves a small quantity generator who exceeds the small quantity exemption level (e.g., 1000 kg per month). The generator may then need to obtain interim status for an existing on-site treatment, storage or disposal facility.⁶

⁵ 40 CFR 122.22(a)(1), 45 FR 76635 (November 19, 1980).

⁶ Based on the conclusion reached in this memorandum, these generators may continue to store hazardous waste for 90 days after they exceed the exemption level. They then have 30 days to file

The second situation concerns a facility which properly determined on August 18, 1980, that the solid waste it was treating did not exhibit any of the characteristics of hazardous waste, but upon retesting after November 19, 1980 found that it did constitute a hazardous waste. These facilities may also qualify for interim status as in the first situation (i.e., they file a Part A permit application within 30 days of finding that they need interim status for a treatment, storage, or disposal operation because they are handling a hazardous waste).

A third situation, not addressed by the November 19, 1980, amendment, is clearly analogous to the first two. That situation is when a generator is accumulating hazardous waste in accordance with 40 CFR 262.34 on November 19, 1980, but later, the storage period exceeds 90 days.⁷ Section 262.34 considers such a generator to be "an operator of a storage facility and * * * subject to the requirements of 40 CFR Parts 264 and 265 and the permit requirements of 40 CFR Part 122." As in the previous situations, this generator was not required to comply with the permit requirements of Section 3005 of RCRA until the storage period exceeds 90 days. Assuming he meets the notification and "in existence" criteria, he may qualify for interim status if he files his Part A permit application within 30 days of losing his regulatory exemption, as required by 40 CFR 122.22(a)(1).

It should be noted that these facilities will technically be operating without a permit until they submit their permit application. EPA stated in the November 19, 1980, amendment that it will not initiate any enforcement action against them if they contact their EPA Regional Office immediately and file an application within the thirty-day period.⁸ These facilities are not immune from citizen suits, and possibly EPA enforcement if they do not contact the Regional Office immediately upon losing exempted status.

It should be further noted that an owner or operator who was not accumulating hazardous waste at all on or before November 19, 1980, but after that date begins to do so for more than 90 days cannot qualify for interim

their Part A permit application to qualify for interim status.

⁷ EPA intends to amend 40 CFR 262.34 in the near future to include, inter alia, a provision for a thirty day extension to the 90 day period, in certain circumstances. Therefore, a generator who accumulates hazardous waste for more than 90 days may not always be required to obtain a storage permit.

⁸ See 45 FR 76633.

status. In this situation, a permit is required before the generator can operate a storage facility, (i.e., exceed the 90 day storage period), because his storage area was not in existence on or before November 19, 1980.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. Since this notice is merely an interpretation of a regulation, and not a regulation, it does not require a Regulatory Impact Analysis.

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

Dated: November 3, 1981.

Christopher Capper,

Acting Assistant Administrator, Solid Waste and Emergency Response.

[FR Doc. 81-35342 Filed 12-9-81; 8:45 am]

BILLING CODE 6560-30-M.

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6209]

Communities Eligible for Sale of Insurance Under National Flood Insurance Program; California, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP) and eligible for second layer insurance coverage.

These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the regular program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date in the fifth column of the table.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard E. Sanderson, Acting Director, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary

Map. The date of the flood map, if one has been published, is indicated in the sixth column of table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
California:				
Monterey County.....	Del Rey Oaks, city of.....	060197	780623, emergency; 811104, regular.....	760514
Monterey County.....	Salinas, city of.....	062022	750501, emergency; 811104, regular.....	740315
Georgia: Liberty County.....	Riceboro, city of.....	130126	750626, emergency; 811104, regular.....	740510
Hawaii: Kauai County.....	Kauai County*.....	150002	710402, emergency; 811104, regular.....	741220
Idaho: Bonneville County.....	Bonneville County*.....	180027	740606, emergency; 811104, regular.....	741018
Illinois: McHenry County.....	Spring Grove, village of.....	170485	750210, emergency; 811104, regular.....	740308
Indiana:				
Wayne County.....	Fountain City, city of.....	180282	811012, emergency; 811104, regular.....	740510
Wayne County.....	Greens Fork, town of.....	180283	750530, emergency; 811104, regular.....	740920
Massachusetts: Hampden County.....	Palmer, town of.....	250147	750620, emergency; 811104, regular.....	740405
Maryland: Anne Arundel County.....	Highland Beach, town of.....	240181	750731, emergency; 811104, regular.....	0
Michigan:				
Monroe County.....	Bedford, township of.....	260142	751008, emergency; 811104, regular.....	740215
Lenawee County.....	Hudson, city of.....	260116	750620, emergency; 811104, regular.....	740517
Wayne County.....	Livonia, city of.....	260233	730216, emergency; 811104, regular.....	731207
Minnesota:				
Olmsted County.....	Oronoco, city of.....	270330	740703, emergency; 811104, regular.....	740510
Steele County.....	Owatonna, city of.....	270463	740516, emergency; 811104, regular.....	740607
Steele County.....	Steele County*.....	270635	740430, emergency; 811104, regular.....	770902
Montana:				
Carbon County.....	Carbon County*.....	300139	780323, emergency; 811104, regular.....	790102
Carbon County.....	Fromberg, town of.....	300005	760512, emergency; 811104, regular.....	741122
North Carolina: Cumberland County.....	Hope Mills, town of.....	370312	750716, emergency; 811104, regular.....	750718
North Carolina: Cumberland County.....	Deerfield, township of.....	340553	750915, emergency; 811104, regular.....	750207

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Hunterdon County	East Amwell, township of	340498	740114, emergency; 811104, regular	740726
Hunterdon County	Kingwood, township of	340499	731121, emergency; 811104, regular	740315
New York: Rockland County	South Nyack, village of	360691	750815, emergency; 811104, regular	740315
Ohio: Montgomery County	Vandalia, city of	390418	750827, emergency; 811104, regular	740607
Pennsylvania:				
Adams County	Berwick, township of	421160	740424, emergency; 811104, regular	741227
Beaver County	Hopewell, township of	421321	740729, emergency; 811104, regular	740308
Lycoming County	McIntyre, township of	420645	730606, emergency; 811104, regular	740628
Cumberland County	South Middleton, township of	420371	730419, emergency; 811104, regular	740719
South Carolina: York County	York County*	450183	750618, emergency; 811104, regular	780217
Tennessee: Sumner County	Hendersonville, city of	470186	740528, emergency; 811104, regular	740621
Texas:				
Young County	Graham, city of	480685	741107, emergency; 811104, regular	740628
Fort Bend County	Sugar Land, city of	480234	750331, emergency; 811104, regular	740531
Virginia:				
Pittsylvania County	Pittsylvania County*	510113	750121, emergency; 811104, regular	781006
Independent City	Roanoke, city of	510130	730911, emergency; 811104, regular	740503
Vermont: Lamoille County	Hyde Park, town of	500230	760607, emergency; 811104, regular	741206
Pennsylvania:				
Wayne County	Bethany, borough of	422566	751031, emergency; 811106, regular	750117
Allegheny County	Bradfordwoods, borough of	421262	770309, emergency; 811106, regular	750103
Delaware County	East Lansdowne, borough of	420412	750211, emergency; 811106, regular	761001
Virginia: Henry County	Ridgeway, town of	510079	750610, emergency; 811106, regular	740628
Michigan: Bay County	Fraser, township of	260657	811113, emergency; 811113, regular	780526

Total is: 40.

Code for reading column 5 and 6 dates: First two digits designate the year; Middle two digits designate the month, Last two digits designate the day.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: November 25, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-35158 Filed 12-9-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6207]

Communities Eligible for Sale of Insurance Under National Flood Insurance Program; Georgia, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Acting

Director, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings

in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Georgia: Liberty	Riceboro, city of	130126B	Nov. 4, 1981, suspension withdrawn	May 10, 1974, and Jan. 30, 1976.
Hawaii: Kauai	Unincorporated areas	150002B	.....do	Dec. 20, 1974, and Dec. 20, 1977.
Ideho: Bonneville	.....do	160027C	.....do	Oct. 18, 1974, Aug. 2, 1977, and Feb. 27, 1979.
Indiana: Wayne	Fountain City, town of	180282D	.....do	May 10, 1974, Apr. 16, 1976, Apr. 15, 1977, and Mar. 23, 1979.
Maryland: Anne Arundel	Highland Beach, town of	240161A	.....do	
Michigan:				
Monroe	Bedford, township of	260142B	.....do	Feb. 15, 1974, and July 30, 1976.
Lenawee	Hudson, city of	260116B	.....do	May 17, 1974, and Sept. 17, 1976.
Wayne	Livonia, city of	260233B	.....do	Dec. 7, 1973, and June 11, 1976.
Minnesota:				
Isanti	Unincorporated areas	270197A	.....do	
McLeod	.....do	270616B	.....do	
Orinsted	Oronoco, city of	270330B	.....do	May 10, 1974, and June 11, 1976.
Steele	Owatonna, city of	270463B	.....do	June 7, 1974, and July 16, 1976.
Steele	Unincorporated areas	270635B	.....do	Sept. 2, 1977.
Montana:				
Carbon	Unincorporated areas	300139B	.....do	Jan. 2, 1979.
Do	Fromberg, town of	300005A	.....do	Nov. 22, 1974.
New Jersey:				
Cumberland	Deerfield, township of	340553A	.....do	Feb. 7, 1975.
Hunterdon	East Amwell, township of	340498B	.....do	July 26, 1974, and Sept. 10, 1976.
Do	Kingwood, township of	340499B	.....do	Mar. 15, 1974, and Feb. 3, 1978.
Cumberland	Lawrence, township of	340171A	.....do	Feb. 27, 1976.
New York: Rockland	South Nyack, village of	360691B	.....do	Mar. 15, 1974, and July 23, 1976.
North Carolina: Cumberland	Hope Mills, town of	370312B	.....do	July 18, 1975, and July 28, 1978.
Pennsylvania:				
Beaver	Hopewell, township of	421321B	.....do	Mar. 8, 1974, and June 18, 1976.
Adams	Berwick, township of	421160A	.....do	Dec. 27, 1974.
Lycoming	McIntyre, township of	420645B	.....do	June 28, 1974, and July 23, 1976.
Cumberland	South Middleton, township of	420371B	.....do	July 19, 1974, and Nov. 21, 1975.
South Carolina: York	Unincorporated areas	450193B	.....do	Feb. 17, 1978.
Tennessee: Sommer	Hendersonville, city of	470186B	.....do	June 21, 1974, and July 15, 1977.
Texas: Young	Graham, city of	480685B	.....do	June 28, 1974, and Sept. 5, 1975.
Vermont: Lamoille	Hyde Park, town of	500230B	.....do	Dec. 16, 1974, and May 24, 1977.
Virginia	Roanoke, city of	510130B	.....do	May 3, 1974, and Apr. 15, 1977.
Wisconsin: Washington	Jackson, village of	550530C	.....do	Mar. 30, 1979.
Pennsylvania: Greene	Jefferson, township of	421672B	Dec. 2, 1975, emergency; Sept. 16, 1981, regular, Sept. 16, 1981; suspended; Nov. 3, 1981, reinstated.	Dec. 20, 1974, and June 11, 1976.
Michigan: Oakland	Holly township of	260474A	Nov. 4 1981, emergency	June 24, 1977.
Texas: Cooke*	Unincorporated areas	480765A	Oct. 23, 1981, emergency	Oct. 18, 1981.
New York: Oswego	Oswego, town of	360657B	Dec. 16, 1976, emergency; Sept. 30, 1981, regular; Sept. 30, 1981, suspended; Nov. 5, 1981, reinstated.	May 10, 1974, and May 14, 1976.
Michigan: Marquette	Ely, township of	260449B	Nov. 9 1981, emergency	May 20, 1977, and Feb. 13, 1980.
Missouri: St. Louis	Sycamore Hills, village of	290884 New	Nov. 13, 1981, emergency	
Texas:				
Stephens*	Unincorporated areas	481244	Nov. 5, 1981, emergency	
Palo Pinto	.....do	480516	Nov. 6, 1981, emergency	
Michigan: Bay	Fraser, township of	260657B	Nov. 13 1981, emergency; Nov. 13, 1981, regular.	May 26, 1978, and Mar. 18, 1980.
Montana: Big Horn	Lodge Grass, town of	300002B	May 1, 1975, emergency; Sept. 2, 1981, regular; Sept. 2, 1981, suspended; Nov. 13, 1981, reinstated.	May 31, 1974, and Dec. 12, 1975.
Texas: Grayson*	Unincorporated areas	480829A	Nov. 12, 1981, emergency	Dec. 20, 1977.
Alabama: Jefferson	Trussville, city of	010133B	Nov. 18, 1981, suspension withdrawn	June 28, 1974, and Jan. 9, 1976.
Connecticut: Hartford	Bristol, city of	090023B	.....do	May 17, 1974, and Apr. 18, 1975.
Florida: Pasco	Unincorporated areas	120230B	.....do	Nov. 4, 1977.
Minnesota: St. Louis	Hermontown, city of	270708B	.....do	Oct. 13, 1978.
New Jersey: Hunterdon	Milford, borough of	340329B	.....do	June 28, 1974, and July 2, 1976.
New York:				
Erie	Buffalo, city of	360230B	.....do	June 28, 1974, and Nov. 28, 1975.
Niagara	Newfane, town of	360504B	.....do	May 17, 1974, and Apr. 23, 1976.
Westchester	Tarrytown, village of	360933B	.....do	May 31, 1974, and Sept. 24, 1976.
Wyoming	Warsaw, village of	360951B	.....do	May 17, 1974, and Sept. 3, 1976.
Pennsylvania:				
McKean	Foster, township of	421855B	.....do	May 3, 1974, and June 11, 1978.
Westmoreland	Scottsdale, borough of	420696B	.....do	July 20, 1973, and Apr. 23, 1978.
Cambria	East Carroll, township of	422268	Nov. 19, 1981, emergency	Feb. 14, 1975.
Illinois: Sangamon	Riverton, village of	170603A	Nov. 20, 1981, emergency	Nov. 16, 1973, and Mar. 5, 1976.
Michigan: Lenawee	Clinton, village of	260437A	.....do	Apr. 18, 1975, and Oct. 1, 1976.
Illinois: Kane	Batavia, city of	170321B	Nov. 20, 1981, emergency; Nov. 20, 1981, regular.	Mar. 15, 1974, and Sept. 10, 1978.
Oregon: Washington	Gaston, city of	410242	Nov. 24, 1981, emergency	
Wisconsin: Grant	Boscobel, city of	550148C	Nov. 27, 1981, emergency; Nov. 27, 1981, regular.	Dec. 17, 1973, Nov. 30, 1979, and Nov. 4, 1981.
Minnesota: Norman	Unincorporated areas	270322B	Jan. 23, 1974, emergency; Sept. 2, 1981, regular; Sept. 2, 1981, suspended; Nov. 30, 1981, reinstated.	Feb. 23, 1979.

*Disaster community.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: November 25, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-35175 Filed 12-9-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 64

[Docket No. FEMA 6208]

Suspension of Community Eligibility Under National Flood Insurance Program; Colorado, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended effective the dates listed within this rule because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATE: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Acting Director, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building—Room 505, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized

under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date flood insurance is no longer available in the community.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Federal Emergency Management Agency's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date ¹
Colorado: La Plata	Unincorporated areas.	060097B	Dec. 12, 1974, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	June 3, 1977	Dec. 15, 1981.
Illinois: St. Clair	.....do	170616A	Mar. 30, 1973, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	May 21, 1978	Do.
Indiana: Boone	Zionsville, town of	180016B	May 2, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	April 12, 1974, August 6, 1976	Do.
Louisiana: Tangipahoa	Hammond, city of	220208B	Apr. 14, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	March 6, 1974, June 4, 1976	Do.
New Jersey: Hunterdon	Bethlehem, township of	340554B	Sept. 16, 1975, emergency; Sept. 15, 1981, regular; Sept. 15, 1981, suspended.	November 22, 1974, October 31, 1975.	Do.
Bergen	Hillsdale, borough of	340043B	Nov. 19, 1971 emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	January 16, 1974, September 24, 1976.	Do.
Somerset	Raritan, borough of	340442B	Dec. 10, 1974, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	May 3, 1974, March 18, 1976	Do.
Burlington	Washington, township of	340117B	Apr. 14, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	July 28, 1974, June 25, 1976	Do.
Bergen	West Paterson, borough of	340412B	June 25, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	June 28, 1974, June 16, 1976	Do.
Ohio: Montgomery	Unincorporated areas.	390775B	Sept. 27, 1977, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	June 2, 1978	Do.
Do	Riverside, village of	390416B	May 12, 1976, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	February 15, 1974, November 21, 1975.	Do.
Oregon: Linn	Lyons, city of	410142C	Feb. 28, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	March 6, 1974, April 21, 1975, April 6, 1977.	Do.
Pennsylvania: Westmoreland	Export, borough of	420876B	Apr. 17, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	June 28, 1974, June 11, 1976	Do.
Northampton	Lehigh, township of	421831A	June 10, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	November 15, 1974	Do.
Westmoreland	New Stanton, borough of	420882B	Sept. 30, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	August 2, 1974, October 31, 1975.	Do.
Allegheny	Pittsburgh, city of	420063B	Apr. 13, 1973, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	March 6, 1974, August 20, 1976.	Do.
Lebanon	South Lebanon, township of	420581B	Mar. 18, 1973, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	December 28, 1973, February 11, 1977.	Do.
Westmoreland	Upper Burrell, township of	422195B	Aug. 20, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	September 20, 1974, May 28, 1976.	Do.
Erie	Waterford, Borough of	420454B	Aug. 21, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	May 10, 1974, May 26, 1976	Do.
Westmoreland	Youngwood, borough of	420908B	Mar. 24, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	June 21, 1974, August 6, 1976	Do.
Delaware	Millbourne, burough of	422409C	Aug. 7, 1975, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	January 24, 1975, September 22, 1976.	Do.
Vermont: Lamolite	Hyde Park, village of	500231B	June 7, 1976, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	December 6, 1974, May 24, 1977.	Do.
Virginia: Accomack	Orancock, town of	510296A	Feb. 17, 1976, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	January 31, 1975	Do.
Washington: Pierce	South Prairie, town of	530145A	June 30, 1980, emergency; Dec. 15, 1981, regular; Dec. 15, 1981, suspended.	November 19, 1976	Do.
Minnesota: Isanti	Unincorporated areas.	270197A	Apr. 4, 1972 emergency; Dec. 19, 1981, regular; Dec. 15, 1981, suspended.	May 18, 1981	Do.

¹ Certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: November 25, 1981.

Lee M. Thomas,
Associate Director, State and Local Programs and Support.

[FR Doc. 81-35173 Filed 12-9-81; 8:45 am]

BILLING CODE 6710-03-M

44 CFR Part 65

Changes in Special Flood Hazard Areas Under National Flood Insurance Program; West Virginia, et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: The Associate Director, State and Local Programs and Support, after consultation with the Chief Executive Officer of each community listed, finds that modification of the proposed Special Flood Hazard Areas (SFHAs) for those communities is appropriate as a result of requests for changes in the interim and/or Proposed Rule.

DATES: These modified SFHAs are in effect as of the dates listed in the sixth column of the attached list and amend the Flood Insurance Rate Map(s) (FIRM) in effect for each listed community prior to this date.

ADDRESSES: The modified SFHA determinations for each community are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P. E., Chief,

Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287-0220.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support has published a notification of the SFHAs in prominent local newspapers for the communities listed below. Ninety (90) days have elapsed since that publication, and the Associate Director has received appeals from the communities requesting changes in the proposed SFHA determinations.

The numerous changes made in the SFHAs on the Flood Insurance Rate Map for each community make it administratively infeasible to publish in this notice all of the SFHA changes contained on the maps. However, this notice includes the address of the Chief Executive Officer where the modified SFHA determinations are available for inspection.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L.

90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These SFHAs are basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These SFHAs together with the flood plain management measures required by § 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified SFHAs shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The changes in the SFHAs listed below are in accordance with 44 CFR 65.4.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
West Virginia: Logan	Town of Chapmanville, Docket No. FEMA-6108.	Logan Banner, Apr. 24, 1981, May 1, 1981.	Honorable Chester G. Browning, Mayor, Town of Chapmanville, Municipal Building, P.O. Box 426, Chapmanville, WV 25508.	Apr. 13, 1981 (66B)	540082B.
Do	(Unincorporated areas), Docket No. FEMA-6108.	Logan Banner, Apr. 24, 1981, May 1, 1981.	Ott H. Dameron, County Administrator, Logan County, Room 103, Logan County Court House, Logan, West Virginia 25601.	Apr. 13, 1981 (66B)	545536A
Do	City of Logan, Docket No. FEMA-6108.	Logan Banner, Apr. 24, 1981, May 1, 1981.	Honorable Robert L. Wright, Mayor, City of Logan, City Building, Logan, West Virginia.	Apr. 13, 1981 (66B)	545535B.
Do	Town of Man, Docket No. FEMA-6108.	Logan Banner, Apr. 24, 1981, May 1, 1981.	Honorable Mervil Perry, Mayor, Town of Man, P.O. Box 70, Man, West Virginia 25635.	Apr. 13, 1981 (66B)	545537A.
Do	Town of Mitchell Heights, Docket No. FEMA-6108.	Logan Banner, Apr. 24, 1981, May 1, 1981.	Honorable Melvin Triclo, Mayor, Town of Mitchell Heights, 305 Central Avenue, Logan, West Virginia 25601.	Apr. 13, 1981 (66B)	540095A.
Do	Town of West Logan, Docket No. FEMA-6108.	Logan Banner, Apr. 24, 1981, May 1, 1981.	Honorable Steve Toth, Mayor, Town of West Logan, P.O. Box 260, West Logan, WV 25601.	Apr. 13, 1981 (66B)	545538C.
Colorado: Boulder	City of Boulder, Docket No. FEMA-6108.	Daily Camera, May 5, 1981, May 6, 1981.	The Honorable Ruth Correll, Mayor, City of Boulder, P.O. Box 791, Boulder, CO 80306.	Apr. 17, 1981 (66B)	060024C.
Texas: Harris, Fort Bend, and Montgomery.	City of Houston, Docket No. FEMA-6108.	The Houston Chronicle and The Houston Post, May 11, 1981, May 12, 1981.	The Honorable Jim McCoon, Mayor, City of Houston, P.O. Box 1562, Houston, TX 77001.	Apr. 23, 1981 (66B)	480296B.
Illinois: Cook	Village of Forest Park, Docket No. FEMA-5915.	Forest Park Review, Sept. 24, 1980, Oct. 1, 1980.	Honorable Fred E. Marunde, Mayor, Village of Forest Park, 517 Des Plaines Avenue, Forest Park, IL 60130.	May 8, 1981	170092C.
Pennsylvania: Philadelphia.	City of Philadelphia, Docket No. FEMA-5937.	Philadelphia Evening Bulletin, Oct. 3, 1980, Oct. 10, 1980.	Honorable William Green, Mayor, City of Philadelphia, Room 1620, Municipal Services Building, 15th and Arch Streets, Philadelphia, PA 19107.	May 29, 1981	420757C.
Ohio: Mahoning	Village of Lowellville, Docket No. FEMA-5962.	Youngstown Vindicator, Nov. 14, 1980, Nov. 21, 1980.	Honorable Alfred Russo, Mayor, Village of Lowellville, 240 East Liberty Street, Lowellville, Ohio 44436.	July 3, 1981	390620B.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Wisconsin: Crawford.....	(Unincorporated areas) Docket No. FEMA-5991.	<i>Courier Press</i> , Dec. 29, 1980, Dec. 31, 1980.	Robert G. Dillman, County Board Chairman, Crawford County, 111 West Dunn Street, Prairie Du Chien, WI 53821.	July 31, 1981	555551B.
Maryland: Carroll.....	(Unincorporated areas), Docket No. FEMA-5984.	<i>The Carroll County Times</i> , Dec. 26, 1980, Jan. 2, 1981.	Roger L. Mann, President, Commissioner Office, Carroll County, 225 North Center Street, Westminster, MD 21157.	Aug. 7, 1981	240014B.
Ohio: Franklin.....	City of Westerville, Docket No. FEMA-5988.	<i>The Public Opinion</i> , Jan. 1, 1981, Jan. 8, 1981.	Maynard Dits, City Manager, City of Westerville, 21 South State Street, Westerville, Ohio 43081.	Aug. 7, 1981	390179C.
Mississippi: Hinds.....	Hinds County, Docket No. FEMA-5986.	<i>Jackson Daily News</i> , Jan. 16, 1981, Jan. 23, 1981.	Mr. Herbert Berryhill, President, Board of Supervisors, Hinds County, Jackson, Mississippi 39205.	Aug. 28, 1981	280070C.
Mississippi: Marion.....	City of Columbia, Docket No. FEMA-5985.	<i>The Columbian Progress</i> , Jan. 21, 1981, Jan. 28, 1981.	The Honorable Robert R. Bourne, Mayor, City of Columbia, 201 2nd Street, Columbia, MS 39429.	Sept. 4, 1981	280111C.
Minnesota: Sherburne.....	City of Elk River, Docket No. FEMA-6009.	<i>Sherburne County Star News</i> , Mar. 5, 1981, Mar. 12, 1981.	Honorable Frank Madsen, Mayor, City of Elk River, 505 UPA Drive, Elk River, MN 55330.	Oct. 23, 1981	270436C.
Pennsylvania: Northampton.....	Township of Lower Mt. Bethel, Docket No. FEMA-6010.	<i>Easton Express</i> , Mar. 20, 1981, Mar. 27, 1981.	Tony Plebani, Chairman, Lower Mt. Bethel Township Supervisors, P.O. Box 213R, Martins Creek, PA 18063.	Oct. 30, 1981	420724B.
New Jersey: Ocean.....	Borough of Pine Beach, Docket No. FEMA-5987.	<i>Times Observer</i> , Jan. 23, 1981, Jan. 30, 1981.	The Honorable Benjamin Mabie, Mayor, Borough of Pine Beach, Borough Hall, 599 Pennsylvania Avenue, Pine Beach, NJ 08741.	Nov. 6, 1981	340385C.
Minnesota: Ramsey.....	City of Vadnais Heights, Docket No. FEMA-5983.	<i>Vadnais Heights Free Press Little Canada</i> , Dec. 30, 1980, Jan. 6, 1981.	Honorable Henry J. Tessier, Mayor, City of Vadnais Heights, 3782 McMenemy Street, Vadnais Heights, MN 55110.	Nov. 13, 1981	270385B.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participation communities.

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

Issued: November 24, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-35174 Filed 12-9-81; 845 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-408; RM-3816]

FM Broadcast Station in Canton, Illinois; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns FM Channel 265A to Canton, Illinois, in response to a petition filed by Canton Communications. The assignment will provide Canton with a second local FM service.

DATE: Effective February 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments, FM Broadcast Stations*. (Canton, Illinois), BC Docket No. 81-408, RM-3816.

Report and Order—Proceeding Terminated

Adopted: November 30, 1981.

Released: December 3, 1981.

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 46 FR 34809, published July 2, 1981, in response to a petition filed by Canton Communications ("petitioner"), proposing the assignment of FM Channel 265A to Canton, Illinois, as that community's second FM assignment. Supporting comments were filed by petitioner,¹ in which it reaffirmed its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Canton (population 14,626),² the seat of Fulton County (population 43,887), is located approximately 248 kilometers (155 miles) southwest of Chicago, Illinois. It is currently served by Class A FM Station WBYS (Channel 252A), and daytime-only AM Station WBYS.

3. In support of its proposal, petitioner submitted information with respect to

¹ Although the supporting comments were late-filed, we have accepted them since they provide the requisite interest we need to assign the channel.

² Population figures herein are extracted from the 1980 U.S. Census unless otherwise indicated.

Canton which is persuasive as to its need for a second FM channel assignment.

4. In the *Notice*, we indicated that preclusion would occur as a result of the proposed assignment only on the co-channel in four Illinois communities, which contain a population in excess of 1,000 persons, as follows: Lewiston (population 2,758), Brooklyn (population 1,233), Cuba (population 1,648), and Manito (population 1,869). Petitioner was requested to provide, in supporting comments, a list of alternate channels available to those communities presently without any local FM service. This it neglected to do. However, since the proposed assignment does not exceed our population criteria, and no other party has expressed an interest in a channel in any of the precluded areas, the preclusion impact does not appear to be substantial enough to bar a grant of the instant proposal, on this basis. Additionally, there is merit in the proposal since it could provide Canton with an additional local FM service. This is especially significant since Canton's present broadcast facilities consist of commonly-owned Stations WBYS (AM-FM), and implementation of the proposed assignment could provide

it with a diversification of expression to serve the interests, and needs of the community.

5. In view of the above, we believe that the public interest would be served by the assignment of Channel 265A to Canton, Illinois, as that community's second FM assignment. The assignment can be made consistent with the minimum distance separation requirements of § 73.207 of the Commission's rules.

6. In view of the foregoing and pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective February 1, 1982, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended with regard to the following community:

City and Channel No.

Canton, Illinois, 252A, 265A.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-33354 Filed 12-9-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-488; RM-3903]

TV Broadcast Station in Fort Walton Beach, Florida; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes UHF Channel 53 for Channel 52 at Fort Walton Beach, Florida, in response to a petition filed by Fort Walton Beach Broadcasting Corporation. The substitution will provide more flexibility in site selection.

DATE: Effective February 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), *Table of Assignments*,

Television Broadcast Stations (Fort Walton Beach, Florida), BC Docket No. 81-488, RM-3903.

Report and Order—Proceeding Terminated

Adopted: November 30, 1981.

Released: December 3, 1981.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 40707, published August 11, 1981, proposing the substitution of UHF television Channel 53 for Channel 52 at Fort Walton Beach, Florida, in response to a petition filed by Fort Walton Beach Broadcasting Corporation ("petitioner"). Supporting comments were filed by petitioner in which it reaffirmed its intent to apply for the channel, if assigned. Comments were also filed by Gulf Property and Investment Company ("Gulf"), in which it expressed an interest in the assignment.

2. The *Notice* herein set forth the background of this proceeding and therefore, it need not be repeated in detail here. Briefly, the *Notice* stemmed from an earlier *Report and Order* released February 10, 1981, in BC Docket No. 80-519, RM-3642, wherein the Commission assigned Channel 52 to Fort Walton Beach in response to a petition for rulemaking filed by the petitioner herein.¹ Subsequently, petitioner advised that the Channel 52 assignment had proved to be unsatisfactory in terms of locating a suitable transmitter site to accommodate the proposal. Its engineering study revealed that the assignment, while not in contravention of the minimum distance separation requirements, would however cause siting restrictions due to aeronautical considerations and spacing requirements to an unused allocation on Channel 44 in Pensacola, Florida. Therefore, it requested that Channel 53 be substituted for Channel 52 in order to allow greater flexibility in site selection consistent with aeronautical safety requirements.

3. The Commission believes that the public interest would be served by the substitution of UHF television Channel

¹ Petitioner initially requested that Channel 50 be substituted for existing Channel 35 at Fort Walton Beach because of site limitations caused by close mileage separation tolerances and air hazard considerations due to the proximity of Eglin Air Force Base. After reviewing comments and an expression of interest by Hess Broadcasting Corporation in applying for Channel 35 for the operation of a satellite television station in Fort Walton Beach, the Commission retained the channel in that community. Since both Channels 35 and 50 could not be assigned to the community due to minimum distance separation requirements, Channel 52 was proposed to accommodate the petitioner's proposal.

53 for Channel 52 in Fort Walton Beach, Florida. The substitution would permit greater site flexibility than currently exists, and would be consistent with the minimum distance separation requirements of § 73.610 of the Commission's rules.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective February 1, 1982, the Television Table of Assignments, § 73.606(b) of the Commission's rules, is amended as follows:

City and Channel No.

Fort Walton Beach, Florida, 35, 53.

5. It is further ordered, that this proceeding is terminated.

6. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-33353 Filed 12-9-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-174; RM-3759]

TV Broadcast Station in Joplin, Montana; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns UHF television Channel 35, in lieu of Channel 38, to Joplin, Montana, in response to a petition filed by Garryowen Corporation. The petitioner proposes to provide Joplin and the surrounding areas with its first full CBS network coverage by rebroadcasting Station KTVQ, Billings, Montana, with a high-powered 1,000 watt translator.

DATE: Effective February 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), *Table of Assignments*, Television Broadcast Stations. (Joplin,

Montana), BC Docket No. 81-174, RM-3759.

Report and Order—Proceeding Terminated

Adopted: November 30, 1981.
Released: December 3, 1981.

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 19269, published March 30, 1981, which proposed the assignment of UHF television Channel 38 to Joplin, Montana, in response to a petition filed by Garryowen Corporation ("petitioner").¹ Supporting comments were filed by petitioner reaffirming its intent to apply for the channel, if assigned. Subsequently petitioner amended the proposal requesting that Channel 35 be substituted for Channel 38 in order to make use of a more desirable transmitter site.

2. Joplin (population 490),² in Liberty County (population 2,329), is located approximately 112 kilometers (70 miles) northwest of Great Falls, Montana. It presently has two assignments: Channel 48 (construction permit for translator Station K48AI, to be operated by petitioner), rebroadcasting Station KRTV, Great Falls, and Channel 54 (translator application pending) to rebroadcast Station KFBB-TV, Great Falls.

3. Petitioner indicates that with the proposed assignment of UHF television Channel 38 to Joplin it intends to provide the area's first full CBS network coverage by rebroadcasting Station KTVQ (CBS), Billings, Montana, with a high-powered 1,000 watt translator. Further, it states that the proposed operation from its intended transmitter site would enable it to provide service to approximately 50,000 persons in the sparsely populated counties of Blaine, Hill, Toole, Liberty, Glacier, and Pondera (comprising approximately 7.2 percent of Montana's population). It adds that parts of this area are currently served by low-power translators, but that the signal received is frequently of marginal quality.

4. Petitioner requests that Channel 35 be substituted for Channel 38 due to the Canadian Government's recent allocation of Channel 24 to Coutts/Milk River, Alberta, to which a spacing of 60 miles is required. It states that although

the reference coordinates for Joplin meet this 60 miles spacing requirement, the site it has selected in the Sweet Grass Hills would be 21.8 miles short-spaced to the Channel 24 assignment. It adds that the proposed site was chosen since Joplin is in an area of flat prairie land, and the uniquely favorable terrain factors of the proposed site make it the only one suitable for wide area coverage. As it had stated in its petition, the proposed site would allow it to provide a Grade B signal to a substantial portion of the sparsely populated and underserved areas of north central Montana. Presumably, as a further effort to establish the preferability of the proposed site, petitioner advises that it is the same location from which its translator Station K48AI is proposed to operate on Channel 48, and that from which Channel 54 (translator application pending), would transmit. As a final note, petitioner adds that its engineering study reveals that Channel 35 could be utilized at the proposed transmitter site in full compliance with the minimum distance spacing requirements for domestic and Canadian assignments.

5. In view of the above, the Commission believes that the public interest would be served by assigning UHF television Channel 35, in lieu of Channel 38, to Joplin. An apparent need for the additional television signal, which could provide reception to underserved, sparsely-populated areas, has been shown. As indicated in the *Notice*, the channel could also be utilized to provide a first local commercial television service should the interest arise. The assignment can be made consistent with the minimum distance separation requirements of the Commission's rules, and Canadian concurrence in the assignment has been obtained.

6. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, the Television Table of Assignments, § 73.606(b) of the Commission's rules, is amended, effective February 1, 1982, as follows:

City and Channel No.

Joplin, Montana, 35-, 48, 54-.

7. It is further ordered, That this proceeding is terminated.

8. For further information concerning the above, contact Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.
Martin Blumenthal,
Acting Chief, Policy and Rules Division,
Broadcast Bureau.

[FR Doc. 81-35352 Filed 12-9-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

(BC Docket No. 81-504; RM-3749)

FM Broadcast Station Petosky, Michigan; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein substitutes a Class C FM channel for a Class A channel at Petosky, Michigan, and modifies the license of the Class A station, WMBN, to specify the Class C channel, at the request of the licensee, MacDonald Broadcasting Corporation.

DATE: Effective February 1, 1982.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Petosky, Michigan), BC Docket No. 81-504, RM-3749.

Report and Order—Proceeding Terminated

Adopted: November 30, 1981.
Released: December 3, 1981.

1. The Commission has under consideration a *Notice of Proposed Rule Making*, 46 FR 42475, published August 24, 1981, proposing the substitution of Class C FM Channel 242 for Channel 244A at Petosky, Michigan, in response to a petition filed by MacDonald Broadcasting Corp. ("petitioner").¹ The *Notice* also proposed modification of the license for Channel 244A to specify operation on Channel 242. Petitioner submitted comments, restating its interest in the Class C channel. No oppositions to the proposal were received.

2. Petosky (population 6,432),² seat of Emmet County (population 18,331), is located on the shores of Lake Michigan, approximately 368 kilometers (230 miles)

¹MacDonald is the licensee of Stations WSAM(AM), WKCQ(FM), Saginaw, Michigan; WMBN (AM and FM), Petosky, Michigan; and WATT(AM) Cadillac, Michigan.

²Population figures are taken from the 1970 U.S. Census.

¹Petitioner is also the licensee of the following Montana stations: KTVQ, Billings; KRTV, Great Falls; KXLF-TV, Butte; KPAX-TV, Missoula; and translator stations serving Lewiston (K131X); Miles City (K10CF); Helena (K08CK); Hardin (K06KF); Castle Rock and Lame Deer (K70ER); and Heath (K55AJ); as well as the Wyoming community of Sheridan (K07HC).

²Population figures are extracted from the 1980 U.S. Census.

northwest of Detroit. It is served locally by daytime-only AM Station WMBN, FM Station WMBN (Channel 244A) and FM Station WJML (Channel 255).

3. Petitioner incorporated by reference the information contained in the *Notice* that demonstrated the need for a Class C assignment, and noted that the need for a Class C assignment is greater now than previously stated, due to the increased population, tourist trade and small business activity with burgeoning retail sales. As indicated in the *Notice*, the Class C assignment would provide a first service to 2,711 square kilometers (1,059 square miles) for 6,000 persons and a second service to 1,024 square kilometers (400 square miles) for 4,150 persons.

4. The assignment of Channel 242 to Petosky would cause preclusion on Channel 240A within 65 miles. Five communities without AM or FM service would be affected by the assignment (Harbor Springs, Elk Rapids, Mancelona, East Jordan and Onaway, Michigan). Petitioner did not submit a listing of alternate channels available to the communities precluded by the Class C assignment as requested in the *Notice*.

5. After careful consideration of the proposal, we believe that the public interest would be served by the substitution of channels, inasmuch as it would provide substantial first and second service to the surrounding area and population, and it would remove the intermixture that presently exists at Petosky. The transmitter site is restricted to 25 kilometers (16 miles) north of the city to avoid short-spacing to Station WHNN, Bay City, Michigan. We have also authorized in paragraph 8, a modification of petitioner's license, Station WBBN(FM), to specify operation on Channel 242, since there has been no other expression of interest in the Class C channel. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

6. Canadian concurrence in the substitution of Channel 242 for Channel 244A at Petosky, Michigan, has been obtained.

7. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules, it is ordered, that effective February 1, 1982, the FM Table of Assignments, § 73.202(b) of the rules, is amended with regard to the city of Petosky, Michigan, as follows:

City and Channel No.

Petosky, Michigan, 242, 255.

8. It is further ordered, that pursuant to section 316(a) of the Communications Act of 1934, as amended, the

outstanding license held by MacDonald Broadcasting Corp. for Station WMBN, Petosky, Michigan, is modified, effective February 1, 1982, to specify operation on Channel 242 instead of Channel 244A. Station WMBN may continue to operate on Channel 244A for one year from the effective date of this action or until it is ready to operate on Channel 242, whichever is earlier, unless the Commission sooner directs, subject to the following conditions:

(a) At least 30 days before commencing operation on Channel 242, the licensee of Station WMBN(FM) shall file with the Commission, a minor change application for a CP (Form 301).

(b) Within 10 days after commencing operation on Channel 242, the licensee of Station WMBN(FM) shall submit a license application (Form 302) for the new channel.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter site or to avoid the necessity of filing an environmental impact statement where required.

9. It is further ordered, that this proceeding is terminated.

10. For further information concerning this proceeding, contact Montrose H. Tyreè, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division
Broadcast Bureau.

[FR Doc. 81-35332 Filed 12-9-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 81

[PR Docket No. 80-583; FCC 81-551]

Stations on Land in the Maritime Services; Removal of Regulation Which Limits the Establishment of New Public Coast Stations Operating on Certain Frequencies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document removes a restriction in the Commission's rules thereby allowing entry of new stations into the public coast station market. This rule will allow for the further development of the maritime public correspondence service on frequencies below 27,500 kHz.

EFFECTIVE DATE: January 18, 1982.

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

FOR FURTHER INFORMATION CONTACT:

Linda R. Figueroa, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Adopted: November 24, 1981.

Released: December 10, 1981.

In the matter of an amendment of the Commission's rules to delete § 81.303(c) which limits the establishment of new public coast stations operating on frequencies below 27,500 kHz; PR Docket No. 80-583; Report and Order (Proceeding Terminated).

Summary

1. In this Report and Order, we are deleting from the Commission's rules § 81.303(c) which limits the establishment of new public coast radiotelephone stations operating on frequencies below 27,500 kHz. This proceeding reflects the present Commission policy to deregulate various facets of the communications industry and to permit open entry into the market when practicable.

Background

2. This rule making proceeding was initiated by the Commission to further the present policy of deregulating the communications industry where regulation has become obsolete or detrimental to the further development of the industry. Section 81.303(c) of the Commission's rules states that only one public coast station operating on frequencies below 27,500 kHz may be authorized by the Commission to serve any one area. A *Notice of Proposed Rule Making*, FCC 80-583, proposing to delete § 81.303(c) was adopted on September 25, 1980, and was published in the *Federal Register* on October 3, 1980 (45 FR 65639).

Comments

3. Comments were received from American Telephone and Telegraph Company (AT&T) and Mobile Marine Radio, Inc. (MMR). Reply comments were also filed by MMR. In general the commenters did not oppose the proposal to delete § 81.303(c). However, the commenters unanimously recommended that new frequencies be provided before new entrants are considered. The commenters argued that if entry is permitted without the assignment of additional frequencies, the resulting sharing of frequencies will create interference, spectrum inefficiencies and unsatisfactory service. This proceeding is limited to eliminating the one-station-to-a-location restriction only. We did not propose to allow sharing of the existing frequencies among licensees as a result of this proposal. The

Commission recognizes the shortages of frequencies in the high seas radiotelephony service. The assignment of additional frequencies is being considered and will be addressed in our proceeding in Docket 21349, which implements the provisions of the 1974 World Maritime Administrative Radio Conference.

4. The high seas public coast stations have a communications range of up to several thousand kilometers. High frequency propagation characteristics create a great potential for interference under most sharing plans. Since all the available frequencies in the high seas service have been assigned, entry of a new Class I-B public coast radiotelephone station is not possible unless an existing station closes or additional frequencies become available.

5. The Coastal Harbor (Class II-B) service provides a regional service of up to about 275 kilometers. At present, frequencies in this service are underutilized due to the Commission's implementation of the VHF (Class III-B) service. A number of years ago, the Commission amended its rules to encourage the use of marine VHF to relieve the congestion that was becoming prevalent in the Coastal Harbor service.¹ The successful establishment of the VHF service ultimately caused a significant drop in the use of the Coastal Harbor service. Therefore, there are sufficient frequencies available to accommodate new entrants to this service.

Conclusion

6. We conclude that the amendment proposed in the NPRM to allow entry of new stations into the public coast station market when frequencies are available without regard to locality limits would be in the public interest. This amendment will allow for further developments in the public coast station market by eliminating the present barriers to entry.

7. Regarding questions on matters covered in this document contact Linda R. Figueroa or Robert P. DeYoung at (202) 632-7175.

8. Accordingly, it is ordered, That under the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r) the Commission's rules ARE AMENDED as

¹ Essentially, the rules were amended to require ship stations having the capacity to transmit on 2 MHz frequencies or the medium frequency band to also have the capacity to operate on VHF and, further, to prohibit the use of 2 MHz to vessels within VHF range of the stations with which they want to communicate.

set forth in the attached Appendix, effective January 18, 1982.

9. It is further Ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1062, 1063; 47 U.S.C. 154, 303, 307.)

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

§ 81.303 [Amended]

§ 81.303 paragraph (c) is removed and designated as reserved.

[FR Doc. 81-35409 Filed 12-9-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 23

[Docket No. 64]

Definition of "Hispanic" in Department of Transportation Minority Business Enterprise Regulation

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: The Department of Transportation is publishing a final rule to make an interim amendment to its minority business enterprise regulation. This interim provision will remain in effect throughout the period that the Department is preparing a comprehensive revision of the entire minority business rule. The interim amendment modifies the definition of "Hispanic" and is necessary to alleviate hardships associated with the existing definition pending completion of the comprehensive revision.

EFFECTIVE DATE: This rule is effective December 10, 1981.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Office of the Assistant General Counsel for Regulation and Enforcement, Room 10421, 400 Seventh Street SW., Washington, D.C. 20590 (202) 426-4723.

SUPPLEMENTARY INFORMATION:

Background

On March 31, 1980, the Department of Transportation (DOT) published a final rule establishing a Minority Business

Enterprise (MBE) program in DOT's assistance programs (49 CFR Part 23; 45 FR 21172). Recipients of DOT financial assistance were required by the regulation to set goals and take other actions to enhance opportunities for MBE participation in DOT-assisted programs. Such recipients were required to undertake these efforts only with regard to businesses owned and controlled by members of minority groups or by women.

Hispanics constitute one of the minority groups eligible to participate in the DOT MBE program. A Hispanic was defined by § 23.5 of the regulation as "a person of Spanish or Portuguese culture with origins in Mexico, Central or South America or the Caribbean Islands, regardless of race." The definition was drafted explicitly to include people with origins in all Latin American countries while excluding anyone with European, including Spanish or Portuguese, origins. This definition was the result of efforts by an Interagency Committee, composed of representatives from DOT, the Department of Housing and Urban Development, the Economic Development Administration of the Department of Commerce, the then Department of Health, Education and Welfare, and the Department of the Interior, to achieve uniformity among Federal MBE programs. At that time, it was considered inequitable to include individuals with Spanish or Portuguese origins within the scope of the definition while excluding individuals with origins in other European nations.

In Executive Order 12291 as well as in other directives, President Regan has instructed Federal agencies to review their existing regulations to determine which can be modified or rescinded to reduce regulatory burdens. The MBE rule has been identified by the Department as a costly and controversial rule deserving priority review. After reviewing the rule and the controversy it has created, the Department has decided the rule should be changed. A notice of proposed rulemaking (NPRM) comprehensively revising the rule is expected to be published soon.

Comments Received

Soon after the final rule was published by the Department, members of Hispanic organizations and other members of the public began to express their dissatisfaction with the rule's definition of Hispanic. Thus far, over ninety letters commenting on the definition have been received by the Department. Virtually all favored a change that would include individuals

with origins in Spain or Portugal under the scope of the definition. The most important rationale for such a change was that discrimination against Hispanics occurs regardless of their place of origin. The few comments opposing change in the definition were not specific.

Petition for Rulemaking

Among the comments received was a formal petition for rulemaking submitted by the Hispanic American Contractor's Association of McLean, Virginia. It was published by the Department on January 5, 1981 (46 FR 969). The petition requested that the existing definition of "Hispanic" be replaced by a definition of Hispanic as "a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture origin, regardless of race."

The petition asserts that numerous Federal and administrative court decisions, as well as congressional legislative actions, indicate that there is no basis for differentiating among Hispanics according to their place of origin. To the extent discrimination against Hispanics exists, the petition further argues, it occurs without regard to the precise national origin of a Hispanic person; in addition to their national origin, the petition notes that discrimination against Hispanics may be based upon their distinctive culture, language, speech accent or physical appearance.

When the text of the Hispanic American Contractors' Association's petition for rulemaking was published, the Department discussed three responses the Department could make to the petition. The petition for rulemaking could be denied, with the Department retaining the existing definition of Hispanic. A variation with the same substantive result would be a change of the racial/ethnic category name from "Hispanic" to "Latin American", which would express the meaning of the existing definition with greater semantic precision. Finally, the petition for rulemaking could be granted and an NPRM proposing the change could be published, thus affording further opportunity for public comment. As a procedural alternative to this approach, the petition for rulemaking could be granted and an interim final rule could be published, thus allowing the change to become effective quickly. At the time it published the petition for rulemaking, the Department noted, in response to similar comments expressed by Portuguese-American commenters, that any change to include persons of

Spanish origins would also include persons of Portuguese origins.

Interim Amendment

After reviewing the Association's petition for rulemaking and comments by other members of the public, the Department has decided to grant the petition for rulemaking and issue an interim final rule. This interim final rule will modify the existing definition of Hispanic to include individuals with European Spanish origins. It will do so by adopting a standard Federal definition of Hispanic found in Office of Federal Statistical Policy and Standards Directive No. 15. This Directive defines Hispanics as persons of "Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race."

This definition creates one problem. As explained by Directive No. 15, the definition does not encompass persons with origins in Portugal or non-Spanish-speaking Latin American nations, such as Brazil. In order to continue the existing rule's inclusion of persons of Brazilian origins, and in order to include persons of Portuguese origin, the Department will have to add a new category, Portuguese, to the definition of "minority" in section 23.5 of the rule.

Further comments on these changes will be sought as part of the notice of proposed rulemaking proposing revisions to the entire MBE regulation, which the Department anticipates publishing in the near future.

Effective Date

The Department of Transportation is making this rule effective immediately, without additional opportunity for public comment. The Department has already provided several opportunities for public comment on the definition (including the January 5, 1981, notice concerning the Hispanic-American Contractors Association petition, which, while not so styled, was the functional equivalent of an NPRM) and has received many comments, which overwhelmingly favor the action the Department is taking. An additional comment period at this time would be unlikely to produce new or different types of comment that would be useful to the Department. An NPRM comprehensive revising the regulation will be published soon, and, at that time, a further comment period will be available. This rule involves matters relating to public grants and therefore is exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(a)(2)).

Under the Department's Regulatory Policies and Procedures, the Department may make a rule effective upon publication if it publishes a statement of reasons for the action. In this case, specific Hispanic-owned and controlled businesses are continuing to be hurt by the existing definition and it seems to be clearly contrary to the public interest to postpone further the implementation of this amendment.

The policy official responsible for making the determination concerning the effective date of the rule is Rosalind A. Knapp, Acting General Counsel of the Department of Transportation.

Regulatory Impact Analysis

The Department has determined that this interim amendment is neither a major rule under E.O. 12291 nor a significant rule under its own Regulatory Policies and Procedures, and will not have significant economic effects on a substantial number of small entities. The number of Spanish or Portuguese-owned businesses affected is likely to be relatively small. The interim final rule essentially eliminates a distinction many businesses and members of the public believed to be unfair. Thus, any impact that the regulation has with respect to small businesses and other small entities is likely to be positive. There is likely to be little if any general economic impact from this change, except to the small number of firms directly affected. Therefore, the Department did not prepare a regulatory impact analysis or regulatory flexibility analysis for this rule. However, a brief regulatory evaluation has been prepared and placed in the docket.

Issued at Washington, D.C., December 3, 1981.

Drew Lewis,

Secretary of Transportation.

PART 23—PARTICIPATION BY MINORITY BUSINESS ENTERPRISE IN DEPARTMENT OF TRANSPORTATION PROGRAMS

Therefore, Part 23 of Title 49 of the Code of Federal Regulations is amended as follows:

§ 23.5 [Amended]

(1) By revising the definition of "Hispanic" (paragraph (b) in the definition of "Minority" in § 23.5 thereof) to read as follows:

* * * * *

"(b) Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South

American, or other Spanish culture or origin, regardless of race);"

(2) By redesignating paragraphs (c), (d), and (e) of the present definition of "Minority" in § 23.5 thereof as paragraphs (d), (e), and (f), respectively.

(3) By adding a new paragraph (c) to the definition of "Minority" in § 23.5 thereof, to read as follows:

"(c) Portuguese (a person of Portuguese, Brazilian, or other Portuguese culture or origin, regardless of race);"

[FR Doc. 81-35238 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-62-M

Proposed Rules

Federal Register

Vol. 46, No. 237

Thursday, December 10, 1981

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1, 21, 43, 45, 47, 61, 63, 65, 91, 93, 99, 121, 123, 125, 127, 133, 135, 137, and 141

[Docket No. 18334; Notice No. 79-2B]

Revision and Realignment of General Operating and Flight Rules; Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Extension of comment period.

SUMMARY: This notice extends the comment period for Notice 79-2A (46 FR 45256; September 10, 1981). That notice proposed to reorganize and realign the general operating and flight rules to make them more understandable and easier to use. Notice 79-2A proposed to reorganize the subparts, organize existing material into several new subparts, and utilize an improved numbering system to make future changes easier.

On November 24, 1981, the National Business Aircraft Association (NBAA) petitioned for a 120-day extension of the comment period on Notice 79-2A. In its petition, the NBAA cited the need for additional time in which to prepare what it believes will be substantive comments on the notice. The FAA has determined that, based on the NBAA desire to provide substantive input to the proposed regulation, it would be in the public interest to extend the comment period to allow the public more time to undertake a thorough review of this proposal.

DATE: Comments on Notice 79-2A must be received on or before April 9, 1982.

ADDRESS: Comments on Notice 79-2A may be mailed in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, ATTN: Rules Docket (AGC-204), Docket No. 18334, 800 Independence Avenue, SW., Washington, D.C. 20591, or delivered in duplicate to: Room 916, 800

Independence Avenue, SW., Washington, D.C. 20591. All comments must be marked: Docket No. 18334. Comments may be inspected at Room 916 between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Everett W. Pittman, Safety Regulations Staff (AVS-20), Associate Administrator for Aviation Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 755-8716.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed Notice 79-2A. The proposals contained in Notice 79-2A may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for the comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped post card on which the following statement is made: "Comments to Docket No. 18334." The post card will be date and time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this notice and Notice 79-2A by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on the mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2, "Notice of

Proposed Rulemaking Distribution System," which describes the application procedures.

Background

On August 9, 1978, the Aircraft Owners and Pilots Association (AOPA) petitioned the Federal Aviation Administration (FAA) to revise Part 91 of the Federal Aviation Regulations (14 CFR Part 91) to make the regulations simpler and more comprehensible. In response to this petition, on January 11, 1979, the FAA issued an Advanced Notice of Proposed Rulemaking (ANPRM) No. 79-2 (44 FR 4572; January 22, 1979) consisting of a verbatim publication of AOPA's proposal.

On July 27, 1981, the FAA issued Notice 79-2A (46 FR 45256; September 10, 1981). Notice 79-2A proposed to reorganize the subparts, organize existing material into several new subparts, and utilize an improved numbering system to make future changes easier. Other improvements would be made by deleting redundancies and obsolete compliance dates, and by making other minor changes. The proposal was primarily the result of a petition filed by the Aircraft Owners and Pilots Association on August 9, 1978, which was later withdrawn. Additionally, the proposal is part of the President's regulatory reform program to simplify regulations. The proposal does not contain any substantive regulatory changes.

Operators and organizations representing them have had to spend a great deal of time within the last few months keeping up to date with the changing operations of the Nation's air traffic system. The promulgation of the General Aviation Reservation system increased the flow of air traffic information between the FAA and the users of the system, and many potential commenters were unable to devote the concentrated effort required to prepare substantive comments on the proposal. Now that the intensity of air traffic problems has subsided somewhat, the industry will be able to focus better on the proposals suggested in Notice 79-2A. Accordingly, the industry has requested that the comment period for Notice 79-2A be extended for 120 days.

Extension of Comment Period

In consideration of the NBAA petition, the FAA concludes that extending the

comment period for an additional 120 days would serve the public interest. Accordingly, the comment period for Notice 79-2A is extended. The comment period will close on April 9, 1982.

(Sections 307, 313(a), 402, 601, 602, 603, 902, 1110, and 1202 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348, 1354(a), 1372, 1421, 1422, 1443, 1472, 1510, and 1522); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Note—This document extends the comment period on a notice of proposed rulemaking. Therefore, I certify that this document is not a major rule under Executive Order 12291 or significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and that it will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Washington, D.C., on December 7, 1981.

J. Lynn Helms,
Administrator.

[FR Doc. 81-95418 Filed 12-9-81; 10:14 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-AAL-17]

Establishment of Point Hope, AK, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a transition area in the vicinity of Point Hope, AK. This action would provide controlled airspace needed to accommodate prescribed instrument approach procedures.

DATE: Comments must be received on or before January 11, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Alaskan Region, Attention: Chief, Air Traffic Division, Docket No. 81-AAL-17, Federal Aviation Administration, 701 C Street, Box 14, Anchorage, AK 99513.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 918, 800 Independence Avenue, SW., Washington, D.C.

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

FOR FURTHER INFORMATION CONTACT: Robert Maxey, Airspace Regulations and Obstructions Branch (ATT-230),

Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: Comments to Airspace Docket No. 81-AAL-17. The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a transition area to

provide controlled airspace in the vicinity of Point Hope, AK. A nondirectional radio beacon has been installed at Point Hope, AK, and two instrument approach procedures have been developed which use this aid. The transition area is needed to provide protected airspace to accommodate these instrument approach procedures. The transition area would extend upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Point Hope NDB (lat. 68°20'40" N., long. 166°47'30" W.) 020° T (004° M) bearing extending from the NDB to 18.5 miles north of the NDB and within 4.5 miles west and 9.5 miles east of the 205° T (189° M) and 025° T (009° M) bearings extending from 1 mile north of the NDB to 18.5 miles south of the NDB. Section 71.181 of Part 71 was republished on January 2, 1981 (46 FR 540).

ICAO Considerations

As part of this proposal relates to the navigable airspace outside of the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, the Annex 11 to, the convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and

Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71), as republished (46 FR 540), as follows:

Point Hope, AK [New]

By adding Point Hope, AK, Transition Area to read as follows:

Point Hope, AK

That airspace extending upward from 700 feet above the surface within 4.5 miles east and 9.5 miles west of the Point Hope, NDB (lat. 68°20'40" N., long. 166°47'30" W.) 020° T (004° M) bearing extending from the NDB to 18.5 miles north of the NDB and within 4.5 miles west and 9.5 miles east of the 205° T (189° M) and 025° T (009° M) bearings extending from 1 mile north of the NDB to 18.5 miles south of the NDB.

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510); E.O. 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on December 2, 1981.

John W. Baler,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-35280 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 81-ASW-59]

Proposed Alteration of Transition Area; Lafayette, La.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Aviation Administration proposes alteration of a transition area at Lafayette, LA. The intended effect of a proposed action is to provide adequate controlled airspace for aircraft executing new instrument approach procedures to the Acadiana Regional Airport, New Iberia, LA. This action is necessary to provide protection for aircraft executing an instrument approach procedure using the Lake Martin Nondirectional Radio Beacon (NDB) located north of the airport.

DATE: Comments must be received on or before January 11, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8 a.m. and 4:30 p.m. The FAA Rules Docket is located in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

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

SUPPLEMENTARY INFORMATION:

History

Federal Aviation Regulation Part 71, Subpart G, § 71.181 as republished in the Federal Register on January 2, 1981 (46 FR 540), contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting instrument flight rules (IFR) activity. Alteration of the transition area at Lafayette, LA, will necessitate an amendment to this subpart. This amendment will be required at Lafayette, LA, since there is a proposed change in IFR procedures to the Acadiana Regional Airport.

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views,

or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposals. (Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposals.) Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-ASW-59." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed above.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by adding the following:

* * * And within 3 miles east of the 181° bearing from the Lake Martin NDB (Latitude 30°11'33" N., Longitude 91°52'58" W.) extending from the 6.5-mile radius to 10 miles north of the airport.

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

Note.—The FAA has determined that this proposed regulation only involves an established body of technical regulations for

which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 1103; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; (4) is appropriate to have a comment period of less than 45 days; and (5) at promulgation, will not have significant effect on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Issued in Fort Worth, TX, on November 30, 1981.

F. E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 81-35037 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

(Airspace Docket No. 81-AEA-62)

Proposed Renumbering of Federal Airways

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposing rulemaking.

SUMMARY: This notice proposes to renumber certain alternate VOR Federal Airways in the eastern part of the U.S. This action would eliminate the assignment of alternate airway segments for the affected airways. It is in accordance with International Civil Aviation Organization (ICAO) agreement to phase out alternate airways from the National Airspace System.

DATE: Comments must be received on or before January 11, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Eastern Region, Attention: Chief, Air Traffic Division, Docket No. 81-AEA-62, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430.

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

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

FOR FURTHER INFORMATION CONTACT: John Watterson, Airspace Regulations and Obstructions Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence

Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8783

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AEA-62." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to renumber V-8N, V-12S, V-16S, V-39E, and V-44E. There would be no change in the amount of designated controlled airspace as a result of this action. The alternate airway segments

are renumbered to eliminate the use of alternate airway assignments. This action would be in accordance with ICAO agreement to phase out alternate airways from the National Airspace System. Section 71.123 of Part 71 was republished on January 2, 1981 (46 FR 409).

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (46 FR 409) as follows:

1. V-8 [Amended]

By deleting the words ", including a north alternate from Grantsville to the INT of Hagerstown, MD, 157° and the Martinsburg 130° radials via Hagerstown."

2. V-438 [New]

By adding "V-438 From Grantsville, MD, via Hagerstown, MD, to the INT of Hagerstown 157° and the Martinsburg, WV, 130° radials."

3. V-12 [Amended]

By deleting the words ", including a S alternate from Johnstown to Harrisburg via St. Thomas, PA." and substituting for them the words "; INT Harrisburg 087° and East Texas, PA, 225° radials; to East Texas."

4. V-469 [Amended]

By deleting the words "to Johnstown." and substituting for them the words "Johnstown; St. Thomas, PA; to Harrisburg, PA."

5. V-16 [Amended]

By deleting the words "including a S alternate via INT Pulaski 094° and Lynchburg 253° radials;"

6. V-470 [New]

By adding "V-470 From Pulaski, TN, via INT Pulaski 094° and Lynchburg, VA, 253° radials; to Lynchburg."

7. V-39 [Amended]

By deleting the words "including an E alternate via Casanova, VA;"

8. V-453 [New]

By adding "V-453 From Gordonsville, VA, via Casanova, VA, to Linden, VA."

9. V-44 [Amended]

By deleting the words ", including an east alternate via INT Atlantic City 055° and Deer Park 209° radials"

10. V-184 [Amended]

By deleting the words "Atlantic City, NJ." and substituting for them the words "Atlantic City, NJ; INT Atlantic City 055° and Deer Park 209° radials; to the INT Atlantic City 048° and Deer Park 209° radials." (Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on December 1, 1981.

John W. Baier,
Acting Chief, Airspace and Air Traffic Rules
Division.

[FR Doc. 81-35284 Filed 12-9-81; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 73

[Airspace Docket No. 81-AWP-24]

Proposed Amendment to Temporary Restricted Area; Yuma, Ariz.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend the time of designation of Temporary Restricted Area R-2311, Army Proving Grounds, Yuma, AZ. Circumstances beyond the control of the using agency have caused a need to alter the period of April 1, 1982, through October 31, 1982, to the existing time of designation.

DATE: Comments must be received on or before January 11, 1982.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Pacific Region, Attention: Chief, Air Traffic Division, Docket No. 81-AWP-24, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, CA 90009.

Send comments on environmental aspects to: Mr. Willard C. Robinson, Chief, Facility Engineering Directorate, U.S. Army Proving Ground, Yuma, AZ 85364. Telephone: (602) 328-2167.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 918, 800 Independence Avenue, SW., Washington, D.C.

An informal docket may be examined during normal business hours at the

office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AWP-24." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C., 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 73.23 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to extend the time of designation of Temporary Restricted Area R-2311, Army Proving Grounds, Yuma, AZ, by adding the period of April 1, 1982, through October 31, 1982, to the existing time of designation. Unavoidable production delays by commercial contractors will prevent completion of the flight test program within the presently scheduled period. Utilization of the area is minimal in that one military drone flight will be in the area less than 30 minutes per day. The Commander, Yuma Proving Grounds, will release the airspace for public use immediately upon completion of the drone flights. Nonavailability of restricted airspace for the flight test program combined with existing unavoidable production delays could cause high cost overruns which would be significantly reduced as a result of this action. Section 73.23 of Part 73 was republished on January 2, 1981 (46 FR 784).

Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.23 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (46 FR 784) as follows:

§ 73.23 [Amended]

R-2311 Army Proving Grounds, Yuma, AZ. Time of designation, is amended by deleting the words "October 1, 1980, through March 31, 1982," and substituting for them the words "October 1, 1980, through October 31, 1982." (Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

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

Issued in Washington, D.C., on December 1, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-35283 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 81-AAL-14]

Extension of High Altitude Route J-133

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to extend High Altitude Route J-133 from Johnstone Point, AK, VORTAC, to Galena, AK, VORTAC. The majority of aircraft departing or overflying Anchorage for Galena request direct routing. The proposed extension of J-133 would ease flight planning and reduce controller and pilot workload associated with rerouting of these aircraft by allowing flight plans to be filed along the new route.

DATE: Comments must be received on or before January 11, 1982.

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

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

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

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in

developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 81-AAL-14." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMS

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) to extend J-133 from Johnstone Point, AK, to Galena, AK. This proposed change is responsive to the current traffic flow. Most aircraft departing or overflying Anchorage en route to Galena request direct routing. The proposed extension would ease flight planning and reduce controller and pilot workload associated with rerouting of these aircraft by allowing flight plans to be filed along the new route. Section 75.100 or Part 75 was republished on January 2, 1981 (46 FR 834).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation

Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (46 FR 834) as follows:

J-133 [Amended]

By deleting the words "to Johnstone Point, AK," and substituting for them the words "Johnstone Point, AK; Anchorage, AK; to Galena, AK."

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

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

Issued in Washington, D.C., on December 2, 1981.

John W. Baier,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 81-35287 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 2

[Docket No. RM 80-42]

Tax Normalization for Certain Items Reflecting Timing Differences in the Recognition of Expenses or Revenues for Ratemaking and Income Tax Purposes; Opportunity for Submitting Additional Comments

Issued: November 30, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice Providing Time for Additional Comments.

SUMMARY: On May 6, 1981, 46 FR 26613, published May 14, 1981, the Commission issued a final rule (Order No. 144) in Docket No. RM-42 to require public utilities making rate filings under the Federal Power Act or interstate pipelines making rate filings under the Natural Gas Act to use tax

normalization for certain timing differences to compute the income tax component of their costs of service. Petitions to rehear that final rule were received by the Commission and on July 2, 1981, pending a final order on rehearing in response to those petitions, the Commission stayed the effective date of the final rule.¹ Subsequent to these actions, on August 13, 1981, the Economic Recovery Tax Act of 1981 became law. A petition has been received by the Commission to reopen the rulemaking in light of this new tax law. Without deciding the merits of that petition, the Commission is providing a short time period for the receipt of additional comments to the rulemaking, those comments to be limited to the question of whether the new tax law requires amendment of the final rule.

IMPORTANT DATES: Comments should be received by December 21, 1981.

ADDRESS: All comments should cite to Docket No. RM80-42 and should be sent to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: John Conway, Acting Deputy Assistant General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, Room 8106 (202) 357-8150.

SUPPLEMENTARY INFORMATION:

On May 6, 1981, the Federal Energy Regulatory Commission (Commission) issued a final rule in Docket No. RM80-42 which amended Part 2 of its regulations to require public utilities making rate filings under the Federal Power Act or interstate pipelines making rate filings under the Natural Gas Act to use tax normalization for miscellaneous timing differences to compute the income tax component of costs of service.² That rule was stayed on July 2, 1981, pending final Commission action on applications to rehear the rule.³

Subsequent to the issuance of both the final tax normalization rule and the Commission's order staying that rule, the Congress passed the Economic Recovery Tax Act of 1981.⁴ On October

5, 1981, some participants in the rulemaking (the East Tennessee Group) requested that the Commission institute extensive proceedings for re-examination of all aspects of its final rule in light of the new law.⁵ This request has been opposed by other participants in the rulemaking.⁶ The Commission expresses no opinion at this time on the merits of the petition of the East Tennessee Group.

However, the request of the East Tennessee Group raises the issue of the impact of the Economic Recovery Tax Act of 1981 on the final rule issued May 6, 1981. Because of the importance of this question and the fact that an answer to it may result in amendments to the final rule, the Commission is providing an opportunity for submission of additional comments in this rulemaking proceeding. These comments are limited to the narrow question of whether the new tax law requires amendment of the final rule. Because of the importance in completing this proceeding expeditiously and the narrow scope of the question to be commented upon, the time for submitting the additional comments is short.

Those wishing to submit comments on this issue should file their comments with the Commission by December 21, 1981. An original and fourteen conformed copies should be submitted to the Federal Energy Regulatory Commission, Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426 and should reference Docket No. RM80-42. All written submissions will be placed in the Commission's public files and will be available for public inspection in the Commission's Division of Public Information, 825 North Capitol Street, N.E., Washington, D.C. during regular business hours.

In order that all interested participants in this proceeding may be promptly notified of this opportunity to submit additional comments, the Secretary shall immediately serve all persons named on the service list established for this proceeding with a copy of this notice.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-35233 Filed 12-9-81; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76 (Texas-16)]

High-Cost Gas Produced From Tight Formations; Texas

Issued: December 7, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

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

DATE: Comments on the proposed rule are due on January 6, 1982.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on December 22, 1981.

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

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8307, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

I. Background

On November 2, 1981, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Olmos Formation located in the northwest part of Webb County and the southern part

¹ Editorial Note: Not published in the Federal Register. See Docket Nos. RM 80-42, R-424, and R-446.

² Order No. 144, 46 FR 26613 (May 14, 1981).

³ Docket Nos. RM80-42, R-424 and R-446, "Order Granting Rehearing for Purposes of Further Consideration and Providing for Stay" (issued July 2, 1981).

⁴ Pub. L. No. 97-34 (August 13, 1981).

⁵ "Petition of East Tennessee Group, et al. for Reopening of Record of Order No. 144 to Reflect the Impact of the Economic Recovery Tax Act of 1981 and for Reconstruction," Docket Nos. RM80-42, R-424, and R-446 (filed October 5, 1981).

⁶ "Response to Petition of East Tennessee Group to Reopen the Record", Docket Nos. RM80-42, R-424, and R-446, filed on behalf of various utilities (filed October 20, 1981); "Opposition of Edison Electric Institute to Petition to Reopen", Docket No. RM80-42 (filed October 26, 1981).

of Dimmit County, Texas, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas recommendation that the Olmos Formation in these two counties be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Olmos Formation in specifically designated areas of Webb and Dimmit Counties, Texas, Railroad Commission Districts 4 and 1, respectively, be designated as a tight formation. The geographical area covered by Texas' recommendation is all of that portion of Dimmit County, extending approximately 14 miles north of the northern boundary of Webb County, and all of that portion of northwest Webb County west of a north-south line extending south from a point approximately 1.5 miles east of the southwest corner of La Salle County and north of an east-west line located approximately 22 miles south of the southwest corner of La Salle County.

The vertical interval requested for tight formation designation is correlation to that interval from 4146 feet to 5237 feet as measured in the log of the Trans Delta Corporation Petty well No. 6-7. This well is located in Section 7, Block 8, of the I. & G.N.R.R. Co. Survey in the S.W. Catarina Field, Webb County, Texas. The Olmos Formation consists of a series of alternating sands and shales of deltaic origin deposited along a late cretaceous shoreline.

III. Discussion of Recommendation

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

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

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

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

Texas further asserts that existing

State and Federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

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

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before January 6, 1982. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76 (Texas-16), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than December 22, 1981.

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

Accordingly, the Commission proposes to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18, Code of Federal Regulations, as set

forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,
Director Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703 is amended by adding new paragraph (d)(80) to read as follows:

271.703. Tight formations.

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

* * * * *
(60) through (79) [Reserved]
(80) *Olmos Formation in Texas.*
RM79-76 (Texas-16)

(i) *Delineation of formation.* The Olmos Formation is located in the northwest portion of Webb County and the southern portion of Dimmit County in Texas. The formation includes all of that portion of Dimmit County extending approximately 14 miles north of the northern boundary of Webb County, and all of that portion of northwest Webb County west of a north-south line extending south from a point approximately 1.5 miles east of the southwest corner of La Salle County and north of an east-west line located approximately 22 miles south of the southwest corner of La Salle County.

(ii) *Depths.* The top and base of the Olmos Formation are found at approximately depths of 4146 feet and 5237 feet, respectively, on the log of the Trans Delta Corporation Petty well No. 6-7. This well is located in Section 7, Block 8, of the I. & G.N.R.R. Co. Survey in the S.W. Catarina Field, Webb County, Texas.

[FR Doc. 81-35414 Filed 12-9-81; 8:45 am]

BILLING CODE 6717-01-M

18 CFR Part 271

[Docket No. RM79-76 (Texas-17)]

High-Cost Gas Produced from Tight Formations; Texas

Issued: December 7, 1981.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

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

DATE: Comments on the proposed rule are due on January 6, 1982.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on December 22, 1981.

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

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357-8317, or Walter W. Lawson, (202) 357-8556.

SUPPLEMENTARY INFORMATION:

I. Background

On November 3, 1981, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Massive "A" Sand Formation in the Chapa, East Field, Live Oak County, Texas, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that the Massive "A" Sand Formation in this field be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas recommends that the Chapa, East Field where the Massive "A" Sand Formation is encountered be designated as a tight formation. The Chapa, East

Field is located in Live Oak County, Texas, Railroad Commission District 2.

The recommended area is within a 2.5 mile radius of the Aminoil USA, Inc., El Paso Natural Gas No. 5 well, the only well producing from the formation in the recommended area. This well is located in Section 299, Hooper & Wade A-250 Survey, which is situated in the southwest part of the county approximately 4 miles east of the McMullen County line. The average depth to the top of the formation is approximately 11,600 feet and thickness varies from 220 feet in the northwest part to 560 feet in the southeast part of the recommended area.

III. Discussion of Recommendation

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

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

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

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

Texas further asserts that existing State and Federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 FR 53456, August 12, 1980), notice is hereby given of the proposal submitted by Texas that the Massive "A" Sand Formation in the Chapa, East Field as described and delineated in Texas' recommendation as filed with the Commission be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before January 6, 1982. Each person submitting a comment should

indicate that the comment is being submitted in Docket No. RM79-76 (Texas-17), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing that they wish to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than December 22, 1981.

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

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

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

PART 271—CEILING PRICES

Section 271.703(d) is amended by adding new subparagraph (81) to read as follows:

§ 271.703 Tight formations.

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

(60) through (80) [Reserved]

(81) *Massive "A" Sand Formation in Texas. RM79-76 (Texas-17).*

(i) *Delineation of formation.* The Massive "A" Sand Formation is found in the Chapa, East Field in southwestern Live Oak County, Texas, Railroad Commission District 2. The formation is

described by a 2.5 mile radius around the Aminoil USA, Inc., El Paso Natural Gas No. 5 well located in Section 299, Hooper & Wade A-250 Survey, approximately 4 miles east of the McMullen County line.

(ii) *Depth.* The average depth to the top of the Massive "A" Sand Formation is approximately 11,600 feet and thickness varies from 220 feet in the northwest to 560 feet in the southeast.

[FR Doc. 81-35413 Filed 12-9-81; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Regulations No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Family Relationships, Income, and Resources

AGENCY: Social Security Administration, HHS.

ACTION: Proposed Rule.

SUMMARY: These regulations reflect the provisions of section 203 of Pub. L. 96-265 which amends section 1614(f)(2) of the Social Security Act and section 504 of Pub. L. 96-265 which adds sections 1614(f)(3) and 1621 to the Act. Section 203 eliminates deeming of parents' income and resources to students who are age 18 but under age 21. It provides for us to continue to deem parental income and resources to certain children until age 21 if deeming gives them a higher benefit. Section 504 requires that, with a few exceptions, the income and resources of the sponsor of an alien (and of the sponsor's spouse if sponsor and spouse live together) are to be deemed to be the income and resources of the alien. Both provisions were effective October 1, 1980.

DATE: Your comments will be considered if we receive them no later than February 8, 1982.

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

Copies of all comments we receive can be seen at the Social Security Administration, Department of Health and Human Services; Switzer Building Room 1212, 330 C St., SW, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Rita Hauth, Legal Assistant, Room 4234, West High Rise Building, 6401 Security

Boulevard, Baltimore, Maryland 21235, (301) 594-7112.

SUPPLEMENTARY INFORMATION: We plan to revise our rules on income and resources under the Supplemental Security Income (SSI) program. The revisions are necessary because of the provisions of sections 203 and 504 of Pub. L. 96-265. Section 203 amends section 1614(f)(2) and section 504 adds sections 1614(f)(3) and 1621 to the Social Security Act.

Since the SSI program began, section 1614(f) of the Act has required that spouses and parents who are not eligible for SSI be considered to share their income and resources with their spouses and children who live with them and are eligible for SSI benefits. This process is called deeming—we deem the income and resources of the spouse or parent to be those of the SSI beneficiary. The statute authorizes the Secretary to determine the amounts and types of income and resources that are excluded before any is deemed to the beneficiary. The deemed income and resources are added to those the applicant or beneficiary already has and the total is subject to the limits and exclusions the statute provides for individuals and couples. Under existing regulations the income and resources of parents not eligible for SSI are deemed to their eligible children in the household. Deeming stopped when the children reached age 18 or, if the children were students, when they reached age 21.

Beginning October 1, 1980, deeming of parental income and resources stops when children reach age 18. A savings clause will protect children who were already age 18 and under age 21 in September 1980, who received a Federal SSI benefit for that month, and who would receive a lesser benefit if deeming stopped.

Section 504 of Pub. L. 96-265 adds a new kind of deeming—the income and resources of sponsors of aliens are considered to be those of aliens they sponsor. A sponsor is an individual who has signed an affidavit agreeing to support an alien as a condition of the alien's admission for permanent residence in the United States. Under the new law, the Departments of Justice and State will inform sponsors that information they supply will be given to SSA and that they may be asked for additional information if the aliens apply for SSI benefits.

There are some exceptions. Under the terms of the statute we do not deem a sponsor's income and resources to aliens who have been admitted as refugees under certain provisions of the

Immigration and Nationality Act or to aliens who have been granted political asylum by the Attorney General of the United States. Nor do we deem to aliens of any age beginning with the time they meet the statutory definition of blindness or disability if this occurs after their admission to the United States. Deeming stops if it applied before the blindness or disability begins.

A sponsor's income and resources are deemed to aliens who first apply for SSI benefits after September 30, 1980, and are deemed to aliens for 3 years after their admission to the United States.

Three subparts of Regulations No. 16 require amendment because of section 203 of the new statute which ends deeming of parental income to children upon reaching age 18.

Subpart K, Income, was recodified at 45 FR 65541 (October 3, 1980). It explains how the receipt of income affects SSI eligibility. It describes the different types of income, including income deemed from a parent to a child beneficiary. Subpart L, Resources, provides similar information about resources. We must revise sections in Subpart K, Income, and Subpart L, Resources, to include the new rules on parent-to-child deeming and on sponsor-to-alien deeming of income and resources.

Section 416.1148 is revised to show that if a beneficiary has income deemed from a sponsor and also receives cash or in-kind support and maintenance (food, clothing, or shelter) from the sponsor, we count only the deemed income. This section and § 416.1149 are revised to reflect the change to stop deeming income to children at age 18 rather than at age 21, except for the savings clause.

Section 416.1160 explains what deeming is, gives the basic steps we follow in deeming income, and defines terms used in connection with deeming. We have added the rules which end deeming from parents to children at age 18 and the rules which require deeming a sponsor's income to an alien. We have defined "date of admission or entry", "dependent", and "sponsor". Other deeming rules specify amounts of income that can be allocated for spouses, children, and parents who are not eligible for SSI and who live in the same household with the beneficiary.

In deeming a sponsor's income to an alien we allocate amounts for dependents. The statute does not define "dependent". SSA is adopting the same criteria used by the Internal Revenue Service for personal income tax purposes. This provides for consistency among government agencies, is easy for the public to understand, and provides

uniformity of administration for beneficiaries in all locations.

For the purposes of these rules we define a sponsor as an individual or individuals (but not an organization) who sign an affidavit of support or similar agreement as a condition of an alien's admission to the United States for permanent residence. We define an alien's "date of admission or entry" to be the date established by the Immigration and Naturalization Service as the date the alien was admitted for permanent residence.

This section explains that if a sponsor lives with and is also the spouse or parent of the alien, we apply the rules for spouse or parent deeming rather than sponsor deeming. The statute does not address this question and we believe we have discretion to assign priority. It is our position that the objective of the new kind of deeming is to take care of situations where no deeming previously existed, not to replace existing rules.

Further, this section explains how we figure benefits payable when a sponsor of an alien is also the ineligible spouse or ineligible parent of another beneficiary and income is deemable to both the alien and the eligible spouse or eligible child. The statute is very specific as to what income can be excluded to figure the amount of income to deem from a sponsor to an alien. It provides exclusions for all dependents of the sponsor. Other provisions of the Act give the Secretary discretion to determine what income it is equitable to exclude to figure the amount of income to deem from an ineligible spouse or ineligible parent to an eligible individual. SSA, therefore, will figure the amount of income to be deemed to the alien and to the spouse or child independently. The amount produced under the sponsor-to-alien deeming rule will be deemed to the alien. The amount produced for the spouse or child will be deemed to that individual after an allowance (allocation) for the alien. Current regulations for spouse-to-spouse or parent-to-child deeming make no allowance for the existence of the alien to whom income is also deemed. These rules, therefore, are being revised to provide an allocation for the alien in the spouse-to-spouse and parent-to-child deeming rules. The allocation is the same amount that has been provided for ineligible children in the household, one-half the full Federal benefit rate payable to an eligible individual. This method of deeming considers the existence of multiple applicants or beneficiaries.

Section 416.1161 tells what amounts and types of income are excluded before we deem any of an individual's income to an applicant or a beneficiary. We

have added the rules that apply to the sponsor of an alien. We exclude three kinds of income before we deem the balance to be the income of the alien. (1) An allocation (in the amount of the Federal benefit rate of an individual eligible for SSI) for the sponsor (or for each sponsor if more than one individual signed the affidavit of support) plus allocations (in the amount of one-half the Federal benefit rate) for each dependent of the sponsor. There may also be allocations for dependents of the sponsor's spouse if the sponsor and spouse live in the same household. There is no additional dependent allocation for a co-sponsor who is also the sponsor's dependent and there is no dependent allocations for the alien, or the alien's spouse. (2) Income and benefits provided the sponsor under other Federal statutes which specify that their benefits are not income for programs under the Social Security Act. (3) Income of children in the household of the sponsor received by them or on their behalf.

A new § 416.1162 has been added to explain when we do not deem the income of a sponsor to an alien. We do not deem the income of a sponsor if the alien is admitted as a refugee under certain provisions of the Immigration and Nationality Act, has been given political asylum by the Attorney General of the United States, or becomes disabled or blind at any age after admission to the United States. Income may have been deemed prior to an alien's becoming blind or disabled. Usually, an individual who applies for SSI has to establish disability or blindness as of the date of application for benefits because that is the first month payment is possible. Under the new rules, sponsor deeming does not apply beginning with the time the alien becomes disabled or blind after admission to the United States. It will, therefore, now be necessary to establish when an alien becomes disabled or blind (as defined in existing regulations, § 416.901).

Section 416.1165 is revised to show that parent-to-child deeming stops when children reach age 18 unless the savings clause applies. Under this savings clause, children who received Federal SSI benefits for September 1980, and were at least age 18 in that month, are protected against a reduction in benefits because of the new rules. These protected children may continue to have parental income and resources deemed to them until they reach age 21 if they are otherwise eligible and if deeming provides a higher benefit. Deeming may provide a higher benefit if the reduction in benefits is less under deeming rules

than it would be if another rule applied. For example, if we deem parental income we do not also reduce a benefit because the child receives food, clothing, and shelter (in-kind support and maintenance) from the parents. If deeming stops, we begin to count the value of food, clothing, and shelter as income and this may reduce a benefit by as much as one-third.

Sections 416.1163, 416.1165, and 416.1166 explain the processes for figuring how much income to deem from an ineligible spouse or ineligible parent to an eligible spouse, child, or combination of the two. These sections are amended to provide an allocation for aliens to whom income is also deemed from the ineligible spouse or ineligible parent. We are adding examples to illustrate how the allocation affects deemed income. We are also adding an example to § 416.1165 to illustrate how deemed income is distributed to beneficiaries when one of them has his or her own income. This example is added to clarify existing regulations.

Section 416.1166a is new. It explains how we deem a sponsor's income to an alien. After appropriate exclusions, the balance of the sponsor's income is deemed to be the unearned income of the alien. This section also includes examples to show how deemed income applies in various situations.

Section 416.1167 explains the effects of a change in status that occurs after eligibility for SSI is established. Paragraphs (c) and (d) are revised to show that deeming of parental income to a child stops in the month following the month the child reaches age 18 unless the savings clause applies. If the savings clause applies, deeming stops in the month following the month in which the child reaches age 21. We are adding a new paragraph (e) to this section to explain that a sponsor's income is not deemed to an alien beginning with the month in which occurs the third anniversary of the alien's date of admission to the United States.

The appendix to Subpart K is being updated to show how the exclusions provided by other Federal statutes apply to income deemed from a sponsor to an alien. Each listing that differs for sponsor-to-alien deeming is annotated to show how it applies to a sponsor's income. Those that are not annotated apply to a sponsor's income the same as they apply to that of a beneficiary or for other deeming purposes. Item V(a), the Domestic Volunteers Act, is being revised because the law was amended in 1980. Under the amended statute, the exclusion does not apply if the director

of the action agency determines that the payment equals the minimum wage.

Subpart L, Resources, defines resources and explains which resources we do or do not count to determine SSI eligibility. Resources may include those of a parent that are deemed to a child-beneficiary. Section 416.1202 is being revised to show that deeming of parental resources stops when the child reaches 18 unless the savings clause applies.

New § 416.1204 is being added to explain the effects of a sponsor's resources on the eligibility of an alien. With the exception of certain resources excluded under Federal Statutes other than the Social Security Act, a sponsor's resources are subject to the same exclusions that apply to an individual eligible for SSI (See § 416.1210). There is a further exclusion to \$1,500 for the sponsor or \$2,250 for the sponsor and spouse if they live together. After appropriate exclusions, the balance of the sponsor's resources is deemed to the alien. Deeming continues for 3 years after the date of admission. However, deeming of resources does not occur if the alien is a refugee admitted under certain provisions of the Immigration and Nationality Act, has been granted political asylum by the Attorney General, or becomes blind or disabled (as defined in existing regulations (§ 416.901)) at any age after admission to the United States.

Subpart J, Family Relationships, was recently recodified at 45 FR 71797 (October 30, 1980) and was redesignated Subpart R on May 29, 1981 (46 FR 29190). It includes provisions which explain when proof is necessary to establish family relationships. Section 416.1821 currently requires persons under age 21 and living with their parents to show us proof of marriage. This section is revised, because of the statutory change, to show that children subject to deeming rules (rather than children under age 21) will be asked for proof of marriage if we have reason to believe they are married. Section 416.1851 is revised to clarify which children are subject to deeming rules. Both §§ 416.1821 and 416.1851 have been cross-referred to the sections in other subparts that explain parent-to-child deeming of income and resources.

These regulations describe the process of deeming a sponsor's income and resources to an alien. Regulations will be prepared in the future to cover related provisions of the statute such as those dealing with the sponsor's responsibility to provide information, recovery of overpayments and access to the appeals process.

We certify that these regulations do not have a significant impact on small

entities because these regulations affect only individuals. Consequently, we have determined that a regulatory flexibility analysis as provided in Pub. L. 96-354, the Regulatory Flexibility Act of 1980, is not necessary.

Instructions on the implementation of these rules in these regulations have been given to operating personnel because the provisions of the statute became effective October 1, 1980.

We have determined that these regulations do not meet the criteria specified in Executive Order 12291 for a major regulation.

(Catalogue of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: October 14, 1981.

John A. Svahn,
Commissioner of Social Security.

Approved: November 24, 1980.

Richard S. Schweiker,
Secretary of Health and Human Services.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Part 416 of Title 20 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Subpart K of Part 416 is revised to read as follows:

Authority: Secs. 1102, 1601, 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631(d), 49 Stat. 647, as amended, 86 Stat. 1465, 1466, 1468, 1470, 1473; 42 U.S.C. 1302, 1381, 1381a, 1382, 1382a, 1382b, 1382c(f) and 1383(d) unless otherwise noted. Secs. 203 and 504 of Pub. L. 96-265, 94 Stat. 449, and 94 Stat. 471 (42 U.S.C. 1382c and 42 U.S.C. 1382j).

2. Section 416.1148 paragraphs (a) and (b)(2), are revised to read as follows:

§ 416.1148 If you have both in-kind support and maintenance and income that is deemed to you.

(a) *The one-third reduction and deeming of income.* If you live in the household of your spouse or parent or essential person whose income can be deemed to you the one-third reduction does not apply to you. If you are an alien living in the household of your sponsor whose income can be deemed to you the one-third reduction does not apply to you. The rules on deeming income are in §§ 416.1160 through 416.1169. However, if you live in another person's household as described in § 416.1131, and someone whose income can be deemed to you lives in the same household, we must apply both the one-third reduction and the deeming rules to you.

(b) *The presumed value rule and deeming of income.* (1) * * *

(2) If you are a child (as defined in § 416.1101) who lives in the same household with an ineligible parent, and you are temporarily absent from the household to attend school (§ 416.1167(a)(2)), any food, clothing, or shelter you receive at school is income to you unless your parent purchases it. We value this income under the presumed value rule (§ 416.1140). We also apply the deeming rules to you (§ 416.1165) if appropriate.

3. Section 416.1149(c)(2)(ii) is revised to read as follows:

§ 416.1149 What is a temporary absence from your living arrangement.

* * * * *
(c) * * *
(2) * * *

(ii) However, if you are a child under age 18, and your permanent living arrangement is with an ineligible parent or essential person (§ 416.243), we follow the rules in § 416.1148(b)(2).

Note.—These rules may apply to you until you reach age 21 if you meet the exception in § 416.1165.

4. Section 416.1160 is revised to read as follows:

§ 416.1160 What is deeming of income.

(a) *General.* We use the term deeming to identify the process of considering another person's income to be your own. When the deeming rules apply, it does not matter whether the income of the other person is actually available to you, we must apply these rules anyway. There are four categories of individuals whose income may be deemed to you.

(1) *Ineligible spouse.* If you live in the same household with your ineligible spouse, we look at your spouse's income to decide whether we must deem some of it to you. We do this because we expect your spouse to use some of his or her income to take care of some of your needs.

(2) *Ineligible parent.* If you are a child to whom deeming rules apply (See § 416.1165), we look at your parent's income (and that of your parent's spouse) to decide whether we must deem some of it to be yours. We do this because we expect your parent to use some of his or her income to take care of your needs.

(3) *Sponsor of an alien.* If you are an alien who has a sponsor and you first apply for SSI benefits after September 30, 1980, we look at your sponsor's income to decide whether we must deem some of it to be yours. This rule applies for 3 years after you are admitted to the United States for permanent residence and regardless of whether you live in

the same household as your sponsor. We deem your sponsor's income to you because your sponsor agreed to support you (signed an affidavit of support) as a condition of your admission to the United States. If two deeming rules could apply to you because your sponsor is also your ineligible spouse or parent who lives with you, we use the appropriate spouse-to-spouse or parent-to-child deeming rules instead of the sponsor-to-alien rules. If you have a sponsor and also have an ineligible spouse or parent who is not your sponsor and whose income can be deemed to you, both rules apply. If your sponsor is not your parent or spouse but is the ineligible spouse or parent of another SSI beneficiary, we use the sponsor-to-alien deeming rules for you and the appropriate spouse-to-spouse or parent-to-child deeming rules for the other SSI beneficiary.

(4) *Essential person.* If you live in the same household with your essential person (as defined in § 416.1160(c)), we must look at that person's income to decide whether we must deem some of it to you. We do this because we have increased your benefit to help meet the needs of your essential person.

(b) *Steps in deeming.* Although the way we deem incomes varies depending upon whether you are an eligible individual, an eligible child, an alien with a sponsor, or an individual with an essential person, we follow several general steps to determine how much income to deem.

(1) We determine how much earned and unearned income your ineligible spouse, ineligible parent, your sponsor (if you are an alien), or your essential person has and we apply the appropriate exclusions. (See § 416.1161(a) for exclusions that apply to an ineligible parent or spouse, § 416.1161(a-1) for those that apply to a sponsor of an alien, and § 416.1161(b) for those that apply to an essential person.)

(2) Before we deem income to you from either your ineligible spouse or ineligible parent, we allocate an amount for each ineligible child in the household. (Allocations for ineligible children are explained in § 416.1163(b).) We also allocate an amount for each eligible alien who has been sponsored by and who has income deemed from your ineligible spouse or parent. (Allocations for eligible aliens are explained in § 416.1163(b-1).)

(3) We then follow the deeming rules which apply to you.

(i) For deeming income from your ineligible spouse, see § 416.1163.

(ii) For deeming income from your ineligible parent, see § 416.1165.

(iii) For deeming income from your ineligible spouse when you also have an eligible child, see § 416.1166.

(iv) For deeming income from your sponsor if you are an alien, see § 416.1166a.

(v) For deeming income from your essential person, see § 416.1168.

(vi) For provisions on change in status, see §§ 416.1167 and 416.1169.

(c) *Definitions for deeming purposes.* For deeming purposes—

"Date of admission to or date of entry into the United States" means the date established by the Immigration and Naturalization Service as the date the alien is admitted for permanent residence.

"Dependent" means the same thing as it does for Federal income tax purposes—we mean someone you are entitled to take a deduction for on your personal income tax return. Exception: An alien and an alien's spouse are not considered to be dependents of the alien's sponsor for the purposes of these rules.

"Essential person" means someone who was identified as essential to your welfare under a State program that preceded the SSI program. (See §§ 416.241 through 416.249 for the rules on essential persons.)

"Ineligible child" means your natural child or adopted child or the child of your spouse or the natural or adopted child of your parent or of your parent's spouse (as the terms "child" and "spouse" are defined in § 416.1101), who is under age 21, lives in the same household with you, and is not eligible for SSI benefits.

"Ineligible parent" means a natural or adoptive parent, or the spouse (as defined in § 416.1101) of a natural or adoptive parent, who lives with you and is not eligible for SSI benefits. The income of ineligible parents affects your benefit only if you are a child.

"Ineligible spouse" means someone who lives with you as your husband or wife and is not eligible for SSI benefits.

"Sponsor" means an individual or individuals (but not an organization) who signs an affidavit of support agreeing to support you as a condition of your admission as an alien for permanent residence in the United States.

5. Section 416.1161 is amended by revising the material preceding paragraph (a), and by adding new paragraphs (a-1) and (d) to read as follows:

§ 416.1161 Income of an ineligible spouse, ineligible parent, sponsor of an alien, and essential person for deeming purposes.

The first step in deeming is determining how much income your ineligible spouse, ineligible parent (if you are a child), your sponsor (if you are an alien), or your essential person, has. We do not always include all of their income when we determine how much income to deem. In this section we explain the rules for determining how much of their income is subject to deeming. As part of the process of deeming income from your ineligible spouse or parent we must determine the amount of income of any ineligible children in the household.

(a-1) *For a sponsor of an alien.* We include all the income (as defined in § 416.1110 and § 416.1120) of the sponsor of an alien and of the spouse of the sponsor (if the sponsor and spouse live in the same household) except—

(1) An amount equal to the SSI Federal benefit rate for an individual eligible for SSI as an allocation for the sponsor (or for each sponsor) and an amount equal to one-half the individual Federal benefit rate for each dependent of the sponsor (a co-sponsor, the alien and the alien's spouse are not dependents for purposes of this provision);

(2) Income excluded for SSI purposes by certain Federal laws other than the Social Security Act (see the appendix to this subpart); and

(3) Income of a child in the household of the sponsor received by or on behalf of the child.

(d) *For a sponsored alien.* If you are an eligible spouse or child whose ineligible spouse or ineligible parent has income that is also deemed to an eligible alien, we do not deem any income to you from the eligible alien. We do, however, reduce the alien's allocation if he or she has income (§ 416.1163(b-1)(2)). For this purpose we do not include any of the alien's income listed in paragraph (a) of this section.

6. Section 416.1162 is added to read as follows:

§ 416.1162 When sponsor deeming rules do not apply to you if you are an alien.

If you are an alien, we do not apply the sponsor deeming rules to you if—

(a) *You are a refugee.* You are a refugee admitted to the United States as the result of application of one of three sections of the Immigration and Nationality Act: (1) Section 203(a)(7), effective before April 1, 1980; (2) Section

207(c)(1), effective after March 31, 1980; or (3) Section 212(d)(5);

(b) *You have been granted asylum.* You have been granted political asylum by the Attorney General of the United States; or

(c) *You become blind or disabled.* You become blind or disabled as defined in § 416.901 (at any age) after your admission to the United States. We stop deeming your sponsor's income to you when your disability or blindness begins.

7. Section 416.1163 is revised by adding new paragraph (b-1) and new example No. 4 to paragraph (d) to read as follows. The introductory text is set forth for the reader's convenience.

§ 416.1163 How we deem income to you from your ineligible spouse.

If you have an ineligible spouse who lives in the same household, we apply the deeming rules to your ineligible spouse's income in the following order.

(b-1) *Allocations for aliens sponsored by your ineligible spouse.* We also deduct an allocation for eligible aliens who have been sponsored by and who have income deemed from your ineligible spouse.

(1) The allocation for each alien who is sponsored by and who has income deemed from your ineligible spouse is one-half of the quarterly Federal benefit rate for an eligible individual. The amount of the allocation automatically increases whenever the Federal benefit rate increases. If the allocation applies to only one or two months of a calendar quarter, we reduce the allocation by two-thirds or one-third, as appropriate.

(2) Each alien's allocation is reduced by the amount of his or her own income.

(3) We first deduct the allocations from your ineligible spouse's unearned income. If your ineligible spouse does not have enough unearned income to cover the allocations, we deduct the balance from your ineligible spouse's earned income.

(d) *Examples.* These examples describe how we deem income in a calendar quarter to an eligible individual. Therefore, the income, the income exclusions, and the allocations are all quarterly amounts. The Federal benefit rates used are those effective July 1, 1980.

Example No. 4. Simon has a disabled spouse, Julia, and has sponsored an alien, Ollie. Julia has unearned income of \$300 and Simon has earned income of \$600. We allocate one-half the Federal benefit rate for an individual, \$357, from Simon's earned income to Ollie who has no other income.

This reduces the \$600 to \$243 in earned income to deem to Julia. We deduct \$60, the general income exclusion, from the unearned income (\$300), leaving \$240. We deduct the earned income exclusion (\$195 plus one-half the difference) from the \$243 earned income, leaving \$24. The combined countable income, \$264, is less than one-half the benefit rate for an eligible individual (\$357) so there is no income to deem. Therefore, we compute Julia's benefit on the basis of her own income. She has countable income of \$240 (\$300 less the general income exclusion of \$60). This is subtracted from the Federal benefit rate for an individual (\$714) and provides a quarterly benefit of \$474 and a monthly benefit of \$158. For the way we deem Simon's income to Ollie, see the rules in § 416.1166a.

8. Section 416.1165 is amended by revising the material preceding paragraph (a), by adding new paragraph (b-1), and by adding new examples No. 3 and No. 4 to paragraph (f) to read as follows. The introductory text of paragraph (f) is set forth for the readers convenience.

§ 416.1165 How we deem income from your ineligible parents.

If you are a child living with your parents, we apply the deeming rules to you through the month in which you reach age 18. (You reach an age the day before your birthday.) There is an exception to this rule. If you were at least age 18 but under age 21 in September 1980, and received a Federal SSI benefit for that month, we may deem your parent's income to you until you reach age 21. If you are a student and live with your parents, we deem your parents' income to you if this results in a higher benefit. We apply the rules for deeming income in the following order.

(b-1) *Allocations for aliens who are sponsored by and have income deemed from your ineligible parent.* We also deduct an allocation for eligible aliens who have been sponsored by and have income deemed from your ineligible parent as described in § 416.1163(b-1).

(f) *Examples.* These examples describe how we deem income in a calendar quarter to an eligible individual. Therefore, the income, the income exclusions, and the allocations are all quarterly amounts. The Federal benefit rates used are those effective July 1, 1980.

Example No. 3. Janet is the ineligible parent of two disabled children, Beth and Linda, and has sponsored an alien, Sean. Beth, Linda, and Sean have no income; Janet has unearned income of \$2,000. We first reduce the mother's income by an allocation

of \$357 for Sean which leaves a balance of \$1,643. Next, we allocate for the mother's own needs (the \$60 general income exclusion plus \$714, the amount of the Federal benefit rate payable to an individual), a total of \$774. The balance of \$869 (\$1,643 - \$774 = \$869) is divided equally between Beth and Linda. Each now has unearned income of \$434.50 from which we deduct the \$60 general income exclusion (\$434.50 - \$60 = \$374.50). Beth and Linda each have quarterly benefits of \$339.50 (\$714 - \$374.50 = \$339.50) and monthly benefits of \$113.17. (For the way we deem the mother's income to Sean, see examples No. 3 and No. 4 in § 416.1166a.)

Example No. 4. Gertrude has two disabled children, Mildred and Edith, and earned income of \$2,300 a quarter. We allocate for Gertrude's own needs, \$255 plus twice the Federal benefit rate for an individual (\$714 × 2 = \$1,428), a total of \$1,683. After this allocation there is \$617 that can be deemed to Mildred and Edith. Ordinarily, we would divide this equally between the children but Mildred has her own unearned income of \$700 so we deem to her only enough to make her ineligible. Mildred's income of \$700 less the \$60 general income exclusion gives her \$640 in countable income. \$75 in addition makes her ineligible (\$640 + \$74 + \$1 = \$715, or \$1 more than the \$714 Federal benefit rate for which Mildred could be eligible). We, therefore, deem \$75 to Mildred and the balance of the \$617, or \$542, to Edith. The \$60 general income exclusion reduces Edith's income to \$482 so her quarterly benefit is \$232 (\$714 - \$482 = \$232) and her monthly benefit is \$77.34. Although Mildred is now an ineligible child we do not allocate any of Gertrude's income to her because her own income exceeds the amount that could be allocated to her (\$357, one-half the Federal benefit rate).

9. Section 416.1166a is added to read as follows:

§ 416.1166a How we deem income to you from your sponsor if you are an alien.

Before we deem your sponsor's income to you if you are an alien, we add all the sponsor's earned and unearned income as defined in section 1612(a) of the Act or §§ 416.1110 and 416.1120. We include the income of the sponsor's spouse if they live in the same household. We next exclude the kinds of income listed in § 416.1161(a-1); the balance of the income is deemed to you.

(a) *If you are the only alien applying for or already eligible for SSI benefits who has income deemed to you from your sponsor.* If you are the only alien who is applying for or already eligible for SSI benefits and who is sponsored by your sponsor, all the deemed income is your unearned income.

(b) *If you are not the only alien who is applying for or already eligible for SSI benefits and who has income deemed to you from your sponsor.* If you and other aliens applying for or already eligible for SSI benefits are sponsored by the same

sponsor, we deem the income to you and the other aliens independently. The income is deemed to each of you and becomes your unearned income.

(c) *Examples.* These examples show how we deem a sponsor's income to an eligible individual who is an alien. The income, income exclusions, and the benefit rates are in quarterly amounts. The Federal benefit rates are those effective July 1, 1980.

Example 1. John, an alien who has no income, has been sponsored by Herbert who has earned income of \$4,000 and unearned income of \$200. Herbert's wife and three children have no income. We add Herbert's earned and unearned income (\$4,200) and apply the allocations for the sponsor and his dependents. No other exceptions apply. Allocations total \$2,142. These are made up of \$714 (the Federal benefit rate for an eligible individual) for the sponsor, plus \$1,428 (one-half the Federal benefit rate for an individual, \$357 each) for Herbert's wife and three children. The \$2,142 is subtracted from Herbert's income of \$4,200 which leaves \$2,058 to be deemed to John as his unearned income. John's only exclusion is the \$60 general exclusion. Since the balance, \$1,998, exceeds the Federal benefit rate of \$714, John is ineligible.

Example 2. George and Sue are an alien couple who have no income and who have been sponsored by Harry. Harry has earned income of \$2,000 and his wife, Jennie, has earned income of \$500. Their two children have no income. We combine Harry's and Jennie's income (\$2,000 + \$500 = \$2,500). We deduct the only applicable exclusions, \$714 for Harry (the Federal benefit rate for an individual) and \$1,071 for Jennie and the two children (\$357 or one-half the Federal benefit rate for each), a total of \$1,785. The exclusions (\$1,785) are deducted from the income (\$2,500) which leaves \$715. This amount must be deemed independently to George and Sue. George and Sue would qualify for SSI benefits as a couple in the amount of \$1,071 if no income had been deemed to them. The \$1,430 (\$715 each to George and Sue) deemed income is unearned income to George and Sue and is subject to the \$60 general income exclusion, leaving \$1,370. This exceeds the couple's rate of \$1,071 so George and Sue are ineligible for SSI benefits.

Example 3. Bert and Dave are aliens sponsored by their sister Jean, who has earned income of \$1,700. She also receives \$600 as survivors' benefits for her two minor children. We exclude the \$600 survivors' benefits because it is provided specifically for the children. We also exclude \$714 for Jean (the Federal benefit rate for an individual) plus \$714 (\$357, one-half the Federal benefit rate, for each child), a total of \$1,428. We subtract the \$1,428 from Jean's income of \$1,700, which leaves \$272 to be deemed to Bert and Dave. The brothers live in a boarding house (a commercial establishment) so each lives in his own household and would be eligible to receive the full Federal benefit rate of \$714. The deemed income, \$272, is deemed to Bert and to Dave. As a result Bert and Dave each have

countable income of \$212 (\$272 minus the \$60 general income exclusion). This is subtracted from \$714, the Federal benefit rate for an individual which provides a benefit of \$502 or \$167.34 per month for each.

Example 4. The same situation applies as in example No. 3 except that one of Jean's children is disabled and eligible for SSI benefits. The eligibility of the disabled child does not affect the amount of income deemed to Bert and Dave since the sponsor-to-alien and parent-to-child rules are applied independently. The child's benefit is computed under the rules in § 416.1165.

10. Sections 416.1167 (c) and (d) are revised and paragraph (e) is added to read as follows:

§ 416.1167 When a change in status affects the use of deeming rules.

(c) *When you reach age 18.* If you are a child living with your parent, we stop deeming with the month following the month you reach age 18. For example, if you reach age 18 in June, the deeming rules do not apply to you beginning in July. (You "reach" a certain age on the day before your birthday.)

(d) *When you are at least age 18 but under 21 and become a student.* If you meet the requirements for the exception to the rule for ending deeming at age 18 (§ 416.1165) and become a student when you are at least age 18 but under 21, we will apply the deeming rules, if this provides a higher benefit, in the month after you become a student. For example, if you become a student in September, the deeming rules apply beginning in October.

(e) *When you are an alien and income is no longer deemed to you from your sponsor.* If you are an alien and have had your sponsor's income deemed to you, we stop deeming the income with the month in which the third anniversary of your admission into the United States occurs. However, if you become blind or disabled (as defined in § 416.901) we stop deeming with the month in which you meet the qualifications for blindness or disability (as defined in § 416.901). For example, if you were admitted to the United States in April 1981, we will stop deeming beginning April 1984. If you are found to be disabled in August 1982, no income is deemed to you beginning with that month.

11. The appendix following Subpart K is amended as follows:

Appendix—List of Types of Income Excluded Under the SSI Program as Provided by Federal Laws Other Than the Social Security Act

II. *Housing and Utilities* * * * * *
(c) Value of any assistance paid with respect to a dwelling unit under—

- (1) The United States Housing Act of 1937;
- (2) The National Housing Act;
- (3) Section 101 of the Housing and Urban Development Act of 1965; or
- (4) Title V of the Housing Act of 1949.

Note.—This exclusion applies only if the alien is living in the housing unit for which the sponsor receives the housing assistance.

III. *Education and Employment.*

(a) Incentive allowances for individuals under section 124(a)(3) of the Comprehensive Employment and Training Act (CETA) (92 Stat. 1943, 29 U.S.C. 826(a)), also earnings and allowances paid to a youth in certain training or employment programs (applies to the youth and the youth's family) under section 446 of CETA (92 Stat. 1992, 29 U.S.C. 921).

Note.—This exclusion applies to the income of sponsors of aliens only if the alien is part of the sponsor's family.

IV. *Native Americans.*

(a) Revenues from the Alaska Native Fund paid under section 21(a) of the Alaska Native Claims Settlement Act, Pub. L. No. 92-203 (85 Stat. 713), 43 U.S.C. 1620(a).

Note.—This exclusion does not apply in deeming the income from sponsors to aliens.

(b) Indian tribes—Distribution of per capita judgment funds to members of— * * * *

2. The Grand River Band of Ottawa Indians in Indian Claims Commission docket number 40-K under section 6 of Pub. L. No. 94-450 (90 Stat. 2504).

Note.—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

(c) Receipts from land held in trust by the Federal government and distributed to members of certain Indian tribes under section 6 of Pub. L. No. 94-114 (89 Stat. 579).

Note.—This exclusion applies to the income of sponsors of aliens only if the alien lives in the sponsor's household.

V. *Other.*

(a) Compensation provided volunteers in the foster grandparents program and other similar programs, unless determined by the Director of the ACTION Agency to constitute the minimum wage, under sections 404(g) and 418 of the Domestic Volunteer Service Act of 1973 (87 Stat. 409, 413), as amended by Pub. L. No. 96-143 (93 Stat. 1077); 42 U.S.C. 5044(g) and 5058).

Note.—This exclusion does not apply to the income of sponsors of aliens.

12. The authority citation for Subpart L of Part 416 is revised to read as follows:

Authority: Secs. 1102, 1601, 1602, 1611, 1612, 1613, 1614(f), 1621, and 1631(d), 49 Stat. 647, as amended, 86 Stat. 1465, 1466, 1468, 1473; 42 U.S.C. 1302, 1361, 1361a, 1382, 1382b, 1383c(f) and 1383(d) unless otherwise noted. Secs. 203 and 504 of Pub. L. 96-265, 94 Stat. 449, and 94 Stat. 471 (42 U.S.C. 1382c and 42 U.S.C. 1382j).

13. Section 416.1202(b) is revised to read as follows:

§ 416.1202 Deeming of resources.

(b) *Child.*—(1) *Child under age 18.* In the case of a child (defined in § 416.1101) who is under age 18, the child's resources will be deemed to include resources of parents who live in the same household. The resources of parents are subject to the same exclusions that apply to an eligible individual or couple (see §§ 416.1205 through 416.1237) before any amount of resources is deemed to the child. For purposes of this section, a parent may be a natural or adoptive parent or the spouse of a parent.

(2) *Child at least age 18 but under age 21.* Children who were at least age 18 as of September 1980, and received a Federal SSI benefit for that month, will have their parents' resources deemed to them until they reach age 21 if—

(i) They live in the same household as the parents;

(ii) They are or become students; and

(iii) Deeming of parental resources provides a higher benefit to such children. It can provide a higher benefit if the child is receiving income that is not counted when deeming applies.

Example: The value of in-kind support and maintenance provided by parents is not income to a child as long as the parent's income is deemed to the child.

14. Section 416.1204 is added to read as follows:

§ 416.1204 Deeming of resources of the sponsor of an alien.

The resources of an alien who first applies for SSI benefits after September 30, 1980, are deemed to include the resources of the alien's sponsor for 3 years after the alien's date of admission into the United States. The "date of admission" is the date established by the Immigration and Naturalization Service as the date of admission for permanent residence. The resources of the sponsor's spouse are included if the sponsor and spouse live in the same household. Deeming of these resources applies regardless of whether the alien and sponsor live in the same household and regardless of whether the resources are actually available to the alien. The following rules apply in the specific situations as listed.

(a) *Deeming rules do not apply to an alien.* The sponsor deeming rules do not apply to an alien if—

(1) The alien has been admitted as a refugee as the result of application of one of three sections of the Immigration and Nationality Act: (1) Section 203(a)(7) effective prior to April 1, 1980; (2) 207(c)(1) effective after March 31, 1980; or (3) Section 212(d)(5);

(2) The alien has been granted political asylum by the Attorney General of the United States; or

(3) The alien becomes blind or disabled (as defined in § 416.901) at any age after admission to the United States. The sponsor's resources are not deemed to the alien as of the time the disability or blindness begins.

(b) *Exclusions from the sponsor's resources.* Before we deem a sponsor's resources to an alien we exclude the same kinds of resources that are excluded from the resources of an individual eligible for SSI benefits. The applicable exclusions from resources are explained in §§ 416.1210 (paragraphs (a) through (j) and (k) through 416.1237.) We next exclude \$1,500 for the sponsor or \$2,250 for the sponsor and spouse (if living together). For resources excluded by Federal statutes other than the Social Security Act, as applicable to the resources of sponsors deemed to aliens, see the appendix to Subpart K, Income. The same exclusions apply when income is held so that it becomes a resource except there is no resource exclusion under section III(c) of the appendix.

(c) *An alien sponsored by more than one sponsor.* The resources of an alien who has been sponsored by more than one person are deemed to include the resources of each sponsor.

(d) *More than one alien sponsored by one individual.* If more than one alien is sponsored by one individual the deemed resources are deemed to each alien as if he or she were the only one sponsored by the individual.

(e) *Alien has a sponsor and a relative with deemable resources.* Resources may be deemed to an alien from both a sponsor and a spouse or parent (if the alien is a child) provided that the sponsor and the relative are not the same person and the conditions for each rule are met.

(f) *Alien's sponsor is also the alien's ineligible spouse or parent.* If the sponsor is also the alien's ineligible spouse or parent who lives in the same household, the spouse-to-spouse or parent-to-child deeming rules will apply instead of the sponsor-to-alien deeming rules. If the spouse or parent deeming rules cease to apply the sponsor deeming rules will begin to apply. The spouse or parent rules may cease to apply if an alien-child reaches age 18 or if either the sponsor who is the ineligible spouse or parent or the alien moves to a separate household.

(g) *Alien's sponsor also is the ineligible spouse or parent of another SSI beneficiary.* If the sponsor is not the alien's eligible spouse or parent but is the ineligible spouse or ineligible parent

of an SSI beneficiary other than the alien, the sponsor's resources are deemed to the alien under the rules in paragraph (b) and to the eligible spouse or child under the rules in §§ 416.1202, 416.1205, 416.1234, 416.1236, and 416.1237.

15. The authority citation for Subpart R of Part 416 is revised to read as follows:

Authority: Sec. 1102, 1614(b), (c) (d), and 1631(d)(1) of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1473 and 1476; (42 U.S.C. 1302, 1382c(b), (c), and (d) and 1383(d)(1)). Sec. 203 of Pub. L. 96-265, 94 Stat. 449, 42 U.S.C. 1382c.

16. Section 416.1821 (a) and (b) are revised to read as follows:

§ 416.1821 Showing that you are married when you apply for SSI.

(a) *General Rule: Proof is unnecessary.* If you tell us you are married we will consider you married unless we have information to the contrary. We will also consider you married, on the basis of your statement, if you say you are living with an unrelated person of the opposite sex and you both lead people to believe you are married. However, if we have information contrary to what you tell us, we will ask for evidence as described in paragraph (c).

(b) *Exception: If you are a child to whom deeming rules apply.* If you are a child to whom the deeming rules apply and we receive information from you or others that you are married, we will ask for evidence of your marriage. The rules on deeming parental income are in §§ 416.1165 and 416.1166. The rules on deeming of parental resources are in § 416.1202.

17. Section 416.1851(c) is revised to read as follows. The introductory text is set forth for the reader's convenience.

§ 416.1851 Effects of being considered a child.

If we consider you to be a child for SSI purposes, the rules in this section apply when we determine your eligibility for SSI and the amount of your SSI benefits.

(c) If you are under age 18 and live with your parent or stepparent who is not eligible for SSI, we consider (deem) part of his or her income and resources to be your own. Sections 416.1165 and 416.1166 explain the rules and the exception to the rules on deeming your parent's income to be yours and § 416.1202 explains the rules and the

exception to the rules on deeming your parent's resources to be yours.

[FR Doc. 81-35403 Filed 12-9-81; 8:45 am]
BILLING CODE 4190-11-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR 117

[CGD 81-071]

Drawbridge Operation Regulations; Little Potato Slough, Calif.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of two yacht clubs, two large marinas, and several mariners, the Coast Guard is considering changing the regulation governing the Highway 12 bridge over Little Potato Slough near Stockton, California, to require the bridge to open on signal 16 hours a day from May through October with four hours advance notice required at all other times. The bridge is presently operated for 9 hours a day during the months of July, August and September with four hours notice at all other times. This action is intended to meet the needs of increased waterway traffic, improve vessel safety and reduce marine fuel consumption.

DATE: Comments must be received on or before January 25, 1982.

ADDRESS: Comments should be submitted to and are available for examination from 7 a.m. to 4 p.m., Monday through Friday, except holidays, at the office of the Commander (oan), Twelfth Coast Guard District, 630 Sansome Street, Room 936, San Francisco, California 94126.

FOR FURTHER INFORMATION CONTACT: Rose E. Guerra, Bridge Administrator, at (415) 556-8668, or at the above address.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped self-addressed postcard or envelope. The Commander, Twelfth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal.

The proposed regulation may be changed in the light of comments received.

Drafting Information

The principal persons involved in drafting this proposal are: Rose E. Guerra, Bridge Administrator, and Lieutenant Commander W. A. CASSELS, Project Attorney, District Legal Office, Twelfth Coast Guard District.

Discussion of Proposed Rule

The Little Potato Slough Bridge is a low-level swing bridge built in 1935. It provides only 13 feet vertical clearance above Mean Low Water, and a large portion of the vessels using Little Potato Slough require the draw to open for safe passage.

Marine traffic consists primarily of recreational vessels with an occasional tug, barge, dredge, or other marine construction equipment. Waterway traffic is increasing at a rate of 4% each year. Several new marinas have been built along Little Potato Slough or tributary waters to accommodate the increased boating traffic. Even with the present limited schedule of attended service, the bridge opens more than 400 times each month. The Coast Guard has had a record of inquiries over the past seven years requesting increased service at the bridge. Due to an unusual set of circumstances, it was not possible to accurately evaluate marine traffic demand at the bridge until the 1980 navigation season.

Regulatory Evaluation

This proposed regulation has been reviewed under the provisions of Executive Order 12291 and has been determined not to be a major rule. In addition, the proposed regulation is considered to be nonsignificant in accordance with guidelines set out in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since, for the reasons discussed above, the impact of the proposed regulation is expected to be minimal. In accordance with section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164), it is also certified that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities.

PART 117—DRAWBRIDGE OPERATION REGULATIONS

In consideration of the foregoing it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be

amended by revising § 117.714(g) to read as follows:

§ 117.714 San Joaquin River and its tributaries, Calif.

(g) Little Potato Slough. State of California Highway Bridge at Terminous.

(1) From May 1 through October 31, the draw shall open on signal from 6 a.m. to 10 p.m.

(2) At all other times the draw shall open on signal if at least 4 hours notice is given to the Rio Vista Bridge.

(Sec. 5, 28 Stat. 362, as amended (33 U.S.C. 499); Sec. 6(g)(2), Pub. L. 89-670, 80 Stat. 931, at 937, as amended (49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: December 24, 1981.

J. P. Stewart,

Vice Admiral, U.S. Coast Guard, Commander, Twelfth Coast Guard District.

[FR Doc. 81-35404 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[SW-4-FRL-2003-6]

North Carolina's Application for Interim Authorization; Phase II Hazardous Waste Management Program

AGENCY: Environmental Protection Agency, Region IV.

ACTION: Notice of public hearing and public comment period.

SUMMARY: Regulations to protect human health and the environment from the improper management of hazardous waste were published in the *Federal Register* on May 19, 1980 (45 FR 33063). The hazardous waste management program regulations include provisions for authorization of State programs to operate in lieu of the Federal program and for a transitional stage in which States can be granted interim program authorization. This document announces the availability for public review of the North Carolina application for Phase II Components A and B Interim Authorization, invites public comment, and gives notice of a public hearing to be held on the application.

DATE: Comments on North Carolina Interim Authorization application must be received by the close of the public hearing January 19, 1982. *Public Hearing:* EPA will conduct a public hearing on the North Carolina Interim

Authorization application at 7:00 p.m. on Tuesday, January 19, 1982. The State of North Carolina will participate in the public hearing held by EPA on this subject.

ADDRESSES: Copies of the North Carolina Interim Authorization application are available at the following addresses for inspection and copying by the public:

Solid and Hazardous Waste Management Branch, Room 213, Bath Building, 306 North Wilmington Street, Raleigh, North Carolina 27602; Telephone: 919/733-2178

Environmental Protection Agency, Regional Office Library, Room 121, 345 Courtland Street, NE., Atlanta, Georgia 30365; Telephone: 404/881-4216.

Written comments should be sent to: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; Telephone: 404/881-3016.

The public hearing will be held at: McKimmon Center, North Carolina State University, Western Boulevard, Raleigh, North Carolina.

FOR FURTHER INFORMATION CONTACT: James H. Scarbrough, Chief, Residuals Management Branch, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; Telephone: 404/881-3016.

SUPPLEMENTARY INFORMATION: In the May 19, 1980 Federal Register (45 FR 33063) the Environmental Protection Agency promulgated regulations, pursuant to the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, to protect human health and the environment from the improper management of hazardous waste. These regulations included provisions under which EPA can authorize qualified State hazardous waste management programs to operate in lieu of the Federal program. The regulations provide for a transitional stage in which qualified State programs can be granted Interim Authorization. The Interim Authorization program is being implemented in two phases corresponding to the two stages in which the underlying Federal program will take effect.

The State of North Carolina received Interim Authorization for Phase I on December 18, 1980.

In the January 26, 1981 Federal Register (46 FR 7965), the Environmental Protection Agency announced the availability of portions or components of Phase II of Interim Authorization. Component A, published in the Federal

Register January 12, 1981 (46 FR 2802) contains standards for permitting containers, tanks, surface impoundments, and waste piles. Component B published in the Federal Register January 23, 1981 (46 FR 7666) contains standards for permitting hazardous waste incinerators.

A full description of the requirements and procedures for State Interim Authorization is included in 40 CFR Part 123 Subpart F (45 FR 33479).

As noted in the May 19, 1980, Federal Register copies of complete State submittals for Phase II Interim Authorization are to be made available for public inspection and comment. In addition, a public hearing is to be held on the submittal.

Dated: December 3, 1981.

Charles R. Jeter,
Regional Administrator.

[FR Doc. 81-35458 Filed 12-9-81; 8:45 am]
BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-433; RM-3803]

FM Broadcast Station in College and Fairbanks, Alaska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 280A to either College or Fairbanks, Alaska, in response to a petition filed by Associated Students of the University of Alaska (BC Docket No. 81-435). Further information is requested of the proponent.

DATES: Comments must be filed on or before January 18, 1982, and reply comments on or before February 2, 1982.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations, (College and Fairbanks, Alaska), BC Docket No. 81-433, RM-3803.

Adopted: November 30, 1981.

Released: December 3, 1981.

¹This community has been added to the caption.

1. A *Notice of Proposed Rule Making* was issued, 46 FR 37919, published July 23, 1981, proposing the assignment of Channel 280A to College, Alaska, in response to a petition filed by Associated Students of the University of Alaska ("petitioner"). Supporting comments were filed by the petitioner, in which it restated its intent to apply for the channel, if assigned. Comments in opposition to the proposal were filed by Interior Broadcasting Corporation ("Interior"), licensee of Station KAYY, Fairbanks, Alaska. Before action can be taken on the proposal, additional information is needed with regard to the community status of College, Alaska.

2. Interior Broadcasting, in response to the *Notice*, argues that College does not qualify as a community for allocation purposes, since it is without political boundaries, and it is an amorphous area located both within and outside the city limits of Fairbanks. Its residents are required to use a Fairbanks address, according to Interior. Citing *Coker, Alabama*, 43 RR 2d 190 (1978). It also claims that the proposed assignment is in reality a fourth assignment to Fairbanks, which would exceed the Commission's population guidelines for FM assignments. Fairbanks presently has an abundance of service (local and nearby), and therefore, a need does not exist for an additional assignment to that community, in Interior's view. Additionally, it contends that the assignment of Channel 280A to Fairbanks would create an intermixture of Class A and Class C channels, and some questions remain as to whether the station will be used for a commercial or educational broadcast facility. Accordingly, Interior requests that the Commission deny the petitioner's proposal to assign Channel 280A to College.

3. The petitioner did not respond to the opposition's comments, however, we feel that the comments have merit, requiring the petitioner to submit additional information before action can be taken on the proposal. We have no independent knowledge of College's status as a community at this point. The 1970 Census listed College as a "place," a term not really defined. See *North Naples, Florida*, 41 RR 2d 1549 (1978). Even though the Census' recognition of particular places often coincides with a Commission determination that such a place is a community, it is by no means conclusive for our purposes. The criteria used by the Commission require, as noted previously, the coalescence of common interests. No such requirement is reflected in the Census listings as a

"place."² Rather the decision to include a place in the listings is based on information submitted by the county. As a result, that it chooses to have population listings in a particular fashion has no necessary connection with community status. The information submitted by the petitioner is not sufficient in itself to determine the community status of College.

4. In an earlier proceeding, the Commission reassigned Channel 284 from College to Fairbanks, Alaska, without a formal rule making proceeding. See *College, Alaska*, Mimeo No. 39553, adopted February 23, 1976. College at that time had been described to be an incorporated community, located adjacent to Fairbanks. The University's Board of Regents adopted a resolution changing the identity of the University's location to Fairbanks, primarily to correct the conflicting identification of the location of the University, as well as the problem of mailing and directory listings. However, since an educational station was involved, the Commission made no finding on the status of College as a community. Rather, the reassignment took place to conform the station's license to the location of the University of Alaska at Fairbanks, licensee of the station.

5. Therefore, based on the above findings, the petitioner is requested to submit additional information including official boundaries indicating that College is identifiable, separate and distinct from Fairbanks. Such information generally consists of the existence of such factors as social organizations, businesses, post office, community services, etc., that in some way are identified as serving College in particular. Finally, we are proposing, as an alternative, the assignment of Channel 280A to Fairbanks in case the showing cannot be made. The need for an additional channel assignment to Fairbanks may be addressed in comments.

6. Canadian concurrence in the assignment of Channel 280A to College, Alaska, has been obtained and will be requested for Fairbanks.

7. Comments are invited on the proposal to amend the FM Table of Assignments, § 73.202(b) of the rules, with respect to the communities listed below:

²The Census Bureau does not make its own independent judgment as to whether a "place" is a community in this sense before it is included in the population listing.

ALTERNATIVE I

City	Channel No.	
	Present	Proposed
College, Alaska.....		280A

ALTERNATIVE II

City	Channel No.	
	Present	Proposed
Fairbanks, Alaska.....	262, 266, 284...	262, 266, 280A, 284

8. Interested parties may file comments on or before January 18, 1982, and reply comments on or before February 2, 1982.

9. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix below before a channel will be assigned.

10. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules*, 46 FR 11549, published February 9, 1981.

11. For further information concerning this proceeding, contact Montrose H. Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.
Martin Blumenthal,
Acting Chief, Policy and Rules Division
Broadcast Bureau.

Appendix

[BC Docket No. 81-433 RM-3803]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended,

and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.402(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b), and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's

Public Reference Room at its headquarters,
1919 M Street, NW., Washington, D.C.

[FR Doc. 81-35351 Filed 12-9-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-494; RM-3597 and 3754]

FM Broadcast Station in Farmville and Appomattox, Va.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Request for Supplemental Information.

SUMMARY: Action taken herein solicits further comment on the respective positions of the parties to this proceeding. The status of current interests of each party on the proposal to assign FM Channel 274 to either Farmville or Appomattox, Virginia, is necessary to a resolution of this proceeding.

DATES: Comments must be filed on or before January 18, 1982, and reply comments on or before February 2, 1982

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

FOR FURTHER INFORMATION CONTACT: Roger D. Holberg, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Farmville and Appomattox, Virginia).

Request for Supplemental Information

Adopted: November 30, 1981.

Released: December 3, 1981.

1. The Commission has under consideration in this proceeding a *Notice of Proposed Rule Making*, 45 FR 63532, released September 25, 1980. The *Notice* proposes to assign Channel 274 to, and delete Channel 296A from, Appomattox, Virginia, or, in the alternative, to assign Channel 274 to Farmville, Virginia. Comments were filed by HTB, Inc., the licensee of Stations WTTX(AM) and WTTX-FM (Channel 296A) Appomattox;¹ Fletcher

¹ HTB, Inc. petitioned for the assignment of Channel 274 to Appomattox and the modification of its license for WTTX-FM to specify that channel of operation.

Hubbard;² Genesis Communications, Inc.,³ and Everette Broadcasting Co.⁴ Several of these parties also filed reply comments.

2. In both his comments and reply comments Fletcher Hubbard asserts that if his counterproposal is adopted by the Commission, he will form a corporation to apply for and construct a station on Channel 274 in Appomattox. He states that he would have no interest in applying for, or operating a station on, Channel 274 in Farmville, or on Channel 296A in Appomattox. HTB states that unless Channel 274 is assigned to Appomattox and its license for WTTX-FM can be modified to specify operation on that channel it will withdraw its proposal. In a letter dated October 20, 1981, counsel for HTB informed the Commission that it understands that one or more of the parties mentioned above have changed their position in the year since the close of the comment period and asked that the Commission determine whether any such position changes have, indeed, taken place in that time.

3. The October 20, letter was prompted by a conversation between Bureau staff and counsel for HTB. Since this conversation could be considered as more than a conversation concerning status, we have set forth the substance of the contact so that all interested parties may have an opportunity to comment. In the conversation, it was indicated to the Bureau staff that counsel for HTB had attempted to contact Fletcher Hubbard to ascertain his intentions and to discuss the possibility of entering into negotiations to resolve the apparent mutually exclusive desires of the two parties. Apparently all attempts to locate Mr. Hubbard proved unsuccessful leading HTB to believe that he may have abandoned his intentions in this matter. We believe it advisable to notify all of the parties of this contact and to solicit further information concerning the intentions of the parties. We are hesitant to pursue any of the options under consideration absent such

² Hubbard also filed a counterproposal seeking the addition of Channel 274 to Appomattox but with the retention of Channel 296A in that community.

³ Genesis Communications' comment was filed late and has not been considered in this proceeding. Additionally Genesis has filed a Petition for Rule Making asking that Channel 296A be assigned to Bedford, Virginia, if we adopt HTB's proposal in this matter. Genesis' petition has been held in abeyance pending the resolution of this proceeding.

⁴ Everette Broadcasting petitioned for the assignment of Channel 274 to Farmville and expressed an intent to apply if it is so assigned.

information since, should any of the parties no longer wish to pursue their proposal or counterproposal, as the case may be, it could have a major effect on this proceeding.⁵

4. Accordingly, the Commission is requesting all of the parties to advise it of their present intentions in this matter. This is especially so with regard to Mr. Hubbard's intentions which have been called into question. On the basis of this additional information, the Commission will be better able to weigh the merits of the positions of both parties and arrive at an equitable resolution of this proceeding. The Commission is expressly requesting that the comments address only the intentions of the parties and that no further information concerning the comparative merits of the various proposals and counterproposal be provided.

5. Interested parties may file comments on or before January 18, 1982, and reply comments on or before February 2, 1982.

6. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. For further information concerning this proceeding, contact Roger D. Holberg, Broadcast Bureau, (202) 632-7792.

8. It is requested that the Secretary shall send, by certified mail, return receipt requested a copy of this Request for Supplemental Information to Fletcher Hubbard c/o Eric L. Bernthal, Esquire, Arent, Fox, Kintner, Plotkin and Kahn, 1815 H Street NW., Washington, D.C. 20006.

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

Federal Communications Commission.

Martin A. Blumenthal,

Acting Chief, Policy and Rules Division,
Broadcast Bureau.

[FR Doc. 81-35411 Filed 12-9-81; 8:45 am]

BILLING CODE 6712-01-M

⁵ For instance, HTB has indicated that it would withdraw its proposal if it cannot have its license for WTTX-FM modified to specify Channel 274 without a comparative hearing with Fletcher Hubbard. Therefore, if Hubbard's expression of interest continues and HTB withdraws its proposal, only the Farmville proposal will remain for our consideration. If, on the other hand, Fletcher Hubbard does not still harbor the intent expressed in his earlier filings both proposals will remain subject to consideration.

DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety
Administration

49 CFR Part 571

[Docket No. 81-21; Notice 1]

Standard No. 111, Rearview Mirrors

AGENCY: National Highway Traffic Safety Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a petition from the North Carolina State Board of Education, the agency proposes a change in the mirror requirements for school buses. Standard No. 111, *Rearview Mirrors*, currently requires the use of a convex crossview mirror with a uniform radius of curvature on the front of school buses. The crossview mirror allows the bus driver to spot school children in front of the bus while it is being loaded and unloaded. North Carolina petitioned the agency to allow convex mirrors with a nonuniform radius of curvature as crossview mirrors. North Carolina field tests have shown that such mirrors can provide a wider field of view for the bus driver. The proposed change would eliminate a design restriction in the current standard and allow the use of mirrors that are at least equivalent to current mirrors.

DATES: Comment closing date January 25, 1982.

Proposed effective date: 30 days after publication of the final rule in the Federal Register.

ADDRESS: Comments should refer to the docket number and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Docket hours are 8 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Kaehn, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1351).

SUPPLEMENTARY INFORMATION: Standard No. 111, *Rearview Mirrors*, sets requirements for the mirror systems used on passenger cars, trucks, multipurpose passenger vehicles, and buses. Section 9.2 of the standard requires each school bus to be equipped with a crossview mirror that provides the bus driver with a view of the ground immediately in front of the bus. The mirror must be convex (i.e., the surface of the mirror is spherical rather than flat) which means that it will provide a wider field of view than an equivalent size flat mirror. In addition, the surface

must have a uniform radius of curvature of not less than 12 nor more than 25 inches. The purpose of the crossview mirror requirement is to ensure that the bus driver can quickly spot school children that may be walking in front of the bus, before entering and after exiting the bus.

The North Carolina State Board of Education has petitioned the agency to change the crossview mirror requirement. North Carolina has conducted field testing to find new ways of helping drivers spot school children walking in front of and to the sides of school buses. The tests have included use of up to seven additional mirrors on the front of the bus, electronic sensing devices, and a mechanical gate arrangement attached to the front bumper. Based on a 10-month test, involving 1,500 buses, North Carolina found that a convex mirror, with a nonuniform radius of curvature, mounted on the right and left fenders, provided an adequate view to the front and sides of the bus. Since the convex mirror used by North Carolina does not have a uniform radius of curvature, it does not comply with Standard No. 111's current requirement for crossview mirrors. (The mirror used by North Carolina was manufactured by Mirror-Lite Co. and has a radius of curvature that varies between approximately 3.5 to 4.5 inches.) Thus, it could not be installed as an item of original equipment on a school bus.

The agency has examined the information provided by North Carolina on its school bus mirror field tests. In addition, the agency has examined a school bus equipped with convex mirrors with nonuniform radius of curvature to evaluate the quality of the image and field of view provided by the mirror. Finally, the agency has examined drawings, prepared by Thomas Built Buses, Inc., comparing the field of view provided by current convex mirrors with a uniform radius of curvature and convex mirrors with a nonuniform radius of curvature. Based on all the above, the agency has tentatively concluded that convex crossview mirrors with a nonuniform radius of curvature can provide an image quality and field of view that is at least equivalent to the image quality and field of view provided by convex mirrors that meet the current standard. Therefore, the agency proposes to delete the current radius of curvature requirements for convex crossview mirrors. The agency solicits comments on whether new minimum and maximum radius of curvature requirements are necessary and, if so, what those requirements should be.

An important consideration in the agency's tentative decision to allow the use of a convex mirror with a nonuniform radius of curvature is that the crossview mirror is not a "driving" mirror used to spot other vehicles approaching a school bus. The distortion produced by a nonuniform radius of curvature could impair the ability of a driver to judge the approximate distance of an approaching vehicle and the rate at which the vehicle is approaching the school bus (i.e., the closure rate). Such considerations are not crucial for a crossview mirror since its only purpose is to allow the driver to determine if a child is in front of the stationary school bus, the distance of the child from the bus or rate at which he or she is moving are not crucial.

The agency has considered the economic and other effects of this proposal and has determined that the proposed rule is not a major rule within the meaning of Executive Order No. 12291. The agency has further determined that the proposal is not significant within the meaning of the Department of Transportation's Regulatory procedures. The basis for those determinations is that the proposed rule removes a design restriction in the current standard. It does not require school buses to be equipped with new mirrors; it merely gives manufacturers the flexibility to use a different type of mirror, whose performance is at least as effective as current mirrors. The cost impact, if any, should be minimal.

The agency has also considered the effect of this proposal in relation to the Regulatory Flexibility Act and has determined that the proposal would not have a significant effect on a substantial number of small entities. The effect of the proposed amendment on small businesses is to give manufacturers the option of using new types of mirrors. It does not require any manufacturer to change its current practice.

The proposal will not have a significant effect on a substantial number of small government jurisdictions and small organizations. Those entities are affected because they are purchasers of school buses. It is unknown how many of them will exercise the voluntary choice of using new types of mirrors, but the cost impact, if any, should be minimal. Accordingly, no initial regulatory flexibility analysis has been prepared.

Finally, the agency has analyzed this proposal for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not

have any significant effect on the human environment.

Because the proposed amendment would relieve a restriction in the current standard, it is proposed that the amendment be effective 30 days after publication of the final rule.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing

date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose, in the envelope with their comments, a self-addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

In consideration of the foregoing, it is proposed that the following amendment be made in Part 571.111, *Rearview Mirrors*, of Chapter V of Title 49, Code of Federal Regulations:

1. Section 9.2 of Standard No. 111, *Rearview Mirrors*, is amended to read as follows:

Section 9.2 *Outside crossview mirror*. Each school bus, except those which are forward control vehicles, shall have a convex mirror with at least 40 in² of reflective surface and either a uniform or nonuniform radius of curvature. The crossview mirror shall be mounted so that it provides the driver a view of the front bumper and the area in front of the bus. The crossview mirror shall have a stable support.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on December 4, 1981.

Courtney M. Price,
Acting Associate Administrator for
Rulemaking.

[FR Doc. 81-35328 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-59-M

49 CFR Part 580

[Docket No. 81-13; Notice 1]

Odometer Disclosure Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Grant of petition and notice of proposed rulemaking.

SUMMARY: This notice responds to a petition submitted by General Motors Corporation to exempt from the Odometer Disclosure Requirements (49 CFR Part 580) all sales of new motor vehicles by a manufacturer directly to any agency of the United States. In response to this petition the agency is proposing to amend 49 CFR Part 580 to permit this exemption from the disclosure requirements. The purpose of this proposed change is to alleviate the burden on manufacturers of complying with this requirement.

DATE: Comments must be submitted by January 25, 1982. The proposed effective

date is the date of publication of a final rule in the *Federal Register*.

ADDRESS: Comments should refer to the docket and notice number and be submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Docket hours are 8:00 a.m. to 4:00 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Kathleen DeMeter, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-1834).

SUPPLEMENTARY INFORMATION: Since March 1, 1973, a regulation has been in effect which requires the transferor of a motor vehicle to make written disclosure to the transferee concerning the odometer mileage and its accuracy. This regulation (49 CFR Part 580) lists four exceptions where the transferor need not disclose the vehicle's mileage. Those exceptions include:

1. A vehicle having a gross vehicle weight rating of more than 16,000 pounds;
2. A vehicle that is not self-propelled;
3. A vehicle that is 25 years old or older; and
4. A new vehicle prior to its first transfer for purposes other than resale.

General Motors has recently filed a petition for rulemaking with the agency seeking to exempt an additional category of transactions from the odometer disclosure requirements. GM proposes that a manufacturer selling motor vehicles directly to any agency of the United States in conformity with contractual specifications be exempt from these requirements. GM indicated that this exemption would be an extension of the fourth existing exemption which already exempts most of a vehicle manufacturer's transfers from the odometer disclosure requirements. GM stressed that the disclosure requirements were designed to protect consumers against odometer fraud during retail sales transactions. The conditions lending themselves to fraud in the retail market are, GM urged, nonexistent in manufacturer-to-government sales. GM also listed several practical difficulties with the execution of odometer statements in manufacturer-to-government sales.

PART 580—ODOMETER DISCLOSURE REQUIREMENTS

In consideration of the foregoing, it is proposed that 49 CFR 580.5 be revised to read as follows:

§ 580.5 Exemptions.

Notwithstanding the requirements of § 580.4—

(a) A transferor of any of the following motor vehicles need not disclose the vehicle's odometer mileage;

(1) A vehicle having a gross vehicle weight rating, as defined in § 571.3 of this chapter, of more than 16,000 pounds;

(2) A vehicle that is not self-propelled;

(3) A vehicle that is 25 years old or older; or

(4) A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications.

(b) A transferor of a new vehicle prior to its first transfer for any purposes other than resale need not disclose the vehicle's odometer mileage.

The agency has assessed the economic and other impacts of the proposed change and determined that this is not a major rule within the meaning of Executive Order 12291. Neither is it a significant rule under the Department of Transportation's policies and procedures for implementing that order. Based on that assessment, the agency concludes also that the economic and other consequences of this proposal are so minimal as not to require preparation of a regulatory impact analysis or a regulatory evaluation. I hereby certify that the proposed rule will not have a significant economic impact on a substantial number of small entities and, therefore, preparation of an Initial Flexibility Analysis is not necessary. The impact is minimal since the amendment does not impose new requirements, but in fact, alleviates existing requirements.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted. All comments received on or before the close of business on the comment closing date indicated above

will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments received after the closing date will be considered. However, the final standard may be issued at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Sec. 408, Pub. L. 92-513, 86 Stat. 947, as amended by Pub. L. 94-364, 90 Stat. 981 (15 U.S.C. 1988); delegation of authority at 49 CFR 1.50(f)).

Frank Berndt,
Chief Counsel.

[FR Doc. 81-35327 Filed 12-9-81; 8:45 am]
BILLING CODE 4910-59-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Ch. VI****Mid-Atlantic Fishery Management Council and Its Scientific and Statistical Committee; Public Meetings**

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

ACTION: Proposed rule; meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council was established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265) and as authorized by the Act, the Council has established a

Scientific and Statistical Committee (SSC). The Council and its SSC will hold separate public meetings. The Council will meet to discuss quota recommendations for fishing year 1982-1983, for the Squid, Atlantic Mackerel and Butterfish Fishery Management Plan (FMP), as well as discuss the status of other FMP's; discuss gear conflict regulations, foreign fishing applications, and other fishery management and administrative matters. The SSC will also meet to discuss quota recommendations for fishing year 1982-1983, for the Squid, Atlantic Mackerel and Butterfish FMP, as well as discuss the Summer Flounder FMP and other fishery matters. The meetings may be rearranged or changed depending upon progress on the same.

DATES: The Council meeting will convene on Wednesday, January 13, 1982, at approximately noon and will adjourn on Thursday, January 14, 1982, at approximately 3 p.m. The SSC meeting will convene on Wednesday, January 6, 1982, at approximately 10 a.m., and will adjourn at approximately 3:30 p.m.

ADDRESS: Both the Council and SSC meetings will take place at the Best Western Airport Motel, Route 291, Philadelphia International Airport, Philadelphia, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council, Federal Building—Room 2115, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: December 7, 1981.

Jack L. Falls,
Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-35349 Filed 12-9-81; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 46, No. 237

Thursday, December 10, 1981

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

DEPARTMENT OF AGRICULTURE

Forest Service

Pacific Crest National Scenic Trail Relocation, Acton-Agua Dulce Segment, Angeles National Forest, Los Angeles County, California; Decision and Finding of No Significant Impact

An environmental assessment of a proposed relocation of the Pacific Crest National Scenic Trail (PCNST) in the vicinity of Acton-Agua Dulce, Los Angeles County, California, has been completed.

Based on the analysis and evaluation described in the environmental assessment for the Acton-Agua Dulce Segment of the PCNST, it is my decision to adopt Route 4. A detailed description and maps of the trail relocation are included in the appendix to this decision notice.¹

The purpose of the proposed relocation of the PCNST from the Federal Published Route is to meet the needs of the trail user, as well as to minimize impacts on private landowners throughout the general area.

Public response was clearly in opposition to the Published Route location because of the adverse effect the trail would have on private lands. Subdivision-type developments predominate throughout the Published Route location, losing its conformity with the PCNST concept.

The minor relocation fits the concept of PCNST under the provisions of Section 7(b) of the National Trails Systems Act. Approximately 40 percent of the trail relocation will maximize the use of Federal and other public land.

A portion of this land will provide trailhead and trailcamp facilities. The only deviation from the concept of the PCNST is utilization of a county road right-of-way for a 2.5-mile distance. The use of the road shoulder greatly reduces

the adverse effect to landowners and meets the desires of the community to keep the area in its present state, which is rural in nature. The road shoulder is currently utilized by horse riders and the proposed relocation would continue to meet their needs.

Seven (7) alternative routes were considered, along with a "No Action" alternative. These routes are summarized here:

No Action—The National Trails Systems Act mandated that a trail be constructed. Therefore, the "No Action" Alternative for this segment of the trail did not meet the intent of Congress, nor did it meet the needs of the trail user.

Published Route—This is an all trail alternative, starting at the National Forest boundary, traversing through private land, and ending at National Forest System land to the north.

Route 1—This is a road-trail combination utilizing road rights-of-way and private land.

Route 2—This is an all road alternative utilizing existing road rights-of-way along Sierra Highway.

Route 3—This is an all road alternative, utilizing existing road rights-of-way along Hubbard Road, Escondido Canyon Road, Agua Dulce Canyon Road, Mint Canyon Road, and Peterson Road.

Route 4—This is a road-trail combination utilizing public land and road rights-of-way along Agua Dulce Canyon Road, Mint Canyon Road, and Peterson Road. This route is considered to be the most environmentally preferable alternative.

Route 5—This is a road-trail combination utilizing public land and road rights-of-way along Soledad Canyon Road, Agua Dulce Canyon Road, Mint Canyon Road, and Peterson Road. This also is considered an environmentally preferable alternative.

Considerable public involvement took place, and resulted in the following relevant factors being identified, which guided the decision.

- Minimize impact on private land
- Water availability
- Access and resupply
- Minimize cost
- Maintain the PCNST concept.

The California Sub Group of the PCNST Advisory Council has also been consulted, and their recommendations were considered in selecting the trail relocation route.

Routes 1, 2, 3, and 5 were for the most part road alternatives and did not meet the concept of the PCNST. Route 4 had a substantial amount of unconnected public land available. This minimized the impact on the private land holdings, both presently and in the future. Route 4 best balances the congressional intent of the National Scenic Trails Act.

All of the alternate routes, except Routes 4 and 5, utilize existing road crossings of State Highway 14, a major four lane divided highway. Routes 4 and 5 utilize large culverts, which completely separate the trail user from highway traffic.

Routes 4 and 5 are the lowest cost. Route 3 and the Published Route are the most expensive. Route 4, estimated at \$763,970 is the lowest cost, and considered the most economically preferable.

All practicable means to avoid or minimize environmental harm by the selection of Route 4 have been adopted. These measures are found both in the criteria section of the Environmental Analysis and in the mitigation measures that are part of the alternative selected.

Based on the analysis summarized above, it is determined there are no irreversible resource commitments and no irretrievable loss of habitat. The critical concerns of the public have been mitigated. No apparent adverse cumulative or secondary effects were found. The environmental assessment and the selected alternative indicate there will be no significant effects upon the quality of the human environment; therefore, an environmental impact statement is not needed.

The environmental assessment is available for review during regular working hours in the following Forest Service Offices:

USDA, Forest Service, 150 S. Los Robles Ave., Suite 300, Pasadena, CA 91101

USDA, Forest Service, Recreation Management, Room 4240, 12th and Independence Avenue SW., P.O. Box 2417, Washington, D.C. 20013.

Questions regarding this decision notice should be directed to Ed Medina, Lands Staff, Angeles National Forest, 150 S. Los Robles Ave., Suite 300, Pasadena, CA 91101, (213) 377-0050.

Implementation of this trail relocation may take place immediately.

¹ Maps filed as a part of original document.

This decision is subject to administrative review pursuant to 36 CFR 211.19.

Dated: December 3, 1981.

Douglas R. Leisz,
Associate Chief.

Appendix—Pacific Crest National Scenic Trail Relocation, Acton-Agua Dulce Segment, Angeles National Forest, Los Angeles County, CA

This minor relocation is proposed under the provisions of Section 7(b) of the National Trails Systems Act (82 Stat. 919; U.S.C. 1241-1249).

The following changes in wording to the Tuesday, January 30, 1973 Federal Register (Vol. 38, No. 19, Part II) are recommended:

Page 2836, Column 2, Paragraph 3, Lines 19 through 31 Delete:

"* * * Canyon and Mint Canyon and leaves the Angeles National Forest. The route heads southeasterly through private land, crossing Lettau Canyon, goes by Summit, crosses Antelope Valley Freeway and crosses Kashmere Canyon before passing east of Parker Mountain where the Trail swings east across Soledad Canyon and again into the Angeles National Forest. It then proceeds southerly crossing Araastre Canyon and reaches Mt. Gleason where it turns easterly on the ridge, passing Bucket and Shack triangulation stations to Mill Creek Summit where it crosses * * *"

Add:

"* * * Canyon and up to Sierra Pelona Ridge, then follows Mint Canyon southerly and leaves the Angeles National Forest. The route continues southerly along Agua Dulce Road, and then through Vasquez Rocks County Park then follows Escondido Canyon crossing under the Antelope Valley Freeway (Hwy. 14). Continuing along Escondido Canyon Road easterly then turning southerly between Bobcat Canyon where the trail crosses Soledad Canyon to Indian Canyon and again into the Angeles National Forest. Continuing southerly along Indian Canyon Road which ties into Santa Clarita Divide Road and follows the road easterly to Mt. Gleason. The trail continues on to Mill Creek Summit where it crosses * * *"

Page 2837, Column 3

SAN BERNARDINO MERIDIAN

Township	Range	Section
Delete the Following Described Private Lands		
4 North.....	13 West.....	1, 2, and 12.
5 North.....	13 West.....	5, 6, 7, 8, 9, 16, 21, 27, 28, 33, 34, and 35.
Add the Following Described Private Lands		
4 North.....	13 West.....	8, 17.
5 North.....	13 West.....	31.
5 North.....	14 West.....	14, 23, 26, and 35.

The maps shown on pages 2929 and 2930 of the published Federal Register (see Exhibits "A" and "B" attached) should be revised to show the above described trail relocation. Because the relocation runs off these maps, a

new map, Exhibit "C", is added to show this relocation.

[FR Doc. 81-35322 Filed 12-9-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Order 81-12-32]

Surinam Airways Ltd.; Application for Foreign Air Carrier Permit

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause.

SUMMARY: The Board proposed to approve the following application:

Applicant: Surinaamse Luchtvaart Matschappij, N.V. (Surinam Airways Limited).

Application Date: November 1, 1979, Docket 37025.

Authority Sought: Amended foreign air carrier permit to include passenger authority and to add the intermediate points Georgetown, Guyana; Port of Spain, Trinidad and Tobago; and Panama.

Objections: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, NO LATER THAN December 29, 1981 file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of the Republic of Surinam. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to the disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

Addresses for objections:

Docket 37025, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428

Applicant: Surinam Airways Limited c/o Harry A. Bowen, Esq., 2233 Wisconsin Avenue, N.W., Washington, D.C. 20007

To get a copy of the completed order, request it from the CAB Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Nancy Pitzer Trowbridge of the Regulatory Affairs Division, Bureau of

International Aviation, Civil Aeronautics Board, (202) 673-5134.

By the Civil Aeronautics Board: December 4, 1981.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 81-35301 Filed 12-9-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 22-81]

Foreign-Trade Zone 51, Duluth, Minnesota; Application for Expansion

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Seaway Port Authority of Duluth (the Port Authority), grantee of Foreign-Trade Zone 51, requesting authority to expand its zone to include an industrial park site in Duluth, Minnesota, within the Duluth Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on December 2, 1981. The applicant is authorized to make this proposal under Section 2, Chapter 270, Laws of Minnesota 1976.

On November 27, 1979, the Port Authority received authority from the Board to establish a foreign-trade zone project (Board Order 149, 44 FR 70508, 12/7/79). The facility is located on a 1.3-acre parcel with an 11,000 square foot building within the Arthur M. Clure Public Marine Terminal in Duluth.

So that it can serve operations with large space requirements and firms requiring their own facilities, the Port Authority now requests the addition of an industrial park site as part of its zone project. The proposed facility covers 29 acres at Enterprise Circle and Airpark Boulevard within the 120-acre Airpark Industrial Park, Duluth, adjacent to the Duluth International Airport. A number of firms have recently expressed an interest in using zone procedures at Airpark for storage, light processing and assembly of electronic products and medical equipment and supplies.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report to the Board. The committee consists of Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Robert W. Nordness, District Director, U.S.

Customs Service, Region IX, 209 Federal Building, Duluth, Minnesota 55802; and Colonel Robert V. Vermillion, District Engineer, U.S. Army Engineer District Detroit, P.O. Box 1027, Detroit, Michigan 48231.

Comments concerning the proposed zone expansion are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before January 8, 1982.

A copy of the application is available for public inspection at each of the following locations:

U.S. Customs District Office, 209 Federal Building, Duluth, Minnesota 55802

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and E Streets, N.W., Room 3721, Washington, D.C. 20230

Dated: December 7, 1981.

John J. Da Ponte, Jr.,
Executive Secretary, Foreign-Trade Zones Board.

[FR Doc. 81-35371 Filed 12-9-81; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Die Presses From Italy; Revocation of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Revocation of Countervailing Duty Order.

SUMMARY: The Department of Commerce is revoking the countervailing duty order on die presses from Italy because of the termination of an injury investigation by the International Trade Commission. All entries of this merchandise made on or after April 3, 1980, shall be liquidated without regard to countervailing duties.

EFFECTIVE DATE: December 10, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2802, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-1167).

SUPPLEMENTARY INFORMATION: On June 10, 1974, a final countervailing duty determination on die presses from Italy, T.D. 74-165, was published in the Federal Register (39 FR 20369).

On April 3, 1980, the International Trade Commission ("the ITC") notified the Department of Commerce ("the

Department") that an injury determination for this order had been requested under section 104(b) of the Trade Agreements Act of 1979 ("the TAA"). Therefore, following the requirements of that section, liquidation was suspended on April 3, 1980 on all shipments of die presses from Italy entered, or withdrawn from warehouse, for consumption on or after that date.

On July 2, 1981, the Department published the final results of its administrative review of this order as required by section 751 of the Tariff Act of 1930 (46 FR 34618). The Department determined that a net subsidy on die presses from Italy of 20 lire per kilogram of this merchandise was being conferred during the period of review and reported that rate to the ITC.

On November 18, 1981, the ITC published its termination of the countervailing duty investigation under section 104(b) of the TAA due to the original petitioner's withdrawal of its petition. The termination of this investigation has the same effect as a determination that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports from Italy of die presses covered by the countervailing duty order if the order were revoked (46 FR 56682). As a result, the Department is revoking the countervailing duty order concerning die presses from Italy (T.D. 74-165) with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after April 3, 1980, the date the Department received notification of the request for an injury determination.

The Department will instruct Customs officers to proceed with liquidation of all unliquidated entries of this merchandise made on or after April 3, 1980 without regard to countervailing duties and to refund any estimated countervailing duties collected with respect to these entries. Entries, or withdrawals from warehouse, for consumption made prior to April 3, 1980, are subject to countervailing duties as set forth in the final results of the administrative review.

(section 104(b)(4)(B) of the TAA (19 U.S.C. 1671 note).)

Gary N. Horlick,
Deputy Assistant Secretary for Import Administration.

December 3, 1981.

[FR Doc. 81-35390 Filed 12-9-81; 8:45 am]

BILLING CODE 3510-25-M

Viscose Rayon Staple Fiber From Sweden; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On July 13, 1981, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on viscose rayon staple fiber from Sweden. The review is based upon information for the period October 1, 1979 through September 30, 1980. The notice stated that the Department had preliminarily determined the amount of net subsidy to be 3.44 percent of the f.o.b. invoice price for regular fiber and 40.37 percent of the f.o.b. invoice price for modal fiber. Interested parties were invited to comment on these preliminary results. After analysis of all comments received, the Department finds no basis for changing its conclusions. Therefore, countervailing duties in the amount of 3.44 percent of the f.o.b. invoice price for regular fiber and 40.37 percent of the f.o.b. invoice price for modal fiber shall be assessed on all entries of this merchandise made during the period January 1, 1980 through September 30, 1980. The Department further determines that a cash deposit of estimated countervailing duties at these same rates shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results.

EFFECTIVE DATE: December 10, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Compliance, Room 2802, International Trade Administration, U.S. Department of Commerce, Washington, D.C., (202-377-1167).

SUPPLEMENTARY INFORMATION:

Procedural Background

On July 13, 1981, the Department of Commerce ("the Department") published in the Federal Register (46 FR 35949) a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" on viscose rayon staple fiber from Sweden (T.D. 79-141, 44 FR 28319). The Department has now completed that administrative review.

Scope of the Review

Imports covered by this review are both regular and high-wet modulus

("modal") viscose rayon staple fiber from Sweden. These imports are currently classifiable under items 309.4320 and 309.4325, Tariff Schedules of the United States Annotated.

The review is based upon information for the period October 1, 1979 through September 30, 1980, and it is limited to the two programs found countervailable in the original order: the elderly employment compensation program and the interest free loans/grants program. The sole Swedish producer is Svenska Rayon AB ("Svenska").

Analysis of Comments Received

The petitioner raised three issues to support a claim that a single countervailing duty rate be applied to both regular and modal fiber.

(1) *Rayon Staple Fiber is One Product.* The petitioner argues that rayon staple fiber, whether modal or regular fiber, is one product. To support this position, the petitioner cited several determinations by Treasury, certain of which were subject to injury determinations at the International Trade Commission ("the ITC"), with respect to the scope of the "class or kind" of merchandise.

While we agree that regular and modal fiber constitute one "class or kind" of merchandise, that fact has no bearing on this issue. Svenska received grants to develop a separate facility to produce modal fiber, a particular type of rayon staple fiber. It makes no difference in this case when determining the existence of a subsidy how many types of rayon staple fiber there are, if we clearly determine, as Treasury did, that one type of rayon staple fiber, in this instance modal fiber, has benefitted from a particular program and other types have not.

(2) *The Facility Built with the Loan/Grant Money Can Be Easily Converted to the Production of Regular Fiber.* In its "Final Determination of Countervailing Duty," Treasury stated that "the benefits provided for acquiring modal fiber machinery might have been considered a benefit applicable to regular fiber production, if it had been shown that modal machinery could easily be adapted to the production of regular fiber. However, conversion appears to be impractical from both the commercial and technical points of view. Therefore, it would be improper to allocate portions of the benefits associated with the production of modal fiber to the production of regular fiber."

At a hearing on our preliminary results held on September 11, 1981, the petitioner presented evidence through expert witnesses to support the claim

that Svenska had the capability of easily converting the production facility for modal fiber to the production of regular fiber. Citing their own experience as domestic manufacturers of rayon staple fiber, these witnesses clearly demonstrated that at their plants such conversions are frequent, not costly and essential part of being in the rayon staple fiber business. They further established that Svenska owns some of the key machinery capable of such conversions.

Svenska responded that, whatever the situation may be for U.S. manufacturers, it is immaterial to Svenska. Expert testimony presented on behalf of Svenska demonstrated that the plan for producing modal fiber was designed solely for this purpose, that the flexibility for easy conversion did not currently exist, and that to convert from the production of modal fiber to regular fiber now would require 2-3 months. To achieve a capacity to convert readily between the production of modal fiber and regular fiber would require further technical development and additional capital investment. Svenska stated that given the recent modernization and expansion of its facilities for producing regular fiber and its consequent existing capacity to expand production at small cost, any commercial need for developing the capacity to convert its modal production facility was remote.

Since this review covers a past period and both the petitioner and Svenska agree that adaptations necessary for the conversion of the modal facility to production of regular fiber have not occurred, the issue of convertibility does not apply to entries during the period of review. In addition, with no clear demonstration that Svenska can or will soon be able to produce regular fiber at the facility built with the loan/grant money, the Department does not currently consider this issue germane to future entries. Should the Department find during a subsequent review that Svenska is producing regular fiber at this facility or has made the necessary technical adjustments and capital investments which would enable such conversion, we will reassess our position.

(3) *The Subsidy Benefits a Product Not Directly Subsidized.* The petitioner argues that, independent of the issue of convertibility, the funds from the loan/grant program reduce overall costs and consequently benefit all aspects of Svenska's single, unified rayon operation, including the production of regular fiber. According to the petitioner, many of the upstream productive facilities and much of the

administrative overhead, whose full cost was one borne by Svenska's regular rayon production alone, are now shared by both regular and modal production. From this the petitioner concludes that many fixed costs are spread over more productive capacity and that per-unit variable costs are lower due to economies of scale.

Such conclusions are speculative because no cost data was presented. Since production of modal fiber represented only 10 percent of Svenska's production during the period of review, any economies of scale would have been small at best. However, it is equally plausible that as these common facilities operate closer to full capacity they incur higher per-unit costs, having reached the point of diminishing returns.

Whatever the situation, we would not consider possible benefits to the regular fiber plant if operation of the modal fiber plant resulted in lower per-unit operating costs for common upstream facilities anymore than we would permit claims for offsets to the subsidy if operation of the modal fiber plant incurred higher per-unit costs for these common facilities. It is the Department's policy not to recognize any indirect benefits to a lateral, non-subsidized facility when such benefits would have to be passed through non-subsidized, upstream facilities.

Final Results of the Review

After review of the comments received from interested parties, our analysis of programs as set forth in our preliminary results remains unchanged. As stated in our preliminary results, we determine the aggregate net subsidy conferred by the Government of Sweden on the production of modal viscose rayon staple fiber to be 40.37 percent of the f.o.b. invoice price and on the production of regular viscose rayon staple fiber to be 3.44 percent of the f.o.b. invoice price.

The U.S. Customs Service shall assess countervailing duties at the rates stated above on all unliquidated entries of modal and regular viscose rayon staple fiber from Sweden entered, or withdrawn from warehouse, for consumption on or after January 1, 1980, and exported on or before September 30, 1980. The provision of T.D. 79-141 and of section 303(a)(5) of the Tariff Act of 1930 ("the Tariff Act"), prior to the enactment of the Trade Agreements Act of 1979, apply to all entries made prior to January 1, 1980. Accordingly, the Customs Service shall assess countervailing duties on unliquidated entries of modal fiber and regular fiber

which were entered, or withdrawn from warehouse, for consumption prior to January 1, 1980 at 8.6 percent and 0 percent, respectively, of the f.o.b. invoice price, the amounts set forth in T.D. 79-141.

Further, as provided for by section 751(a)(1) of the Tariff Act, the Customs Service shall collect a cash deposit of estimated countervailing duties of 40.37 percent of the f.o.b. invoice price on modal fiber and 3.44 percent of the f.o.b. invoice price on regular fiber for all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of these final results.

These deposit requirements will remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next review by the end of May, 1982. The amount of countervailing duties to be imposed on shipments exported from October 1, 1980 to September 30, 1981 will be determined in the next administrative review.

Consequently, the suspension of liquidation previously ordered will continue for all entries of this merchandise exported on or after October 1, 1980.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: December 7, 1981.

Gary N. Horlick,
Deputy Assistant Secretary of Import
Administration.

[FR Doc. 81-35389 Filed 12-9-81; 8:45 am]
BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94-265), will meet regarding the decision process on the Billfish and Snapper-Grouper Fishery Management Plans (FMP's); discuss progress on the Swordfish FMP; discuss the status of other FMP activities, as well as discuss other management and administrative matters as appropriate.

DATES: The public meetings will convene on Tuesday, January 26, 1982,

at approximately 1:30 p.m., and will adjourn on Thursday, January 28, 1982, at approximately noon.

ADDRESS: The meetings will take place at the Days Inn, 201 West Bay Street, Savannah, Georgia.

FOR FURTHER INFORMATION CONTACT:

South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571-4366.

Dated: December 7, 1981.

Jack L. Falls,
Chief, Administrative Support Staff, National
Marine Fisheries Service.

[FR Doc. 81-35395 Filed 12-9-81; 8:45 am]
BILLING CODE 3510-22-M

National Technical Information Service

Unlimited Pegasus, Inc.; Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Unlimited Pegasus, Inc., having a place of business at Libby, Montana an exclusive right in the United States to manufacture, use and sell products embodied in the invention, "Single Line, Traction Driven Running Skyline System," U.S. Patent No. 4,103,784 dated August 1, 1978. The availability of this invention for licensing was announced in the *Federal Register* on April 20, 1979. Copies of the Patent may be obtained from the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-41.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, at the address above. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: December 3, 1981.

Douglas J. Campion,
Office of Government Inventions and Patents,
National Technical Information Service, U.S.
Department of Commerce.

[FR Doc. 81-35289 Filed 12-9-81; 8:45 am]
BILLING CODE 3510-04-M

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

Office of Territorial and International Affairs

Proposed Rules for the Allocation of Watch Quotas for Calendar Year 1982 Among Producers Located in the Virgin Islands, Guam and American Samoa

AGENCY: Import Administration, International Trade Administration, Department of Commerce; Office of Territorial and International Affairs, Department of the Interior.

ACTION: Proposed annual rules.

SUMMARY: Pursuant to Section 3 of the Departments' Codified Watch Quota regulations (15 CFR Part 303), annual rules for calendar year 1982 are being proposed. The Departments propose to make a number of substantive changes from the 1981 provisions. The proposed changes are discussed in Supplementary Information, below.

DATE: Comments must be received on or before January 15, 1982.

FOR ADDITIONAL INFORMATION CONTACT: Mr. Frank W. Creel, who can be reached on 202-377-1660.

SUPPLEMENTARY INFORMATION: In accordance with Executive Order 12291 dated February 17, 1981, the Departments of Commerce and the Interior have determined that these rules do not constitute a "major rule" as defined by Section 1(b) of the Order. They are not likely to result in:

- (1) An annual effect on the economy of \$100 million or more;
- (2) A major increase in costs or prices in either the public or private sector; or
- (3) Significant adverse impact on the domestic economy or on the ability of U.S. enterprises to compete with foreign enterprises.

Additionally, to further the intent of the Regulatory Flexibility Act, the Departments have determined that publication of these rules will have no adverse impact on small business entities. The interests of the small business entities affected by the rules, in fact, require their timely publication in

order that the Departments may allocate the duty-free quotas upon which the continued existence of these small business entities depends.

Finally, the Departments have determined that publication of these rules will impose no change in the information collection burden on the public. That burden is limited solely to those entities receiving the associated federal benefits and the information collection is made on ITA form 334P under OMB approval number 0625-0040. Accordingly, publication of these rules is consistent with the Department's responsibilities under the Paperwork Reduction Plan Act of 1980.

Since 1979 the Departments have employed a two-tier allocation system designed to maintain incentives for the several producers to engage in in-depth assembly in the insular possessions. For reasons set forth below, we propose to adopt rules containing comparable incentives without the two-tier feature.

First, the U.S. Customs Service adopted in mid-1980 minimal assembly requirements for the duty-free treatment of insular watches and watch movements. We believe that this change of practice has been effective in preventing the use of largely preassembled movements in insular production, a mode of production which grew from an insignificant to a substantial share of total insular output in the 1976-78 period. We are aware of no such production in 1981.

Second, our projection is that less than 40% of the combined Virgin Islands and Guam quota for 1981 will be used by the end of the year (compared with an average utilization of 85% in the 1967-76 period). This extraordinarily low degree of quota utilization, coupled with the fact that no producer is known currently to engage in the assembly of largely preassembled components, reduces the need for the special incentives formulated for the 1979 rules and retained in 1980 and 1981.

Accordingly, the Departments propose to adopt in place of those incentives, which split the total quota and conditioned access to part of it on the producer's satisfaction of certain minimal requirements, a rule which makes satisfaction of those same requirements a condition simply for receiving quota under reallocation procedures. Because quota earned under the allocation formula which exceeds the producer's request for quota is considered to have been voluntarily relinquished for reallocation purposes, we believe this rule, in combination with the Customs requirements, will be effective in preventing any new reliance on low-labor assembly in the territories.

We also propose to adopt the following changes in the 1982 rules:

(1) To combine the wages and tax payments of the producers in a single allocation factor, "direct economic contributions."

(2) To assign an allocation weight of 80% to direct economic contributions and a weight of 20% to shipments.

(3) To raise the ceiling on creditable wages from \$17,000 to \$18,000.

These changes are proposed in order (1) to avoid penalizing some producers (due to the widely disparate weights previously assigned to the separate wage and tax factors) who may still be making tax payments to the insular government, and to remove an artificial advantage for others who showed negative tax balances in 1981, by providing for the deduction of such negative balances from the producer's net economic contributions; (2) to continue the Departments' policy of increasing the emphasis on wage and tax payments (i.e., direct economic contributions); and (3) to offset in part the practical lowering of the wage ceiling by inflation while continuing the Departments' policy of encouraging reliance on local managerial and technical human resources.

Also, we propose, as we have in the past several years, to invite applications from new firms for all of the 1982 American Samoa quota. This quota has gone unused since 1978. Additionally, we propose to invite applications from new firms for two million units of the 1982 Virgin Islands quota. We expect approximately four million units of the 1981 Virgin Islands quota to go unused.

Finally, we propose to suspend during calendar year 1982 most of the quarterly reporting requirements set forth in § 303.8 of the codified rules (15 CFR Part 303). Those requirements are imposed primarily for the purpose of permitting the Departments to identify those producers who will not be able to use all of their quota so that the excesses can be reallocated among producers who can use additional quota. The extraordinarily low level of quota utilization in 1981 can be expected to be repeated in 1982, meaning that there is virtually no prospect of a need for industry-wide reallocation of quota next year. The proposed rule would retain, however, the requirement for producers to report any changes of ownership or control in the prior quarter.

For the above reasons, the Departments propose calendar year 1982 watch quota rules as follows:

Section 1. (a) The 1982 Virgin Islands and Guam quotas will be allocated on the basis of (1) the net dollar amount of economic contributions to the territories

consisting of the dollar amount of wages, up to a maximum of \$18,000 per person, paid by each producer during calendar year 1981 to insular residents and attributable to each producer's headnote 3(a) watch and watch movement assembly operations plus the dollar amount of income taxes paid by each producer during calendar year 1981 attributable to its headnote 3(a) watch and watch movement assembly operations (excluding penalty and interest payments and deducting income tax refunds and subsidies paid by the territorial government during calendar year 1981), and (2) the number of units of watches and watch movements assembled in the territories and entered by each producer duty-free into the customs territory of the United States during calendar year 1981.

(b) In making allocations under this formula, a weight of 80 percent will be assigned to the economic contributions factor and a weight of 20 percent will be assigned to the shipments factor. In calculating each producer's economic contributions, the Departments shall deduct from creditable wages any negative tax balances. That is, if the total of a producer's income tax payments during 1981 (excluding penalties and interest charges) is smaller than the total of refunds and subsidies received from the territorial government during 1981, the difference of the two sums shall be deducted from the producer's creditable wages for allocation purposes.

Section 2. (a) Reallocation of calendar year 1982 quota that becomes available will be restricted to those firms satisfying the criteria set forth below. Reallocation may be made to firms which: (1) Assembled all watch movements shipped during 1981 from unassembled movements having at least 26 discrete components and all watches (that is, cased movements) during 1981 from at least 29 discrete components, including at least 26 movement components and at least 3 case components; or (2) Made wage payments during 1981 in the territory averaging not less than \$.75 per watch movement and \$.95 per watch assembled and shipped into the customs territory of the United States.

(b) In determining a firm's eligibility under this criterion, the Departments may make appropriate data adjustments to take into account wages paid for the assembly of units not shipped during 1981 and shipments assembled prior to 1981.

Section 3. Quota set aside for new firms in the Virgin Islands under subsection 4(b) shall be subtracted from

the quota amount allocable under Section 1, before allocations are made pursuant thereto.

Section 4. (a) Applications from new firms are invited for the calendar year 1982 American Samoa quota. Due to the limited size of the American Samoa quota, the Departments will allocate that quota to the single firm which offers the best prospect of making a meaningful long-term contribution to the economy of the territory.

(b) Applications from new firms are invited for 2,000,000 units of the calendar year 1982 Virgin Islands quota.

(c) Applicants for new-entrant quotas must complete applicable sections of Form ITA-334P, copies of which may be obtained from the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Detailed instructions for completing ITA-334P will be provided by the Statutory Import Programs Staff together with copies of the application form.

(d) The Departments will consider new entrant applications only from firms which certify to the Departments that they are able and willing to meet the minimum assembly or wage contribution criteria established in Section 2. Following the Secretaries' determination that a qualifying application has been received, an announcement will be published in the *Federal Register* establishing a closing date for further applications. The closing date shall be 30 days from the date of such notice. If the Departments do not receive prior to September 1, 1982, a qualifying application for quota set aside by subsection (b) above, that quota may be reallocated among eligible producers pursuant to § 303.5(b) of Title 15 of the Code of Federal Regulations.

Section 5. As used in Section 2 of these rules:

(a) "Wages" means all wages up to \$18,000 per person paid to residents of the territories employed in a firm's headnote 3(a) watch and watch movement assembly operations. Excluded, however, are wages paid (i) accountants, lawyers or other professional personnel who may render special services to the firm, (ii) persons assembling non-headnote 3(a) watches and watch movements, (iii) persons engaged in the repair of non-headnote 3(a) watches and watch movements, and (iv) persons engaged in the strapping and packaging of watches. Wages paid to persons engaged in both headnote 3(a) and non-headnote 3(a) assembly and repair activities shall be credited proportionately for their headnote 3(a) activities, provided the firm maintains production and payroll records adequate

for the Departments' verification of the headnote 3(a) portion.

(b) "Discrete movement components" means screws, parts, components and subassemblies not assembled together with another part, component or subassembly at the time of importation into the territory. (A mainplate containing set jewels or shock devices, together with other parts, would be considered a single discrete component, as would a barrel bridge subassembly.) Excluded are dials, dial washers, dial screws, hour wheels, hands, automatic mechanisms and related parts, day-date mechanisms and calendar features, and jewels.

Section 6. (a) All firms must, as a condition for receipt of reallocations based on subsection 2(a) criteria, certify to the Departments that they will not alter assembly operations during calendar year 1982 in a manner which would result in their failure to satisfy the respective criteria.

(b) If the Departments have reason to believe that a producer has not complied with or is not complying with certification required by subsection (a) of this section, they may issue an order requiring the producer to show cause within 30 days of receipt of the order why the duty-free quota to which it would otherwise be entitled should not be cancelled or reduced by the Departments.

Section 7. (a) The quarterly reporting requirements of § 303.8(a) of the Code of Federal Regulations are suspended for calendar year 1982, and copies of Form IT-321P will not be forwarded to producers at the times specified by that provision.

(b) Each producer must comply with § 303.8(b) of the Code of Federal Regulations and report any changes in ownership, interest and control which have occurred during any quarter by April 15, July 15 and October 15, respectively, but may do so by letter.

(Pub. L. 89-805, 80 Stat. 1521 (19 U.S.C. 1202) as amended; 15 CFR Part 303)

Issued at Washington, D.C. on December 7, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration, International Trade Administration, U.S. Department of Commerce.

Diane Morales,

Deputy Assistant Secretary for Territorial and International Affairs, U.S. Department of the Interior.

[FR Doc. 81-35399 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-10, 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Cotton and Man-Made Fiber Apparel Products from Haiti

December 4, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by the application of swing the level of restraint for cotton and man-made fiber brassieres in Category 349/649 from 1,168,819 dozen, to 1,250,636 dozen, produced or manufactured in Haiti and exported during the agreement year which began on May 1, 1981 and extends through April 30, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979, as amended, between the Governments of the United States and Haiti, provides that specific ceilings may be increased by not more than seven percent during an agreement year (swing), provided the amount of the increase is compensated for by an equivalent decrease in one or more specific limits.

Pursuant to the terms of the bilateral agreement, as amended, and at the request of the Government of Haiti, the import restraint level established for Category 349/649 is being adjusted for the twelve-month period which began on May 1, 1981.

EFFECTIVE DATE: December 10, 1981.

FOR FURTHER INFORMATION CONTACT:

Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On May 1, 1981, there was published in the *Federal Register* (46 FR 24617) a letter dated April 28, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established import restraint levels for certain specified categories of cotton and man-made fiber textile products, produced or manufactured in Haiti and exported to the United States during the twelve-month period which began on

May 1, 1981 and extends through April 30, 1982. In accordance with the terms of the bilateral agreement and at the request of the Government of Haiti, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs in the letter published below to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Categories 349/649 and in excess of the adjusted level of restraint of 1,250,636 dozen.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.
December 4, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury,
Washington, D.C. 20229.

Dear Mr. Commissioner: On April 28, 1981, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period beginning on May 1, 1981 and extending through April 30, 1982 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in Haiti, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.¹

Effective on December 10, 1981, the level of restraint established for Category 349/649 in the directive of April 28, 1981 is amended to the following:

Category	Amended 12-month level of restraint ¹ (dozen)
349/649	1,250,636

¹The level of restraint has not been adjusted to account for any imports after April 30, 1981.

The action taken with respect to the Government of Haiti and with respect to imports of cotton and man-made fiber textile products from Haiti has been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore,

¹The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 17, 1979, as amended, between the Governments of the United States and Haiti, which provide, in part, that: (1) for the second and third agreement years, each specific limit shall be increased by seven percent annually, except Category 349/649; (2) a specific ceiling may be exceeded in any agreement year by not more than seven percent of its square yards equivalent total, provided that the amount of the increase is compensated for by an equivalent decrease in one or more specific limits; (3) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Arthur Garel

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-35367 Filed 12-9-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Department of the Army

National Board for the Promotion of Rifle Practice; Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting:

Name of Committee: The National Board for the Promotion of Rifle Practice (NBPRP)

Date of meeting: 8 January 1982

Place: Secretary of the Army Conference Room, Room 2E687, The Pentagon

Time: 0900 Hours

Proposed Agenda

1. Executive Officer Report
2. Executive Committee Report
3. Budget Committee Report
4. Appointment of Standing Committees
5. Revision to Title 10, United States Code, Sections 4307-4313
6. Program Objectives
7. Five Year Program
8. Anheuser-Busch National Match Trophy proposal
9. Revision to Army Regulation 920-30

This meeting is open to the public. Persons desiring to attend the meeting should contact the Office of the Director of Civilian Marksmanship (202) 272-0810 Prior to 8 January 1982 to arrange admission to the Pentagon.

Persons unable to make prior arrangements should call 697-5673 upon arrival at the Pentagon.

Lawrence E. Enterkin,

LTC, USA (Ret), Assistant Executive Officer.

[FR Doc. 81-35383 Filed 12-9-81; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Privacy Act of 1974; Addition of a System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Addition of a system of records.

SUMMARY: The Department of the Navy proposes to add a system of records to its inventory of records subject to the

Privacy Act of 1974. The system notice for the proposed system is set forth below.

DATES: This action will be effective on January 11, 1982, unless comments are received which result in a contrary determination.

ADDRESSES: Address all comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT:

Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-0981P) Department of the Navy, The Pentagon, Washington, D.C. 20350, telephone 202/694-2004.

SUPPLEMENTARY INFORMATION: The

Department of the Navy inventory of systems of records subject to the Privacy Act of 1974, Title 5 United States Code, Section 552a (Pub. Law 93-479, 88 Stat. 1896, *et seq.*) was published in the Federal Register at:

FR Doc. 81-897 (46 FR 6696) January 21, 1981
FR Doc. 81-3277 (46 FR 9693) January 29, 1981
FR Doc. 81-10892 (46 FR 21226) April 9, 1981
FR Doc. 81-13603 (46 FR 25337) May 6, 1981
FR Doc. 81-14976 (46 FR 27370) May 19, 1981
FR Doc. 81-16065 (46 FR 28893) May 29, 1981
FR Doc. 81-17204 (46 FR 30680) June 10, 1981
FR Doc. 81-19041 (46 FR 33070) June 26, 1981
FR Doc. 81-20655 (46 FR 36730) July 15, 1981
FR Doc. 81-22903 (46 FR 40067) August 6, 1981
FR Doc. 81-23257 (46 FR 40557) August 10, 1981
FR Doc. 81-28933 (46 FR 49173) October 6, 1981

A new system report as required by 5 U.S.C. 552a(o) was submitted for this system on November 11, 1981.

M. S. Healy,

OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.

December 7, 1981.

NO5760-1

SYSTEM NAME:

Biographical and Service Record Sketches of Chaplains.

SYSTEM LOCATION:

Office of the Chief of Chaplains,
Department of the Navy, Washington,
DC 20370.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Navy chaplains who have served on extended active duty at some time during the period 1778-1981 inclusive, and any future editions. It lists the names, years in which they were commissioned, and ecclesiastical affiliations of all who held chaplaincy commissions during the period.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical and professional summary which includes individual's full name, denomination or faith group, date and place of birth, education, ordination, date of marriage and name of spouse, first names of children, prior professional experience, authorship, prior military service (including date of commission, date of rank at commissioning, ships/stations, places and dates; and period spent, if any, in Inactive Reserve), date of augmentation (if applicable), promotion history, awards and decorations, conclusion of active duty (date of resignation, release from active duty, or retirement as applicable), post active duty career (retirees only), and distinctions which have made the chaplain's career interesting or unusually significant (corroborative material suggested).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5031.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Office of the Chief of Chaplains, the Chaplain Corps of the Navy, all U.S. Navy and Marine Corps commands, activities, and organizations, to provide background data in response to news media requests; to provide information on individual chaplains prior to public appearances in which they are scheduled to appear; to provide internal release of information as required.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Records are maintained in bound and published volumes. Source materials are in paper files.

RETRIEVABILITY:

Data is indexed alphabetically by individual names and made available upon written request.

SAFEGUARDS:

Files are locked after official working hours.

RETENTION AND DISPOSAL:

Forms and documents are destroyed after five years from the date of publication. The volumes are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chaplain Corps Historian, Office of the Chief of Chaplains, Department of the Navy, Washington, DC 20370.

NOTIFICATION PROCEDURE:

Information should be obtained from the system manager or authorized representative upon written request signed by the listed individual. The full name of the individual should be given. Individuals making inquiry in person must present personal identification.

RECORD ACCESS PROCEDURES:

The agency's rules for access to records may be obtained from the system manager.

CONTESTING RECORD PROCEDURES:

The agency's rules for contesting contents and appealing initial determinations by the individual concerned may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system comes from returned questionnaires addressed to individual chaplains, supplemented by Officer Data Cards and historical research.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-35393 Filed 12-9-81; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY**Fuel Economy for Motor Vehicles; Availability of First Edition or the 1982 Gas Mileage Guide**

The Department of Energy (DOE) hereby gives notice of the availability of the First Edition of the 1982 *Gas Mileage Guide*. The Environmental Protection Agency (EPA) has issued regulations on Fuel Economy, Testing, Labeling and Information Disclosure Procedures and Requirements (40 CFR Part 600) which, among other things, contain requirements for dealers of 1981 and later model year automobiles and light trucks to have copies of a booklet, the *Gas Mileage Guide*, available and on display in their showrooms and to keep an adequate stock on hand to meet public demand. In this booklet, prospective purchasers will be able to find the fuel economies of the various model vehicles certified as of August 31, 1981 for sale in the United States. DOE is required by Section 506(b)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*), as amended by Section 301 of the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*), to publish and distribute this booklet. Section 600.405-77 of the EPA regulations states that dealers will be expected to make these booklets

available as soon as they are received by them, but in no case later than 15 working days after notification is given of booklet availability. The publication today of this notice constitutes such notification.

The First Edition of the 1982 *Gas Mileage Guide* is available for display and distribution by dealers in their showrooms. Any dealer who has not already received *Guides* from DOE or requires additional copies should request copies in writing to the following address, specifying the quantity desired of the 49-State and/or the California version:

For bulk copies, write: Fuel Economy Distribution, Technical Information Center, Department of Energy, P.O. Box 62, Oak Ridge, Tennessee 37830.

Issued in Washington, D.C., December 2, 1981.

Joseph J. Tribble,
Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 81-35348 Filed 12-9-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 81-CERT-026]

Consolidated Edison Co. of New York, Inc.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Consolidated Edison Company of New York, Inc. (Con Edison), 4 Irving Place, New York, New York 10003, filed an application on November 2, 1981, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at six of its steam and electric generating stations located in New York City: Astoria in Queens; East River in Manhattan; Narrows in Brooklyn; Ravenswood in Queens; Waterside in Manhattan; and East 60th Street in Manhattan, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA, Division of Natural Gas Docket Room, Room 6304, 2000 M Street, N.W., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Con Edison states that the volume of natural gas for which it requests certification is approximately 21.0 billion cubic feet. This volume is estimated to displace the use of approximately 2,989,000 barrels of residual fuel oil (0.3 percent sulfur), approximately 141,000 barrels of No. 2

fuel oil (0.2 percent sulfur) and approximately 386,000 barrels of kerosene (0.05 percent sulfur) per year.

The quantities at each location are subject to considerable variation with changes in demand and availability of

the various steam and electric generating units, but estimated gas usage and resulting oil displacement volumes are listed below:

Location	Estimated volume (Bcf)	Estimated oil displacement (000 barrel)		
		0.3 percent sulfur residual	0.05 percent sulfur kerosene	0.2 percent sulfur No. 2
Astoria, 20th Avenue and 12 St., Queens	6.932	1,161		
East River, 14th St. and East River, Manhattan	1,473		247	
Narrows, 53rd St. and 1st Avenue, Brooklyn	1,884	315		
Ravenswood, 7-18 37th Avenue, Queens	0.842			141
	6.933	1,161		
Waterside, 38th to 40th St. and East River, Manhattan	0.622		104	
East 60th St., 514 East 60th St., Manhattan	2,104	352		
	0.210		35	
Totals	21,000	2,989	386	141

The eligible seller is Equitable Gas Company, 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219. The gas will be transported by Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001, Tennessee Gas Pipeline Company, A Division of Tenneco, Inc., P.O. Box 2511, Houston, Texas 77001, and Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77002.

Con Edison has in effect a certification by the ERA, effective April 13, 1981 (Docket No. 81-CERT-005), which authorizes purchases of approximately 62 billion cubic feet per year from Consolidated Gas Supply Corporation and National Fuel Gas Distribution Corporation for use at the steam and electric generating stations named in this application. It also has pending before the ERA another application filed on October 19, 1981 (Docket No. 81-CERT-025) for certification of 2.20 billion cubic feet of natural gas per year from New York State Electric and Gas Corporation for use at these same steam and electric generating stations.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 6304, RG-13, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Paula A. Daigneault, on or before December 21, 1981.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and if appropriate, why the person is a proper representative of a group or class of persons that has such

an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to Con Edison and any person filing comments and will be published in the Federal Register.

Issued in Washington, D.C. on December 3, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Economic Regulatory Administration.

[FR Doc. 81-35349 Filed 12-9-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 81-CERT-022]

Terra Chemicals International, Inc., Recertification of Eligible Use of Natural Gas To Displace Fuel Oil

On October 2, 1981, Terra Chemicals International, Inc. (Terra), P.O. Box 1828, Sioux City, Iowa 51102, filed an application with the Administrator of the Economic Regulatory Administration (ERA) pursuant to 10 CFR Part 595 for recertification of an eligible use of approximately 3,500 Mcf of natural gas per day to displace approximately 2,500,000 gallons (59,524 barrels) of No. 2 fuel oil (0.5 percent maximum sulfur) per year at its Port Neal, Iowa, plant. The eligible seller of the gas is Centennial Gas Corporation, c/o Industrial Gas Services, Inc., 4501 Wadsworth Blvd., Wheat Ridge, Colorado 80033. The gas will be transported by Northern Natural Gas Company, Colorado Interstate Gas Company, Western Slope Gas Company, and Iowa Public Service Company. Notice of that application was published in the Federal Register (46 FR 53743, October 30, 1981) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

On October 2, 1980, Terra received a recertification (ERA Docket No. 80-CERT-030) of an eligible use of natural gas purchased from Centennial Gas Corporation for a period of one year expiring October 1, 1981, for use at its Port Neal, Iowa, plant. Due to the lateness in the applicant's filing for recertification and the necessity for providing the public with an opportunity for comment, continuity with the earlier recertification was not possible. Terra informed ERA that no natural gas was being used to displace fuel oil at the close of the earlier recertification period and that no loss of oil displacement would occur as a result of delay in issuing this recertification.

The ERA has carefully reviewed Terra's application for recertification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Terra's application satisfies the criteria enumerated in 10 CFR Part 595, and, therefore, has granted the recertification and transmitted that recertification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual recertification are available for public inspection at the ERA Docket Room 6304, 2000 M Street NW., Washington, D.C. 20461, from 8:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., December 3, 1981.

T. Wendell Butler,

Acting Assistant Administrator, Economic Regulatory Administration.

[FR Doc. 81-35350 Filed 12-9-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Decisions and Orders Filed Week of November 2 through November 6, 1981

During the week of November 2 through November 6, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-1200, 2000 M Street, NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,
Director, Office of Hearings and Appeals.
December 3, 1981

Appeal

Standard Oil Co. of Ohio, 11-5-81, BEA-0732

On April 14, 1981, the Standard Oil Company of Ohio (Sohio) filed an "Application to Resubmit or Refile its Refiner's Monthly Cost Allocation Reports" with the DOE Office of Special Counsel for Compliance (OSC). OSC denied the Sohio Application, but then agreed to reconsider. Subsequently, Sohio filed an Appeal with the Office of Hearings and Appeals (OHA). In considering the firm's Appeal, the OHA found that there had not yet been a final disposition of Sohio's Application by the OSC, and that the matter was therefore not subject to appeal under the applicable DOE regulations. The OHA also rejected Sohio's contention that the OSC's failure to complete its reconsideration within 30 days constituted a constructive denial which was appealable to the OHA. For these reasons, the OHA determined that the Sohio Appeal should be dismissed without prejudice.

Remedial Orders

Davidson's Service, 11-2-81, BRO-1539

Davidson's Service objected to a Proposed Remedial Order which the Western District Office of Enforcement of the Economic Regulatory Administration (ERA) issued to the firm on July 9, 1980. In the Proposed Remedial Order, ERA found that from December 15, 1979 through May 8, 1980 Davidson violated 10 CFR 212.93 by selling motor gasoline at prices which exceeded the firm's maximum lawful selling price. In considering the firm's Statement of Objections, the DOE found that § 212.93 does not violate the provisions of Section 324 of the Clean Air Act Amendments of 1977, 42 U.S.C. 7624. The DOE therefore concluded

that the Proposed Remedial Order should be issued as a final Order subject to the modification that Davidson's overcharges be paid to the United States Treasury rather than be refunded through price rollbacks.

Prime Resources Corporation, Kenneth C. Ross, 11-5-81, BRO-1459

Prime Resources Corp. filed a Notice of Objection to a Proposed Remedial Order which the Region VI Office of Enforcement issued to the firm on July 1, 1981. In the Proposed Remedial Order, Region VI found that Prime Resources Corp. had charged prices for crude oil in excess of those specified at 10 C.F.R. Part 212, Subpart D, and had thus overcharged its customers by a total of \$4,699,629.44. After the firm failed to file a Statement of Objections, the DOE concluded that the Proposed Remedial Order should be issued as a final Order.

K. R. "Ken" Rearick d/b/a Clearview Gulf Service Center, 11-5-81, BRO-0327

K. R. "Ken" Rearick d/b/a Clearview Gulf Service Center (Rearick) filed a statement of Objections to a Proposed Remedial Order that the Southwest District Office of the Office of Enforcement of the Economic Regulatory Administration (ERA) issued to the firm on November 13, 1979. In the PRO, the ERA found that Rearick violated 10 CFR 212.93 by overcharging its motor gasoline customers. In considering the firm's Statement of Objections, the DOE found that the PRO was procedurally proper and established a prima facie case, and that Rearick failed to present any evidence to indicate that the PRO was erroneous. The DOE therefore concluded that the PRO should be issued as a final Order. One of the important issues discussed in this case involves Rearick's contention that ERA had harassed him and unfairly selected him for enforcement action.

Requests for Exception

Kentucky Oil and Refining Company Inc., 11-3-81, BEE-1625

Kentucky Oil and Refining Company, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 in which it requested relief from its obligation to purchase entitlements for the period January 1, 1981 through January 27, 1981. In considering the request, the DOE determined that Kentucky should receive \$220,181 in exception relief for that period. Accordingly, exception relief was granted.

Little America Refining Company, Inc., 11-4-81, DEE-7391

Little America Refining Company, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) in which the firm sought to be relieved of its obligation to purchase entitlements with respect to crude oil receipts and runs to stills for the period July through October 1979. In considering the request, the DOE found that exception relief was necessary to alleviate the gross inequity which the firm would incur if required to fulfill its entitlement purchase obligations. Accordingly, exception relief was granted in part. The important issues discussed in the Decision and Order are (i) the circumstances

under which exception applications in entitlements cases should no longer be considered under the *Delta* exception standards, and (ii) the method by which to terminate *Delta* relief to which the firm would otherwise be entitled.

Requests for Modification and/or Rescission

Exxon Company, U.S.A., 11-15-81, BRR-0159

Exxon Company, U.S.A. filed a Motion for Reconsideration of a Decision and Order which the office of Hearings and Appeals issued to it on August 13, 1981. *Exxon Co., U.S.A., 8 DOE ¶ 82,616 (1981)*. That decision denied nearly all aspects of a Motion for Discovery that Exxon filed in connection with a Proposed Remedial Order issued to it by the Houston Branch of the Office of Special Counsel for Compliance on May 14, 1979. The DOE found that Exxon's Motion for Reconsideration presented no compelling reasons why the August 13 determination should be modified, and largely restated arguments Exxon made in its original Motion for Discovery. Accordingly, the Motion for Reconsideration was denied.

Warrior Asphalt Co. of Alabama, Inc., 11-6-81 BYR-0137; BYR-0132; BYR-0133; BES-0172

On May 12, 1981 and June 26, 1981, Warrior Asphalt Co. of Alabama, Inc. (Warrior) filed Motions for Reconsideration of two Supplemental Orders issued to the firm by the Office of Hearings and Appeals of the Department of Energy on May 27, 1981 and June 4, 1981, respectively. In those Supplemental Orders, the DOE directed Warrior to purchase a total of \$490,098 in additional entitlements to account for excessive exception relief that the firm received for its 1979 and 1980 fiscal years. In its Motions, Warrior requested that the May 27 and June 4 determinations be modified. In considering the firm's requests, the DOE determined that there is no merit in the firm's contention that it is unable to refund \$490,098 in excessive entitlements exception relief. Accordingly, the DOE determined that Warrior's Motions for Reconsideration be denied, and the findings of the May 27, 1981 and June 4, 1981 Supplemental Orders be affirmed.

Motion for Evidentiary Hearing

Mitchell Energy Corporation, 11-4-81, BRH-0003

Mitchell Energy Corporation filed a Motion for Partial Dismissal and a Motion for Evidentiary Hearing and the Economic Regulatory Administration (ERA) filed a Motion for Partial Rescission with the DOE Office of Hearings and Appeals. All three submissions were filed in connection with a Proposed Remedial Order (PRO) issued to Mitchell by ERA Region VI on January 28, 1978. The PRO alleges that Mitchell misclassified certain of its crude oil producing properties and consequently charged unlawful prices for crude oil from these properties. The PRO requires Mitchell to repay these overcharges and to conduct a "self-audit" to identify other instances in which the firm may have misclassified its properties.

In its Motion for Partial Dismissal, Mitchell argued that the self-audit requirement was improper and should be deleted from the PRO. The DOE determined that this motion was not timely filed, and that even if it were timely filed, the self-audit requirement was not improper as a matter of law. The DOE additionally determined that Mitchell's argument that the self-audit requirement was factually unsupported could not be considered in the context of a Motion to Dismiss. Accordingly, the Mitchell Motion for Partial Dismissal was denied.

In its Motion for Partial Rescission, ERA sought to remove the self-audit requirement of the PRO under two conditions. These conditions were first, that the motion be granted for the express purpose of permitting ERA to conduct a new audit of Mitchell; and second, that the self-audit requirement be reimposed should Mitchell fail to comply with the records inspection requirement of 10 CFR 210.1, or otherwise obstruct or impede the audit. The DOE concluded that the imposition of the second condition on Mitchell without its consent would not promote the orderly conduct of the enforcement proceeding. Accordingly, the ERA Motion for Partial Rescission was denied.

In its Motion for Evidentiary Hearing, Mitchell requested that an evidentiary hearing be convened for the purpose of presenting testimony concerning the statistical basis of the self-audit requirement. The DOE found that a factual dispute did exist between Mitchell and the ERA concerning this issue. However, the DOE concluded that an evidentiary hearing of the type Mitchell contemplated would shed no further light on the issue because Mitchell had not shown that the ERA auditor whom it desired to question at the hearing possessed the necessary information about statistical techniques to serve as an expert witness. Accordingly, the Mitchell Motion for Evidentiary Hearing was denied.

Motion for Discovery

Ashland Oil, Inc., 11-16-81, BED-1676

Ashland Oil, Inc. filed a Motion for Discovery in which the firm sought to elicit information from the Economic Regulatory Administration concerning the decline in the volume of price-controlled crude oil receipts during the final months of the Entitlements Program. In considering the Motion for Discovery, the DOE found that Ashland erroneously assumed that ERA possesses information which would adequately explain the decline in reported crude oil receipts. Instead, the DOE determined that the discovery sought by Ashland is more appropriately directed at other participants in the Entitlements Program. Accordingly, the DOE Order permits Ashland to submit a proposed discovery request directed at no more than six participants in the Entitlements Program.

Interlocutory Order

Murphy Oil Corporation, 11-5-81, BRZ-0109

Murphy Oil Corporation filed a Motion for Relief from a Stipulation entered into by its counsel during a discovery hearing. That stipulation had formed the basis for the

denial of several discovery requests filed by the Office of Special Counsel (OSC). In its motion, Murphy alleged that its stipulation prevented the firm from fully litigating an important issue in the underlying enforcement action. In considering the motion, the DOE determined that the motion should be granted in order to permit full litigation of Murphy's claim on its merits. Accordingly, Murphy's motion was granted. In addition, discovery requests filed by OSC with respect to Murphy's claim were granted.

Supplemental Orders

Little America Refining Company, Inc., 11-4-81, DEX-0005

Little America Refining Company, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) in which the firm sought to be relieved of its obligation to purchase entitlements for its 1977 fiscal year. In considering the request, the DOE found that the firm had previously been afforded insufficient *Delto* relief for its 1977 fiscal year. Accordingly, exception relief was granted in part. The important issues discussed in the Decision and Order are (i) the circumstances under which adjustments may be made to a firm's historical return on invested capital for purposes of the *Delto* exception criteria, and (ii) the inequity of retroactively applying new exception standards to a previous fiscal period.

Little America Refining Company, Inc., 11-4-81, DEX-0116

Little America Refining Company, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) in which the firm sought to be relieved of its obligation to purchase entitlements for its 1978 fiscal year. In considering the request, the DOE found that the firm had previously been afforded excessive *Delta* relief for its 1978 fiscal year. Accordingly, exception relief was denied. The important issues discussed in the Decision and Order are (i) the circumstances under which adjustments may be made to a firm's historical return on invested capital for purposes of the *Delto* exception criteria, and (ii) the circumstances under which the methodology for determining a firm's current invested capital for purposes of the *Delto* standards may be altered.

Interim Order

The following firm was granted interim exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the Interim Order:

Company Name and Case No.

Pioneer Refining, BEN-0086

Dismissals

The following submissions were dismissed without prejudice:

Name and Case No.

Exxon Company, U.S.A., Mobil Oil Corp., (Canadian Allocation Program), BRH-0177,

BEA-0155, BEA-0344, BEA-0400, BEA-0446, BEA-0522, BEA-0531, BEA-0544

[FR Doc. 81-35388 Filed 12-9-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51342A; TSH-FRL-2002-7]

Certain Chemicals; Premanufacture Notices; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects the PMN generic name on two premanufacture notices (PMNs) published in the Federal Register of November 5, 1981 (46 FR 55002).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: In the Federal Register of November 5, 1981 (46 FR 55002), EPA issued a notice of receipt of two PMNs.

In the FR Doc. 81-32067 appearing at page 5502 under "PMN 81-550", first column, the generic name, "Aliphatic Polyurethane-waterborne dispersion" is corrected to read "Aliphatic polyurethane-acrylic waterborne dispersion" and under "PMN 81-551", second column, the generic name, "Aliphatic polyurethane-acrylic waterborne dispersion" is corrected to read "Aliphatic polyurethane-waterborne dispersion."

Dated: December 3, 1981.

Woodson W. Bercaw,
Acting Director, Management Support Division.

[FR Doc. 81-35333 Filed 12-9-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51363; TSH-FRL-2002-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences.

Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of eight PMNs and provides a summary of each.

DATES: Written comments by: PMN 81-608, 81-609, 81-610, 81-611, 81-612, 81-613, 81-614, and 81-615, January 30, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51363]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Management Support Division, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMNs received by EPA:

PMN 81-608

Close of Review Period. March 1, 1982.

Manufacturer's Identity. The C. P. Hall Company, 7300 South Central Avenue, Chicago, IL 60638.

Specific Chemical Identity. Polyethylene glycol di-2-ethylhexoate.

Use. The manufacturer states that the PMN substance will be used as a plasticizer.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year.....	15,000	50,000
2d year.....	50,000	150,000
3d year.....	150,000	350,000

Physical/Chemical Properties

Appearance—Clear liquid.
 Specific gravity, 25/25°C—1.022.
 Flash point, closed cup—470°F.
 Freezing point—-40°C.
 Refractive index $n_D^{25^\circ\text{C}}$ —1.4521.
 Acid value—0.51.
 Color, Gardner—1-2.
 Water, wt. %—0.04.
 OH value (IR)—<5.
 OH value (Wet)—2.7.
 Fire point, closed cup—505°F.

Toxicity Data. No data were submitted on the PMN substance.

Exposure. The manufacturer states that during manufacture 4 workers may experience inhalation exposure 4 hrs/days, 20 days/yr during loading and unloading of chemical reactants.

Environmental Release/Disposal. The manufacturer states that 10-100 kg/yr will be released to air and 100-1,000 kg/yr will be released to water. Disposal is by publicly owned treatment works (POTW), incineration, or by an approved waste disposal company.

PMN 81-609

Close of Review Period. March 1, 1982.

Manufacturer's Identity. The C. P. Hall Company, 7300 South Central Avenue, Chicago, IL 60638.

Specific Chemical Identity. Methoxy polyethylene glycol 2-ethylhexoate.

Use. The manufacturer states that the PMN substance will be used as a plasticizer.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year.....	15,000	50,000
2d year.....	50,000	150,000
3d year.....	150,000	350,000

Physical/Chemical Properties

Appearance—Clear liquid.
 Specific gravity, 25/25°C—1.058.
 Flash point, closed cup—460°F.
 Freezing point—9°C.
 Solubility: water—Complete.
 Refractive index $n_D^{25^\circ\text{C}}$ —1.458.
 Acid value—0.35.
 Color, Gardner—1-2.
 Hydroxyl value (wet)—4.2.
 Water, wt. %—0.05.
 Fire point, closed cup—505°F.

Toxicity Data. No data were submitted on the PMN substance.

Exposure. The manufacturer states that during manufacture 4 workers may experience inhalation exposure 4 hrs/days, 20 days/yr during loading and unloading of chemical reactants.

Environmental Release/Disposal. The manufacturer states that 10-100 kg/yr will be released to air 4 hrs/day, 20 days/yr and 100-1,000 kg/yr will be released to water 4 hrs/days, 20 day/yr. Disposal is by POTW, incineration, or by an approved waste disposal company.

PMN 81-610

Close of Review Period. March 1, 1982.

Manufacturer's Identity. Claimed confidential business information.

Organization information provided: Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285;e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Urethane acrylate.

Use. Claimed confidential business information. Generic use information provided: The Manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year.....	25,000	50,000
2d year.....	27,500	55,000
3d year.....	30,000	60,000

Physical/Chemical Properties

Flash point—180°F.
 Viscosity—10 stokes.
 Acid value—<5 mg KOH/g.
 Total solids—75% (105°C).

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing a total of 93 workers may experience dermal and ocular exposure up to 7 hrs/day, up to 32 days/yr during quality control, filtration, filling and clean up operations.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water and 10-1,000 kg/yr to land. Disposal is by landfill and incineration.

PMN 81-611

Close of Review Period. March 1, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—285;e.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Modified polyurethane from a diisocyanate, substituted alkane diol and mixed polyether diols.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in an open use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year.....	10,000	45,400
2d year.....	30,000	45,400
3d year.....	35,000	60,000

Physical/Chemical Properties

Flash point—193° F.
 Viscosity—700–1,000 cps.
 Acid value—5 Mg KOH/g.
 Total solids—75% (105° C).
 Color, Gardner—2.
 Hydroxyl value—20 Mg KOH/g.
Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing a total of 111 workers may experience dermal and ocular exposure up to 7 hrs/day, up to 12 days/yr during sampling analysis, transfer, testing, filling and clean up operations.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air and water and 10–1,000 kg/yr to land. Disposal is by landfill and incineration.

PMN 81-612

Close of Review Period. March 1, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided: Annual sales—Between \$10,000,000 and \$99,999,999.

Manufacturing site—West South Central region.

Standard Industrial Classification Code—286.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester of a polybasic fatty acid and a polyoxyethylated polypropylene glycol.

Use. Claimed confidential business information.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year.....	11,340	26,300
2d year.....	15,800	31,800
3d year.....	18,100	38,100

Physical/Chemical Properties

Appearance—Amber, aromatic odor.
 Specific gravity—0.96.
 Flash point—128° F.
 Vapor density—>1.0.
 Solubility: water—Insoluble.
Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing, use and disposal 13 workers may experience dermal and ingestion exposure up to 10 hrs/day, up to 30 days/yr during drumming off.

Environmental Release/Disposal. The manufacturer states that 100–1,000 kg/yr will be released to land and water. Disposal is to a POTW.

PMN 81-613

Close of Review Period. March 1, 1982.

Manufacturer's Identity. Claimed confidential business information. Organization information provided: Annual sales—Over \$500 million.

Manufacturing site—Southeast Atlantic region.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alkyl glucoside.

Use. The manufacturer states that the PMN substance will be used as an industrial and commercial surfactant.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Light to dark brown flakes.

pH—7.5 (1% aqueous solution).

Melting point—42–49° C.

Solubility: water—Readily soluble.

Surface tension (0.1% water solution)—28 dynes/cm.

Toxicity Data

Ames salmonella—Negative.

Environmental Test Data

COD mg/l/1,700,000.

BOD₅/COD—0.26 readily biodegradable.

BOD mg/l—436,065.

TOC mg/l/338,000.

Exposure. Claimed confidential business information.

Environmental Release/Disposal. The manufacturer states that 10–100 kg/yr will be released to water 1 hr/day. Disposal is to a POTW.

PMN 81-614

Close of Review Period. March 1, 1982.

Manufacturer's Identity. Freeman Chemical Corporation, 222 East Main Street, Port Washington, WI 53074.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyester urethane acrylate—blocked.

Use. The manufacturer states that the PMN substance will be used as an energy cure coating component.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year.....	2,500	20,000
2d year.....	2,500	30,000
3d year.....	2,500	

Physical/Chemical Properties. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing 6 workers may experience dermal exposure 1 hr/day, 5 days/yr during packaging, sampling, or filling drums.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to air 24 hrs/day, 5 days/yr. Disposal is by incineration.

PMN 81-615

Close of Review Period. March 1, 1982.

Manufacturer's Identity. CIBA-GEIGY Corporation, Plastics and Additives Division, Ardsley, NY 10502.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Aryl amine, epoxide polymer.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used in a contained use.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Yellow-orange solid; odorless.

Melting point—150° C.

Solubility: water—Insoluble; alcohol—Relatively low solubility; ketones—Soluble.

Vapor pressure, 25° C—Estimated to be less than 10⁻⁵ mbar.

Toxicity Data

Acute oral toxicity LD₅₀ (rat)—> 5,000 mg/kg.

Acute dermal toxicity LD₅₀ (rat)—> 3,000 mg/kg.

Skin irritation (rabbit)—Slight.

Eye irritation (rabbit)—Minimal.

Exposure. The manufacturer states that during manufacture 4 workers may experience dermal and inhalation exposure up to 7 hrs/day during sampling, transfer, and bagging.

Environmental Release/Disposal. The manufacturer states that less than 75 kg/yr will be released to air. Disposal is to an approved landfill.

Dated: December 3, 1981.

Woodson W. Bercaw,
Acting Director, Management Support
Division.

[FR Doc. 81-35335 Filed 12-9-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59072A; TSH-FRL-2002-8]

Mixture of 1-Amino-8-Naphthol-4, 6-Disulfonic Acid and Its Mono and Disodium Salts Premanufacture Exemption Application; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects the TME submitter's identity on a test marketing exemption (TME) submitted by Mobay Chemical Corporation, published in the Federal Register of November 23, 1981 (46 FR 57343).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: In the Federal Register of November 23, 1981 (46 FR 57343), EPA issued a notice of receipt of a TME submitted by Mobay Chemical Corporation, Penn Lincoln Parkway West, Pittsburgh, PA 15205.

In the FR Doc. 81-33653 appearing at page 57343 under "TME 81-47", second column, the "Manufacturer's Identity" is corrected to read "Importer's Identity" and "importer" should be substituted wherever "manufacturer" appears throughout the document.

Dated: December 3, 1981.

Woodson W. Bercaw,
Acting Director, Management Support
Division.

[FR Doc. 81-35334 Filed 12-9-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51364; TSH-FRL-2003]

1,7-Naphthalenedisulfonic Acid, 4-Benzamido-5-Hydroxy-6-((2-Sulfoxyethyl)Sulfonyl)-1-Sulfonaphthalen-2-yl)Azo-, Tetrasodium Salt; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to

submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the Federal Register of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of one PMN and provides a summary.

DATES: Written comments by: PMN 81-616, February 1, 1982.

ADDRESS: Written comments, identified by the document control number "[OPTS-51364]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW., Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following is a summary of information provided by the manufacturer on the PMN received by EPA:

PMN 81-616

Close of Review Period. March 3, 1982.

Manufacturer's Identity. American Hoechst Corporation, Route 202/206 North, Somerville, NJ 08876.

Specific Chemical Identity. 1,7-naphthalenedisulfonic acid, 4-benzamido-5-hydroxy-6-((2-sulfoxyethyl)sulfonyl)-1-sulfonaphthalen-2-yl)azo-, tetrasodium salt.

Use. The manufacturer states that the PMN substance will be used in a textile dye.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Solubility: water @ 20° C—~25%.

Toxicity Data

Acute oral toxicity LD₅₀ (rat)—5.0 g/kg.

Skin irritation (rabbit)—Non-irritant.

Eye irritation (rabbit)—Non-irritant.

Exposure. The manufacturer states that during manufacture 1 worker may experience inhalation exposure less than 10 man hrs/yr during dumping and drumming.

Environmental Release/Disposal. The manufacturer states that there will be no release to the environment. Disposal is

to a National Pollution Discharge Elimination System (NPDES).

Dated: December 3, 1981.

Woodson W. Bercaw,
Acting Director, Management Support
Division.

[FR Doc. 81-35331 Filed 12-9-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-59069A; TSH-FRL-1996-5]

Polymer of a Substituted Alkanediol, a Carbomonocyclic Anhydride, and a Substituted Alkanolic Ester; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA received an application for a test marketing exemption (TM-81-42) under section 5 of the Toxic Substances Control Act (TSCA) on October 27, 1981. Notice of receipt of the application was published in the Federal Register of November 5, 1981 (46 FR 55003). EPA has granted the exemption.

EFFECTIVE DATE: This exemption is effective on December 2, 1981.

FOR FURTHER INFORMATION CONTACT: Rose Allison, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-206, 401 M St., SW., Washington, D.C. 20460 (202-426-8815).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any

unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On October 27, 1981, the EPA received an application for an exemption from the requirements of sections 5(a) and 5(b) of TSCA to manufacture a new chemical substance for test marketing purposes. The application was assigned test marketing exemption number TM-81-42. The manufacturer claimed its identity, the specific chemical identity, and the specific use of the new substance as confidential business information. The generic name of the new substance is a polymer of a substituted alkanediol, a carbomonocyclic anhydride, and a substituted alkanolic ester and it will be used in an open use. A maximum of 40,000 kilograms (kg) will be manufactured for test market purposes, during a test marketing period not to exceed two months. During manufacture at two sites, a total of 84 workers may be exposed to the new substance 7 hours/day for 3 days. During processing, 30 workers will be exposed for 8 hours/day for 21 days. During industrial use, at sites not controlled by the submitter, a total of 124 workers will be exposed for a maximum of 8 hours/day for 45 days at average concentrations of 0-1 mg/m³ and peak concentrations of 1-10 mg/m³. A notice published in the Federal Register of November 5, 1981 (46 FR 55003) announced receipt of this application and requested comment on the appropriateness of granting the exemption. The Agency did not receive any comments concerning the application.

EPA has established that the test marketing or the substance described in TM-81-42, under the conditions set out in the application, will not present any unreasonable risk of injury to health or the environment for the reasons explained below. There were no significant health or environmental concerns for the TME substance at the levels of exposure expected to result from manufacture, processing, and industrial use. As a formulated mixture, there will be no direct exposure to consumers of the new substance. Consumer use will involve an infrequent potential for skin contact with an article containing the new substance in a cured solid state. Some potential for environmental accumulation and toxicity to aquatic species could be

expected. However, environmental release of the substance will be very low and mitigates this potential.

This test marketing exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application and, in particular, those enumerated below.

1. This exemption is granted solely to this manufacturer.

2. The applicant must maintain records of the date(s) of shipment(s) to the customer(s) specified in the application, and the quantities shipped in each shipment and must make these records available to EPA upon request.

3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.

4. The production volume of the new substance may not exceed the quantity of 40,000 kg described in the test marketing exemption application.

5. The test marketing activity approved in this notice is limited to a two-month period commencing on the date of signature of this notice by the Administrator.

6. The number of workers exposed to the new chemical should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed those specified.

The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the test marketing of this substance under the conditions specified in the application will not present an unreasonable risk of injury to human health or the environment.

Dated: December 2, 1981.

Anne M. Gorsuch,
Administrator.

[FR Doc. 81-35340 Filed 12-9-81; 8:45 am]

BILLING CODE 6560-31-M

[AEN-9-FRL-2002-1]

Issuance of NSR/PSD Permit Extension to Petro-Lewis Corp.

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice of extension and amendment of New Source Review/Prevention of Significant Deterioration permit to Petro-Lewis Corporation for the construction of four 50 MM BTU/hr

steam generators, and one 7.5 MM BTU/hr heater treater in the North Kern Front Oil Field, Kern County, California. EPA project number SJ 78-01.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on November 12, 1981 the Environmental Protection Agency issued an extension of a NSR/PSD permit to the applicant named above for approval to construct four 50 MM BTU/hr steam generators and one 7.5 MM BTU/hr heater treater, a project reduced in scope from the original. The EPA also amended the permit to reflect a revised control technology evaluation.

This permit has been issued under EPA's New Source Review (40 CFR 52.233(g)) and Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emission rates as follows: SO₂ at 0.063 lb/MMBTU; NO_x at 0.20 lb/MMBTU for each new 50 MM BTU/hr steam generator; NO_x at 0.30 lb/MMBTU for the existing 50 MM BTU/hr steam generator; TSP at 0.038 lb/MMBTU. Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER) technology include LOW-NO_x burners, flue gas scrubbing, and excess oxygen control.

Continuous monitoring is not required and the source is not subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by February 8, 1982.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Environmental Protection Assistant, E-4-1, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105.

Dated: November 25, 1981.

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region 9.

[FR Doc. 81-35341 Filed 12-9-81; 8:45 am]

BILLING CODE 6560-36-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1467]

Associated Transportation Center, Inc.; Order of Revocation

On November 30, 1981, Associated Transportation Center, Inc., Fourth and Battery Bldg., Suite 995, Seattle, WA 98121 requested the Commission to

revoke its Independent Ocean Freight Forwarder License No. 1467.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1467 issued to Associated Transportation Center, Inc. be revoked effective November 21, 1981 without prejudice to reapplication for a license in the future.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1467 issued to Associated Transportation Center, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Associated Transportation Center, Inc.

Albert J. Klingel, Jr.,
Director, Bureau of Certification and Licensing.

[FR Doc. 81-35355 Filed 12-9-81; 8:45 am]

BILLING CODE 6730-01-M

[Exemption No. 27]

Puget Sound Tug & Barge Co.; Application for Exemption From Tariff Filing Requirements

An application for extension of the currently existing exemption from the Intercoastal Shipping Act, 1933, and the Shipping Act, 1916, and regulations applicable thereto, for general cargoes transported between all ports in the contiguous Continental United States (except ports in the Mississippi River System above Baton Rouge, Louisiana) on the one hand and on the other, the Arctic Coast of Alaska between Beechy Point, Tigvariak Island (Prudhoe Bay) via the Gulf of Alaska, the Bering Sea and the Arctic Ocean has been filed by Puget Sound Tug & Barge Company (PSTB). Notice of the application appeared in the Federal Register on August 14, 1981.

PSTB requests that its current exemption be extended indefinitely or at least for a period of seven years beyond 1981. The effect of such an exemption would be a continuation of present authority to provide transportation by barge to the Prudhoe Bay area with freedom from tariff filing requirements and regulations with respect to the reasonableness of rates. Applicant states that the request for continuation of exemption for an indefinite period or at least seven years beyond 1981 is necessary since it has already executed agreements pertaining to the construction and engineering of the

Prudhoe Bay area and these agreements extend over a seven year period. Though development of the natural gas pipeline is progressing as new breakthroughs in construction and engineering agreements are reached between developing partners, the completion of the pipeline project at this point is indefinite due, in part, to continued discoveries of oil fields in the area.

Between 1970 and 1981, the Commission has granted PSTB and its predecessors, yearly and three-year exemptions from tariff filings and regulatory rate requirements of the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933. The latest exemption is scheduled to expire on December 31, 1981.

Sea-Land Service, Inc., (Sea-Land) filed comments on petitioner's application for exemption. Sea-Land has no objection to the exemption *per se*, but does object to an indefinite extension of the exemption or an extension over a long period of time. It is Sea-Land's preference that PSTB's extension not exceed a three-year period as previously granted. PSTB filed a reply to Sea-Land's comments in which it argues that an indefinite or seven-year extension should be approved since Sea-Land has not shown that it would be harmed by such an extension.

Statements in support of the application were received from major shippers utilizing the service: Arco Oil and Gas Company (a division of Atlantic Richfield Company); Sohio Alaska Petroleum Company (a subsidiary of Standard Oil of Ohio) and Stearns—Roger (under contract with Arco Oil and Gas Company). These statements indicate the need for service to fully develop the Prudhoe Bay oil fields and the natural gas pipeline for at least a period of seven years and in one instance, indefinitely.

Upon review of the application, the Commission finds that the conditions under which the exemption was initially granted and subsequently renewed have not substantially changed. The continuation of the requested exemption by PSTB would not substantially impair effective regulation by the Federal Maritime Commission, be unjustly discriminatory, or be detrimental to commerce.

Pursuant to the National Environmental Policy Act of 1969 (NEPA), the Federal Maritime Commission's Office of Energy and Environmental Impact (OEEI) has assessed the environmental impacts of this section 35 exemption. This assessment indicates that no significant adverse effects on the use of energy or the quality of the human environment

will result from the Commission's approval, or disapproval or modification of the exemption. For this reason, OEEI has concluded that preparation of an environmental impact statement is not required under section 4332(2)(c) of NEPA.

Therefore, pursuant to section 4 of the Administrative Procedure Act, 5 U.S.C. 533 and sections 35 and 43 of the Shipping Act, 1916, 46 U.S.C. 833(a) and 841(a):

It is ordered that the tariff filing requirements of the Intercoastal Shipping Act, 1933, and Shipping Act, 1916, as amended, and the reporting requirements set forth in 46 CFR Part 512 shall not apply to direct transportation of general cargo (including liquid in bulk) by water between ports in the contiguous Continental United States (excluding ports in Mississippi River System above Baton Rouge, Louisiana) and Prudhoe Bay, Alaska provided by Puget Sound Tug & Barge Company for an indefinite period commencing with the publication of this exemption in the Federal Register.

By Order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc. 81-35351 Filed 12-9-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation

would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than December 31, 1981.

A. Federal Reserve Bank of Boston (Richard E. Randall, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

First National Boston Corporation, Boston, Massachusetts (trust activities; South Carolina): To engage *de novo* through its proposed subsidiary Old Colony Trust Company of South Carolina, N.A., in activities that may be carried on by a trust company, including activities of an agency, custodial, fiduciary or investment advisory nature. Those activities would be conducted from an office to be located at Hilton Head, South Carolina, serving the state of South Carolina.

B. Federal Reserve Bank of Philadelphia (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *Fidelcor, Inc.*, Philadelphia, Pennsylvania (financing activities; Illinois): To engage through its subsidiary, Trefoil Capital Corporation, in the specific business of commercial financing, factoring and general lending. These activities would be conducted from an office in Chicago, Illinois, servicing the state of Illinois.

2. *Philadelphia National Corporation*, Philadelphia, Pennsylvania (mortgage banking activities; Illinois): To engage through its subsidiary, Colonial Mortgage Service Company Associates, Inc., in making, acquiring, and servicing real estate mortgages. These activities would be conducted from offices in Decatur, Illinois, servicing Macon County and adjoining counties.

3. *Philadelphia National Corporation*, Philadelphia, Pennsylvania (mortgage banking activities; Alaska): To engage through its subsidiary Colonial Mortgage Service Company Associates, Inc., in making, acquiring and servicing real estate mortgages. These activities would be conducted from offices in Anchorage, Alaska serving Anchorage, Alaska.

C. Federal Reserve Bank of Cleveland (Harry W. Huning, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

First National Cincinnati Corporation, Cincinnati, Ohio (underwriting credit-related life, accident, and health insurance activities, Ohio): To engage, through a proposed subsidiary, The Miami Valley Insurance Company, Phoenix, Arizona, in underwriting, as reinsurer, credit-related life, accident and health insurance related to the extension of credit by its banking subsidiaries. The activities will be performed at offices located at 1421 East Thomas Road, Phoenix, Arizona, serving Gollia, Green, Hamilton, Lawrence, Miami, Pickaway, and Scioto counties in Ohio.

D. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

South Trust Corporation, Birmingham, Alabama (lending activities related to international banking; Alabama, Mississippi and Florida): To engage in making loans or other extensions of credit related to international trade transactions, including the issuance of commercial letters of credit and execution of acceptances such as would normally be created by an international finance operation; these activities will include specifically the extension of loans secured by import/export trade receivables and similar services to fully accommodate customers engaged in international trade and related activities. These activities will be conducted from offices in Mobile, Alabama, serving a trade area extending about 75 miles from Mobile, Alabama. The activities will at no time include the acceptance of any form of deposits for the credit of any individual or business.

E. Federal Reserve Bank of Chicago (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

Northwestco, Inc., Northbrook, Illinois (leasing activities; Illinois): To engage in making leases of personal property in accordance with the Board's Regulation Y. These activities would be conducted from offices at One GBC Plaza, Northbrook, Illinois, serving the state of Illinois. Comments on this application must be received not later than December 24, 1981.

F. Federal Reserve Bank of St. Louis (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis Missouri 63166:

First Union Bancorporation, St. Louis, Missouri (leasing activities; Missouri, Arkansas, Colorado, Illinois, Iowa, Kansas, Kentucky, Louisiana, Nebraska, Tennessee and Texas): To engage through its subsidiary, Center Leasing Company, in the leasing of personal property for commercial or business use, and serving as agent, broker or adviser

in the leasing or real and/or personal property in accordance with Regulation Y. These activities will be conducted from an office located in St. Louis, Missouri, serving the states noted above.

G. Federal Reserve Bank of Dallas (Anthony J. Montelaro, Assistant Vice President) 400 South Akard Street, Dallas, Texas 75222:

Bank Securities, Inc., Albuquerque, New Mexico (leasing, lending, and servicing activities; southwestern United States): To engage, through its subsidiary, American National Leasing Co., in leasing real or personal property and acting as agent, broker, or advisor in leasing such property in accordance with the Board's Regulation Y; making such leases or other extensions of credit; and servicing such leases for any person. These activities will be conducted from an office in Albuquerque, New Mexico, serving New Mexico, Texas, Colorado, and Arizona.

H. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

BankAmerica Corporation, San Francisco, California (financing, servicing, and insurance activities; expansion of geographic scope; New Mexico): To continue to engage, through its indirect subsidiary, FinanceAmerica Corporation, a New Mexico corporation, in the activities of making or acquiring for its own account loans and other extensions of credit such as would be made or acquired by a finance company; servicing loans and other extensions of credit; and offering credit-related life insurance and credit-related accident and health insurance. Credit-related property insurance will not be offered in the state of New Mexico. Such activities will include, but not be limited to, making consumer installment loans; purchasing installment sales finance contracts; making loans and other extensions of credit to small businesses; making loans and other extensions of credit secured by real and personal property; and offering credit-related life and credit-related accident and health insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation.

These activities will be conducted from an existing office located in Albuquerque, New Mexico, and will serve the entire state of New Mexico.

I. Other Federal Reserve Banks. None.

Board of Governors of the Federal Reserve System, December 4, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-35347 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

Albion National Management Co., Inc.; Formation of Bank Holding Company

Albion National Management Co., Inc., Albion, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The Albion National Bank, Albion, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35357 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

Alex Brown Financial Group; Formation of Bank Holding Company

Alex Brown Financial Group, Sacramento, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Bank of Alex Brown, Walnut Grove, California. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1982. Any comment on an application that requests a hearing must

include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35358 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

American Bancshares, Inc.; Formation of Bank Holding Company

American Bancshares, Inc., Cookeville, Tennessee, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of American Bank and Trust, Cookeville, Tennessee. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35359 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

Bangs Bancshares, Inc.; Formation of Bank Holding Company

Bangs Bancshares, Inc., Bangs, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank, Bangs, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the

application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35360 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

Camp Grove Bancorp, Inc.; Formation of Bank Holding Company

Camp Grove Bancorp, Inc., Camp Grove, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 96 percent or more of the voting shares of Camp Grove State Bank, Camp Grove, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 29, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 4, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-35361 Filed 12-9-81; 8:45 am]

BILLING CODE 6210-01-M

Commerce Southwest, Inc.; Acquisition of Bank

Commerce Southwest, Inc., a bank holding company, and its subsidiary, CSWI Bancshares, Inc., both of Dallas, Texas, have applied for the Board's approval under 3(a)(1) and 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) and (3)) to acquire 100 per cent of the voting shares of Houston

Bancshares, Inc., Houston, Texas, and thereby indirectly acquire 98.8 per cent of the voting shares of Houston City Bank and 100 per cent of the voting shares of Houston Northside Bank, both of Houston, Texas. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than January 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 81-35363 Filed 12-9-81; 8:45 am]
BILLING CODE 6210-01-M

Independent Community Banks, Inc.; Formation of Bank Holding Company

Independent Community Banks, Inc., Sanibel, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Winter Park National Bank, Winter Park, Florida and Bank of The Islands, Sanibel, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than January 2, 1982. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 81-35363 Filed 12-9-81; 8:45 am]
BILLING CODE 6210-01-M

J. P. Morgan & Co., Inc., Proposal to Engage in Execution and Clearance of Futures Contracts as a Futures Commission Merchant

J. P. Morgan & Co. Incorporated, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1843(c)(8)) and § 225.4(a) and (b)(2) of the Board's Regulation Y (12 CFR 225.4(a), (b)(2)), for permission to acquire voting shares of a *de novo* subsidiary, Morgan Futures Corporation. Applicant states that Morgan Futures Corporation would engage, as a futures commission merchant for nonaffiliated persons, in the execution and clearance of futures contracts on major commodity exchanges. Such contracts would cover bullion, foreign exchange, U.S. Government securities, negotiable U.S. money market instruments, and other money market instruments.

Section 4(c)(8) of the Bank Holding Company Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." 12 U.S.C. 1843(c)(8). The proposed activity has not been specified by the Board in 225.4(a) of Regulation Y as permissible for bank holding companies. Applicant believes, however, that the activity is closely related to banking and a proper incident thereto, and this opinion is based in part on Board Orders of September 14, 1977, approving the retention of voting shares of Republic Clearing Corporation, New York, New York, by Republic New York Corporation, New York, New York, and other parties (63 *Federal Reserve Bulletin* 951), and September 27, 1973, approving an acquisition of voting shares of Mocatta Metals, Inc., New York, New York, by Standard and Chartered Banking Group, Limited, London, England (38 FR 27552).

The Board is also considering, pursuant to its authority under section 4(c)(8) of the Bank Holding Company Act, the addition of Applicant's proposed activity to the list of permissible bank holding company activities contained in § 225.4(a) of Regulation Y. Such a proposed rule

would add the activity of engaging as a futures commission merchant for nonaffiliated persons in the execution and clearance of futures contracts covering bullion, foreign exchange, U.S. Government securities, negotiable U.S. money market instruments, and other money market instruments, on major commodity exchanges.

Interested persons may express their views on whether the proposed activity is "so closely related to banking or managing or controlling banks as to be a proper incident thereto," whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices," and whether the Board should add Applicant's proposed activity to the list of permissible bank holding company activities contained in Regulation Y. Any request of a hearing on these questions must be accompanied by a statement of the reasons why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 4, 1982.

Board of Governors of the Federal Reserve System, December 3, 1981.

William W. Wiles,
Secretary of the Board.

[FR Doc. 81-35364 Filed 12-9-81; 8:45 am]
BILLING CODE 6210-01-M

UNB Corp.; Formation of Bank Holding Company

UNB Corporation, Fayetteville, Tennessee, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Union National Bank, Fayetteville, Tennessee. The factors that are considered in acting on

the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 24, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 81-35365 Filed 12-9-81; 8:45 am]
BILLING CODE 6210-01-M

West Shore Bank Corp., Formation of Bank Holding Company

West Shore Bank Corporation, Scottville, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of State Savings Bank of Scottville, Scottville, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 30, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, December 3, 1981.

Theodore E. Downing, Jr.,
Assistant Secretary of the Board.

[FR Doc. 81-35366 Filed 12-9-81; 8:45 am]
BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

[Program Announcement No. 13638-8211]

Multidisciplinary Centers of Gerontology Program: Long Term Care Gerontology Centers; Announcement of Availability of Financial Assistance

AGENCY: Office of Human Development Services, HHS.

SUBJECT: Announcement of Availability of Financial Assistance for the Long Term Care Gerontology Centers Program.

SUMMARY: The Administration on Aging (AoA) announces that applications are being accepted for the Multidisciplinary Centers of Gerontology Program authorized by Title IV, Part E of the Older Americans Act of 1965, as amended (42 U.S.C. sec. 3036) to support Stage I, Planning and Development of Long Term Care Gerontology Centers only. Eligibility for these awards is limited to institutions located in Department of Health and Human Services Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming).

DATE: Closing date for receipt of applications is February 26, 1982.

Scope of This Announcement

This program announcement describes the purpose and overall goals and objectives of the Long Term Care Gerontology Centers Program announced in this issue of the Federal Register. Information describing specific project activities and application requirements for Stage I Planning Grants which are covered by this announcement and other special requirements of the program are contained in *Guidelines for Preparation of Grant Applications—Long Term Care Gerontology Centers Title IV-E of the Older Americans Act—Fiscal Year 1982*.

Program Purpose

The purpose of the Long Term Care Gerontology Centers Program is to foster the planning and development of multidisciplinary gerontology centers oriented around the continuum of community-based health and social services for the elderly.

Program Goal and Objectives

The goal of the Administration on Aging's Long Term Care Gerontology Centers program is to foster the capability to develop the knowledge

base and methods required for improving the health care and social services needed by functionally impaired older people. The objectives of these centers will be to promote an interdisciplinary approach to career and continuing education and training, the development of models of service delivery oriented around the health and social services needs of the functionally impaired elderly, and research. An essential condition for achieving these program objectives is the development of a viable organizational center structure. The program objectives will be achieved through a collaborative effort to join the interests of the Federal government and educational institutions to assist states and communities to improve the planning, management, and implementation of services for the functionally impaired elderly. Such an effort is expected to produce knowledge about the long term care needs of older people and develop a cadre of professionals from a multiplicity of disciplines who can meet these needs. Centers will have applied settings and carry out their mission through collaboration with health, social service, and aging agencies.

Long Term Care Gerontology Centers will combine the functions of a university based or affiliated medical school, other health and social services professional schools, and, if appropriate, a public or private non-profit health or social service organization to achieve the goals and objectives of the program. Centers will accomplish the following programmatic objectives:

- Develop the health and social services personnel required to meet the needs of functionally impaired older persons through interdisciplinary career and continuing education and training; and provide to the aging network (i.e., State and Area Agencies on Aging, and service providing agencies supported under Older Americans Act programs), as well as other public and private agencies, curricula and other education and training materials designed to advance the skills of practitioners in the field.
- Develop and evaluate models of health care and social services provided through interdisciplinary teams on a continuum of care, in order to enable functionally impaired older persons to remain in the least restrictive settings consonant with their needs.
- Develop a knowledge for long term care through the conduct of interdisciplinary clinical, applied, and policy research.
- Provide technical assistance to State and Area Agencies on Aging,

health care and social service agencies, academic institutions, and professional organizations; and

- Disseminate findings from the Center's research and model development activities as well as other information concerning long term care to State and Area Agencies on Aging, service providers and consumers, policy makers and program managers, educators and researchers.

It is expected that centers have established the appropriate governance and structure in order to develop the organizational capability required to achieve the programmatic objectives. Therefore, Long Term Care Gerontology Centers will have accomplished the following organizational objectives:

- Have institutional support and commitment to the center at the highest levels of the larger organization and hold a relatively high position in the institutional hierarchy.
- Have their own charter, goals and objectives, and responsibility for a range of administrative functions including budgetary control, faculty appointment, and space allocation.
- Have their own center director, core faculty, and facilities in order to carry out center programmatic, administrative, and data collection activities.
- Have the ability to generate their own funding, and maintain such funds for use within the center, especially for various discretionary programmatic activities.
- Utilize in a full participatory way their own advisory or steering committee and develop and use its own internal peer review system for the allocation of discretionary funds.

There are three (3) stages of center development:

- Stage I—Planning.
- Stage II—Operational.
- Stage III—Comprehensive.

1. Planning Stage of Center Development

At the planning stage, grantees specify their programmatic and organizational goals and objectives, organize their resources, establish university commitments, and create and or expand community linkages. The Administration on Aging provides centers one year of support for planning. Such centers have the potential, through the competitive process, to obtain multiyear awards for the operational stage.

2. Operational Stage of Center Development

At the operational stage, centers will be implementing activities relative to their organizational structure and in the

program areas of education, development of service and practice models, and research. The Administration on Aging will give operational stage centers up to four years of core support.

3. Comprehensive Stage of Center Development

It is the Administration on Aging's intent eventually to designate a select number of Comprehensive Centers. Comprehensive designation will be a recognition that these select centers have achieved programmatic excellence and strong organizational development within the institution.

A center may apply for comprehensive designation at the end of any budget period in the operational stage at which time a full review will be held to determine the center's readiness for comprehensive status. A complete review will take place at the end of the fourth operational year to determine if a center can be designated as comprehensive.

Coordination With Appropriate Office on Aging

Activities conducted under Title IV-E Long Term Care Gerontology Center grants are expected to be coordinated with the appropriate DHHS Regional Office and with State and Area Agencies on Aging. This coordination will facilitate information exchange on policy and program developments in long term care, provide a basis for informed transfer and dissemination of findings from research and model demonstrations, and facilitate program and policy technical assistance to State and local governmental officials.

Coordination will facilitate educational placement opportunities for students, explore opportunities for collaborative training, research and demonstrations in social services, mental health, rehabilitation, and health services as related to the purposes and programs of the Centers. Centers will regularly provide information to the appropriate offices on aging and collaborate with the agencies regarding education and training, research, and service activities and seek advice and counsel with respect to these activities.

Eligible Applicants

Only public or non-profit organizations or institutions are eligible under the provisions of Title IV-E, Multidisciplinary Centers of Gerontology.

To be eligible for this Stage I, Planning Award competition, applicants must be located within the Department of Health and Human Services Region VIII

(Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming). Eligible applicants are any university or public or private non-profit health or social service organization provided the applicant is affiliated with a medical school, or has a letter of agreement with a medical school.

Available Funds

It is anticipated that the Administration on Aging will make two awards beginning May 1, 1981 for Center planning projects for a period of twelve (12) months in the amount of \$100,000 each.

Grantee Share of the Project

Cost sharing is considered to be an important means of demonstrating an applicant's commitment to the objectives of this program. Grantees are expected to provide at least five (5) percent of the total allowable project costs. The grantee share may be cash or in-kind, and must be project related and allowable under the Department's applicable regulations published in 45 CFR Part 74, subparts G and Q (see 43 FR 34076, August 2, 1978).

The Application Process

Availability of Forms and Technical Assistance

Application for a grant under the Long Term Care Gerontology Centers Program must be submitted on Standard Form 424, Application for Federal Assistance, and other forms provided for this purpose. Application kits and appropriate instructions are included in *Guidelines for Preparation of Grant Applications Long Term Care Gerontology Centers, Title IV-E of the Older Americans Act, Fiscal Year 1982*. Copies of the Guidelines, as well as technical information to assist in the preparation of applications, may be obtained by writing or calling: Division of Long Term Care, Administration on Aging, Room 4740, DHHS North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, Telephone: (202) 426-8403.

Application Submission

One (1) signed original and four (4) copies of the grant application, including all attachments, must be prepared. The original and two (2) copies must be submitted to: Department of Health and Human Services, Office of Human Development Services, Grants and Contracts Management Division, Room 1740, HHS North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201.

One (1) copy is to be submitted to the appropriate State Agency on Aging and one (1) copy is to be submitted to the Regional Program Director of the DHHS Region VIII Office of Aging. Addresses of State Agencies on Aging are included in the application instructions.

A-95 Notification Process

Applications for Long Term Care Gerontology Centers must, follow the provisions of OMB Circular A-95. Applicants for grants must, prior to the submission of an application, notify both the State and Area-wide A-95 Clearinghouse of their interest to apply for Federal assistance for this program. Applicants should contact the appropriate State Clearinghouse (listed in 42 FR 2210, January 10, 1977), or the DHHS Regional Office of Aging for information on how they can meet the A-95 requirements.

Application Consideration

The Commissioner on Aging will make the final decision on each grant application under this announcement. Applications which are complete and conform to the requirements of the program guidelines will undergo a competitive review and evaluation by qualified persons outside the Administration on Aging. Applications considered as approvable by the review committee will be reviewed by AoA staff for consistency with AoA policy and priorities and appropriateness of the funding which is requested. In making a decision on awards the Commissioner on Aging will consider results of the review, AoA staff recommendations, and comments by the appropriate State Agency on Aging. Successful applicants will be notified through the issuance of Notice of Financial Assistance Awarded. This notice sets forth the amount of funds awarded, the terms and conditions of the grant, the budget period for which support is given, the total grantee share expected, and the total period for which project support is intended.

Special Consideration for Funding

In determining the order of funding of applications which have been recommended for approval, priority will be given to applications which propose to establish a center responsive to the special needs of underserved populations including minority and rural elderly.

Criteria for Review and Evaluation of Applications

Each application will be administratively reviewed to determine that it meets the objectives of the

program; includes all required elements for a complete review; and meets all applicable Federal statutes and regulations.

Review Criteria for Stage I Planning Grants:

Criterion 1. The application proposes a project consistent with the programmatic and organizational objectives for a Long Term Care Gerontology Center as set forth in the guidelines. 25 points

Criterion 2. The project narrative adequately describes and documents the purpose and the need for the project the applicant proposes. 10 points

Criterion 3. The implementation plan is capable, if properly executed, of assuring the accomplishment of the proposed project's programmatic and organizational objectives. Specifically:

a. the proposal appropriately identifies the tasks to be accomplished related to:

(1) the programmatic objectives;
(2) the organizational objectives. 10 points

b. the proposal presents an appropriate and feasible method of approach to task accomplishment over the proposed project period relative to:

(1) the programmatic objectives;
(2) the organizational objectives. 10 points

c. the proposal documents the extent to which the necessary commitments from within and outside the applicant institution have been secured to assure task accomplishment relative to:

(1) the programmatic objectives;
(2) the organizational objectives. 10 points

d. the proposal provides time-lines for task accomplishment that are appropriate and reasonable relative to:

(1) the programmatic objectives;
(2) the organizational objectives. 5 points

e. the proposal indicates staff loadings by tasks that are appropriate and reasonable relative to:

(1) the programmatic objectives;
(2) the organizational objectives. 5 points

f. the proposal specifies how task accomplishment will be evaluated relative to:

(1) the programmatic objectives;
(2) the organizational objectives. 5 points

Criterion 4. The proposed resources are appropriate and sufficient to assure the accomplishment of both of the project's programmatic and organizational goals. Specifically:

a. the proposed project staff are well qualified and sufficient to carry out the project tasks relative to:

(1) the programmatic objectives;

(2) the organizational objectives. 5 points

b. sufficient time of senior staff is allocated to the project to assure adequate and appropriate management of the project tasks relative to:

(1) the programmatic objectives;
(2) the organizational objectives. 5 points

c. other facilities and resources are appropriate and adequate to assure task accomplishment related to:

(1) the programmatic objectives;
(2) the organizational objectives. 5 points

Criterion 5. The proposed budget is appropriate, justifiable, and reasonable in relation to support needed for project activities. 5 points

Closing Dates For Receipt of Applications

The closing date for receipt of applications under this program announcement is February 26, 1982. All applications must be received by no later than 5:30 p.m. on the applicable closing date. Applications sent by mail will be considered to be received on time if:

- The application was sent by registered or certified mail and mailed no later than February 23, 1982 as evidenced by the U.S. Postal Service postmark on the wrapper or the original receipt from the U.S. Postal Service, unless the application arrives too late to be considered by the review panel;

- The application is received on or before close of business on February 26, 1982 in the DHHS mailroom in Washington, D.C.; or

- The application is hand-delivered to the address included under "application submission" in this announcement by close of business February 26, 1982.

Hand-delivered applications will be accepted daily from 9 a.m. to 5:30 p.m. except Saturdays, Sundays and Federal holidays. In establishing the date of receipt, consideration will be given to the time date stamps of the mailroom or other documentary evidence of receipt maintained by the Department of Health and Human Services.

Applications received after the deadline because they were postmarked or hand-delivered too late or addressed incorrectly will not be accepted and will be returned to the applicant without consideration.

(Catalog of Federal Domestic Assistance Program Number 13.638, Multidisciplinary Centers of Gerontology Program)

Dated: November 30, 1981.

Lennie-Marie P. Tolliver,
Commissioner on Aging.

Approved: December 7, 1981.

Dorcas R. Hardy,
Assistant Secretary for Human Development
Services.

[FR Doc. 81-35402 Filed 10-9-81; 8:45 am]
BILLING CODE 4130-01-M

Office of the Secretary

Statement of Organization, Functions, and Delegations of Authority

Amend Part A (Office of the Secretary), Chapter AH (Office of the Assistant Secretary for Personnel Administration) (45 FR 72290, October 31, 1980) to move the functions of the Reviewing Authority (Civil Rights) from the immediate office of the Assistant Secretary to the Office of Personnel Systems Integrity. This change locates the function in an organization which already operates quasi-independently.

1. Amend Chapter AH, Section AH.10, "Organization", by deleting the final paragraph and adding a new final paragraph which reads as follows:

The Assistant Secretary also provides administrative support for the Departmental Grant Appeals Board which is organizationally assigned to his office.

2. Amend Chapter AH, Section AH.20, "Functions", by deleting paragraph F in its entirety and relettering paragraph G as paragraph F.

3. Delete Chapter AH-1, "Reviewing Authority (Civil Rights)", in its entirety.

4. Amend Subchapter AHP, Section AHP.20, "Functions", by adding a new subparagraph 8 to paragraph E to read as follows:

8. There is established a Civil Rights Reviewing Authority which shall consist of no more than three members to be appointed by the Secretary. The Authority shall be supported by a permanent Director and by such additional staff as may be necessary. The Authority provides administrative supervision of the Department's adjudication process under the nondiscrimination regulations which implement appropriate provisions of the Public Health Service Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972 and the Age Discrimination Act of 1975 and all other civil rights proceedings authorized by regulation. The Authority shall carry out the responsibilities described in 45 CFR 80.10(a)-(d), in connection with the administration of appropriate provisions of Title 45 of the Code of Federal Regulations, and shall designate Administrative Law Judges and set the time and place for hearings pursuant to 45 CFR 80.9(b).

The Authority shall review and issue a final decision on those cases in which exceptions to initial decisions of Administrative Law Judges are filed. Each final decision of the authority shall constitute the final agency action of the Department, except that the Secretary may, upon the petition of any party, and at his sole discretion, review a final decision or any parts thereof. In such cases, the Secretary's decisions shall constitute final agency action of the Department.

With the exception of final decisions, the functions and duties of the Authority herein delegated may be exercised by a single member of the Authority. Prior to the appointment of any member of the Authority, or in any other instance where no member thereof is available, the functions and duties herein delegated (except the rendering of final decisions) may be exercised by the Director.

Dated: December 2, 1981.

Richard S. Schweiker,
Secretary.

[FR Doc. 81-35400 Filed 12-9-81; 8:45 am]
BILLING CODE 4150-04-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

APS/SDG&E Interconnection Project; Availability of the Record of Decision

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Record of Decision.

The Bureau of Land Management (BLM) will issue a right-of-way on public lands to Arizona Public Service Company (APS) and San Diego Gas and Electric Company (SDG&E) for a 500kV transmission line and ancillary facilities pursuant to Title V of the Federal Land Policy and Management Act of 1976.

The transmission system will interconnect the electric power networks of APS, SDG&E and the Imperial Irrigation District from the Palo Verde Nuclear Generating Station switchyard, near Phoenix, Arizona, through the Yuma, Arizona area, through the Imperial Valley, California, to the Miguel Substation near San Diego, California.

The route chosen on public lands is essentially the same as the northern environmentally preferred route. It uses the northerly Sand Hills crossing in California with one minor deviation in Arizona. The deviation was made to conform with a route recommended by the Arizona Power Plant and Transmission Line Siting Committee and certified by the Arizona Corporation Commission. The route crosses the Dome Valley and the Laguna Mountains

to the north of the environmentally preferred route.

At this time, no decision can be made on which route will be approved north of the Wellton-Mohawk area. The decision on routes to the north of the Mohawk Valley, and whether to cross the Muggins Mountains or use the more southerly environmentally preferred route is deferred pending the outcome of protests or appeals of BLM's decision releasing Wilderness Inventory Units AZ-530-53A and AZ-530-53B from further consideration. All of the routes were certified by the Arizona Corporation Commission, although both of the northern routes were preferred.

The decision document was mailed to all those who received copies of the final environmental document.

A limited number of copies are available upon request to the Arizona State Director (920), 2400 Valley Bank Center, Phoenix, Arizona 85073. Copies will be available for review at the following locations:

Arizona State Office, BLM, 2400 Valley Bank Center, Phoenix, Arizona 85073, (602) 261-3706

Phoenix District Office, BLM, 2929 W. Clarendon Ave., Phoenix, Arizona 85017, (602) 241-2501

Yuma District Office, BLM, 2450 Fourth Ave., Yuma, Arizona 85364, (602) 726-6300
California State Office, BLM, Federal Office Bldg., Rm. E-2841, 2800 Cottage Way, Sacramento, California 95825, (916) 484-4541

California Desert District Office, BLM, 1685 Spruce St., Riverside, California 92507, (714) 787-1462

El Centro Resource Area, BLM, 333 S. Waterman Ave., El Centro, California 92243, (714) 352-5842

Dated: December 2, 1981.

Clair M. Whitlock,
Arizona State Director, Bureau of Land
Management.

[FR Doc. 81-35312 Filed 12-9-81; 8:45 am]
BILLING CODE 4310-04-M

Havasu Resource Management Plan; Arizona

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Intent to Prepare a Resource Management Plan/EIS and Invitation for Public Participation.

SUMMARY: Preparation of the Havasu Resource Management Plan, (RMP), Yuma District, began October 1, 1981. The plan will serve as a guide for the orderly use and development of approximately 490 thousand acres of public lands along the Lower Colorado River in southwest Arizona and California. Various land use

alternatives, ranging from resource production to resource preservation, will be identified and analyzed in the Resource Management Plan.

The planning area is located in portions of Yuma and Mohave Counties in Arizona and San Bernardino County in California. The area generally extends from Davis Dam on the north, along the Colorado River in a strip ranging from approximately 5 to 35 miles in width, to the Colorado River Indian Reservation and Arizona State Highway 72 on the south. Major communities located within the planning area are: Bullhead City, Golden Shores, Lake Havasu City, and Parker in Arizona, and Needles, California.

Public meeting/workshops will be held on January 19, 20, and 21, 1982 from 7:00 to 10:00 p.m. The meeting places in Lake Havasu City, Parker and Bullhead City will be announced through appropriate media.

FOR FURTHER INFORMATION CONTACT:

Dennis Turowski, Planning Coordinator, Bureau of Land Management, Yuma District Office, 2450 Fourth Avenue, P.O. Box 5680, Yuma, Arizona 85364; telephone FTS 764-6612, Commercial (602) 726-6300.

Jim May, Area Manager, Bureau of Land Management, Havasu Resource Area, 2049 Swanson Avenue, P.O. Box 685, Lake Havasu City, Arizona 86403; Telephone (602) 855-8017.

Andrea Nygren, Planner, Bureau of Land Management, Arizona State Office, 2400 Valley Bank Center, Phoenix, Arizona 85073, Telephone FTS 261-4128, Commercial (602) 261-4128.

SUPPLEMENTARY INFORMATION: The proposed action will be based on the multiple use recommendations developed in the land (Resource Management Plan (RMP)).

Among the significant issues expected to be addressed in the plan are: Designation of public lands for protection of special natural, cultural or recreational resources; wildlife habitat areas; vegetation allocations to domestic livestock, wildlife, and other demands; location of utility corridors and communication sites; making public land available for community expansion and development purposes; recreational resource development/management; and wilderness.

An interdisciplinary planning team will develop the Resource Management Plan. Disciplines represented will include: Recreation, land use planning, wildlife biology, economics, and sociology. Planning will take place in fiscal years 1982 and 1983; an environmental impact statement will be

drafted in fiscal 1983 and published as a final EIS in fiscal 1984.

Public participation will be a key part of the planning effort and will be encouraged and utilized throughout plan development. The issue identification or scoping phase of the plan begins in November 1981. Federal, State and local governmental entities, Indian Tribal Councils, and other interested public will be contacted and provided opportunity to participate via public meetings, workshops, and written comment. Additional public meetings will be held during the planning process. Opportunities for public involvement will be announced via the news media, and by direct mailings to interested individuals.

Formal record of all public participation and planning activities, decisions, and documents will be maintained in the Yuma District Office and will be made available for public review upon request.

Dated: December 1, 1981.

Tom Allen,

Acting State Director.

[FR Doc. 81-35319 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-84-M

Canyon Management Framework Plan; Amendment

AGENCY: Bureau of Land Management (BLM), Shoshone, Idaho, Interior.

ACTION: Canyon MFP amendment.

SUMMARY: This Canyon Management Framework Plan (MFP) amendment shall apply only to the parcel known as the Jerome East Lands, further identified as: T. 8 S., R. 18 East, Boise Meridian, Idaho, Section 30, Lots 1,2, NE $\frac{1}{4}$ NW $\frac{1}{4}$, casefile No. I-18296.

This notice is a modification in response to public comment and supersedes a notice published February 10, 1981.

DATE: The MFP amendment may be implemented January 11, 1982.

ADDRESS: Bureau of Land Management, Shoshone District Office, P.O. Box 2B Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Jack Durham, Bennett Hills Area Manager, at the above address, or telephone (208) 888-2206.

Dated: December 4, 1981.

Charles J. Haszler,
District Manager.

[I-18296]

Amendment—Step 3—Management Framework Plan

Area #26 and 26a—Canyon Unit

Allow disposal of lots 1 and 2 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 30, T. 8 S., R. 18 East, Boise Meridian, Idaho, only through exchange. If this exchange is not consummated, manage these lands according to the following MFP decisions. For the remaining public lands within Areas #26 and #26a, manage under the following MFP decisions:

1. Retain in public ownership and management will be primarily for wildlife habitat and open space.
2. Grazing of domestic livestock allowed to extent compatible to item No. 1 above, and not detrimental to wildlife habitat. Issue term permit.
3. Area open to mineral leasing and mining laws.
4. Allow the removal of common variety minerals within only the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, to extent it is compatible with wildlife habitat and open space.
5. After removal of common variety minerals from the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 30, provide for rehabilitation measures. These measures to be oriented toward wildlife habitat.

Dated: December 4, 1981.

Recommended by:

Charles J. Haszler,
District Manager.

[FR Doc. 81-35377 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-84-M

Carson City District Advisory Council; Meeting

The Council will meet January 15, 1982, at the Palomino Valley Wild Horse and Buro Placement Center, 17800 Pyramid Lake Highway (about 18 miles north of Sparks, Nevada), at 9:30 a.m.

The agenda will include election of chairperson and vice-chairperson, subcommittee reports, unfinished business, new business, general discussion, and public statements. The meeting will be open to the public. Any person may appear before the Council, or have a statement read, at 2:00 p.m.

For further information contact: Stephen A. Weiss, Public Affairs Officer, Carson City District, Bureau of Land Management, 1050 East William Street, Suite 335, Carson City, Nevada 89701, (702) 882-1631.

Dated: December 4, 1981.

Roy S. Jackson,
Acting District Manager.

[FR Doc. 81-35378 Filed 12-9-81; 8:45 am]
BILLING CODE 4310-84-M

Colorado and Wyoming; Call for Expression of Leasing Interest in Federal Coal in the Green River-Hams Fork Coal Production Region

November 30, 1981.

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: This call for expression of coal leasing interest, Phase I, is to integrate potential lessees' data and needs into the coal activity planning phase of the Federal coal management program in the Green River-Hams Fork Coal Production Region. The data received from this call will be used along with existing data to delineate tracts which would be considered for possible competitive leasing.

DATE: Responses to this notice may be received until January 22, 1982.

ADDRESS: Responses to this call should be sent to each of the following addresses:

State Director (930), Bureau of Land Management, P.O. Box 1826, Cheyenne, WY 82001, and District Conservation Management for Resource Evaluation, U.S. Geological Survey, P.O. Box 2373, Casper, WY 82602, and

State Director (930), Bureau of Land Management, 1037 20th Street, Denver, CO 80202

FOR FURTHER INFORMATION CONTACT:

J. Stan Mckee, Bureau of Land Management (930), P.O. Box 1828, Cheyenne, WY 82001, 307-778-2220, extension 2413, or

Donald Sweep, District Manager, BLM, Rock Springs District, P.O. Box 1869, Rock Springs, WY 82901; 307-383-5350

SUPPLEMENTARY INFORMATION: This is to advise all interested parties that the official call for expressions of interest in Federal coal leasing, Phase I, is now in effect for the second round of coal leasing activity in the Green River-Hams Fork Region for possible lease sales beginning in March 1984. Additional calls for expressions will be made in phases extending through June 1982. The call for Phase II is anticipated in January-February 1982; Phase III in February-March 1982; Phase IV in April-May 1982; and Phase V in May-June 1982. All areas in all five phases are BLM planning areas. While the total situation and needs of the region should

be considered, the responses submitted by January 22, 1982, should be for the Phase I portion only. Areas covered by the call are as follows:

Phase I (December 1981-January 1982), Big Sandy and Salt Wells Planning Areas, Rock Springs District, Wyoming.

Phase II (January-February 1982), White River Planning Area, Craig District, Colorado.

Phase III (February-March 1982), Pioneer Trails Planning Area, Rock Springs District, Wyoming.

Phase IV (April-May 1982), Overland and Divide Planning Areas, Rawlins District, Wyoming.

Phase V (May-June 1982), Williams Fork Planning Area, Craig District, Colorado.

This call for expressions of interest is the first step in activity planning under the Federal coal management program. It is being made before any tract boundaries are delineated within an area found acceptable for further consideration for coal leasing through conducting the coal screening/planning process, including application of the coal unsuitability criteria. The results of this call will provide significant information that will be employed in delineating tracts that might be offered for lease sale after they have been through the tract ranking, selection, scheduling, and analysis processes that are an integral part of the Federal coal management program defined in 43 CFR Subpart 3420.

Expressions of interest from small businesses and public bodies are actively invited in accordance with the provisions of 43 CFR 3420.1-4 which states that a reasonable number of lease tracts will be reserved and offered through competitive lease sales to those qualifying under the definitions of public bodies and small coal mining businesses. Entities desiring special leasing opportunities as a public body should state their intentions in their expressions of leasing interest for possible public body set asides. Proof of public body status and evidence of qualifications are required by 43 CFR 3420.1-4(b)(1)(ii) shall be submitted with the expression of interest.

A major purpose of this call for expressions of interest is to integrate potential lessees' data and needs with the process of delineating the logical mining units which will be considered prior to a lease sale. The BLM hopes to gain sufficient information from this call, as well as from its own site specific analyses, to identify areas in which data are of sufficient detail to ultimately make a fair market value determination on specific tracts.

An expression of interest is not an application. The size and/or location of

a proposed tract as indicated by an expression of interest may be modified or changed if there is sufficient reason to do so and the coal included in the modified or relocated tract is of approximately equal quality and tonnage to that shown in the expression of interest.

Examples of the types of concerns that may make such action necessary include: the competitive nature of the tract, access needs, mining efficiency, future coal development potential, resource conservation, and State preferences and priorities.

These expressions of leasing interest should include the following data where applicable:

1. Quantity needs (total tonnage, average tons per year, and year during which production should commence) for both coal producers and users.

2. Quality needs (types and grades of coal) for both producers and users.

3. Location: a. Tracts desired by mining companies (narrative description with delineation on surface minerals management quad map, available for purchase from the BLM State Office).

b. Public and private industry user facilities in region.

c. If no location is indicated, but other specified data are provided, the expression will be considered. In such cases the joint BLM/GS delineation team will locate the tract.

4. Type of mine: a. Surface or underground.

b. Technique of mining (i.e., longwall, room and pillar, strip mining, etc.).

5. Proposed uses of coal: a. By mining companies.

b. By public and private industries.

6. Where coal is consumed (include extra-regional markets).

7. Transportation needs (i.e., railroads, pipelines, etc): a. Existing facilities.

b. Proposed facilities and development timing.

8. Available sources of coal: a. Presently operative.

b. Contingency of other sources.

9. Information relating to mineral ownership: a. Information on surface owner consents previously granted, e.g., a description of the location of the property, whether consents are transferable, etc..

b. Commitments from fee coal owners or for associated non-Federal coal.

10. Special qualifications for public bodies requesting special leasing opportunities. These specific requirements are listed in 43 CFR 3472.2-5.

Data which are considered proprietary should not be submitted as

part of this expression of leasing interest.

An individual, business entity, governmental entity, or public body may participate and submit expressions of leasing interest under this call.

Management framework planting information for the Big Sandy and Salt Wells planning areas may be obtained by contacting the Rock Springs BLM District Manager at the above address. Packets containing all maps and information pertaining to the call are available on request from the Rock Springs District Manager or from J. Stan McKee at the above address.

Maxwell T. Lieurance,
State Director.

[FR Doc. 81-35378 Filed 12-9-81; 8:45 am]
BILLING CODE 4310-84-M

Meridian Land and Mineral Co.; Mineral Exchange Proposal

AGENCY: Bureau of Land Management, Miles City District, Montana, Interior.

ACTION: Notice of Mineral Exchange Proposal and Comment Period (M-53572).

SUMMARY: Notice is hereby given that on November 12, 1981, Meridian Land and Mineral Company, a subsidiary company of Burlington Northern (BN) filed a proposal to exchange checkerboard BN and Bureau of Land Management (BLM) coal property rights in the Circle West lignite deposit, McCone County, Montana. The proposal was filed pursuant to Section 206 of the Federal Land Policy & Management Act of 1976 (90 Stat. 2756; 43 U.S.C. 1716) and the Exchange Regulations published in the Federal Register on January 6, 1981.

The mineral lands are located approximately 20 miles west of Circle, Montana in the following described areas.

T. 18, N., R. 44 E.
T. 19 N., R. 43, 44, 45 E.
T. 20 N., R. 44, 45 E.
T. 21, N., R., 45, 46 E.

The purpose of this notice is to inform the public of the filing of the proposal.

Comment period: Any interested persons desiring to express their views or furnish any information about this proposal should contact the District Manager, Bureau of Land Management, P.O. Box 940, Miles City, Montana, 59301. All comments should be submitted in writing by February 1, 1982.

For the State Director.

Ray Brubaker,
District Manager.

[FR Doc. 81-35374 Filed 12-9-81; 8:45 am]
BILLING CODE 4310-84-M

[U-42874]

Utah: Proposed Modification of Withdrawal and Opportunity for Public Hearing

The Bureau of Land Management, United States Department of the Interior, proposes that the existing land withdrawal made by Public Land Order 972 on June 15, 1954, be continued for a period of twenty years, pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976. The lands are described as follows:

Salt Lake Meridian, Utah

T. 3 S., R. 20 E.,
Sec. 1;
Sec. 12; N½NE¼.

Containing 720 acres in Uintah County.

The purpose of the withdrawal is to protect the water supply for the City of Vernal, Utah. The lands are currently segregated from entry under the public land laws generally including the mining and mineral leasing laws.

The proposed modification would, continue the withdrawal for 20 years, maintain the segregation from mining location, open the lands to operation of the public land laws generally, and open the lands to mineral leasing.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned on or before March 16, 1982. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the Federal Register giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned, officer on or before March 16, 1982.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that

continuation would be consistent with the statutory objectives of the programs for which the land is dedicated; the area involved is the minimum essential to meet the desired needs; the maximum concurrent utilization of the land is provided for; and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and if so, for how long. The final determination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be addressed to the undersigned officer, Bureau of Land Management, U.S. Department of the Interior, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Date Signed: December 4, 1981.

Darrell Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-35373 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Coal Lease Tract Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given that a public meeting will be held to receive comments by the public and coal developers about the proposed North Horn Mountain Lease Tract sale. Significant issues are the size and configuration of the tract and the time of the lease sale. The meeting will be held December 15, 1981, at 10:00 a.m. in the Salt Palace, Room 128, 100 South West Temple, Salt Lake City, Utah.

FOR FURTHER INFORMATION CONTACT: Max Nielson, Coal Project Manager, Utah State Office, BLM, 136 East South Temple, Salt Lake City, Utah 84111, Telephone 801(524-5326).

Dated: December 3, 1981.

Roland G. Robison, Jr.,
Utah State Director.

[FR Doc. 81-35375 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation**Contract Negotiations With Buttonwillow Improvement District; Intent To Initiate Negotiations for an Amended Small Reclamation Projects Act Loan Repayment Contract**

The Department of the Interior, through the Bureau of Reclamation, intends to negotiate an amended Small Reclamation Project Act loan repayment contract with the Buttonwillow Improvement District of the Semitropic Water Storage District, Wasco, California. The district comprises about 80,000 acres of agricultural land located in north-central Kern County in the San Joaquin Valley of California. The proposed amended contract is to defer payment of the district's 1982 principal and interest payments due the Bureau of Reclamation under its two Small Reclamation Projects Act loans. The deferral is being requested because of serious financial impacts on the district resulting from continuing abnormal failures of installed pipelines. These failures are requiring an extensive pipeline repair and replacement program. The proposed amended contract will provide for deferral of the 1982 installment payments and subsequent payment of the deferred installments.

The authority for the Secretary of the Interior to approve an amended contract to defer repayment installments is Pub. L. 86-308, amending Section 17(b) of the Reclamation Project Act of 1939, and Pub. L. 92-167, amending the Small Reclamation Projects Act of 1956.

All meetings scheduled by the Bureau of Reclamation with the Buttonwillow Improvement District for the purpose of discussing terms and conditions of the proposed contract shall be open to the general public as observers. Advance notice of such meetings shall be provided only to those parties having previously furnished a written request for such notice to the office identified below at least 1 week prior to any meeting. The public is invited to submit written comments on the form of the proposed contract no later than 30 days after the completed draft is declared to be available to the public. In the event that there is little or no interest expressed in these negotiations, as evidenced by the response to this notice or local announcements, the availability of a negotiated amended contract will not be formally announced in the *Federal Register* or other media.

All written correspondence concerning the proposed amended contract shall be made available to the general public pursuant to the terms and

procedures of the Freedom of Information Act (80 Stat. 383), as amended. For further information, please contact Mr. Ken Townsend, Repayment Specialist, Division of Water and Power Resources Management, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, telephone number (916) 484-4880.

Dated: December 7, 1981.

Eugene Hinds,

Assistant Commissioner of Reclamation.

[FR Doc. 81-35387 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service**Intent To Prepare a Master Plan With Environmental Impact Statement for the Great Swamp National Wildlife Refuge, New Jersey; Scoping Meetings**

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Service intends to initiate a comprehensive planning process for purpose of developing a master plan for the Great Swamp National Wildlife Refuge. As part of the plan development an Environmental Impact Statement (EIS) will be prepared. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7) to obtain suggestions and information from other agencies and the public on issues to be considered in the plan development. Comments and participation in this scoping process are solicited.

The Great Swamp National Wildlife Refuge was established as a unit of the National Wildlife Refuge System in 1960. It consists of 6,779 acres located within Morris County and Harding, Passaic and Chatham Townships in New Jersey. The refuge lies within the 10,000 acre Great Swamp Basin, only 26 air miles from New York City's Times Square.

The refuge master plan is to be a comprehensive land use plan that will clearly set forth long-term objectives for resource management and public use of the refuge. An interdisciplinary planning team comprised of staff from the refuge; the Area Office in Harrisburg, Pennsylvania; and the Regional Office in Newton Corner, Massachusetts, has been established to carry out the planning process. The process will include a data inventory and resource mapping phase, an analysis of land suitability to support potential uses, and evaluation of alternative ways to allocate refuge lands to potential uses in

a manner consistent with the overall objectives of the National Wildlife Refuge System and the purposes for which the refuge was established.

Public involvement will be an essential component of the planning process. As a public resource management agency, the Service will make every effort to insure that attitudes, interests and desires of local, regional and national groups are considered in the planning process. Public participation will include personal contact with individuals, users groups, agencies, etc., and workshop sessions and meetings.

Scoping sessions and workshops will be held to identify issues and problems that should be considered in the planning process. Scoping sessions with Federal, State and local agencies will take place as follows:

January 19, 1982, 1:00 p.m., at Conference Room B-12, U.S. Post Office and Courthouse, 402 E. State Street, Trenton, New Jersey

January 20, 1982, 7:30 p.m., at Great Swamp MWR Headquarters, Pleasant Plains Road, Basking Ridge, New Jersey

Following agency scoping, a series of public workshops will be held at the following times and locations:

February 9, 7:30 p.m., at the Environmental Center Auditorium, Lord Stirling Park, 190 Lord Stirling Drive, Basking Ridge, New Jersey

February 10, 7:30 p.m., at the Upper School Cafeteria, Harding Township School, Lee's Hill Road, New Vernon, New Jersey

If your agency or organization is interested in participating, please contact the individual at the end of this announcement.

The time and location of future meetings will be announced at least one month in advance.

In order to obtain public input as early as possible in the planning process, a general mailing to solicit public comments will be conducted during January and February 1982. Persons, representatives of organizations and agency representatives who have suggestions regarding problems and issues that should be considered in the planning process and/or wish to be on the mailing list are invited to contact the service. Written comments should be addressed to: Regional Director (Attention: Marvin Armstrong, Landscape Architect), U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, Massachusetts 02158.

DATES: Comments should be received by February 15, 1982.

FOR FURTHER INFORMATION CONTACT:

Marvin Armstrong, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158, telephone no. (617) 965-5100, extension 278, or FTS 829-9278.

The planning process and environmental review of the master plan will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969 as amended (42 CFR Parts 1500-1508), other appropriate Federal regulations, and Service procedures for compliance with those regulations.

It is estimated that the Draft EIS will be available to the public in the spring of 1983.

William C. Ashe,

Deputy Regional Director, U.S. Fish and Wildlife Service.

December 4, 1981.

[FR Doc. 81-35313 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-55-M

Intent To Prepare a Master Plan With Environmental Impact Statement for the Great Dismal Swamp National Wildlife Refuge, Virginia, and North Carolina.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Service intends to initiate a comprehensive planning process for the purpose of developing a master plan for the Great Dismal Swamp National Wildlife Refuge. As part of the plan development, an Environmental Impact Statement (EIS) will be prepared. This notice is being furnished as required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1510.7) to obtain suggestions and information from other agencies and the public on issues to be considered in the plan development. Comments and participation in this scoping process are solicited.

Great Dismal Swamp National Wildlife Refuge was established by an act of Congress in 1973. It consists of 101,990 acres in the cities of Suffolk and Chesapeake, Virginia, and Gates, Camden, and Pasquotank Counties in North Carolina; an additional 8,000 acres have been recommended for Federal ownership. The refuge is a palustrine forested wetland enclosing 3100-acre Lake Drummond.

The refuge master plan is to be a comprehensive land use plan that will clearly set forth long-range objectives for resource management and public use of the refuge. An interdisciplinary

planning team comprised of staff from the refuge, the Area Office in Annapolis, Maryland, and the Regional Office in Newton Corner, Massachusetts has been established to carry out the planning process. The process will include: (1) A data inventory and resource mapping phase, (2) an analysis of land suitability to support potential uses, and (3) an evaluation of alternative ways to allocate refuge lands to potential uses in a manner consistent with the overall objectives of the National Wildlife Refuge system and the purposes for which the refuge was established.

It is estimated that the planning process will extend from December 1981, to early 1983, at which time a Draft EIS will be made available to the public. Land use alternatives will be developed and a proposed action determined during the third phase of the process, in the fall of 1982. Although refuge constraints, opportunities, and issues will be identified early in the process, no formal alternatives will be generated until a data analysis has been performed.

Public involvement will be an essential component of the planning process. In its capacity as a public resource management agency, the Service will make every effort to ensure that attitudes, interests, and desires of local, regional and national groups are considered during planning. Public participation will include personal contact with individuals, user groups, agencies, etc., information bulletins, workshops and meetings. A set of workshops may be held during March 1982, depending upon the level of interest expressed in initial personal contacts; the purpose of these workshops will be to identify issues and problems that should be addressed in the planning process.

Prior to the workshops, scoping sessions will be held with government agencies and organizations. If any agency or organization is interested in participating, please contact one of the individuals listed at the end of this announcement.

The time and location of meetings will be announced at least one month in advance.

In order to obtain public input as early as possible in the planning process, a general mailing to solicit public comments will be conducted during February 1982. Persons, representatives of organizations and agency representatives who have suggestions regarding problems and issues that should be considered in the planning process and/or wish to be on the mailing list are invited to contact the

Service by March 15, 1982. Written comments should be addressed to: Regional Director (Attention: Mary Parkin, Landscape Architect), U.S. Fish and Wildlife Service, One Gateway Center, Newton Corner, Massachusetts 02158.

DATES: Comments should be received by March 15, 1982.

FOR FURTHER INFORMATION CONTACT:

Mary Parkin, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158, telephone no. (617) 965-5100, extension 278, or FTS 829-9278

or

Mike Tansy, Great Dismal Swamp NWR, U.S. Fish and Wildlife Service, P.O. Box 349, Suffolk, Virginia 23434, telephone no. (804) 539-7479, or FTS 827-6253

William C. Ashe,

Deputy Regional Director, Fish and Wildlife Service.

December 4, 1981.

[FR Doc. 81-35381 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Outer Continental Shelf (OCS) Oil and Gas Information Program; Availability of Gulf of Mexico Summary Report No. 2

AGENCY: Geological Survey, Interior.

ACTION: Notice.

SUMMARY: A revised edition of an initial report in a series that provide affected States with current planning information on OCS oil and gas activities has been published in accordance with section 26 of the OCS Lands Act Amendments of 1978 and 30 CFR 252.4. The report supplements the initial report *Outer Continental Shelf Oil and Gas Activities in the Gulf of Mexico and their Onshore Impacts: A Summary Report, September 1980* (USGS open-file report no. 80-864). It is a synthesis of recent data regarding OCS-related activities (i.e., current oil and gas resource estimates, reserves, and production levels; magnitude and timing of OCS exploration, development, and production; strategies for transporting oil and gas; and the nature and location of onshore facilities).

Among other Summary Reports being planned or written is the Arctic Summary Report (OF 81-821), which will be published mid-December 1981.

EFFECTIVE DATE: November 30, 1981.

ADDRESSES: Copies of the reports may be obtained free upon request from the Office of OCS Information, U.S.

Geological Survey, 640 National Center, Reston, VA 22092.

FOR FURTHER INFORMATION CONTACT:

Louis G. Hecht, Jr., Acting Chief, Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, VA 22092, (703) 860-7166.

Richard B. Krahl,

Acting Deputy Division Chief, Offshore Minerals Regulation, Conservation Division.

[FR Doc. 81-35408 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-31-M

Outer Continental Shelf (OCS) Oil and Gas Information Program; Availability of Second Edition of Atlantic and Pacific Indexes

SUMMARY: Second editions of Indexes to the Atlantic and Pacific OCS leasing regions have been published by the U.S. Geological Survey, Department of the Interior. Second editions of the Alaska and Gulf of Mexico Indexes are scheduled for release to the public in March and June 1982, respectively.

The Atlantic and Pacific Indexes follow the format of the first editions and are continuums of relevant lease sale data that have accumulated since their respective publication dates, November 1980 and October 1980. Indexes will continue to be updated and published annually.

The standard format presents detailed information on OCS mineral leasing activities and on the 5-year OCS oil and gas leasing schedule process. Ongoing support programs of the Bureau of Land Management and the U.S. Geological Survey are described along with information on State involvement in the leasing process. Appendixes include a directory of State and Federal OCS-related contacts, Federal depository libraries, and other general OCS-related information.

EFFECTIVE DATE: December 12, 1981.

ADDRESSES: Copies of the reports may be obtained free upon request from the Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, VA 22092.

FOR FURTHER INFORMATION CONTACT:

Louis G. Hecht, Jr., Acting Chief, Office of OCS Information, U.S. Geological Survey, 640 National Center, Reston, VA 22092, (703) 860-7166.

Richard B. Krahl,

Acting Deputy Division Chief, Offshore Minerals Regulation, Conservation Division.

[FR Doc. 81-35407 Filed 12-9-81; 8:45 am]

BILLING CODE 4310-31-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the *Federal Register* of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the *Federal Register* issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, a can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-314

Decided: December 1, 1981.

By the Commission, Review Board No. 1, members Parker, Chandler, and Fortier.

MC 2110 (Sub-13), filed November 17, 1981. Applicant: BOWLUS TRUCKING CO., INC., 200 County Road 143, Fremont, OH 43420. Representative: Richard H. Brandon, 220 W. Bridge Street, P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting *general commodities* (except classes A and B explosives), between points in Sandusky County, OH, on the one hand, and, on the other, points in the U.S.

MC 52460 (Sub-342), filed November 24, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruijzinga, (same address as applicant), (918) 445-4434. Transporting (1) *plumbing fixtures and fittings*, between points in Spartanburg County, SC, Brown County, TX, and Sheboygan County, WI, on the one hand, and, on the other, points in the U.S., and (2) *electric generators and internal combustion engines*, between points in Sheboygan County, WI, on the one hand, and, on the other, points in the U.S.

MC 63801 (Sub-11), filed November 24, 1981. Applicant: HILLSBORO TRANSPORTATION CO., a Corporation, U.S. Route 50, West, Hillsboro, OH 45133. Representative: George M. Catlett, 708 McClure Bldg., Frankfort, KY 40601, (502) 227-7384. Over regular routes transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving points in IN as off-route points in connection with carrier's otherwise authorized regular-route operations.

Note.—Applicant intends to tack to its existing authority.

MC 82861 (Sub-23), filed November 20, 1981. Applicant: BROOKS TRUCK LINE, INC., 609 14th St., SE (P.O. Box 40), Puyallup, WA 98371. Representative: Kenneth R. Mitchell, 2329A Milwaukee Way, Tacoma, WA 98421, (206) 383-3998. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Norris Paint & Varnish Co., Inc., of Salem, OR.

MC 91550 (Sub-4), filed November 16, 1981. Applicant: CAPPELLO TRUCKING, INC., 56 Atwood Road, Southborough, MA 01772. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181, (617) 235-5571. Transporting *machinery, construction equipment and building materials*, between points in MA, NH and RI, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI and VT.

MC 96750 (Sub-8), filed November 18, 1981. Applicant: TRUCKING UNLIMITED, 9215 Sorensen Avenue, Santa Fe Springs, CA 90670. Representative: Robert Fuller, 13215 E. Penn Street, Ste. 310, Whittier, CA 90602, (213) 945-3002. Transporting *wallboard*, between points in the U.S., under continuing contract(s) with Specialty Materials Company, Inc., of Santa Ana, CA.

MC 108461 (Sub-139), filed November 18, 1981. Applicant: SUNDANCE FREIGHT LINES, INC., d.b.a. SUNDANCE TRANSPORTATION, 3737 West Buckeye Road, Phoenix, AZ 85009. Representative: William S. Richards, P.O. Box 2465, Salt Lake City, UT 84110, (801) 531-1777. Transporting *such commodities* as are dealt in or used by grocery and food business houses, hardware, discount, drug, variety, and department stores, between points in AZ, CA, CO, ID, NV, NM, OR, UT, WA, and WY.

MC 124411 (Sub-25), filed November 24, 1981. Applicant: SULLY TRANSPORT, INC., P.O. Box 185, Sully, IA 50251. Representative: James M. Hodge, 1000 United Central Bank Building, Des Moines, IA 50309, (515) 243-6164. Transporting *asphalt products*, between points in Polk County, IA, on the one hand, and, on the other, points in IL, MN, and WI.

MC 125551 (Sub-28), filed November 9, 1981. Applicant: K. & W. TRUCKING CO., INC., P.O. Box 1415, St. Cloud, MN 56302. Representative: E. Lewis Coffey (same address as applicant), (612) 255-7474. Transporting *oilfield commodities* (1) between Moses Lake, WA, on the one hand, and, on the other, points in

AK, (2) between points of entry on the international boundary line between the U.S. and Canada in ID, MT, and WA, on the one hand, and, on the other, Moses Lake, WA, and (3) between points of entry on the international boundary line between the U.S. and Canada in AK, on the one hand, and, on the other, points in AK.

MC 136511 (Sub-110), filed November 20, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main Street, Altavista, VA 24517, (804) 369-5661. Transporting *furniture and furniture parts*, between those points in TN east of Interstate Hwy 75, on the one hand, and, on the other, points in the U.S.

MC 136511 (Sub-112), filed November 24, 1981. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Road, Lynchburg, VA 24502. Representative: J. Johnson Eller, Jr., 513 Main Street, Altavista, VA 24517, (804) 369-5661. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 141940 (Sub-5), filed November 17, 1981. Applicant: R. B. BATOR TRUCKING, INC., Lime Street, Adams, MA 01220. Representative: Gerald A. Denmark, 120 South Street, Pittsfield, MA 01201, (413) 499-4501. Transporting *cable, wire, and cord sets*, between Jewett City, CT and Bennington, VT.

MC 144081 (Sub-4), filed November 18, 1981. Applicant: D. W. STACY CO., INC., P.O. Box 1215, Gaffney, SC 29340. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204, (704) 372-6730. Transporting *such commodities* as are dealt in or used by food business houses, between points in the U.S., under continuing contract(s) with Stouffer Foods Corporation, of Solon, OH.

MC 145610 (Sub-10), filed November 24, 1981. Applicant: TRUCK AIR, INC., Box 713, Birmingham, AL 35201. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, N.E., Atlanta, GA 30309, (404) 892-8020. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), (1) between points in LA and MS, (2) between points in LA and MS, on the one hand, and, on the other points in AL, GA, NC and SC, and (3) between points in TN, on the one hand, and, on the other points in AL, GA, LA, MS, NC and SC.

MC 149151 (Sub-5) filed November 24, 1981. Applicant: SCHUH TRANSPORT, INC., P.O. Box 207, Kaukauna, WI 54130.

Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273-1003. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with Wisconsin Chromium Corporation, of Kaukauna, WI.

MC 149541 (Sub-4), filed November 19, 1981. Applicant: LEBARNOLD, INC., 470 St. John's Church Road, Camp Hill, PA 17011. Representative: Thomas N. Willess, 1000 Sixteenth Street NW., Suite 502, Solar Building, Washington, DC 20036, (202) 783-8131. Transporting *general commodities* (except classes A, and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contact(s) with Fisher Corp., of Milroy, PA.

MC 152161 (Sub-4), filed November 24, 1981. Applicant: PONSELL SUPPLY CO., INC., 1702 Swan Street, P.O. Box 2135, Jacksonville, FL 32204. Representative: Norman J. Bolinger, Suite 225, 3100 University Boulevard, South, Jacksonville, FL 32216, (904) 724-7539. Transporting *building materials*, between points in Duval County, FL, on the one hand, and, on the other points in AL, FL, GA, LA, MS, NC, SC, TN, TX, and VA.

MC 153480 (Sub-2), filed November 17, 1981. Applicant: RICHARD P. WARD, d.b.a. WARD DISTRIBUTING CO., P.O. Box 713, Alamosa, CO 81101. Representative: Jean Paul Jones, P.O. Box 1034, Alamosa, CO 81101, (303) 589-4677. Transporting *malt beverages*, between Longview, TX, on the one hand, and, on the other points in CO.

MC 156100 (Sub-1), filed November 24, 1981. Applicant: CHARLES RAYMOND POWELL, d.b.a., GOLDEN TRIAD CARRIERS, P.O. Box 4145, Archdale, NC 27263. Representative: Archie W. Andrews, 617 F Lynrock Terrace, Eden, NC 27288, (919) 627-0555. Transporting *hoisery*, between points in Granville County, NC, and Suffolk County, NY, on the one hand, and, on the other, points in the U.S.

MC 156390 (Sub-1), filed November 18, 1981. Applicant: PROGRESSIVE PIER DELIVERY, INC., 1 Freeman Street, Newark, NJ 07105. Representative: Harold L. Reckson, 33-28 Halsey Road, Fair Lawn, NJ 07410, (201) 791-2270. Transporting (1) *food and related products*, between Markham, WA, and points in GA, and those in Burlington County, NJ, Kenosha County, WI, and Plymouth County, MA, on the one hand, and, on the other, points in the U.S., (2) *chemicals and related products and*

rubber and plastic products, between Los Angeles, CA, and Chicago, IL, and points in NJ, PA, and TX, on the one hand, and, on the other, points in the U.S., and (3) such commodities as are dealt in by retail department stores, between points in Hudson and Middlesex Counties, NJ, on the one hand, and, on the other, points in the U.S.

MC 157820, filed November 24, 1981. Applicant: SCHULTZ TRUCKING, INC., Route 1, Box 306, Antigo, WI 54409. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Road, Madison, WI 53719, (608) 273-1003. Transporting food and related products, between points in the U.S. (except AK and HI), under continuing contract(s) with A. F. Schulz Creamery, Inc., and Schulz Dairy Products, Inc., both of Antigo, WI.

MC 158290 (Sub-1), filed November 10, 1981. Applicant: JAMES CARTER WILSON, d.b.a., JCW TRUCKING CO., INC., Route 1, Box 280, P.O. Box 296, Fortson, GA 31808. Representative: William Burton Steis, North Court Square, Hamilton, GA 31811, (404) 628-4977. Transporting food and related products, farm products, tobacco products, and textile mill products, between points in the U.S.

MC 158381 (Sub-2), filed November 24, 1981. Applicant: YELLOW LAKE, INC., P.O. Box 1364, Auburndale, FL 33823. Representative: Elbert Brown, Jr., P.O. Box 1378, Altamonte Springs, FL 32701-1378, (305) 869-5936. Transporting food and related products, between points in the U.S. (except AK and HI), under continuing contract(s) with Wakefern Foods Corporation, of Elizabeth, NJ, Campbell Soup Company, of Camden, NJ, and John Sexton & Company, of Orlando, FL.

MC 159250 (Sub-1), filed November 20, 1981. Applicant: MULTIPLE MAGAZINE DISTRIBUTORS, INC., 141 West Ruby Avenue, Palisades Park, NJ 07650. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048-0640, (212) 466-0220. Transporting such commodities as are dealt in or used by manufacturers, publishers or distributors of printed matter, and books, between New York, NY, on the one hand, and, on the other, points in NJ, DE, CT, NY and PA.

MC 159331, filed November 17, 1981. Applicant: J.T.I. TRANSPORTATION CO., P.O. Box 47, Fairmont, NE 68354. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761. Transporting food and related products, between points in Dawson, Kearney and York Counties, NE, on the

one hand, and, on the other, points in the U.S.

CONDITION: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any affidavit please submit a copy of the affidavit or proof of filing the application(s) for common control to team 1, Room 6358.

MC 159350, filed November 18, 1981. Applicant: LANMAN CORPORATION, 1096 Riverbend Club Drive, N.W., Atlanta, GA 30339. Representative: Steven A. Lauer, Suite 800, 1019 19th Street, N.W., Washington, DC 20036, (202) 785-3420. Transporting (1) meat and meat products, (2) lighting fixtures and parts for lighting fixtures, and (3) pulp, paper and related products, between points in the U.S., under continuing contract(s) with Action Commodities Corporation of Stone Mountain, GA in (1) above; Lithonia Lighting of Conyers, GA in (2) above; and DeFoe and DaFoe, Ltd., of Norcross, GA in (3) above.

MC 159391, filed November 20, 1981. Applicant: MARVIN L. VAN HORN, Rt. #2, Pearl City, IL 61602. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting gasoline, diesel fuel, fertilizers, and anhydrous ammonia, between points in the U.S. (except AK and HI), under continuing contract(s) with Pearl City Elevator, Inc., of Pearl City, IL.

Volume No. OPY-2-234

Decided: December 1, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 80443 (Sub-50), filed November 9, 1981. Applicant: OVERNITE EXPRESS, INC., 2550 Long Lake Rd., Roseville, MN 55113. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, 612-542-1121. Transporting general commodities (except classes A and B explosives), (1) between points in MN, IA and WI, and (2) between points in MN, IA and WI, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack this authority with its existing regular route authority.

MC 97932 (Sub-8), filed November 5, 1981. Applicant: WREN, INC., d.b.a. LAKEVILLE MOTOR EXPRESS, P.O. Box 1867, Roseville, MN 55113. Representative: Richard L. Gill, 1805 American National Bank Building, St. Paul, MN 55101. Transporting general commodities (except classes A and B explosives (1) between Minneapolis and

St. Paul, MN, on the one hand, and, on the other, points in Mower, Freeborn and Isanti Counties, MN, and (2) between points in Isanti County, MN, on the one hand, and, on the other, points in Polk County, WI.

Note.—Applicant intends to tack with existing authority in MC-87932.

MC 134472 (Sub-14), filed November 9, 1981. Applicant: RICHARD KUSTERMANN, d.b.a. KUSTERMANN TRUCK SERVICE, R. R. #3, Box 93, Highland, IL 62249. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701, (217) 544-5468. Transporting food and related products and paper and plastic supplies used by restaurants and dairy stores, between points in the U.S., under continuing contract(s) with P.F.D. Supply Corporation of Granite City, IL, and Prairie Farms Dairy, Inc., of Granite City, IL.

MC 143522 (Sub-7), filed November 9, 1981. Applicant: CONSOLIDATED CARRIERS, INC., P.O. Box D, Irwin, PA 15642. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202, 303-892-6700. Transporting clay, concrete, glass or stone products, between points in Cumberland County, NJ, Westmoreland and Allegheny Counties, PA, Jay County, IN, Fairfield County, OH and Lewis County, WV, on the one hand, and, on the other, points in CA.

MC 144083 (Sub-19) filed November 9, 1981. Applicant: RALPH WALKER, INC., P.O. Box 3222, Jackson, MS 39207. Representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205, 601-355-3543. Transporting food and related products, between points in Grand Traverse County, MI and Scott County, MS, on the one hand, and, on the other, points in the U.S.

MC 144693 (Sub-13), filed November 9, 1981. Applicant: GLENN'S TRUCK SERVICE, INC., No. 1 Produce Row, St. Louis, MO 63102. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309, (515) 244-2329. Transporting such commodities as are dealt in by luggage and office products manufacturers, between points in the U.S., under continuing contract(s) with Hazel Incorporated, of Washington, MO.

MC 147433 (Sub-7), filed November 9, 1981. Applicant: LONG LEASING CORP., P.O. Box 587, East Jordan, MI 49727. Representative: William B. Elmer, 615 E. Eighth St., Traverse City, MI 49684, 616-941-5313. Transporting food and related products, between points in Grand Traverse County, MI, and Scott County, MS, on the one hand, and, on the other, points in the U.S.

MC 154183 (Sub-1), filed November 9, 1981. Applicant: D & H DELIVERY SERVICE, INC., P.O. Box 168, Caldwell, NJ 07006. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410, 201-791-2270. Transporting *photographic equipment and supplies and chemicals and related products*, between points in Essex County, NJ, Los Angeles, CA, and Atlanta, GA, on the one hand, and, on the other, points in U.S.

MC 158073, filed November 9, 1981. Applicant: MEMOREX DISTRIBUTION AND SERVICES CORPORATION, San Tomas at Central Expressway, Santa Clara, CA 95052. Representative: John Paul Fischer, 256 Montgomery St., Fifth Floor, San Francisco, CA 94104, (408) 987-1038. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Memorex DIC, of Santa Clara, CA.

Volume No. OPY-3-222

Decided: December 3, 1981.

By the Commission, Review Board, No. 2, Members Carleton, Fisher, and Williams.

MC 85885 (Sub-4), filed November 20, 1981. Applicant: CARTER TRUCK LINES, INC., 2462 South West St., Indianapolis, IN 46225. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635-2339. Transporting *such commodities* as are dealt in or used by plumbing supply houses, between points in the U.S. (except AK and HI), under continuing contract(s) with Delta Faucet Company, Division of Masco Corporation of Indiana, of Greensburg, IN.

MC 106485 (Sub-25), filed November 20, 1981. Applicant: LEWIS TRUCK LINES, INC., Box 393, Lisbon, ND 58054. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126, (701) 235-4487. Transporting *general commodities* (except household goods as defined by the Commission, commodities in bulk, classes A and B explosives, and commodities which because of their size or weight require the use of special equipment), between points in ND, SD, MN, NE and IA.

MC 115554 (Sub-44), filed November 25, 1981. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, R.R. #6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501 (402) 475-6761. Transporting *chemicals and related products* and *plastic products* (except commodities in bulk), between points in the U.S. (except AK and HI).

MC 119974 (Sub-237), filed November 24, 1981. Applicant: L. C. L. TRANSIT COMPANY, 949 Advance St., Green Bay, WI 54304. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305, (414) 497-7400. Transporting *corn products*, between Chicago, IL, and points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, KY, LA, ME, MD, MA, MS, MT, NV, NH, NM, NY, NC, OK, OR, PA, RI, SC, TN, TX, UT, VT, VA, WA, WV, and WY.

MC 120364 (Sub-40), filed November 20, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contracts with (1) Hot Formed Products, a Division of MacLean Fog Corporation, of Savanna, IL, (2) Monterey Mills, Inc., of Janesville, WI, and (3) Rockford Can Co., of Rockford, IL.

MC 123065 (Sub-14), filed November 24, 1981. Applicant: STX INC., A DELAWARE CORP., d.b.a. SPOTSWOOD TRAIL EXPRESS, Redbone Road, Chester Springs, PA 19425. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, (703) 629-2818. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Boston, MA, North Bergen, NJ, and Philadelphia, PA, on the one hand, and, on the other, points in Guilford County, NC.

MC 125535 (Sub-34), filed November 24, 1981. Applicant: NATIONAL SERVICE LINES, INC., OF NEW JERSEY, 2275 Schuetz Rd., St. Louis, MO 63141. Representative: Donald S. Helm (same address as applicant), (314) 569-1161. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Metal Processors, Inc., of Chesterfield, MO.

MC 135185 (Sub-69), filed November 24, 1981. Applicant: COLUMBINE CARRIERS, INC., P.O. Box 66, South Bend, IN 46624. Representative: Jack B. Wolfe, 1600 Sherman St., Suite 665, Denver CO 80203, (303) 839-5856. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of traffic control products and paving marking compounds, and (2) *clay, concrete, glass or stone products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Pavemark Corporation, of Smyrna, GA.

MC 135205 (Sub-4), filed November 20, 1981. Applicant: P. RODNEY HOFFMAN, INC., 247 Hopewell St., Birdsboro, PA 19508. Representative: Raymond A. Thistle, Jr., Five Cottman Ct., Homestead Rd. & Cottman St., Jenkintown, PA 19046, (215) 576-0131. Transporting (1) *metal, metal products and coke*, between points in the U.S. (except AK and HI), under continuing contract(s) with Hoffman Storage and Warehouse Company, of Birdsboro, Berks County, PA, and (2) *metal products and machinery*, between points in the U.S. (except AK and HI), under continuing contract(s) with Birdsboro Corporation, of Birdsboro, Berks County, PA.

MC 136155 (Sub-11), filed November 20, 1981. Applicant: GAY TRUCKING COMPANY, P.O. Box 7179, Savannah, GA 31408. Representative: Herbert Alan Dubin, 818 Connecticut Avenue, NW, Washington, DC 20006, (202) 331-3700. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in AL, FL, GA, LA, NC, SC, and VA, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, TN, and VA.

MC 147494 (Sub-6), filed November 24, 1981. Applicant: BOBBY KITCHENS, INC., P.O. Box 6161, Jackson, MS 39208. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205, (601) 948-8820. Transporting *lumber and wood products*, between points in Hinds County, MS, on the one hand, and, on the other, points in AZ, CA, CO, KS, MO, OK, OR, TX, UT, and WA.

MC 148075 (Sub-7), filed November 20, 1981. Applicant: CECIL E. KING, JR., d.b.a. CECIL KING TRUCKING, Route 2, Seagrave, NC 27341. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814, (301) 986-9030. Transporting *electric appliances and audio equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with General Electric, Houseware and Audio Business Division, of Bridgeport, CT.

MC 150724 (Sub-5), filed November 24, 1981. Applicant: DONALD SANTISI TRUCKING COMPANY, a corporation, 340 Victoria Rd., P.O. Box 4145, Youngstown, OH 44515. Representative: Paul F. Beery, 275 East State St., Columbus, OH 43125, (614) 228-8575. Transporting *metal products*, between points in Mahoning County, OH, on the one hand, and, on the other, points in NM, TX, OR, CA, WA, LA, OK, and MN.

MC 151404 (Sub-1), filed November 24, 1981. Applicant: NORTHLAND

PRODUCE, INC., 4350 Lincoln Rd., Holland, MI 49423. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, (301) 739-4860. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with W. R. Grace & Co., of Cambridge, MA, and Dry Slide, Inc., of Fremont, MI.

MC 151714, filed June 8, 1981, previously published in the Federal Register issue of June 29, 1981. Applicant: CENTRAL ARKANSAS CARTAGE, INC., 2104 John Harden, Jacksonville, AR 72076. Representative: Ron Harvey (same address as applicant), (501) 982-4776. Over regular routes, transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods) between Little Rock, AR, and Kansas City, MO, from Little Rock over U.S. Hwy 65 to Springfield, MO, then over MO Hwy 13 to Clinton, MO, then over MO Hwy 7 to Harrisonville, MO, then over U.S. Hwy 71 to Kansas City, and return over the same route. Condition: Issuance of a certificate is conditioned upon a request by applicant in writing for cancellation of its certificate No. MC-151714, issued August 25, 1981.

Note.—This republication reflects applicant's desire to operate over the above-described routes which would allow service at all intermediate points.

MC 152364, filed November 24, 1981. Applicant: TOM, DICK AND HARRY DELIVERY CO., INC., 7313 Edwards St., Houston, TX 77007. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030, (703) 691-0900. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and those of unusual value, cement, household goods, and those requiring special equipment), between Houston, TX, on the one hand, and, on the other, points in Milam, Robertson, Leon, Houston, Angelina, San Augustine, Lee, Liberty, Burleson, Brazos, Grimes, Madison, Trinity, Polk, Tyler, Jasper, Newton, Washington, Waller, Harris, Walker, San Jacinto, Montgomery, Fayette, Austin, Colorado, Chambers, Jefferson, Orange, Hardin, Victoria, Jackson, Wharton, Brazoria, Fort Bend, Galveston, Matagorda, Calhoun, Refugio, and Aransas Counties, TX.

MC 153294 (Sub-1), filed November 24, 1981. Applicant: A YANKEE LINE, INC., P.O. Box 281, Allston, MA 02134. Representative: Michael Eby, Ten Post Office Square, Boston, MA 02109, (617) 482-1900. Transporting *passengers and*

their baggage, in the same vehicle with passengers, in charter and special operations, between Boston, MA, and its commercial zone, on the one hand, and, on the other, points in the U.S. (except HI).

MC 154344, filed November 24, 1981. Applicant: EMIL E. ZIEGLER, dba. ZIEGLER TRUCKING CO., RFD 3, Tripp, SD 57376. Representative: A. J. Swanson, P.O. Box 1103, Sioux Falls, SD 57101, (605) 335-1777. Transporting (1) *chemicals and related products*, and (2) *building materials*, between points in Hutchinson, Charles Mix, Bon Homme, Yankton, Douglas, and Hanson Counties, SD, on the one hand, and, on the other, points in IA, ID, IL, MN, MO, MT, NE, OR, WA, and WI.

MC 155314 (Sub-2), filed November 24, 1981. Applicant: R. C. HOFFMAN ENTERPRISES, INC., P.O. Box 3927, Lake Wales, FL 33853. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263-1600. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Lykes Bros. Meat Company, of Plant City, FL.

MC 156294 (Sub-1), filed November 24, 1981. Applicant: HENDRICKS AND ANDERSON, INC., 446 W. Cedar St., Franklin, KY 42134. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790-2510. Transporting (1) *tope and surgical supplies*, and (2) *metal products*, between points in Simpson County, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159024, filed November 24, 1981. Applicant: EUGENE WOOD, Route 4, Box 285J, Blanchard, OK 73010. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106, (405) 521-3884. Transporting *iron and steel products*, between points in the U.S. (except AK and HI), under continuing contract(s) with AAA Steel, Inc., of Oklahoma City, OK.

MC 159385, filed November 20, 1981. Applicant: McCORMICK'S TRAVEL 10691 Folsom Blvd., Rancho Cordova, CA 95670. Representative: Gene and Dorothy McCormick (same address as applicant), (916) 361-2037. As a *broker* at Sacramento County, CA, in arranging for the transportation of *passengers and their baggage*, beginning and ending at points in CA and extending to points in the U.S.

MC 159394, filed November 20, 1981. Applicant: NEW ORLEANS-ATLANTA EXPRESS, INC., 1040 Murfreesboro Rd., Nashville, TN 37217. Representative:

Roland M. Lowell, 501 Union Bldg., 5th Fl., Nashville, TN 37219, (615) 255-0540. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between New Orleans, LA, and Atlanta, GA.

MC 159395, filed November 20, 1981. Applicant: GILMAR CRANE SERVICE ALBERTA, LTD., 3208-3rd Ave., S., P.O. Box 871, Lethbridge, Alberta, Canada T1J3Z8. Representative: Bruce W. Shand, Suite 280, 311 S. State St., Salt Lake City, UT 84111, (801) 531-1300. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with CP Rail, Intermodal Service, Ltd., of Lethbridge, Alberta, Canada.

MC 159404, filed November 24, 1981. Applicant: CLETUS CARY, d.b.a. OMNI BUS SERVICE, 3419 Craig, Wichita, KS 67216. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213, (316) 943-2325. Transporting *passengers and their baggage*, in special and charter operations, between points in Sedgwick County, KS, on the one hand, and, on the other, points in AR, NM, OK, MO, CO, and TX.

MC 159414, filed November 24, 1981. Applicant: PHILLIP HOMER GOULET, d.b.a. PHIL GOULET FARMS, 10612 Wheatland Road, N.E., Gervais, OR 97026. Representative: Phillip H. Goulet (same address as applicant), (503) 399-0534. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of building materials, between points in the U.S. (except AK and HI), under continuing contract(s) with Cascade West/MTLS, Inc., of Lake Oswego, OR.

MC 159415, filed November 24, 1981. Applicant: DON'S TRANSPORT CARTAGE (WINDSOR) LTD., 11110 Tecumseh Rd. East, Windsor, Ontario, Canada N8R1A2. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226, (313) 962-6492. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Hiram Walker & Sons, Inc., of Detroit, MI.

MC 159424, filed November 24, 1981. Applicant: HAND TRUCKING, INC., 140 Wilbur Place, Bohemia, NY 11716. Representative: Joseph Hand (same address as applicant), (516) 567-4559. Transporting *computers and computer parts*, between points in the U.S. (except AK and HI), under continuing contract(s) with Contemporary

Computer Service, Inc., and T J Computer Services, Inc., both of Bohemia, NY, and DPF, Inc., of Hartsdale, NY.

MC 159425, filed November 24, 1981. Applicant: NATALIE S. BAGGETT and JANE ANN BLACKERBY, d.b.a. NEW BERN GUIDED TOURS, P.O. Box 5223, New Bern, NC 28560. Representative: B. Hunt Baxter, Jr., P.O. Drawer U, 318 Craven St., New Bern, NC 28560. (919) 638-5792. As a *broker*, at New Bern, NC, in arranging for the transportation of *passengers*, beginning and ending at points in Craver County, NC, and extending to points in the U.S. (except AK and HI).

MC 159435, filed November 24, 1981. Applicant: SUPER TRANSPORT, INC., 5861 Pembroke Rd., Hollywood, FL 33023. Representative: Bruce E. Mitchell, 3390 Peachtree Rd., N.E., Atlanta, GA 30326, (404) 262-7855. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in FL.

MC 159444, filed November 24, 1981. Applicant: WILLIAM Z. DAVIS, d.b.a. WILLIAM Z. DAVIS TRUCKING, Route 2, Box 17-C, Yamhill, OR 97148. Representative: William Z. Davis (same address as applicant), (503) 662-3949. Transporting *such commodities* as are dealt in or distributed by producers of building materials, between points in the U.S. (except AK and HI), under continuing contract(s) with Cascade West/MTLS, Inc., of Laké Oswego, OR.

Volume No. OPY-4-466

Decided: December 4, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Fisher not participating.)

MC 37896 (Sub-53), filed November 24, 1981. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, 406 World Center Bldg., 918 16th St., N.W., Washington, D.C. 20006, (202) 833-1170. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Scott Paper Company, of Philadelphia, PA.

MC 76266 (Sub-152), filed November 24, 1981. Applicant: ADMIRAL-MERCHANTS MOTOR FREIGHT, INC., 215 S. 11th St., Minneapolis, MN 55403. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transporting *plastic articles*, between points in Blue Earth County, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 124236 (Sub-112), filed November 24, 1981. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 N. Central Expressway, Dallas, TX 75205. Representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, TX 75202, (214) 741-6263. Transporting *commodities* in bulk, between points in the U.S. (except AK and HI).

MC 134286 (Sub-174), filed November 24, 1981. Applicant: ILLINI EXPRESS, INC., P.O. Box 1564, Sioux City, IA 51102. Representative: Charles J. Kimball, 1600 Sherman St., #665, Denver, CO 80220, (303) 839-5856. Transporting *general commodities* (except household goods classes A and B explosives and hazardous waste), between points in AZ, CA, CT, CO, DE, GA, IA, ID, IL, IN, KS, KY, MA, MD, MI, MO, NC, NE, NJ, NM, NY, OH, OR, PA, SC, TX, UT, and WA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 145516 (Sub-30), filed November 24, 1981. Applicant: T. G. STEGALL TRUCKING COMPANY, INC., 8100 E. Independence Blvd., P.O. Box 1286, Matthews, NC 28105. Representative: T. Gene Stegall, Jr. (same address as applicant), (704) 536-1122. Transporting *food and related products*, between those points in the U.S. in and east of MN, IA, NE, KS, OK, and TX.

MC 146616 (Sub-20), filed November 24, 1981. Applicant: B & H MOTOR FREIGHT, INC., 4724 W. 21st St., Tulsa, OK 74107. Representative: Fred Rahal, Jr., Suite 305, Reunion Center, 9 E. Forth St., Tulsa, OK 74103, (918) 583-9000. Transporting (1) *metal products*, (2) *lumber and wood products*, (3) *building materials*, (4) *machinery*, and (5) *chemicals and related products*, between points in OK, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 146676 (Sub-7), filed November 24, 1981. Applicant: BURKS TRUCKING, INC., P.O. Box 235, Green Springs, OH 44836. Representative: E. H. van Deusen, P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting *such commodities* as are dealt in by manufacturers of stereo equipment and stereo speaker systems and electronic equipment, between points in the U.S.

MC 151256 (Sub-3), filed November 24, 1981. Applicant: ODYSSEY TRANSPORTATION, INC., 3826 Depot Rd., Hayward, CA 94544. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986-8696. Transporting *chemicals and related products*, between points in the U.S. (except AK and HI), under continuing contract(s)

with Cargill Incorporated, Chemical Products Division, of Lynwood, CA.

MC 154416 (Sub-4), filed November 24, 1981. Applicant: J & S LINES, INC., P.O. Box 184, Mukwonago, WI 53149. Representative: Ronald E. Laitsch, 108 S. Second St., Watertown, WI 53094, (414) 261-9725. Transporting *printed matter*, between points in NY, NJ, CT, FL, PA, IL, WI, OR, WA, ID, CA, and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159446, filed November 25, 1981. Applicant: CALCUT SALES & SERVICE, INC., 16061 Lauren, Taylor, MI 48180. Representative: John S. Barbour, 2711 E. Jefferson, Detroit, MI 48207, (313) 259-6555. Transporting *machinery*, between points in MI, OH and TX, on the one hand, and, on the other, points in FL, GA, IA, IL, IN, KY, MI, NH, NJ, NY, OH, PA, SC, TX, VA, WI, and WV.

Volume No. OPY-4-467

Decided: December 2, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Member Fisher not participating.)

MC 12957 (Sub-1), filed November 24, 1981. Applicant: AL'S TOURS, INC., 1034 South Brentwood Blvd., St. Louis, MO 63117. Representative: Joseph E. Rebman, 314 N. Broadway, Suite 1300, St. Louis, MO 63102, (314) 421-0845. To engage in operations, as a *broker*, at St. Louis, MO, and Kansas City, KS in arranging for the transportation of *passengers* and their baggage, between points in the U.S.

MC 38317 (Sub-3), filed November 20, 1981. Applicant: CONLON MOVING AND STORAGE, INC., 255 York Ave., Pawtucket, RI 02861. Representative: David R. Harrison (same address as applicant), (401) 723-4500. Transporting *household goods*, between points in AL, CT, DE, FL, GA, IL, IN, KY, MA, MD, ME, MI, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VT, VA, WV, and DC.

MC 119837 (Sub-26), filed November 24, 1981. Applicant: OZARK MOTOR LINES, INC., 27 W. Illinois Ave., Memphis, TN 38106. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Transporting *general commodities* (except classes A and B explosives and household goods) between points in the U.S. (except AK and HI), under continuing contract(s) with National Lamination Company, of Des Plaines, IL.

MC 146857 (Sub-5), filed November 19, 1981. Applicant: W. K. THOMAS, INC., 60 Robbins Rd., Springfield, MA 01104. Representative: Patrick A. Doyle, 40 Sky Ridge Lane, Springfield, MA 01128, (413) 783-0442. Transporting *sporting goods*,

between points in the U.S. (except AK and HI), under continuing contract(s) with Spalding, Division of Questor, of Chocopee, MA.

MC 159357, filed November 19, 1981. Applicant: COLLINSVILLE DELIVERY SERVICE, INC., 828 Henry St., Collinsville, IL 62234. Representative: Allan C. Zuckerman, 39 S. LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting *tobacco products*, between Madison County, IL, on the one hand, and, on the other, points in MO.

MC 159397, filed November 20, 1981. Applicant: EAST COAST TRANSPORTATION, INC., Suite 117, Bellevue Ave., Newport, RI 02840. Representative: Christine M. Sousa (same address as applicant), (401) 847-0470. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Noramco Systems, Inc., of Plymouth, MA.

Volume NO. OPY-5-214

Decided: December 1, 1981.

By the Commission, Review Board No. 3, members Krock, Joyce, and Dowell.

MC 105369 (Sub-16), filed October 29, 1981. Originally published in the Federal Register November 19, 1981. Applicant: MIDLANTIC COAST DELIVERY SYSTEMS, INC., 47-10 Grand Ave., Maspeth, NY 11378. Representative: Bruce J. Robbins, 18 East 48th St., New York, NY 10017, 212-755-9400. Transporting *such commodities* as are dealt in by door to door sales, catalogue sale and mail-order houses (except commodities in bulk, household goods as defined by the Commission and classes A and B explosives), (1) between points in Middlesex County, NJ, on the one hand, and, on the other, points in New York, NY; Philadelphia, PA; Baltimore, MD and Washington, D.C. and (2) between points named in (1) above, on the one hand, and, on the other, points in DE, MD, VA, WV, and DC.

MC 136278 (Sub-3), filed November 17, 1981. Applicant: TRUCKWAY SERVICE, INC., 1099 Oakwood Blvd., Detroit, MI 48217. Representative: James R. Stiverson, 1396 W. Fifth Ave., P.O. Box 12241, Columbus, OH 43212, (614) 481-8821. Transporting (1) *metallic ores, coal and coke, non-metallic minerals and primary metal products*, between points in AL, DE, GA, IL, IN, IA, KY, MD, MI, MN, MO, NC, NJ, NY, OH, PA, SC, TN, VA, WI, WV, and DC, and (2) *general commodities*, between points in Lucas County, OH, on the one hand, and, on the other, points in (1) above.

MC 145129 (Sub-13), filed November 17, 1981. Applicant: WHITAKER TRANSPORTATION COMPANY, INC., 2909 South Hickory St., Chattanooga, TN 37407. Representative: M. C. Ellis, Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402, (615) 756-3620. Transporting (1) *metal products* and (2) *plastic products* between points in Marshall County, AL, Macon County, IL, Laurens County, SC, and Hamilton County, TN, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 145129 (Sub-14), filed November 17, 1981. Applicant: Whitaker transportation company, inc., 2909 South Hickory St., Chattanooga, TN 37407. Representative: M. C. Ellis, Chattanooga Freight Bureau, Inc., 1001 Market St., Chattanooga, TN 37402, (615) 756-3620. Transporting (1) *food and related products* and (2) *scrap paper*, (a) between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, and (b) between points in the U.S. in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, points in AL, GA, KY, MS, NC, SC, TN, and VA.

MC 150798 (Sub-5), filed November 17, 1981. Applicant: CKR TRANSPORT, LTD., P.O. Box 599, Elmhurst, IL 60126. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, 615-790-2510. Transporting (1) *pulp, paper and related products*, between Philadelphia, PA; Cleveland, OH; New York, NY; points in Beauregard Parish, LA; and Montgomery County, IN; and points in WI and IL, on the one hand, and, on the other, points in the U.S. on and east of a line beginning at the mouth of the Mississippi River to its junction with the eastern boundary of Itasca County, MN, thence northward along the eastern boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada, and (2) *printed matter*, between Milwaukee, WI on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153448 (Sub-3), filed November 6, 1981. Applicant: CONTRUX, INC., 9001 West 79th Place, Justice, IL 60458. Representative: Jack I. Anderson (same address as applicant), 800-323-8485. Transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in the U.S., under continuing contract(s) with ITOFCA, Inc., of Downers Grove, IL.

MC 153138 (Sub-1), filed November 17, 1981. Applicant: LARRY DON EASLEY d.b.a. EASLEY TRUCKING, P.O. Box

103, Ben Wheeler, TX 75754. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting *food and related products*, between points in WA, ID, CA, UT, and OR, on the one hand, and, on the other, points in KS, OK, TX, AR, and LA.

MC 155238 (Sub-3), filed November 12, 1981. Applicant: EVAN F. SITTON d.b.a. E. SITTON TRUCKING, 2211 Whistlers Park Road, Roseburg, OR 97470. Representative: Evan F. Sitton (same address as applicant), (503) 672-2767. Transporting (1) *steel pipe*, between points in the U.S., (2) *metal products*, between (a) points in Box Elder County, UT, on the one hand, and, on the other points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY, and (b) between points in Contra Costa County, CA, on the one hand, and, on the other, Tacoma, WA, and (3) *pre-fab homes and related building materials*, between Tacoma, WA, on the one hand, and, on the other, Portland, OR and Los Angeles, CA.

MC 156069 (Sub-2), filed November 18, 1981. Applicant: TRANSITALL SERVICE, INC., Two North Riverside Plaza, Suite 1402, Chicago, IL 60614. Representative: Anthony E. Young, 29 South LaSalle Street, Suite 350, Chicago, IL 60606, 312-782-8880. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Meijer, Inc. of Grand Rapids, MI.

MC 157369, filed November 18, 1981. Applicant: ROLL OUT PRODUCTIONS, INC., 204 West Mariposa, San Clemente, CA 92672. Representative: Jerry Rappaport, 16530 Ventura Blvd., Suite 208, Encino, CA 91436, 213-783-8882. Transporting *theatrical equipment, materials and supplies used in the operation and maintenance of itinerant theatrical, stage, and television show productions or exhibitions*, between points in the U.S. under continuing contract(s) with Segel and Goldman Management Company of Beverly Hills, CA.

MC 158378 (Sub-1) filed November 13, 1981. Applicant: MARVIN BROS. EXPRESS, INC., 425 Hardin Avenue, Stratford, CT 06497. Representative: Steven M. Gold, One Financial Plaza, Hartford, CT 06103, (203) 522-3234. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and

Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 159278, filed November 13, 1981. Applicant: BERG OIL, INC., P.O. Box 333, Eleventh, MN 55734. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, 612-927-8855. Transporting *hazardous materials*, between points in Aitkin, Beltrami, Carlton, Cass, Cook, Crow Wing, Hubbard, Itasca, Kanabec, Koochiching, Lake, Lake of the Woods, Mille Lacs, Morrison, Pine, St. Louis and Wadena Counties, MN, on the one hand, and, on the other, points in the U.S. Condition: Any certificate issued in this proceeding shall be limited in point of time to a period expiring five years from the date of issuance of the certificate.

MC 159289, filed November 16, 1981. Applicant: BRENHOLB, INC. d.b.a. BRENNER TRUCKING COMPANY, Fourteen Burwood Lane, San Antonio, TX 78216. Representative: Elise Ann Brenner (same address as applicant), 512-349-4126. Transporting *textile mill products*, between points in the U.S. under continuing contract(s) with Wilton Company of San Antonio, TX.

MC 159298, filed November 16, 1981. Applicant: CHARLES D. TAYLOR d.b.a. TAYLOR TRUCKING, Route 4, Box 454, Maryville, MO 64468. Representative: W. R. England, III, P.O. Box 456 Jefferson City, MO 65102, 314-635-7166. Transporting *general commodities* (except classes A and B explosives, and commodities in bulk), between points in MO on the one hand, and, on the other, points in the U.S.

MC 159299, filed November 16, 1981. Applicant: LEACH BROTHERS BROKERAGE, INC., 862 East Third St., Forest, MS 39074. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701, 601-335-3576. Transporting (1) *food and related products*, (2) *chemicals and related products*, and (3) *metal products*, between points in Antrim and Grand Traverse Counties, MI; and Hinds, Leake, Madison, Neshoba, Rankin, Scott and Simpson Counties, MS on the one hand, and, on the other, points in the U.S.

MC 159318, filed November 17, 1981. Applicant: L & D TRANSPORTATION, INC., 5046 West Angling Rd., Ludington, MI 49431. Representative: William B. Elmer, 624 Third St., Traverse City, MI 49684, 616-941-5313. Transporting *food and related products*, between points in Grand Traverse County, MI and Scott County, MS, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA.

MC 159319, filed November 17, 1981. Applicant: ALPINE RECREATION, INC. d.b.a. ALPINE SKI CENTER, P.O. Box 485, Hwy 184, Banner Elk, NC 28604. Representative: Hiram A. Lewis (same address as applicant), (704) 898-5055. To engage in operations, as a *broker* at Banner Elk, NC, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, in special and charter operations, between points in NC, SC, GA, FL, TN, and AL, on the one hand, and, on the other, points in the U.S.

MC 159348, filed November 18, 1981. Applicant: RBC TRANSPORTATION, INC., Dug Hill Rd., Rt. 2, Huntsville, AL 35804. Representative: William H. Borghesani, Jr., 1150 17th St., NW, Suite 1000, Washington, DC 20036, (202) 457-1122. Transporting (1) *aluminum foil and plastic wrapping paper*, under continuing contract(s) with Benham and Co., Inc., of Mineola, TX; (2) *food and related products*, under continuing contract(s) with JFG Coffee Company—Division of William B. Reily and Co., of Knoxville, TN; (3) *plastic products, articles used to distribute plastic products, and corrugated cartons*, under continuing contract(s) with Thompson Industries Co.—Division of Dart and Kraft, of Phoenix, AZ; (4) *such commodities* as dealt in or used by wholesale and retail grocery houses, under continuing contract(s) with (a) C. B. Ragland Co., of Nashville, TN, and (b) Ragland Brothers Company of Huntsville, AL; (5) *beer*, under continuing contract(s) with (a) Turner Beverage Co., Inc., and (b) Falstaff Sales Co., Inc., both of Huntsville, AL; (6) *bleach and dog food*, under continuing contract(s) with Smith and Sons, Inc., of Tullahoma, TN; (7) *cans, glassware, and paper products*, under continuing contract(s) with J. J. Food Brokers, Inc., of Huntsville, AL; (8) *food and related products, plastic jugs and packaging and corrugated boxes*, under continuing contract(s) with Beatrice Foods, Inc., of Chicago, IL, and (9) *food and related products and matches*, under continuing contract(s) with Hunt-Wesson Foods, Inc., of Fullerton, CA, between points in the U.S.

MC 159358, filed November 19, 1981. Applicant: CAROLINA CONTRACT CARRIERS, INC., P.O. Box 999, Gapway Road, Georgetown, SC 29440. Representative: Barnard B. Turner (same address as applicant), (803) 546-2447. Transporting (1) *metal products*, (2) *machinery*, and (3) *scrap metal*, between points in the U.S. under

continuing contract(s) with Georgetown Steel Corporation, of Georgetown, SC. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-35305 Filed 12-9-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 206]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings.

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer. Agatha L. Mergenovich, Secretary.

MC 5428 (Sub-9)X, filed November 20, 1981. Applicant: LYON VAN LINES, INC., 55 Battery Street, Seattle, WA 98121. Representative: Robert J. Brooks, 1828 L. Street, N.W., Suite 1111, Washington, DC 20036. Lead and Sub-Nos. 5 and 7 (1) broaden the commodity descriptions (a) from metal signs and gas ranges to "metal products," lubricating oils and greases to "petroleum or coal products" and electric ironers and washing machines to "electrical machinery or equipment" in the lead certificate (b) from "general commodities, (with exceptions)" to

"general commodities (except classes A and B explosives)" in the lead and Sub-No. 5; (c) from airplanes and airplane parts and used or damaged airplanes or parts thereof, uncrated in the lead certificate and autogyros and component parts, knocked-down, uncrated, and blades and booms thereof in the Sub-No. 5, to "transportation equipment;" (2) change to round-trip authority in the lead and Sub-No. 5; (3) enlarge cities to county-wide authority (a) in the lead from San Diego, CA, and points on North Island, CA, to San Diego County, CA; and from the Los Angeles, CA, Commercial Zone and Los Angeles Harbor, CA to Los Angeles, Orange, and Ventura Counties, CA; from Fresno, CA to Fresno County, CA; from San Diego, CA, and points within 20 miles of the junction of 5th and Broadway Streets, San Diego, not including those on the Boundary of the United States and Mexico, in San Ysidro, CA to San Diego County, CA; from Fresno, CA, to Fresno County, CA (c) in Sub 5, from Seattle, WA and points within 3 miles of Seattle to Island, King, Kitsap, Pierce and Snohomish Counties, WA and from Portland, OR to Clackamas, Multnomah and Washington Counties, OR and Clark County, WA;" (d) in the lead from San Diego, CA and points in CA (within) 40 miles of the junction of 5th and Broadway Streets, San Diego to San Diego County, CA; and (e) in the lead, from El Segundo, CA and Lake Havasu City, AZ to Los Angeles County, CA and Mohave, County, AZ; (4) remove restrictions in the lead; (a) traffic moving to the Territories or possessions of the United States, and transportation in foreign commerce only," and (b) between airports of landing fields, and points at which steamships or other vessels may be loaded or unloaded."

MC 30045 (Sub-10X), filed July 30, 1981 and previously noticed in the Federal Register of Aug. 24, 1981, republished as corrected this issue. Applicant: KITCHELL TRUCK LINES INC., P.O. Box 391, Ipswich, SD 57451. Representative: Val M. Higgins, 1600 TCF Tower, Minneapolis, MN 55402. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 4, 5, 8 and 9F certificates as previously published, except that the territorial broadening in part (2) should also include in paragraphs two and three of the lead certificate, Plymouth County, IA and Polk, St. Croix, Pierce and Trempealeau Counties, WI for Sioux City, IA, Winona, MI and points in the Minneapolis-St. Paul, MN Commercial Zone. Also, in Sub-No. 2 Turner County, SD should be included in broadening Sioux Falls, SD. The purpose of this

republication is to correct inadvertent errors and omissions.

MC 98572 (Sub-83X), filed November 30, 1981. Applicant: SOUTHEAST TEX-PACK EXPRESS, INC., P.O. Box 47960, Dallas, TX 75247. Representative: Austin L. Hatchell, P.O. Box 2023, Austin, TX 78768. Sub 80F certificate: Remove the "500 pounds or less per shipment" restriction.

MC 100449 (Sub-129X), filed November 9, 1981. Applicant: MALLINGER TRUCK LINE, INC., 2100 North General Bruce Drive, Temple, TX 76501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Subs 2, 8, 9, 11, 12, 14, 15, 17, 19, 22, 23, 24, 26, 27, 28, 29, 32, 35, 36, 37, 39, 40, 49, 50, 52, 53, 55, 56, 57, 60, 65, 67, 68, 70, 71, 72, 74, 75, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 99, 100, 101, 102, 103, 104, 105, 107, 111, 112, 113, 114, 115, 116, 117, 118, 119, 122, 123 and 124. Broaden: (1) all Subs (except Subs 8, 9, 11, 14, 15, 24, 53, 65, 87, 114) to "food and related products" from tankage and meat scrap, foodstuffs, except meats and packinghouse products and commodities in bulk, meat commodities, except commodities in bulk, and hides, skins, pieces thereof; inedible fats in bulk; nonalcoholic beverages, frozen foods, beer, canned goods, bakery products (and frozen), and materials, equipment and supplies used in the manufacture of bakery products, frozen nondairy milk and cream substitutes, beverages and concentrates; Subs 8, 9, 11, 14, 65, to "clay products" from sewer pipe, drain tile, flue lining wall coping, motor mix, fire clay, clay pipe; Subs 15, 114, to "chemicals and related products" from agricultural chemicals (except in bulk) and fertilizer; Sub 24, to "lumber and wood products" from pallets and lumber; Sub 53, to "hardware products" from materials, equipment and supplies used in the manufacture and distribution of recreational vehicles, trucks, trailers and pelletizers; Sub 87, to "hardware, plastic articles and recreational vehicles, campers and trailers in truckaway service" from recreational vehicles, campers and trailers, accessories, equipment, materials and supplies used in the manufacture thereof; (2) facilities/points to county wide authority: Sub 12, Ft. Dodge to Webster County, IA; Sub 14, Lehigh to Webster County, IA; Sub 15, Muscatine to Muscatine County, IA; Sub 17, Waterloo to Black Hawk County, IA; Sub 19, Joslin to Rock Island County, IL; Sub 22, West Point to Cumming County, NE, Dennison to Crawford County, Ft. Dodge to Webster County, LeMars to Plymouth, and Mason City to Cerro Gordo County, IA and Luverne to Rock

County, MN; Sub 23, Hospers to Sioux County, IA; Sub 24, Armstrong to Emmet County, IA; Sub 27, Austin to Mower County, MN, Fremont to Dodge County, NE and Ft. Dodge to Webster County, IA; Sub 28, Tama to Tama County, IA; Sub 29, Austin to Mower County, MN, Milan to Rock Island County, IL and Lincoln to Lancaster County, NE; Des Moines to Polk County, IA, Lincoln to Lancaster County, NE, Ft. Dodge to Webster County, IA, Ottumwa to Wapello County, IA, Estherville to Emmet County, IA, Madison to Lake County, SD, Bureau to Bureau County, IL, Fremont to Dodge County, NE, Algona to Kossuth County, IA; Sub 32, New Hampton to Chickasaw County, IA; Sub 35, Ft. Dodge to Webster County, IA; Sub 39, Ft. Dodge to Webster County, IA; Sub 40, Albert Lea to Freeborn County, MN; Sub 49, York to York County, NE; Sub 52, Cedar Rapids to Linn County, IA; Sub 53, Humboldt to Humboldt County, IA; Sub 55, Albert Lea to Freeborn County, MN; Sub 56, Cherokee to Cherokee County, IA; Sub 57, Ottumwa to Wapello County, IA; Sub 60, Albert Lea to Freeborn County, MN; Sub 65, Lehigh, IA to Webster County, IA; Sub 67, Spencer to Clay County, IA, Hartley to O'Brien County, IA and Ft. Dodge to Webster County, IA and Schuyler to Colfax County, NE; Sub 68, Ft. Dodge, to Webster County, IA, Hartley to O'Brien County, IA and Spencer to Clay County, IA, Fremont to Dodge County, NE and Schuyler to Colfax County, NE; Sub 70, Albert Lea to Freeborn County, MN; Sub 72, Albert Lea to Freeborn County, MN; Sub 75, Whitehall to Trempealeau County, WI and Buffalo Lake to Renville County, MN; Sub 81, Ft. Dodge to Webster County, IA and Austin to Mower County, MN; Sub 82, Indianapolis, IN to Marion County, IN; Sub 83, Hartford to Van Buren County, MI, Bailey to Muskegon County, MI and Grawn to Grand Traverse County, MI; Sub 84, New Hampton to Chickasaw County, IA; Sub 85, Cedar Rapids to Linn County, IA; Sub 86, Schuyler to Colfax County, NE, Fremont to Dodge County, NE, Sioux Center to Sioux County, IA; Sub 87, Forest City to Hancock and Winnebago Counties, IA, Mansfield to Tarrant County, TX; Sub 89, Cedar Rapids to Linn County, IA and Des Moines to Polk County, IA; Subs 90 and 91, Cherokee to Cherokee County, IA; Sub 93, Logansport to Cass County, IN and Monmouth to Warren County, IL; Sub 94, Pauls Valley to Garvin County, OK; Sub 100, Murfreesboro to Rutherford County, TN; Sub 101, Weslaco to Hidalgo County, TX; Sub 102, Dennison to Crawford County, IA,

Carroll to Carroll County, IA, Iowa Falls to Hardin County, IA, Des Moines to Polk County, IA, Ft. Dodge to Webster County, IA, Cherokee to Cherokee County, IA and Sioux City to Woodbury County, IA, Crete to Saline County, NE, Lincoln to Lancaster County, NE; Sub 103, Estherville to Emmet County, IA; Sub 105, Cedar Rapids to Linn County, IA, Des Moines to Polk County, IA; Sub 107, Monmouth to Warren County, IL; Sub 113, Marshall to Saline County, MO; Sub 114, Marseilles to LaSalle County, IL; Sub 115, West Point to Cuming County, NE, Emporia to Lyon County, KS; Sub 116, Cedar Rapids to Linn County, IA, Cherokee to Cherokee County, IA and Monmouth to Warren County, IL; Sub 117, Marshall to Saline County, MO; Sub 118, Glenwood to Mills County, IA, Marshalltown to Marshall County, IA, Rochelle to Ogle County, IL, St. Charles to Kane County, IL, Bradley to Kankakee County, IL, Belmont to Gonzales County, TX, Cactus to Moore County, TX, Guyton to Texas County, OK, Clovis to Curry County, NM; Sub 119, LeMars to Plymouth County, IA, Dennison to Crawford County, IA; Sub 122, Holcomb to Finney County, KS; (3) all subs (except Subs 67, 124) to radial authority; (4) all subs (except Subs 2, 8, 9, 11, 14, 24, 37, 65, 67, 74, 88, 99, 114, and 124), remove originating/destined to facility/point restrictions; remove facility restrictions: Sub 37, (West Fargo, ND); Sub 71, (Chicago and Deerfield, IL); Sub 92, (Eau Claire, WI); Sub 95, (Appleton, WI); Sub 104, (Independence, MO); Sub 111, (Chicago, IL); Sub 115, (Dakota City).

MC 106223 (Sub-78X), filed November 11, 1981. Applicant: GREENLEAF MOTOR EXPRESS, INC., 4606 State Rd., P.O. 667, Ashtabula, OH 44004. Representative: James R. Stiverson, 1396 W. Fifth Ave., P.O. Box 12241, Columbus, OH 43212. Lead and Subs 45, 50, 51, 59, 60, 61 and 66: (1) broaden: from mostly in bulk, in lead (parts 13, 14, 15, 16 and 17) and Subs 45, 51(b), 60 and 66 from latex, in lead (part 11) from chlorinated paraffin, in lead (parts 18 and 19), and Subs 45(b), 50 and 61 from plasticizer, in bulk, in lead (part 20) from rubber, preservatives in bulk and in Sub 59 from foundary core compound to "chemicals and commodities in bulk;" (2) broaden in lead (parts 14(b), 15(c), 16, 19(a), 20 and 21) Akron and Barberton, OH, to Summit County, OH, in lead (parts 13, 14(c), 15(a), 17 and 21), and Subs 45(a) and 60 from Louisville, KY, to Jefferson County, KY, and Floyd and Clark Counties, IN, in lead (parts 18 and 19(b)) and Subs 50, 51, 61 and 66, Lorain and Avon Lake, OH, to Lorain County, OH, in lead (parts 11, 18, and 19(b)) and

Subs 45(b) and 59, Painesville Township and Madison, OH, to Lake County, OH, in lead (part 12), Ashtabula, OH, to Ashtabula County, OH, and in lead (part 15(b)), Ashland, OH, to Ashland County, OH; (3) expand its one-way authority to radial authority; (4) eliminate the facilities limitation in Subs 61 and 66; and (5) remove the restriction "in tank vehicles."

MC 114552 (Sub-263X), filed November 19, 1981. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Subs 3, 12, 13, 17, 18, 19, 20, 21, 23, 31, 32, 33, 35, 38, 39, 40, 41, 43, 44, 45, 47, 50, 52, 53, 57, 58, 59, 62, 69, 75, 80, 81, 82, 86, 88, 90, 91, 92, 93, 95, 98G, 99G, 100, 101, 104, 105, 107G, 109, 110, 111, 112, 113, 114, 118, 121, 129, 134, 138, 139, 143, 144, 145, 146, 148, 150, 151F, 153F, 154F, 155, 158, 159F, 162F, 163F, 178F, 182F, 183F, 188F, 189F, 196F, 201, 208F, 209F, 210F, 219F, 222F, 223F, 224F, 246F, 249, 250F, 254F, 255 and 257. Broaden (1) to "lumber and wood products," from, for example, lumber, treated and untreated wood poles, posts, pilings and crossarms, plywood, composition board, moulding, veneer, particleboard, fiberboard, lumber mill products, and pallets, in Subs 3, 12, 13, 17, 18, 21, 23, 31, 33, 35, 38, 39, 40, 41, 43, 44, 45, 47, 50, 52, 53, 57, 58, 59, 62, 69, 75, 81, 82, 83, 88, 90, 91, 92, 93, 95, 98G, 99G, 100, 101, 105, 107G, 109, 111, 112, 114, 118, 121, 124, 129, 138, 139, 143, 144, 146, 148, 153F, 154F, 155, 159F, 162F, 178F, 182F, 183F, 201, 208F, 219F, 222F and 246F; to "chemicals and related products," from, for example, fertilizer, stain, nitrogen fertilizer solutions, urethane and urethane products, ployvinyl chloride, and vehicle body sealer compounds and sound deadener compounds, in Subs 3, 19, 20, 31, 75, 99G, 139, 150, and 209F; to "clay, concrete, glass or stone products," from gypsum board, clay and clay products (except in bulk), or refractory products and ground pyrophyllite in Subs 31, 41, 52, 124, 182F, 188F, 222F, and 223F; to "construction materials," from insulation, ventilator systems, insulation sheathing, modular mausoleum crypt systems, and insulating materials, in Subs 75, 99G, 139, 210F, and 223; to "machinery," from agricultural machinery, safety protection devices, and industrial, heavy duty, and machinery parts, in Subs 110, 196F, and 224F; to "pulp, paper and related products," from paperboard panels, paper and paper products, newsprint paper, or waste and scrap paper, in Subs 113, 134, 189F, 250F and 254F; to "food and related products," from citrus pulp

and citrus meal in Sub 32; to "construction materials, clay, concrete, glass or stone products, lumber and wood products, and chemicals and related products," from materials and supplies useful in the manufacture and distribution of roofing and roofing materials, gypsum and gypsum products, composition boards, and urethane and urethane products (except commodities in bulk), in Sub 80; to "rubber and plastic products," from plastic articles (except in bulk), plastic materials, and plastic pipe in Subs 104, 145 and 150; to "waste or scrap materials not identified by industry producing," from waste newspapers and cores in Subs 189F and 250F; to "transportation equipment," from tractor cab enclosures in Sub 196F, to "metal products," from filters related to petroleum products in Sub 209F and from iron and steel articles in Sub 224; to "petroleum, natural gas and their products," from petroleum and petroleum products in Sub 209F; to "general commodities (except classes A and B explosives), from general commodities (exception). Sub 249: (2) remove: restriction against the transportation of plywood from Orangeburg and Charleston, SC, to points in the US in and west of MN, IA, MO, AR, and LA in Subs 3, 12, 13, 18, 98G, and 99G; commodities in bulk exceptions, wherever they appear; ex-ware restrictions, in Subs 75, 99G, 224F, and 138; restriction against the transportation of commodities moving in foreign commerce between four points in SC, and the Port of Charleston, in Sub 98G; restriction against the transportation of lumber and composition board, between points in three states and the restriction against the transportation of roofing from points in LA, to points in AL and MS in Sub 151F; restriction against the transportation of furniture from points in NC in Sub 158; restriction against shipments from Norfolk, VA, and points within 25 miles thereof, to points in PA and NY in Sub 99G; restriction against shipments from Chattanooga, TN to points in AR, MS, LA, and part of MO in Sub 114; limitation against serving Mobile, AL and certain Ga cities to points in other states or cities in Sub 23; restrictions against serving specified portions of Halifax and Pender Counties, NC in Sub 13 and in parts 8, 10, and 16 of Sub 201; restriction against transportation of traffic from named facilities at Jamesburg, NJ, to points in VA in Sub 183; facilities restrictions in Subs 35, 39, 43, 44, 45, 50, 53, 57, 58, 59, 69, 75, 80, 81, 86, 88, 90, 91, 93, 95, 99G, 101, 104, 105, 107G, 109, 110, 111, 114, 124, 129, 134, 145, 148, 150, 153F, 163F,

178F, 208F, 209F, 219F, 223F, 224F, 246F, 254F, and 255: (3) to radial authority, all subs except Subs 21, 23, 92, 100, 145, 154, 158, 163, 182, 222, 246, 249, 255, and 257: (4) to counties or cities named from the points indicated in brackets with the sub nos. in which they appear: AL—Baldwin & Mobile [Mobile-208F], Barbour [Clayton-111], Monroe [Monroeville-91], Pike [Brundidge and Troy-163F], and Sumter [Livingston-58, 99G]; AR—Crittenden, AR and Shelby, TN [West Memphis-139]; FL—Calhoun and Liberty [Blountstown-81], Pasco [Dade City-210F]; GA—Bryan, Chatham and Effingham, GA and Beaufort and Jasper, SC [Savannah-3, 143], Camden [St. Mary's-134], Columbia and Richmond, GA and Aiken and Edgefield, SC [Augusta-19], Cook [Adel-35, 39, 75, 99G], Evans [Claxton-196F], Fulton [East Point-114], Gilmer [Ellijay-208F], Jasper [Monticello-162F], McDuffie [Thomson-69], Walton [Loganville-208F]; IL—Fulton [Canton-255]; IN—Porter [Burns Harbor-159]; KY—Clark [Winchester-18]; LA—Orleans, St. Bernard, Plaquemines, Jefferson, St. Charles and St. Tammany and Hancock, MS [New Orleans-39, 62], Sabine [Many-148]; MD—Anne Arundel, Howard, Montgomery and Prince Georges [Laurel-210F]; MA—Essex, Middlesex, Norfolk, Plymouth, and Suffolk [Boston-138]; MI—Branch [Coldwater-146]; MS—Jones [Laurel-107G], Lafayette [Oxford-219F], Scott [Forest-93]; NJ—Burlington, Camden and Gloucester and Philadelphia, PA [Camden-75, 99G], Burlington, Mercer, Monmouth, Somerset and Hunterdon, NJ and Bucks, PA [Trenton-183], Middlesex [Jamesburg-183]; NY—Franklin and Lawrence [Tupper Lake-33], New York City [Queens County-43, 53, 99G]; NC—Brunswick and New Hanover [Wilmington-19, 75, 99G], Cabarrus, Gaston, Lincoln, Mecklenburg and Union, and Lancaster and York, SC [Charlotte-31, 41], Edgecombe [Tarboro-110], Guilford [Colfax-150], Nash [Spring Hope-57, 75, 99G], Orange [Hillsborough-223F], Wikes [Roaring River-44]; OH—Allen, Putnam and Hancock [Bluffton-210F], Ashtabula [Ashtabula-178F], Cuyahoga, Lorain and Medina [Strongsville-38]; PA—Erie [Erie-39]; SC—Anderson [Anderson-145], Berkeley, Charleston, and Dorchester [Charleston-3, 118], Charleston [North Charleston-45], Chester [Chester-3], Colleton [Walterboro-59, 99G], Marion [Marion-88], Newberry [Silverstreet-95], Orangeburg [Holly Hill-59, 99G, 101; Orangeburg-129], Spartanburg [Roeback-3; Spartanburg-114], York [Catawba-219F]; TN—Henry [Paris-

188F], Madison [Jackson-153]; TX—Angelina [Diboll-139], Sabine [Pineland-139], Shelby [Center-153]; WV—Mineral and Allegany, MD [Keyser-75, 99G]; WI—Dane, Jefferson and Rock [Edgerton-18].

MC 115840 (Sub-129X), filed November 30, 1981. Applicant: COLONIAL FAST FREIGHT LINES, INC., McBride Lane, P.O. Box 22168, Knoxville, TN 37922. Representative: Chester G. Groebel (same address as applicant). Sub-120: (1) broaden commodity description: fabricated fiberglass structural members to "plastic products (except in bulk)"; and (2) change one-way to radial authority.

MC 120737 (Sub-100X), filed November 20, 1981. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. Sub-No. 37: (1) broaden steel cattle handling equipment to "machinery"; (2) change St. Joseph to Buchanan County, MO; and (3) to radial authority.

MC 121741 (Sub-4X), filed November 30, 1981. Applicant: WESTERN TEX-PACK, INC., 3200 Bolt St., Ft. Worth, TX 76110. Representative: Austin L. Hatchell, P.O. Box 2023, Austin, TX 78768. Sub 2F remove the 500 pound aggregate weight restriction and the restriction against transporting shipments originating at/destined to Wichita Falls, Ft. Worth, Dallas, Albany and Abilene; and against serving any intermediate point between Ft. Worth and Throckmorton except Lake Worth, Azle and Springtown, TX.

MC 121775 (Sub-3X), filed November 24, 1981. Applicant: MILTON B. ANDERSON and MELVIN K. ANDERSON d.b.a. OVERLAND EXPRESS, 1330 East Glendale Avenue, Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. Sub 2. Broaden: general commodities, with exceptions, to "general commodities (except Classes A and B explosives)"; film, exposed and unexposed, and motion pictures, to "instruments and photographic goods"; San Francisco, Palo Alto and Sacramento to San Francisco, Santa Clara, San Mateo and Sacramento Counties, CA; Reno and Sparks to Washoe County, NV; remove restrictions: against transportation of shipments exceeding 200 lbs., in aggregate, from/to any one consignor/consignee on any one day; against transportation of any single package exceeding 100 lbs; against the transportation of shipments having prior/subsequent air movement.

MC 124174 (Sub-188)X, filed November 9, 1981. Applicant: MOMSEN TRUCKING CO., 13811 L Street, Omaha, NE 68137. Representative: Raymond A. Jensen (same as applicant). Subs 24, 31, 32, 33, 35, 40, 43, 44, 46, 47, 52, 53, 56, 57, 62, 80, 84, 87, 89, 90, 91, 93, 94, 95, 97, 101, 103, 104, 105, 107, 110, 113, 115F, 124F, 125F, 126F, 127F, 129F, 134F, 135F, 136F, 137F, 138F, 142F, 143, 144F, 148F, 151, 162F, 163F, 164F, 165F, 167F, 168F, 171F, 172F, 173F, 174, F, 175F, 177, 178F, 179F, and 185F: (1) broaden commodity descriptions from (a) animal and poultry feed ingredients, casings and collagen, canned goods, cold pack fruits, vegetables, food and foodstuffs to "food and related products" in Subs 24, 175, and 185 (parts 1 and 7); (b) iron and steel articles, iron and steel, iron and steel castings, metallic conduit and fittings, scrap metal, aluminum articles, electric cable, castings, forgings, electric copper wire and cable, fabricated metal products, antimony and antimony oxide, enameled plumbers' goods, cable and wire and empty cable and wire reels to "metal products" in Subs 31, 32, 40, 43, 62, 80, 87, 90, 91, 97, 101, 105, 107, 125, 126, 129, 144, 162, 163, 164 (part 1), 168, 171, 172, 174, 175 (part 3), 177, 178, 179, and 185 (part 2); (c) dry fertilizer, urea, anhydrous ammonia, fertilizer solutions, and chemicals and fertilizers to "chemicals and related products and petroleum, natural gas, and their products" in Subs 33, 35, 46 and 57; (d) glassware and closures for glass containers, and paper containers used in the packing or shipping of glass articles to "clay, concrete, glass or stone products, pulp, paper and related products, rubber and plastic products, and metal products" in Sub 44; (e) general commodities, with exceptions to "general commodities (except household goods, and classes A and B explosives)" in Subs 47 and 94; and "general commodities (except classes A and B explosives)" in Subs 103 (part 1) and 151F; (f) feed milling machinery, food processing machinery, fertilizer and chemical mixing machinery, and parts and accessories to "machinery" in Sub 52, and iron and steel articles, and contractor's machinery, equipment, supplies and materials to "metal products and machinery" in Sub 93; (g) pipe, tubing, and electric light poles and materials, equipment, and supplies used in the installation and maintenance of electric light poles; pipe, fittings, valves, and hydrants, and accessories; and sinks, lavatories, and tubs to "metal products, rubber and plastic products, and clay, concrete, glass or stone products" in Subs 53, 136, 138, and 173; (h) petroleum products to "petroleum,

natural gas and their products" in Subs 5 and 89; (i) charcoal, in packages to "food and related products and lumber and wood products, in Sub 84; (j) ventilators, ventilator parts, ventilator equipment, ventilators systems and accessories used in the installation of such commodities to "metal products, and rubber and plastic products" in Sub 95; (k) wheels, rims, hubs, spindles, axles, and component parts used in the assembly and sale thereof to "metal products and rubber and plastic products" in Sub 104; (l) building, construction, manufacturing, divider, floor, roof, or wall panels and sections to "metal products, forest products, lumber and wood products, pulp, paper and related products, rubber and plastic products" in Sub 110; (m) composition boards and wood fibre products to "forest products, lumber and wood products, and pulp, paper and related products" in Subs 113 and 165; (n) paper cups, plastic cups, paper containers, plastic containers, paper plates, plastic plates, paper lids, plastic lids, paper covers, plastic covers, paper pails, and plastic pails to "pulp, paper and related products and rubber and plastic products" in Sub 124F; (o) cabinets, such commodities as are used in the erection and installation of cabinets, and materials used in the manufacture of cabinets to "furniture and fixtures, such commodities as are used in the erection and installation thereof, and material equipment and supplies used in the manufacture of furniture and fixtures" in Sub 127; (p) fibreboard containers and pulpboard containers to "forest products and pulp, paper and related products" in Sub 134; (q) treated poles, crossarms, ties, lumber, and pilings and lumber, lumber products, wood products and forest products to "forest products and lumber and wood products, in Sub 137 and 167; (r) irrigation systems and parts, solar energy systems and fuelburning heating appliances, pipe and poles, and iron and steel articles to "metal products, forest products, lumber and wood products, and machinery, materials, equipment and supplies used in the manufacture or assembly of the commodities thereof" in Sub 143; (s) foodstuffs and tobacco to "food and related products and tobacco products" in Sub 148; (t) catalogs and printed matter to "printed matter", in Sub 185 (part 3), cable and wire and empty cable and wire reels to "metal products and lumber and wood products" in Sub 185 (part 4), and synthetic floor systems, facing or floor covering and laying accessories to "petroleum, natural gas and their products, chemicals and related products, rubber and plastic

products, textile mill products, lumber and wood products, and clay, concrete, glass or stone products" in Sub 185 (part 5); and (u) communications and telephone equipment, materials, supplies and such commodities as are used in the installation, erection, and maintenance to "metal products, rubber and plastic products, clay, concrete, glass or stone products, and instruments and photographic goods" in Sub 164 (part 2); (2) broaden territorial descriptions: Montpelier to Muscatine County, IA; Burns Harbor to Porter County, IN; Sterling and Rock Falls to Whiteside County, IL; Nebraska City to Otoe County, NE; Hoag to Gage County, NE; Council Bluffs to Pottawattamie County, IA; one-half mile west of County Line Road, IL (off-route point) to Du Page County, IL; Sabetha to Nemaha County, KS; Valley to Douglas County, NE; Eagan Township, approximately ½ mile south of jct. MN Hwys 49 and 55 to Dakota County, NE; Estherville and Spencer to Emmet and Clay Counties, IA; points within 25 miles of Swea City, IA to Winnebago, Palo Alto, Hancock, Emmet and Kossuth Counties, IA, and Martin and Fairbault Counties, MN; St. Marys to Pleasant County, WV; Joplin to Jasper County, MO; Grand Island to Hall County, NE; New Kensington and Ambridge to Westmoreland and Beaver Counties, PA; Niles to Trumbull County, OH; Meta to Osage County, MO; Hamblet to Starke County, IN; Toccoa to Stephens County, GA; Lone Star to Morris County, TX; Congo to Hancock County, WV; Glendale to Marshall County, WV; Ashland to Boyd County, KY; Indian Oaks to Kankakee County, IL; Underwood (off-route point) to Pottawattamie County, IA; Tabor City to Columbus County, NC; Lackawanna and Buffalo to Erie County, NY; Ft. Smith and Little Rock to Sebastian and Pulaski Counties, AR; Beatrice to Gage County, NE; Kokoma to Howard County, IN; Joliet and Blue Island to Will and Cook Counties, IL; Waterloo to Douglas County, NE; Armstrong to Emmet County, IA; Kingsbury to La Porte County, IN; Bridgeview to Cook County, IL; Fairless Hills to Bucks County, PA; Winfield to Cowley County, KS; Manchester to Hillsborough County, NH; Lisbon Falls and Auburn to Androscoggin County, ME; Columbus to Franklin County, OH; Hays to Ellis County, KS; Worthington to Nobles County, MN; Columbus, Fremont and Scottsbluff to Platte, Dodge and Scotts Bluff Counties, NE; Aberdeen, Pierre, Sioux Falls, and Watertown to Brown, Hughes, Minnehaha, and Codington Counties, SD; Springfield to Greene County, MO; Saco to York County, ME;

Oswego to Oswego County, NY; Fairmont to Marion County, WV; Auburn to Nemaha County, NE; Nashua to Hillsborough County, NH; Union City and Bulter to Randolph and DeKalb Counties, IN; Oak Creek to Milwaukee County, WI; East Moline and Granite City to Rock Island and Madison Counties, IL; Jefferson City and Columbia to Cole and Boone Counties, MO; Jackson to Madison County, TN; Louisville to Winston County, MS; Buckhannon to Upshur County, WV; Clinton and Davenport to Clinton and Scott Counties, IA; Granite City to Madison County, IL; El Paso, Eagle Pass, Laredo, and Hidalgo to El Paso, Maverick, Webb, and Hidalgo Counties, TX; Eden Prairie to Hennepin County, MN; Spencer and Shenandoah to Clay and Page Counties, IA; Shawnee to Pottawattamie County, OK; Providence, Ashton and Phillipsdale to Providence County, RI; Worcester to Worcester County, MA; Suffern to Rockland County, NY; Greenville to Washington County, MS; Maquoketa, Monticello, and Dubuque to Jackson, Jones, and Dubuque Counties, IA; Auburn to Cayuga County, NY; Alton to Madison County, IL; Morristown to Hamblen County, TN; Elizabeth City to Pasquotank County, NC; Hastings to Adams County, NE; Searcy to White County, AR; San Antonio to Bexar County, TX; Odebolt to Sac County, IA; Portales to Roosevelt County, NM; Pinckneyville to Perry County, IL; Newport and Wilder to Campbell County, KY; Roma and Uvalde to Starr and Uvalde Counties, TX; Scranton and Easton to Lackawanna and Northampton Counties, PA; Troy and Watervliet to Rensselaer and Albany Counties, NY; Springfield to Hampden County, MA; and Fogelsville to Lehigh County, PA; (3) eliminate facilities limitations in Subs 24, 31, 35, 43, 46, 47, 52, 57, 80, 87, 89, 93, 94, 97, 101, 104, 105, 107, 113, 124F, 125F, 127F, 129F, 135F, 136F, 137F, 138F, 142F, 143F, 163F, 165F, 167F, 178F, and 185F; (4) remove the originating at or destined to restriction in Subs 31, 43, 47, 52, 87, 89, 93, 101, 105, 107, 115, 126F, 127F, 142F, 167F, and 185F; (5) change one-way authority to radial authority; and (6) remove the restrictions against (a) size and weight; (b) transportation of cast iron pressure pipe originating at a named plant; (c) liquid animal fats and liquid vegetable oil; (d) in bulk, in tank vehicles; (e) commodities in bulk; (f) in containers; (g) scrap metal in bulk; and (h) petrochemicals.

MC 125254 (Sub-88)X, filed November 13, 1981. Applicant: MORGAN TRUCKING CO., P.O. Box 714,

Muscatine, IA 52671. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Subs, 2, 20, 23, 30, 33, 36, 38, 39F, 42F, 46F, 51F, 54F, 61F, 66F, 67F, 70F, 80X and 84F broaden to (1) "food and related products" from foodstuffs, malt beverages, corn starch, corn sugar, products of corn, feed ingredients, corn products, soybean protein, cottonseed protein, and nonedible food products, Sub 2; malt beverages, Subs 20, and 46F; feed and feed ingredients, Subs 23, and 33; materials, equipment and supplies, used in manufacturing and packaging of food products Sub 30; canned and preserved foodstuffs Subs 38, 51F, 67F, and 70F; frozen foods, Subs 39F and 61F; pet food and prepared animal and poultry feed Sub 42F; foodstuffs, Sub 54F; inedible cheese Sub 66F; from meat, meat products, meat by-products, and articles distributed by meat packinghouses and equipment, materials, and supplies, Sub 84; and from foodstuffs, corn products, soybean products, cottonseed products, Sub 80X; to "food and related products and chemicals and related products" from (a) grain products, Subs 36 and 80X, to "chemicals and related products" from agricultural chemicals, Sub 2 and to "pulp, paper and related products" from paper and paper products, Sub 80X, (2) remove facilities limitation and replace (a) Iowa City, IA with Johnson County, Muscatine, IA with Muscatine County, IA and Rock Island County, IL and Mapleton, MN with Blue Earth County, MN, Sub 2; (b) Plover, WI with Portage County, WI, Sub 39 (c) Pittsburgh, PA with Alleghany, Westmoreland and Washington, Counties, PA, Subs 51, 67, (d) Louisville, KY with Jefferson, Bullitt and Oldham Counties, KY and Clark, Floyd and Harrison Counties, IN, Sub 54, (e) Indianapolis, IN with Marion, Hancock, Hamilton, Boone, Hendricks, Morgan, Johnson and Shelby Counties Sub 61, (f) Muscatine, IA with Muscatine County, IA and Rock Island County, IL; Iowa City, IA with Johnson County, IA Toledo, OH with Lucas, Wood and Ottawa Counties, OH and Monroe County, MI and Holland, MI with Ottawa and Allegan Counties, Sub 67, (g) Muscatine, IA with Muscatine County, IA and Rock Island County, IL and Iowa City, IA with Johnson County, Sub 70, and (h) Cedar Rapids, IA with Linn, Benton and Johnson Counties, Sub 84, (3) Sub 2, Kalona, IA to Washington County; Kansas City, MO to Platte, Jackson, Clay, Cass, and Johnson Counties, MO and Wyandotte, and Johnson Counties, KS; St. Louis, MO to St. Louis, MO and Jefferson, St. Louis and St. Charles Counties, MO and

Jersey, Madison, St. Clair, and Monroe Counties, IL; points in IL in the St. Louis commercial zone to Jersey, Madison, St. Clair and Monroe Counties; Iowa City, IA to Johnson County, and Muscatine, IA to Muscatine County, IA and Rock Island County, IL; Rock Island, IL to Rock Island County; Omaha, NE to Douglas, Sarpy and Washington Counties, NE and Pottawattamie County, IA; Davenport, IA to Scott and Muscatine Counties, IA and Rock Island County, IL; La Crosse, WI to La Crosse County, WI and Houston and Winona Counties, MN and Bettendorf, IA to Scott County, (b) Sub 20, Milwaukee, WI to Milwaukee, Ozaukee, Washington, Waukesha and Racine Counties, (c) Subs 20, 23, 33, 36, 46, 66 Muscatine, IA to Muscatine County, IA and Rock Island County, IL, (d) Sub 30, Burns Harbor and Portage In to Porter County; Gary, IN to Lake and Porter Counties, (e) Subs 30, Iowa City, IA to Johnson County, (f) Sub 38, Davenport, IA to Scott and Muscatine Counties; Milan, IL to Rock Island County, (g) Sub 38, Minneapolis, MN to Hennepin, Anoka, Ramsey, DaKota and Scott Counties; (h) Sub 42, Manassas, VA to Prince Williams County, (i) Sub 46, St. Paul, MN to Hennepin, Ramsey, Washington, and Dakota Counties; (j) Sub 84, Columbus Junction and Waterloo, IA to Louisa and Black Hawk Counties, (4) remove originating at and/or destined to, in bulk, exception to named commodities restrictions in various subs, and (5) to radial authority in all certificates.

MC 139273 (Sub-6)X, filed November 27, 1981. Applicant: KINGS COUNTY TRUCK LINES, P.O. Box 1016, Tulare, CA 93274. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306. Lead and Subs-3F and 5F; (1) broaden commodity description: ice cream sherbert, ices, frozen cakes, frozen strawberries, cream topping, advertising materials, ice cream mix, ice milk, water ice, ice cream topping, frozen yogurt, and cakes to "food and related products" in each permit; and (2) broaden territorial description to between points in the US under continuing contract(s) with a named shipper.

MC 144335 (Sub-2)X, filed November 24, 1981. Applicant: DONALD H. BAUGHMAN, INC., 986 Oliver Street, North Tonawanda, NY 14120. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202. Lead and Sub-1: (1) broaden commodity description: in lead and Sub-1 from anhydrous aluminum chloride, aluminum chloride anhydrous, and dry aluminum chloride to

"chemicals and related products", and in Sub-1 malt to "food and related products"; (2) eliminate the facility limitations in the lead and Sub-1; (3) broaden territorial description: Huntsville to Walker County, TX; Buffalo to Erie and Niagara Counties, NY; Elberta and Lockport to Niagara County, NY; Institute to Kanawha County, WV; Brainards to Warren County, NJ; Ashtabula to Ashtabula County, OH; West Elizabeth to Alleghany County, PA; Staten Island to Richmond County, NY; Elton to Cecil County, MD; and LaPorte to Harris County, TX; (4) expand ports of entry at Niagara River and Buffalo to allow service at all ports of entry in NY in Sub-1; (5) remove the following restrictions: in bulk and/or in tank vehicles; in tank vehicles equipped with pneumatic unloading devices; and against traffic originating at Sarnia, Ontario, Canada; and (6) change one-way to radial authority.

MC 146869 (Sub-5)X, filed November 27, 1981. Applicant: CARRIER FREIGHT LINES, INC., P.O. Box 813, Hickory, NC 28601. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. Sub-2F certificate. Broaden (1) to "furniture and fixtures" from new furniture, damaged and rejected shipments of new furniture, and supplies and equipment etc.; (2) change facilities at Newton and Hiddenite, NC, to Catawba and Alexander Counties, NC; and (3) to radial authority.

MC 147485 (Sub-2)X, filed November 25, 1981. Applicant: TRUCK TRAIN TRANSFER, INC., P.O. Box 3303, D.C.S., Greenville, TN 37743. Representative: Guy H. Postell, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. Sub-No. 1F, remove ex-rail restriction.

MC 152390 (Sub-7)X, filed November 24, 1981. Applicant: MURRAY TRUCKING, INC., P.O. Box 2138, Calcutta Branch, East Liverpool, OH 43920. Representative: Stephen J. Habsah, 100 E. Broad St., Columbus, OH 43215. Sub-5 (embracing MC 121223 Subs 3F, 6, 8F, 9F, and 12F transferred in MC-FC-79239). Broaden: (1) roofing and roofing materials (except commodities in bulk) to "building materials"; iron and steel articles, and materials, equipment, and supplies used in the manufacture of iron and steel articles (except commodities in bulk) to "metal products and materials, equipment, and supplies used in the manufacture of metal products"; general commodities, (with exceptions), to "general commodities (except Classes A and B explosives)"; (2) Youngstown, Wickliffe, and health

facilities to Mahoning, Trumbull, Lake and Licking Counties, OH; North Tonawanda facilities to Niagara and Erie Counties, NY; Allegheny and Westmoreland Counties facilities to those counties; Steubenville to Jefferson County, OH; Allenport and Monessen, PA, Beachbottom, Benwood, Follansbee and Wheeling, WV, and Steubenville, OH, facilities to Westmoreland and Washington Counties, PA, Brooke, Ohio, and Marshall Counties, WV, and Jefferson County, OH; Mahoning, Trumbull, Cuyahoga and Lorain Counties, OH and Westmoreland and Allegheny Counties, PA, facilities to those counties; and (3) to radial authority.

[FR Doc. 81-35306 Filed 12-9-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 27]

Motor Carriers; Applications, Alternate Route Deviations, and Intrastate Applications

Motor Carrier Intrastate Application(s)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Montana Docket No. T-6058, filed October 26, 1981. Applicant: NORMAN C. MATHISON, d.b.a. GLACIER COACH LINE, 3232 Third Ave., NW., Great Falls, MT 59404. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Passengers, baggage and express, Class A, between Great Falls, Montana and East Glacier Park, Montana over Highways No. 89 and No. 2 serving the intermediate and off-route points of Vaughn, Fairfield, Choteau, Bynum, Pendroy Jnt., Dupuyer, Old Agency, Heart Butte, Browning and East Glacier. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet

fixed. Request for procedural information should be addressed to Montana Public Service Commission, 1227 11th Avenue, Helena, MT 59620, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-4680, filed November 23, 1981. Applicant: CHARLES STIERLIN, d.b.a. STIERLEN'S EXPRESS, Route 9W, Congers, NY 10920. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Household Goods—Between New York City and the Counties of Nassau, Suffolk, Westchester, Rockland, Putnam, Dutchess and Orange, on the one hand, and, on the other, all points in the State. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-9956, filed October 23, 1981. Applicant: LEWISTON TRUCKING CO., INC., 4746 Model City Road, P.O. Box 209, Model City, NY 14107. Representative: William J. Hirsch, 1125 Convention Tower, 43 Court St., Buffalo, NY 14202. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Hazardous, waste and toxic materials. Between all points in New York State. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

North Dakota Docket No. S-1504 (Sub-1), filed October 26, 1981. Applicant: DUANE KAVLI, d.b.a. KAVLI's TRUCK LINE, Rolette, North Dakota 58366. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108. Extension Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: No. 566 which presently authorizes the following: General commodities to, from and within the following described territory: "Bounded on the east by the Rolette County Line, on the north by North Dakota Hwy. No. 5, on the west by the Rolette County Line and on the south by North Dakota Hwy. No. 17," to include the following: "General

commodities to, from and within points in Bottineau County, North Dakota." Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to North Dakota Public Service Commission, Capitol Building, Bismarck, ND 58505, and should not be directed to the Interstate Commerce Commission.

South Carolina Docket No. 81-364-T, filed October 20, 1981. Applicant: Embers Express Trucking Company, Inc., P.O. Box 937, Lake City, SC 29560. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Canned goods, and materials and supplies related to the manufacture and distribution of canned goods: Between points and places in Florence County, and between points and places in Florence County and points and places in South Carolina. Intrastate, interstate and foreign commerce authority sought. Hearing: date, time and place not yet fixed. Request for procedural information should be addressed to South Carolina Public Service Commission P.O. Drawer 11649 Columbia, SC 29211, and should not be directed to the Interstate Commerce Commission.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-35307 Filed 12-9-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Exact transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the

relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce and Dowell.

FD-29777. By decision of November 16, 1981 issued under 49 U.S.C. 10926, Review Board Number 3 approved the transfer to CALUMET MARINE TRANSPORTATION, INC., of Chicago, IL, of Certificate No. W-1320 (Sub-1F), issued November 14, 1978 to EDWARD H. BARNABY AND RICHARD W. CASEY, d.b.a. CMT TRANSPORTATION COMPANY, of Chicago, IL, authorizing the transportation of *commodities generally, by non-self propelled vessels with use of separate towing vessels, between ports and points along Lake, MI, Lake Superior, Lake Huron, Lake Erie, and Lake Ontario, and interconnecting waterways.* Representative: Carl L. Steiner, 29 South LaSalle St., Chicago, IL 60603.

Notes.—TA has not been filed. Transferee is not a carrier.

MC-FC 79323. By decision of November 16, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to ROBERT J. VANGENHEN and WILLIAM F. VANGENHEN, d.b.a. VANGENHEN & SON, INC., of Belleville, IL of Certificate No. MC-32530, 32530 Subs 1 & 2 issued December 5, 1969, November 25, 1970 & April 25, 1972, to FRED VANGENHEN, JR., d.b.a. VANGENHEN AND SON,

authorizing the transportation of Belleville, IL in lead certificate of coal from points in St. Clair & Madison Counties, IL to St. Louis, MO and sand and gravel from St. Louis, MO to Belleville, IL and points within 5 miles of Belleville; in Sub 1 of sand and gravel (except silica sand), in bulk, from points in St. Louis County, MO to Belleville, IL and in Sub 2 of *mineralite* in bulk, from St. Louis, MO to Belleville, IL. Representative: Paul F. Braner, 7 N. High Street, #302, Belleville, IL 62220. TA Lease is not sought. Transferee is not a carrier.

MC-FC-79367. By decision ¹ of November 20, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to NORTH CENTRAL TRANSPORTATION, INC. of Certificate No. MC-145341 (Sub-Nos. 4, 5, 7, 8, and 9F); Permit No. MC-145820 (Sub-Nos. 1, 2, and 3), and Permit No. MC-145341 (Sub-No. 10) issued to NORTH CENTRAL DISTRIBUTING CO., generally authorizing the transportation of corn flour, crushed vehicles, scrap metal, lumber and related products, animal and poultry feed and feed ingredients, iron and steel articles, and general commodities (with the usual exceptions, for the United States Government, and Louisiana—Pacific Corporation) from, to and between points in the United States, and lumber and wood products between points in the United States under contract(s) with Champion International Corporation, of Hamilton, OH. Representative: Richard P. Anderson, Esq., Van Osdel, Foss & Miller, 502 First National Bank Bldg., Fargo, ND 58126.

MC-FC-79400. By decision of November 19, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to EDWARD L. MACAULEY, d.b.a. WESTERN PINES CO. of Certificate No. MC-128815 (Sub-No. 2) issued to CLARKE'S TRUCKING COMPANY authorizing: Irregular routes: Lumber, from points in Benton, Lane, and Linn Counties, OR, to Portland and Newport, OR, and Vancouver and Camas, WA. Representative: George A. Morris, 525 West Centennial Blvd., Springfield, OR 97477. TA lease is not sought. Transferee is not a carrier.

MC-FC 79433. By decision of November 30, 1981, Review Board Number 3 approved the transfer to BEBO FREIGHT SYSTEM, INC. of

Edwardsville, IL of Certificate No. MC-120879 Subs 4 and 5 issued to GENERAL MOVERS, INC. of St. Louis, MO authorizing *General commodities*, with named exceptions (A) between points in the St. Louis, MO-East St. Louis, IL commercial zone, (B) between Palestine, IL, and Evansville, IN, serving the intermediate points of Heathsville and Russellville, IL, and Vincennes, IN, and the off-route points of Richwoods, IL, and (C) *commodities* (1) between points in IL, and (2) between St. Louis, MO, on the one hand, and, on the other, points in IL. Transferee is not a carrier. Temporary authority has not been requested. Representative: Herbert Alan Dubin, 818 Connecticut Avenue NW., Washington, D.C. 20006.

MC-FC-79440. By decision of November 16, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board No. 3 approved the transfer to INDEPENDENT MOTOR TRANSPORT, INC., of Tangent, OR, of Certificate No. MC-148077 Subs 1 and 2 issued to JAMES L. KAMPSTRA, d.b.a. KAMPSTRA TRUCKING, INC. of Albany, OR, authorizing general commodities (with exceptions), between Portland, OR, and Corvallis, OR, and between Portland and Eugene, OR, serving named intermediate and off-route points. Representative: Thomas W. Peterson, 32455 Hwy. 34, Tangent, OR 97389. TA lease is not sought. Transferee is a carrier.

MC-FC-79441. By decision of November 5, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board No. 3 approved the transfer to SCHROETLIN TANK LINE, INC. of Sutton, NE, of Certificate Nos. MC-89497 (Subs 1, 4, 6 and 7) issued April 3, 1952; May 5, 1961; August 30, 1963; and October 9, 1975, respectively, to DOWD AND STOLZ TRANSFER CO., INC. of Norfolk, NE. Sub 1 authorizes the transportation of salt, from Lyons and Hutchinson, KS, and points within two miles of each of the named points, to points in NE; and from Hutchinson, KS and points within two miles of Hutchinson, to points in SD. Sub 4 authorizes the transportation of pepper, in packages, in mixed shipments with salt and salt compounds, from Lyons and Hutchinson, KS, to points in NE; and from Hutchinson, KS, to points in SD. Sub 6 authorizes the transportation of mineral mixtures, in packages from Hutchinson, KS to points in NE and SD. Sub 7 authorizes the transportation of *materials and supplies used in the agricultural, water treatment, food processing wholesale*

¹ This decision based on additional evidence, set aside Review Board Number 3's decision entered September 11, 1981, and served September 29, 1981, insofar as it dismissed the permanent and temporary authority applications.

grocery, and institutional supply industries, in mixed loads with salt and salt products, from the plantsites of Carey Salt Co. and Cargill, Inc. at Hutchinson KS, the Morton Salt Co. at South Hutchinson, KS and the American Salt Corporation at Lyons, KS, to points in NE and SD. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475-6761.

Notes.—Transferee presently holds authority from the ICC under Docket No. MC-409 and does seek temporary authority under Section 11349.

MC-FC-79442. By decision of November 16, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board No. 3 approved the transfer to MACON FARMS TRUCKING, INC. of P.O. Box 846, Cheraw, SC 29520 of Permit No. MC-145710 (Sub-No. 1F and 3F) issued to CHARLES ALBERT MACON, d.b.a. MACON FARMS TRUCK AND TRUCK LEASING of P.O. Box 925, Cheraw, SC 29520 authorizing the transportation of (1) containers and container closures, and materials, equipment, and (2) supplies used in the manufacture of the commodities in (1) above, (except commodities in bulk), between points in SC, on the one hand, and, on the other, points in 21 States under continuing contract(s) with Crown Cork and Seal, Inc. of Cheraw, SC and (2) rolls of pulpboard and fibreboard (not corrugated), between Florence, SC and points in 19 States under continuing contract(s) with South Carolina Industries, of Florence, SC. Representative: David Earl Tinker, 1000 Connecticut Ave., NW, Suite 1112, Washington, DC 20036. TA lease is sought. Transferee is not a carrier.

Note.—Contrary to applicant's representative MC-145710 (Sub-No. 3-1TA) is not susceptible to transfer under 1132.

MC-FC-79443. By decision of November 11, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board No. 3 approved the transfer to TRANSCORP CARRIERS, INC., of Greensboro, NC, of a portion of Certificate No. MC-139495 (Sub-No. 539) issued 8/3/81, to NATIONAL CARRIERS, INC., of Liberal, KS, authorizing the transportation of tobacco products between points in Guilford County, NC, and Jefferson County, KY, on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, LA, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI, and WY. Representative: Herbert Alan Dubin, 818 Connecticut Avenue, N.W., Washington, DC 20006, (202) 331-3700. Transferee

presently holds no authority. TA application has not been filed.

MC-FC-79450. By decision of November 17, 1981 issued under 49 U.S.C. 10931 or 10932 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to BOB RICH-SCHROEDER TRUCKING, INC. of Certificate of Registration No. MC-121702 issued February 6, 1973 to ALFRED J. FLORESI and RAYMOND L. FLORESI, a partnership, DBA SCHROEDER DRAYAGE CO. evidencing a right to engage in transportation in interstate commerce corresponding in scope to (state certificate No. 80916 dated January 9, 1973 issued by the Public Utilities Commission of the State of California and authorizing the transportation of general commodities, with several named exceptions, within the San Francisco Territory, as described therein. Subject to the following conditions: A copy of the State order approving the transfer of the corresponding State rights must be furnished when it is available. Representative is: Marshall J. Beral, 601 California St., San Francisco, CA.

MC-FC-79451. By decision of November 25, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3, approved the transfer to SHAWNEE EXPRESS, INC. of Effingham, IL. of Permit No. MC-141958 Sub-Nos. 1, 5, 17F, and 23, issued on July 20, 1978, March 2, 1979, November 25, 1980 and July 8, 1981 to FEDCO FREIGHTLINES, INC. of Effingham, IL authorizing the transportation of household appliances and commercial appliances, between points in the United States under continuing contract(s) with Norge Division, Magic Chef, Inc., of Herrin, IL. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. TA lease is not sought. Transferee is not a carrier.

MC-FC-79472. By decision of November 25, 1981, Review Board Number 3 approved the transfer to AGRICULTURAL CARRIERS, INC. of Wichita, KS, of a portion of Certificates No. MC-57393 Subs 7 and 11 issued to WINTERS TRUCK LINES, INC., of Wichita, KS authorizing: general commodities over regular routes between named Kansas points, including Hutchinson, Pratt, and Wichita, serving named intermediate and off-route points. Representative: Charles Kimball, 665 Capital Life Center, 1600 Sherman St., Denver, CO 80203. TA lease is sought. Transferee is a carrier.

MC-FC-79474. By decision of November 30, 1981 issued under 49

U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to SIGMUND TRANSFER of Certificate No. MC-399 issued to JOSEPH CAMIC AND ANN SIGMUND CAMIC, a partnership, d.b.a. RIDDLESTONE TRANSFER, McKEESPORT, PENNSYLVANIA authorizing: IRREGULAR ROUTES: Household goods, between points in Allegheny County, PA., on the one hand, and on the other points in MI, IL, OH, WV, VA, MD, PA, NY, and DC. Representative: James M. Duffy, 124 South Penn. Ave., Greensburg, PA 15661. TA lease is not sought. Transferee is not a carrier.

MC-FC-79478. By decision of 11/27/81 Review Board 3 approved the transfer to CAPITOL CITY TRANSFER, INC., of Topeka, of Certificate No. MC-42326 issued to ROLAND D. SELLERS, d/b/a SELLERS TRUCK LINE, of Salina, KS, authorizing: general commodities and named specified commodities, including farm machinery, furniture, agricultural commodities, petroleum products, and related commodities between named points in Kansas, Missouri, Nebraska, and Colorado. Representative: John E. Jandern, 641 Harrison St., Topeka, KS 66603. TA lease is not sought. Transferee is a carrier.

MC-FC-79481. By decision of November 25, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to AREA INTERSTATE TRUCKING, INC., of Harvey, IL, of Permit Nos. MC-144368 (Sub-No. 1), issued December 6, 1978, MC-144368 (Sub-No. 4), issued November 10, 1980, MC-144368 (Sub-No. 5), issued November 20, 1980, MC-144368 (Sub-No. 7), issued May 5, 1981, and Certificate No. MC-144368 (Sub-No. 6), issued January 21, 1981, to GENPAT, INC., of Harvey, IL, authorizing in Subs 1, 4, 5, and 7 the movement of named commodities, from and between various points in the United States under continuing contracts with (1) Reynolds Metals Company, of Richmond, VA; (2) Lawndale Steel Company and Hancock Steel Processing Co., a subsidiary of Lawndale Steel Company; and (3) Pinkert Steel, and in Sub 6 general commodities (with exceptions), for the U.S. Government, between points in the United States. Representative: Leonard R. Kofkin, Attorney, 39 South La Salle Street, Chicago, IL 60603, (312) 236-9375. TA lease is not sought. Transferee is a carrier.

MC-FC-79482. By decision of November 30, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49

CFR Part 1132, Review Board Number 3 approved the transfer to HAUL TRANSPORT, INC., of Milwaukee, WI, of Certificate No. MC-124078 (Sub-No. 978F), issued July 27, 1981, to SCHWERMANN TRUCKING CO., of Milwaukee, WI, authorizing the transportation of *commodities in bulk*, (1) between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, on the one hand, and, on the other, those points in the United States in and west of MT, WY, CO, and NM (except AK and HI). Representative: James R. Ziperski, 61 So. 28 St., P.O. Box 1601, Milwaukee, WI 53201.

Notes.—TA has not been filed. Transferee does not currently hold any motor carrier authority, but it is affiliated with transferor. Because transferor is retaining duplicative authority, applicants elected to submit evidence showing a public need for the competitive service as required in 49 USC 10922.

MC-FC-79483. By decision of 11/25/81, Review Board 3 approved the transfer to FAYETTE TRUCKING, INC., of Uniontown, PA, of Certificate No. MC-8509 issued to REDSTONE HAULING AND EQUIPMENT CO. (a corporation), of Uniontown, PA, authorizing Structural steel, *Mercer* commodities, and machinery, between named points in PA, WV, MD, NY, OH, and DC. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. TA lease is not sought. Transferee is not a carrier.

MC-FC-79489. By decision of 11/25/81, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to GEORGE O. BAIR, AN INDIVIDUAL, d.b.a. WESTERN STATES TRUCKING, of West Valley City UT, of Certificate No. MC-145660 (Sub-No. 2) issued 11/20/80, to CALLISTER & SONS TRUCKING, of Salt Lake City, UT, authorizing: *lumber, lumber mill products, and wood fiber building materials*, (1) from points in OR and WA to points in CO, ID, UT, and WY (except 14 ID Counties) and (2) from points in CA in and north of the Counties of Calaveras, Napa, San Joaquin, Solano, Sonoma, and Tuolumne, to points in ID, UT, and WY (except 14 ID Counties). Representative: Miss Irene Warr, Attorney, 311 South State Street, Suite 280, Salt Lake City, UT 84111, (801) 531-1300. TA lease is not sought. Transferee is not a carrier.

MC-FC-79492. By decision of 11/30/81, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the

transfer to THOMAS TURPIN, AN INDIVIDUAL, d.b.a. ELM CITY MOVERS, of West Haven, CT, of Certificate No. MD-29182 issued 3/6/74, to ELM CITY MOVING AND TRUCKING COMPANY, INC., of New Haven, CT, authorizing: *china dishes and earthenware*, from New Haven, CT, to Pawtucket and Providence, RI and Hackensack, NJ; *general commodities*, with the normal exceptions, between New Haven, West Haven, and Hamden, CT; and *household goods*, between New Haven, CT, and points within 20 miles thereof, on the one hand, and, on the other, points in MA, NJ, NY, and RI. Representative: William J. Meuset, Attorney, 88 Cherry Street, P.O. Box 507, Milford, CT, (203) 878-1747. TA lease is not sought. Transferee is not a carrier.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-35308 Filed 12-9-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

December 7, 1981.

This application for long-and-short-haul relief has been filed with the I.C.C.

Protests are due at the I.C.C. within 15 days from the date of publication of the notice.

Aggregate-of-Intermediates

No. 43943, Trans-Continental Freight Bureau, Agent's No. 563, rates on iron or steel articles, carload minimum weight 80,000 pounds, from Minnequa, CO to stations in Idaho, Oregon, and Washington. Rates are to be published in Item 4026—series to tariff ICC TCFB 3001-D. Grounds for relief—maintenance of depressed rates published to meet motor carrier competition without use of such rates as factors in constructing combination rates.

Long-and-Short-Haul

No. 43944, Trans-Continental Freight Bureau, Agent's No. 564, rates on iron or steel articles, carload minimum weight 80,000 pounds, from Minnequa, CO to stations in Idaho, Oregon, and Washington. Rates are to be published in Item 4026—series to tariff ICC TCFB 3001-D. Grounds for relief—Motor Carrier Competition.

By the Commission:
Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-35309 Filed 12-9-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-32915 appearing at page 56249 in the issue for Monday, November 16, 1981, please make the following corrections:

(1) On page 56252, in the first column, the paragraph beginning "MC 2493 (Sub-4)" filed for Woodburn Truck Line, Inc., should have begun "MC 24943 (Sub-4)".

(2) On page 56252, in the first column, the last paragraph, "MC11142 (Sub-12)" filed for O. D. Anderson, Inc., should have begun "MC111422 (Sub-12)."

BILLING CODE 1505-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Crown Oil Corp.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement (CIS), as set forth below, have been filed with the United States District Court for the Central District of California in *United States of America v. Crown Oil Corporation, et al.*, Civil Action No. 81-0787-TJH.

The complaint in this case alleged that the three corporations conspired to raise and maintain prices and to create an artificial shortage of crude coconut oil in the United States in violation of Section 1 of the Sherman Act, 15 U.S.C. 1.

The proposed Final Judgment enjoins the defendants from entering into or maintaining any agreement, understanding, combination or conspiracy to fix, maintain or stabilize prices; to refuse to sell to any persons in the United States; to discriminate in price or any other terms or condition of sale between or among refiners, end-users or dealers within the United States; and to store crude or refined coconut oil in the United States. The proposed Final Judgment further enjoins the defendants from communicating with any other person who imports, sells, or markets coconut oil in the United States any information about past, present, future or proposed prices, discounts or any other terms or conditions for the sale of coconut oil.

The proposed Final Judgment requires the defendants to distribute copies of the judgment to its officers and directors and to those employees with responsibility for importing, selling or

marketing crude coconut oil. It also requires that the defendants institute an antitrust compliance program which it must continue for ten years from the date of the judgment.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to Leon W. Weidman, Acting Chief, Los Angeles Field Office, Antitrust Division, Department of Justice, 3101 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012 (telephone: (213) 688-2500).

Joseph H. Widmar,
Director of Operations, Antitrust Division.

Leon W. Weidman, Trischa J. O'Hanlon, Antitrust Division, U.S. Department of Justice, 3101 Federal Building, 300 N. Los Angeles Street, Los Angeles, CA 90012, Telephone: (213) 688-2500, Attorneys for the United States.

U.S. District Court, Central District of California

United States of America, Plaintiff, v. Crown Oil Corporation; Granex Corporation, U.S.A.; and Pan Pacific Commodities, Defendants.

Civil No. 81-0787-TJH.

Filed: November 25, 1981.

Entered: Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that Plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by service of notice thereof on Defendants and by filing that notice with the Court.

2. In the event Plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated:

For the plaintiff: William F. Baxter, Assistant Attorney General; Joseph H. Widmar, Charles F. B. McAleer, Leon W. Weidman, Trischa J. O'Hanlon, Attorneys, U.S. Department of Justice.

For the defendants: William J. Linklater, Baker & McKenzie, Attorney for Defendant, Crown Oil Corporation.

James F. Kirkham, Pillsbury, Madison & Sutro, Attorney for Defendants, Granex Corporation, U.S.A. and Pan Pacific Commodities.

Leon W. Weidman, Trischa J. O'Hanlon, Antitrust Division, U.S. Department of Justice, 3101 Federal Building, 300 N. Los Angeles Street, Los Angeles, CA 90012, Telephone: (213) 688-2500, Attorneys for the United States.

U.S. District Court Central District of California

United States of America, Plaintiff, v. Crown Oil Corporation; Granex Corporation, U.S.A.; and Pan Pacific Commodities, Defendants.

Civil No. 81-0787-TJH.

Filed: November 25, 1981.

Entered:

Final Judgment

Plaintiff, United States of America, having filed its complaint herein on February 17, 1981, and Plaintiff and Defendants Crown Oil Corporation ("Crown"), Granex Corporation, U.S.A. ("Granex"), and Pan Pacific Commodities ("Pan Pac"), by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law and upon consent of the parties, it is hereby,

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction over the subject matter of this action and each of the parties. The Complaint states a claim upon which relief may be granted against each Defendant under Section 1 of the Sherman Act (15 U.S.C. 1).

II

This Final Judgment applies to each Defendant and each of said Defendant's officers, directors, agents, employees, subsidiaries, successors and assigns and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise; provided, however, that this Final Judgment shall not apply to transaction or activities required by the laws or the regulations having the force of law of the jurisdictions in which such transaction or activity takes place.

III

As used in this Final Judgment:

A. "Person" means any individual, partnership, firm, corporation, association or other business or legal entity;

B. "Refiner" shall mean any person engaged in the business of refining and processing crude coconut oil;

C. "Dealer" shall mean any person trading in commodities, such as coconut oil, for their own accounts;

D. "End-users" shall mean any person engaged in the business of manufacturing products or substances derived from crude or refined coconut oil;

E. "Crude Coconut Oil" shall mean bulk oil derived from the crushing of copra and which has not been further processed;

F. "UNICOM" shall mean United Coconut Mills, Inc., a Philippine Corporation; and

G. "UCPB" shall mean United Coconut Planters Bank, a bank organized under Philippine law.

IV

Crown, Granex and Pan Pac are each enjoined and restrained from:

(A) Entering into, adhering to, maintaining, furthering, enforcing or claiming any right under any contract, agreement, combination or conspiracy with any other person or persons, directly or indirectly to:

(1) Raise, fix, maintain or stabilize the price of crude or refined coconut oil in the United States;

(2) Refuse to sell crude or refined coconut oil to any persons or entities within the United States;

(3) Discriminate in price or any other terms or conditions of sale between or among refiners, or end-users or dealers of crude or refined coconut oil within the United States; and

(4) Store crude or refined coconut oil; provided, however, that this subparagraph shall not apply to any *bona fide* storage agreement or contract.

(B) Communicating to, requesting from or discussing with any other person who imports, sells or markets crude or refined coconut oil in the United States any information about past, present, future or proposed prices, discounts or other terms or conditions for the sale of crude or refined coconut oil; provided, however, that this section does not apply to (1) any necessary communication in connection with a *bona fide* contemplated or actual sale of crude or refined coconut oil by a Defendant, or (2) communication of price or other terms or conditions of sale between a Defendant and its parent.

(C) Discriminating as to price or other terms or conditions of sale for the benefit of any other Defendant or any other person purchasing on behalf of, for the account of, or for resale to any such Defendant.

V

(A) Within sixty (60) days after the date of entry of this Final Judgment, each Defendant shall furnish a conformed copy hereof to the following persons and advise each that violation of this Final Judgment could result in a conviction for contempt of court and imprisonment and/or a fine:

(1) Each of its officers and directors;

(2) Each of its employees and principal agents who is engaged in, or has responsibility for or authority over, the pricing of any product;

(3) The officers and directors of its parent corporations, if any; and

(4) The officers and directors of UCPB and UNICOM.

(B) Within ninety (90) days after the date of entry of this Final Judgment, each Defendant shall file with this Court and serve upon the Plaintiff an affidavit setting forth the fact and manner of compliance with Paragraph (A) of this Section.

(C) Within thirty (30) days after any person becomes an officer, director, employee or agent of the kind described in Paragraph (A), the Defendant employing said person shall furnish to him or her a conformed copy of this Final Judgment together with the advice specified by said Paragraph (A).

(D) Each person receiving from a Defendant a conformed copy of this Final Judgment in accordance with this paragraph shall furnish a receipt therefor which shall be retained in the Defendant's files.

VI

(A) Each Defendant shall advise each of its officers who has management responsibility for the importation, sale or marketing of crude or refined coconut oil, and each of its employees and principal agents who is engaged in, or who has responsibility for or authority over, the pricing of crude or refined coconut oil, of its and their obligations under this Final Judgment for a period of ten (10) years from the entry of this Final Judgment. Each Defendant shall maintain a program to insure compliance with this Final Judgment, which program shall include at a minimum the following with respect to each of the persons described immediately above:

(1) The annual distribution to them of this Final Judgment;

(2) The annual submission to them of a written directive setting forth the Defendant's policy regarding compliance with the Sherman Act and with this Final Judgment, including (a) an admonition that noncompliance with such policy and this Final Judgment will result in appropriate disciplinary action determined by the employing Defendant and which may include dismissal, and (b) a statement that the Defendant's legal advisors are available at all reasonable times to confer with such persons regarding any compliance questions or problems;

(3) The imposition of a requirement that each of them sign and submit to his employer, once a year, a certificate in substantially the following form:

The undersigned hereby (1) acknowledges receipt of a copy of the Final Judgment entered in *United States v. Crown Oil Corporation, et al.*, Civil No. 81-0787-TJH (C.D. Cal.) and a written directive setting forth the company's policy regarding compliance with the antitrust laws and with such Final Judgment; (2) represents that the undersigned has read and understands such Final Judgment and directive; (3) acknowledges that the undersigned has been advised and understands that noncompliance with such policy and Final Judgment will result in appropriate disciplinary measures determined by the company and which may include dismissal; and (4) acknowledges that the undersigned has been advised and understands that noncompliance with the Final Judgment may also result in conviction for contempt of court and imprisonment and/or fine.

(4) The holding of one or more meetings with them to review the terms of this Final Judgment and the obligations it imposes, with such meetings to be arranged and conducted so that each of them attends at least one such

meeting within a twelve (12) month period; and

(5) The imposition of a requirement that for a period of ten (10) years from the entry of this Final Judgment each of them shall report, subject to any legally recognized privilege, to his or her immediate superior in writing each communication not permissible under Section IV hereof with any officer, director, or representative or employee of any other company which imports, exports or sells crude or refined coconut oil, if such communication in any way involves prices or any of the terms or conditions of importation, exportation or sale of such commodities or any information from which a price or term or condition of importation, exportation or sale may be computed. Each of them is to meet this requirement by completing a written report of each such communication within ten (10) days of the communication, stating the date, time and place of the communication, and the names of all individuals who participated in the communication. Any person required to file a report by this Paragraph and who declines to report any communication on the basis of a legally recognized privilege must complete a written report within ten (10) days of the claimed privilege. Any person required to complete reports of communications by this Paragraph and who completes no such reports during any six-month period must certify that he or she had no communications of the type described in this Paragraph. Each Defendant shall include in its annual sworn statement required to be filed by this Section of this Final Judgment, the name and address of each person, if any, who has failed to submit a report or certification required by this Paragraph during the twelve-month period preceding the filing of the Defendant's sworn statement. The Defendants shall maintain for inspection by the Plaintiff until the tenth anniversary of the date of the entry of this Final Judgment all reports and certifications required by this Paragraph.

(B) For a period of ten (10) years from the entry of this Final Judgment, each Defendant shall file with the Plaintiff and with the Court, on or before the anniversary date of this Final Judgment, a sworn statement, by a responsible official designated by the Defendant to perform such duties, setting forth all steps it has taken during the preceding year to discharge its obligations under this Section. This statement shall be accompanied by copies of all written directives issued by the Defendant during the prior year with respect to compliance with the antitrust laws and with this Final Judgment.

(C) Upon direction of the Court, or motion by the Plaintiff, the designated official referred to in Paragraph (B) immediately above shall appear before the Court to give sworn testimony on the manner of compliance with this Final Judgment.

VII

Each Defendant shall require, as a condition of the sale or disposition of all, or substantially all, of the stock, assets or goodwill of the Defendant that the acquiring party shall agree to be bound by the provisions of this Final Judgment, and that such agreement be filed with the Court.

VIII

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a Defendant made to its principal office, be permitted:

(1) Access during office hours of such Defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such Defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such Defendant and without restraint or interference from it, to interview officers, employees and agents of such Defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division made to a Defendant's principal office, such Defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a Defendant to Plaintiff, such Defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said Defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by Plaintiff to such Defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that Defendant is not a party.

IX

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

X

All provisions of the Final Judgment, unless terminated or modified prior thereto, shall terminate ten (10) years from the date of entry.

XI

Entry of this Final Judgment is in the public interest.

Dated:

Los Angeles, California.

United States District Judge.

Leon W. Weidman, Trischa J. O'Hanlon, Antitrust Division, U.S. Department of Justice, 3101 Federal Building, 300 N. Los Angeles Street, Los Angeles, California 90012, Telephone: (213) 688-2500. Attorneys for the United States.

U.S. District Court, Central District of California

United States of America, Plaintiff, v. *Crown Oil Corporation; Granex Corporation, U.S.A.; and Pan Pacific Commodities*, Defendants.

Civil No. 81-0787-TJH.

Filed: November 25, 1981.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b), the United States of America hereby files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I

Nature and Purpose of This Proceeding

On February 17, 1981, the United States filed a civil antitrust action under Section 4 of the Sherman Act, 15 U.S.C. 4, alleging that the defendants and unnamed co-conspirators conspired to purchase and store crude coconut oil to create a shortage of crude coconut oil in the United States and to fix the price of crude coconut oil in the United States. The complaint alleges that, as a result of this conspiracy, the price for crude coconut oil in the United States has been fixed at artificial and noncompetitive levels; competition in the sale of crude coconut oil in the United States has been restrained; and refiners, dealers and end-users in the United States have been denied the benefits of free and open competition in the purchase of crude coconut oil. The United States sought a judgment declaring the alleged conduct to be a conspiracy in restraint of trade in violation of Section 1 of the Sherman Act, 15 U.S.C. 1, and injunctive relief prohibiting the conduct alleged to have given rise to the violation.

Entry by the Court of the proposed Final Judgment will terminate the action, except that the Court will retain jurisdiction over the matter for possible further proceedings which might be required to interpret, modify, or enforce the Final Judgment or to punish violations of any of the provisions of the Final Judgment.

II

Description of Practices Giving Rise to the Alleged Violation

A. *The Defendants.* Each of the defendants listed below is incorporated and exists under the laws of the state listed opposite its name, with its principal place of business in the city listed. During all or part of the period of time covered by the complaint, each of said defendants engaged in the importation, sale and/or refining of crude coconut oil in the United States.

Corporation	State of incorporation	Principal place of business
Crown Oil Corp.....	Nevada	San Francisco, CA.
Granex Corp., U.S.A.....	Delaware	San Francisco, CA.
Pan Pacific Commodities.	California.....	Los Angeles, CA (until February 1980). San Francisco, CA (after February 1980).

B. *Co-conspirators.* The complaint alleges that various entities and individuals not made defendants in the complaint have participated as co-conspirators in the violation alleged and have performed acts and made statements in furtherance thereof.

C. *Trade and Commerce Involved.* The industry that the complaint alleges as the subject of defendants' conspiracy is the importation, sale and/or refining of crude coconut oil. Defendants sold this crude oil in the United States to refiners, dealers and end-users located in various states. Most of the crude coconut oil refined or sold by defendants was imported from the Republic of the Philippines to the United States.

D. *Alleged Violations.* During the period of time covered by the complaint, each of the defendant corporations sold crude coconut oil in the United States to refiners, dealers and end-users located in various states of the United States. During this same period of time, Granex Corporation, U.S.A. also processed and sold refined coconut oil to refiners, dealers and end-users located in various states of the United States. Most of the crude coconut oil refined or sold by defendant corporations was imported from the Republic of the Philippines to the United States. Interstate commerce was substantially affected by the combination and conspiracy alleged in the complaint.

The complaint alleges that beginning in or about October 1979 and continuing thereafter at least until March 1980, Crown Oil Corporation; Granex Corporation, U.S.A.; Pan Pacific Commodities; and their co-conspirators engaged in a combination and conspiracy in unreasonable restraint of interstate trade and commerce in crude coconut oil in violation of Section 1 of the Sherman Act, 15 U.S.C. 1. The alleged combination and conspiracy consisted of a continuing agreement, understanding and concert of action among defendants and co-conspirators to raise, fix and stabilize the price of crude coconut oil in the United States; to purchase crude coconut oil to create an artificial shortage in the United States; to refuse to sell crude coconut oil to purchasers in the United States, other than defendants of their co-conspirators, for less

than certain set prices; and to store crude coconut oil in various storage facilities in the United States until such time as the market price increased to the desired level.

The complaint alleges that in furtherance of their combination and conspiracy, the defendants and their co-conspirators have discussed with each other the coordination of pricing policies and marketing strategies with regard to sales of crude coconut oil in the United States; have exchanged information regarding shipments of crude coconut oil and storage facilities; have purchased large quantities of crude coconut oil and have relayed and implemented agreements reached among officers, directors and members of the United Coconut Oil Mills, Inc. (UNICOM), a private Philippine corporation, with regard to the purchase, sale and marketing of crude coconut oil. The complaint also alleges that defendants and their co-conspirators combined and conspired to store large quantities of crude coconut oil, jointly and individually, in various parts of the United States; to communicate the prices to be offered in the United States for crude coconut oil; to coordinate the sale and marketing of crude coconut oil; and to refuse to sell crude coconut oil in the United States for certain periods of time.

According to the complaint, the conspiracy had the following effects: (a) Competition in the sale of crude coconut oil in the United States was suppressed; (b) the price of crude coconut oil was fixed, maintained and stabilized; and (c) refiners, dealers and end-users in the United States were deprived of the benefits of free and open competition in the purchase of crude coconut oil.

III

Explanation of the Proposed Final Judgment

The United States and the defendants have agreed in a stipulation that a Final Judgment in the form negotiated by the parties may be entered by the Court any time after compliance with the Antitrust Procedures and Penalties Act, provided that the United States has not withdrawn its consent. The Final Judgment provides that there have been no admissions by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the Final Judgment is conditioned upon the Court's determination that it is in the public interest.

A. *Prohibited Conduct.* The proposed Final Judgment grants the fundamental relief the United States sought in the complaint. In Section IV of the Final Judgment, the defendants are enjoined from entering into, adhering to, maintaining or furthering any contract, agreement, understanding, plan, program, combination or conspiracy to fix, maintain or stabilize prices; to refuse to sell to any persons within the United States; to discriminate in price or any other term or condition of sale between or among refiners, or end-users or dealers; or to store crude or refined coconut oil.

The defendants are further prohibited by Section IV from communicating with any other person who imports, sells, or markets crude or refined coconut oil in the United States any information about past, present,

future or proposed prices, discounts or any other terms or conditions for the sale of crude or refined coconut oil.

Section IV also prohibits defendant corporations from discriminating as to price or other terms or conditions of sale for the benefit of any other defendant or any other person purchasing on behalf of, for the account of, or for resale to any such defendant.

The scope of the Final Judgment is limited in three ways. First, noting contained in the Final Judgment shall apply to any negotiation or necessary communication by a defendant in connection with a contemplated or actual *bona fide* purchase or sale of crude or refined coconut oil. Second, the Final Judgment does not apply to transactions or communications between a defendant and a parent or between the officers, directors, agents or employees thereof. Third, the Final Judgment does not prohibit a defendant from contracting for or agreeing to any *bona fide* storage agreement or contract.

B. Scope of the Proposed Final Judgment. The Final Judgment shall apply to each defendant and to each of its officers, directors, agents, employees, subsidiaries, successors, and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of the Final Judgment by personal service or otherwise. There is no geographical limitation in the Final Judgment. However, the Final Judgment shall not apply to transactions or activities required by the laws or the regulations having the force of law of the jurisdiction in which such transaction or activity takes place.

The Final Judgment specifically requires that if a defendant sells its stock, assets or goodwill, the acquiring party must agree to be bound by the provisions of the Final Judgment.

Within 60 days after entry of the Final Judgment, each defendant will be required to furnish a copy of the Final Judgment to certain of its officers, directors, employees and agents, as well as officers and directors of its parent corporations and the officers and directors of the United Coconut Planters Bank (UCPB) and UNICOM. Each defendant must also take additional steps to advise these persons of their obligations under the Final Judgment and of the criminal penalties for violation thereof. Within 90 days of entry of the Final Judgment, an affidavit as to the fact and manner of each defendant's compliance must be filed with the Court. These provisions should help prevent future violations of the Final Judgment by making each responsible employee individually aware of the Final Judgment and its prohibitions.

In order to assure compliance, the Final Judgment authorizes the Department of Justice to inspect and copy records and documents in the possession or under the control of any defendant relating to any matters contained in the Final Judgment. In addition, the Department of Justice may require any defendant to submit reports from time to time.

The Final Judgment is for a term of ten years from the date it is entered and the Court retains jurisdiction for that period.

C. Effect of the Proposed Final Judgment on Competition. The terms of the Final Judgment are designed to prevent any recurrence of the activities alleged in the complaint. The Final Judgment is designed to ensure that in the future defendants' prices will be independently determined and will be free from the restraining and artificial influences which result from communications and agreements among competitors.

The Department of Justice believes that the proposed Final Judgment provides fully adequate provisions to prevent continuance or recurrence of the violations of the antitrust laws charged in the complaint. In the Department's view, disposition of the lawsuit without further litigation is appropriate in that the proposed Final Judgment provides all the relief which the Government sought in its complaint and the additional expense of litigation would not result in additional public benefit.

IV

Alternative Remedies Considered by the Government

The Government did not consider seeking any remedies other than those that appear in the proposed Final Judgment.

V

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust actions. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), this Final Judgment has no *prima facie* effect in subsequent lawsuits which may be brought against these defendants.

VI

Procedures Available for Modification of the Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Loen W. Weidman, Antitrust Division, U.S. Department of Justice, 3101 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012, within the 60-day period provided by the Act. These comments and the Department's responses to them will be filed with the Court and published in the Federal Register. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification is necessary. The proposed Final Judgment provides that the Court retains jurisdiction over this action and the parties may apply to the Court for such order as may be necessary or appropriate for its modification, interpretation or enforcement.

VII

Alternatives to the Proposed Final Judgment

The alternative to the proposed Final Judgment considered by the Antitrust Division was a full trial of the issues on the merits and on relief. The Division considers the substantive language of the Final Judgment to be of sufficient scope and effectiveness to make litigation on the issues unnecessary, as the Final Judgment provides all or substantially all of the relief which could reasonably be expected to be obtained after a full trial.

VIII

Other Materials

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, were considered in formulating this proposed Final Judgment. Consequently, none are submitted pursuant to such Section 2(b).

Dated:

Respectfully submitted,

Loen W. Weidman, Trischa J. O'Hanlon,
Attorneys, U.S. Department of Justice.

[FR Doc. 81-35317 Filed 12-9-81; 8:45 am]

BILLING CODE 4410-01-M

United States v. Hawthorn Melody, Inc., et al., and Competitive Impact Statement Thereon; Proposed Final Judgment

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b)-(h), that a proposed Final Judgment and a Competitive Impact Statement ("CIS") as set out below have been filed with the United States District Court for The Northern District of Ohio, Eastern Division, in *United States v. Hawthorn Melody, Inc., et al.*, Civil No. C 80-1894. The Complaint in this case alleges that two dairies violated the Sherman Act by conspiring to fix, raise, stabilize, and maintain wholesale prices of fluid milk in Northeastern Ohio.

The proposed judgment enjoins the defendants from participating in the alleged conspiracy and from communicating certain pricing information to any other dairy.

The CIS describes the terms of the proposed judgment and the background of the action and concludes that the proposed judgment provides appropriate relief against the violation alleged in the Complaint.

Public comment is invited within the statutory 60-day comment period. Such comments and responses thereto will be published in the *Federal Register* and filed with the Court. Comments should be directed to John A. Weedon, Chief, Great Lakes Office, Antitrust Division,

Department of Justice, 995 Celebrezze
Federal Building, Cleveland, Ohio 44199.

Joseph H. Widmar,
Director of Operations.

United States District Court, Northern District
of Ohio, Eastern Division

United States of America, Plaintiff, v.
*Hawthorn Melody, Inc., Hillside Dairy
Company, Inc.*, Defendants; Civil No.
C80-1894. Judge George W. White; Filed:
11-30-81. —

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: _____

For the Plaintiff: William F. Baxter, *Assistant Attorney General*. Joseph H. Widmar, John A. Weedon, *Attorneys, Department of Justice*. James R. Williams, *United States Attorney*. Donald S. Scherzer, Richard E. Reed, Paul L. Binder, *Attorneys, Department of Justice, Antitrust Division, 995 Celebrezze Federal Building, Cleveland, Ohio 44199, (216) 522-4082.*

For the Defendants: Robert J. Hoerner, *Counsel for Hawthorn Melody, Inc.* John D. Leech, *Counsel for Hillside Dairy Company, Inc.*

United States District Court, Northern District
of Ohio, Eastern Division

United States of America, Plaintiff v.
*Hawthorn Melody, Inc.; Hillside Dairy
Company, Inc.*, Defendants; Civil Action
No. C80-1894. Judge George W. White;
Filed: 11-30-81.

Final Judgment

Plaintiff, United States of America, having filed its Complaint herein on October 10, 1980, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or any admission by any party with respect to any such issue;

Now, Therefore, before the taking of any testimony and without trial or adjudication of

any issue of fact or law herein and upon consent of the parties hereto, it is hereby Ordered, Adjudged, and Decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against each defendant under Section 1 of the Sherman Act (15 U.S.C. 1).

II

As used in this Final Judgment:

(A) "Person" means any individual, corporation, partnership, firm, association or other business or legal entity;

(B) "Fluid milk" means pasteurized milk in fluid form that is fit for human consumption;

(C) "Dairy" means any person which processes raw milk into fluid milk and other dairy products or sells and distributes fluid milk and other dairy products to customers such as grocery stores, restaurants, hotels, schools, hospitals, government entities, and home delivery purchasers;

(D) "Northeastern Ohio" means the area encompassed by Cuyahoga, Lake, Lorain, and Summit Counties.

(E) "Hawthorn Melody, Inc." means a Delaware Corporation organized on October 16, 1968, which changed its name to HM Liquidating, Inc. and sold its assets and the right to use its name, "Hawthorn Melody, Inc.", to HAS Acquisition Corp. on August 11, 1981.

III

This Final Judgment applies to the defendants and to their officers, directors, agents, employees, subsidiaries, successors, and assigns, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Each defendant is enjoined and restrained from entering into, adhering to, participating in, maintaining, furthering, enforcing, or claiming, either directly or indirectly, any rights under any contract, agreement, understanding, arrangement, plan, program, combination, or conspiracy with any dairy to determine, establish, fix, raise, stabilize, maintain, or adhere to wholesale prices or other terms or conditions for the sale of fluid milk.

V

Each defendant is enjoined and restrained from, directly or indirectly:

(A) Communicating to any dairy any information concerning the costs, future costs or anticipation of changes or revisions in the costs of fluid milk or other dairy products in Northeastern Ohio;

(B) Communicating to any dairy any information concerning the present wholesale or any future prices or terms or conditions of sale at which fluid milk or other dairy products are or may be sold in Northeastern Ohio, or consideration of changes or revisions in any prices or terms and conditions of sale of such products in Northeastern Ohio;

(C) Requesting from any person any information that said defendant could not communicate without violating subsections (A) or (B) hereof.

VI

Nothing in Sections IV or V of this Final Judgment shall prohibit any defendant from:

(A) Communicating information to or obtaining information from any person in the course of, and related to, negotiation for, entering into, or carrying out a bona fide purchase or sale transaction with such person;

(B) Engaging in bona fide joint collective bargaining or bona fide collective bargaining through a common agent in the course of labor negotiations.

VII

Nothing in Section V of this Final Judgment shall prohibit defendant Hillside Dairy Company, Inc., its successors or its assigns, from being a member of Quality Chekd Dairy Products Association and participating in those activities of Quality Chekd Dairy Products Association which are not prohibited by law.

VIII

Each defendant is ordered and directed to:

(A) Furnish a copy of this Final Judgment within thirty (30) days after the date of its entry to each of its officers and directors and to each other person (excluding salesman-truck drivers) who has any responsibility for the pricing or sale of fluid milk in Northeastern Ohio;

(B) Furnish a copy of this Final Judgment to each successor to any person described in subsection (A) hereof within thirty (30) days after each such successor assumes such position;

(C) Obtain from each such person furnished a copy of this Final Judgment pursuant to subsections (A) and (B) hereof a signed receipt therefor, which receipt shall be retained in the defendant's files;

(D) Attach to each copy of this Final Judgment furnished pursuant to subsections (A) and (B) hereof a statement, in substantially the form set forth in Appendix A attached hereto, advising each person of his obligations and of such defendant's obligations under this Final Judgment, and of the criminal penalties which may be imposed upon him and upon such defendant for violation of this Final Judgment;

(E) Hold, within seventy-five (75) days after the date of entry of this Final Judgment, a meeting or meetings of the persons described in subsection (A) hereof, at which meeting such persons shall be instructed concerning the defendant's and their obligations under this Final Judgment. Similar meetings shall be held at least once a year, which meetings shall also be attended by those persons described in subsection (B) hereof;

(F) Establish and implement a plan for monitoring compliance by the persons described in subsections (A) and (B) hereof with the terms of the Final Judgment;

(G) File with this Court and serve upon the plaintiff, within ninety (90) days after the date of entry of this Final Judgment, an

affidavit as to the fact of its compliance with subsections (A), (C), (D), (E), and (F) hereof.

IX

Each defendant shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets used by it in the manufacture and sale of fluid milk, that the acquiring party agrees to be bound by the provisions of this Final Judgment and to file such agreement with the Court.

X

For the purpose of determining or securing compliance with this Final Judgment, and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters.

(B) Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to a defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section X shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days' notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

XI

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this

Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction of carrying out this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XII

This Final Judgment shall expire ten (10) years from its date of entry.

XIII

Entry of this Final Judgment is in the public interest.

Dated: _____.

United States District Judge.

Appendix A

Re: *United States v. Hawthorn Melody, Inc., and Hillside Dairy Company, Inc., Civil Action No. C 80-1894 (N.D. Ohio)*

Attached hereto is a copy of a Final Judgment entered _____, 1981 in the captioned case. We are required to provide this to you. You should read it carefully. The provisions of the Final Judgment contained in Sections IV and V apply to you. If you violate these provisions, you may subject the company to a fine and you may also subject yourself to a fine and imprisonment.

United States District Court, Northern District of Ohio, Eastern Division

United States of America, Plaintiff v. Hawthorn Melody, Inc.; Hillside Dairy Company, Inc., Defendants; Civil Action No. C 80-1894, Judge George W. White.

Agreement To Be Bound by the Provisions of the Final Judgment

On August 11, 1981, HAS Acquisition Corp. acquired from Fuqua Industries the assets of defendant Hawthorn Melody, Inc., together with the right to use the Hawthorn Melody name. After acquiring the assets, HAS Acquisition Corp. changed its name to Hawthorn Melody, Inc. (hereinafter "new Hawthorn Melody"). The new Hawthorn Melody, a Delaware corporation which was incorporated on February 18, 1981, hereby represents to this Court, through its undersigned attorney, that it agrees to be bound by the provisions of the proposed Final Judgment that is being filed concurrently in this case and submits to the jurisdiction of this Court for that purpose.

Silas Spengler,

Spengler Carlson Gubar Brodsky & Rosenthal

United States District Court, Northern District of Ohio, Eastern Division

United States of America, Plaintiff, v. Hawthorn Melody, Inc.; and Hillside Dairy Company, Inc., Defendants; Civil No. C 80-1894, Judge George W. White.

Competitive Impact Statement

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I.—Nature and Purpose of the Proceeding

On October 10, 1980, the United States filed a civil antitrust Complaint alleging that two dairies, Hawthorn Melody, Inc. ("Hawthorn") and Hillside Dairy Company, Inc. ("Hillside") conspired to fix prices in violation of Section 1 of the Sherman Act, 15 U.S.C. 1.

The Complaint alleges that, beginning at least as early as April 1978 and continuing at least until April 1979, the defendants engaged in a combination and conspiracy to fix, raise, stabilize, and maintain the wholesale prices of fluid milk sold by the defendants in four Northeastern Ohio counties. In furtherance of the conspiracy, the defendants discussed and agreed upon the amount of wholesale price increases to pass on to various purchasers. Thus, Northeastern Ohio purchasers of fluid milk were deprived of the benefit of competitive prices in the sale of fluid milk.

The Complaint seeks a judgment by the Court that the defendants engaged in an unlawful combination and conspiracy in restraint of trade in violation of the Sherman Act. It also asks that the Court enjoin the defendants from such activities in the future.

The defendants in this action have previously pleaded *nolo contendere* to criminal felony charges concerning the same combination and conspiracy alleged in this action. A fine of \$350,000 was levied against each of the defendants. This civil case has been held in abeyance until the criminal charges were resolved.

II.—Description of the Practices Giving Rise to the Alleged Violations of the Antitrust Laws

Hawthorn was organized as a Delaware Corporation in 1968. On August 11, 1981, Hawthorn's assets, together with the right to use the name "Hawthorn Melody, Inc.," were sold to HAS Acquisition, a Delaware Corporation. Thereafter, the defendant, Hawthorn Melody, Inc., changed its name to HM Liquidating, Inc. HAS Acquisition Corp., which is now known as Hawthorn Melody, Inc., is not a defendant in this case but has agreed, in a paper filed with the Court together with the proposed Final Judgment, to be bound by the provisions of the proposed Final Judgment.

Before the sale of its assets, defendant Hawthorn marketed dairy products in nine midwestern states, one of which was Ohio. Its major dairy product, fluid milk, accounted for 72 percent of total net sales in 1978. Hawthorn was the largest dairy in Cuyahoga County, one of the four counties affected by the conspiracy.

Hillside is an Ohio Corporation with headquarters in Cleveland Heights, Ohio. It sells 95 percent of its dairy products in Cuyahoga County. Hillside is the largest independent dairy in Cuyahoga County.

During the period covered by the Complaint, defendants Hawthorn and Hillside processed and sold wholesale fluid milk and related dairy products. The defendant dairies purchased raw milk from a dairy cooperative and pasteurized the milk into fluid form that is fit for human consumption. The pasteurized product, fluid milk, was sold wholesale to customers such

as schools, grocery stores, restaurants, hotels, hospitals, government entities, and home delivery purchasers.

Although a majority of both defendants' customers were located in Cuyahoga County during the period of the conspiracy, they also had customers in Lake, Lorain, and Summit Counties. The Complaint charged that the defendants had combined sales of fluid milk in 1978 of approximately \$29 million.

The Complaint alleges that beginning as early as April 1978 and continuing at least until April 1979, the defendants engaged in a conspiracy to fix, raise, stabilize, and maintain the wholesale price of fluid milk sold to customers in Northeastern Ohio. Northeastern Ohio is defined as Cuyahoga, Lake, Lorain, and Summit Counties.

The Complaint alleges that the combination and conspiracy to fix prices was in restraint of trade and commerce in violation of Section 1 of the Sherman Act, as amended (15 U.S.C. 1). The conspiracy to fix prices had the following effects:

- a. The price of fluid milk in Northeastern Ohio was fixed, raised, stabilized, and maintained at artificial and non-competitive levels;
- b. Purchasers of fluid milk were deprived of the benefits of free and open competition in the sale of fluid milk;
- c. Competition in the sale of fluid milk in Northeastern Ohio was restrained.

III.—Explanation of the Proposed Final Judgment

The United States and the defendants have stipulated that the proposed Final Judgment may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The proposed Final Judgment states that it constitutes no admission by any party with respect to any issue of fact or law.

The proposed Final Judgment enjoins any direct or indirect renewal of the type of conspiracy alleged in the Complaint. Specifically, Section IV enjoins and restrains the defendants from entering into, adhering to, participating in, maintaining, furthering, enforcing, or claiming, either directly or indirectly, any rights under any contract, agreement, understanding, arrangement, plan, program, combination, or conspiracy with any dairy to determine, establish, fix, raise, stabilize, maintain, or adhere to wholesale prices or other terms or conditions for the sale of fluid milk.

Section V of the proposed Final Judgment enjoins the defendants from communicating with each other or with any other dairy about the costs, prices or terms of sale of fluid milk. Specifically, the defendants are enjoined and restrained from, directly or indirectly:

- (A) Communicating to any dairy any information concerning the costs, future costs or anticipation of changes or revisions in the costs of fluid milk or other dairy products in Northeastern Ohio;
- (B) Communicating to any dairy any information concerning the present wholesale or any future prices or terms or conditions of sale at which fluid milk or other dairy products are or may be sold in Northeastern Ohio, or consideration of changes or revisions in any prices or terms and

conditions of sale of such products in Northeastern Ohio;

(C) Requesting from any person any information that said defendants could not communicate without violating subsections (A) or (B) hereof.

Since the defendant dairies often sold to each other and often competed for the same customers, Section VI of the proposed Final Judgment provides that certain activities are excluded from the prohibitions of Sections IV and V. Specifically, Section VI provides that the defendant shall not be prohibited from communicating information to, or obtaining information from, any person in the course of, and related to, negotiation for, entering into, or carrying out a bona fide purchase or sale transaction with such person. Section VI also provides that the defendant dairies are not prohibited from engaging in bona fide joint collective bargaining or bona fide collective bargaining through a common agent in the course of labor negotiations.

Section VII states that nothing in Section V of this Final Judgment shall prohibit defendant Hillside Dairy Company, Inc. from being a member of Quality Check Dairy Products Association and participating in those activities of Quality Check Dairy Products Association which are not prohibited by law.

Section VIII of the proposed Final Judgment orders the defendants to furnish a copy of the Final Judgment to each of its officers and directors and to each other person, excluding salesman-truck drivers, who has any responsibility for the pricing or sale of fluid milk in Northeastern Ohio; successors of those persons are also to be furnished a copy of the judgment. Each copy of the Final Judgment so provided will have attached a statement informing the recipient that a violation of the Final Judgment could result in a fine for the company and a fine and imprisonment for the recipient. Section VIII also requires each defendant to hold a meeting every year at which the persons mentioned above are instructed on their obligations and their company's obligations under the Final Judgment. The defendants are required to implement a plan for monitoring compliance of those persons with the Final Judgment.

Section III of the proposed Final Judgment makes the judgment applicable to each defendant and to the officers, directors, agents, employees, subsidiaries, successors, and assigns of each defendant, as well as all other persons in active concert or participation with any of them who have received actual notice of the Final Judgment.

Section IX requires that, if a defendant sells the assets of its dairy business, the purchaser must agree to be bound by the Final Judgment and to so inform the Court.

Section XII makes the Final Judgment effective for ten years from the date of its entry.

Section XIII states that entry of this judgment is in the public interest. Under the provisions of the Antitrust Procedures and Penalties Act, entry of the proposed Final Judgment is conditioned upon a determination by the Court that the proposed judgment is in the public interest.

Standard provisions similar to those found in other antitrust Final Judgments entered by

consent are contained in Section I (jurisdiction of the Court), Section X (investigation and reporting requirements), and Section XI (retention of jurisdiction by the Court).

It is anticipated that the relief provided by the proposed Final Judgment will have a salutary effect on competition in the fluid milk market. Not only have the defendants been enjoined from future collusive behavior, but they are also required to provide copies of the Final Judgment to each of their officers, directors, and other persons with substantial responsibility for pricing fluid milk in Northeastern Ohio. In addition, those people must meet annually to be instructed about their responsibilities under the judgment. It is anticipated that these provisions will make future violations less likely.

IV.—Remedies Available to Potential Private Plaintiffs

After entry of the proposed Final Judgment, any potential private plaintiff that might have been damaged by the alleged violation will retain the same right to sue for monetary damages and any other legal or equitable relief that it may have had if the Final Judgment had not been entered. The Final Judgment may not be used, however, as *prima facie* evidence in private litigation, pursuant to section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

V.—Procedures Available for Modification of The Proposed Final Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments within the 60-day period provided by the Act to John A. Weedon, Chief, Great Lakes Office, Antitrust Division, United States Department of Justice, 995 Celebrezze Federal Building, Cleveland, Ohio 44109 (telephone: 216-522-4070). These comments and the Department's responses to them will be filed with the Court and published in the Federal Register.

All comments will be given due consideration by the Department of Justice. The Department remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should determine that some modification is necessary. Further, Section XI of the proposed judgment provides that the Court retains jurisdiction over this action for the life of the Final Judgment and that the parties may apply to the Court for such orders as may be necessary or appropriate for the modification, interpretation, or enforcement of the judgment after its entry.

VI.—Alternatives to The Proposed Final Judgment

The alternative to the proposed Final Judgment considered by the Antitrust Division was a full trial on the merits and on relief. The Division considers the proposed judgment to be of sufficient scope and effectiveness to make a trial unnecessary, since it provides appropriate relief against the violations alleged in the Complaint.

VII.—Determinative Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Consequently, none is being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 18(b).

Respectfully submitted,

John A. Weedon, David F. Hills, *Attorneys*,
Department of Justice, Donald S.
Scherzer, Richard E. Reed, Paul L. Binder,
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Federal Building, Cleveland, Ohio 44199.
Telephone: 216-522-4082.

[FR Doc. 81-35318 Filed 12-9-81; 8:45 am]

BILLING CODE 4410-01-M

Attorney General**U.S. v. Lancaster Metals Science Corp.; Proposed Consent Decree in Action to Obtain Injunctive Relief to Abate an Imminent and Substantial Endangerment Presented by Disposal of Hazardous Wastes**

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on November 9, 1981, a proposed consent decree in *United States v. Lancaster Metals Science Corporation* was lodged with the United States District Court for the Eastern District of Pennsylvania. The proposed decree would require Lancaster Metals Science Corporation to undertake remedial work, including removal, treatment, repackaging, and permanent disposal of hazardous wastes presently stored in drums on the site, and the relining of waste lagoons.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice (on or before January 11, 1982), written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. Lancaster Metals Science Corporation*, D.J. Ref. 90-7-1-95.

The proposed consent decree may be examined at the office of the United States Attorney, 3310 United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania 19106, at the Region III Office of the Environmental Protection Agency, Enforcement Division—Legal Branch, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice (Room 1252) Ninth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the

proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check in the amount of \$1,80 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Anthony C. Liotta,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-35314 Filed 12-9-81; 8:45 am]

BILLING CODE 4410-01-M

U.S. v. Union Carbide Corp.; Proposed Consent Decree in Action To Enjoin Discharge of Pollutants Under Clean Water Act

In accordance with the Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on November 9, 1981, a proposed consent decree in *United States of America v. Union Carbide Corporation*, Civil Action No. C-2-79-349, was lodged with the United States District Court for the Southern District of Ohio. The proposed decree requires Union Carbide Corporation to pay the sum of \$20,000 to the United States Treasury as a penalty for violations of a National Pollutant Discharge Elimination System permit issued to Union Carbide at its facility in Washington County, Ohio.

The proposed consent decree may be examined at (1) the Office of the United States Attorney, Southern District of Ohio, 85 Marconi Boulevard, Columbus, Ohio 43215 (2) the Office of the Environmental Protection Agency, Enforcement Division, 230 S. Dearborn Street, Chicago, Illinois 00004 (3) and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of \$5.00 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530 and should refer

to *United States of America v. Union Carbide Corporation*, DOJ Reference #90-5-1-1-1086.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-35816 Filed 12-9-81; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL SCIENCE FOUNDATION**Statement of Organization; Information for Guidance of the Public**

A. Creation and Authority. The National Science Foundation (NSF) is an independent agency of the U.S. Government, established by the National Science Foundation Act of 1950 (64 Stat. 149; 42 U.S.C. 1861-1875), as amended, and was given additional authority by the National Defense Education Act of 1958 (72 Stat. 1601; 42 U.S.C. 1876-1879). The Foundation consists of the National Science Board of 24 Members and a Director, each appointed by the President with the advice and consent of the Senate. Other senior officials include a Deputy Director and seven Assistant Directors.

The Foundations's organic legislation authorizes it to:

1. Initiate and support scientific research programs to strengthen scientific research potential and science education programs at all levels; and to appraise the impact of research upon industrial development and the general welfare.
2. Award graduate fellowships in the sciences.
3. Foster the interchange of scientific information among scientists in the United States and foreign countries.
4. Evaluate the status and needs of the various sciences and take into consideration the results of this evaluation in correlating its research and educational programs with other Federal and non-Federal programs.
5. Maintain a current register of scientific and technical personnel, and in other ways provide a central clearinghouse for the collection, interpretation, and analysis of data on scientific and technical resources in the United States.
6. Determine the total amount of Federal money received by universities, and appropriate nonprofit organizations for the conduct of scientific research, including both basic and applied, but excluding development, and report annually thereon to the President and the Congress.
7. Initiate and support specific activities in connection with matters

relating to international cooperation, national security, and the effects of scientific applications upon society.

8. Recommend and encourage the pursuit of national policies for the promotion of basic research and education in the sciences.

B. Organization. The Foundation is organized along functional and disciplinary lines corresponding to program support of science, engineering and science education.

1. *National Science Board.* The National Science Board is composed of 24 part-time Members and the Director of the Foundation *ex officio*. Members are appointed by the President, with the advice and consent of the Senate, for six-year terms. Members are selected because of their distinguished service in science, medicine, engineering, agriculture, education, public affairs, research management, or industry. They are chosen in such a way as to be representative of scientific leadership in all areas of the Nation. The officers of the Board, the Chairman and Vice Chairman, are elected by the Board from among its Members for two-year terms. The Board exercises authority granted it by the NSF Act, including establishing policies for carrying out the purposes of the Act. Meetings of the Board are governed by the Government in the Sunshine Act (Pub. L. 94-409) and the Board's Sunshine regulations (45 CFR Part 614). The policies of the Board on the support of science and development of scientific manpower are generally implemented through the various programs of the Foundation. The National Science Board is required by statute to render an annual report to the President for submission to the Congress.

2. *Director.* The Director of the National Science Foundation is appointed by the President, with the advice and consent of the Senate. The Director is the Chief Executive Officer of the Foundation. He serves *ex officio* as a Member of the National Science Board and as Chairman of its Executive Committee. The Director is responsible for the execution of the Foundation's programs in accordance with the NSF Act and other provisions of law, and the powers and duties delegated to him by the Board and for recommending policy considerations to the Board. The Director is assisted by a Deputy Director who is appointed by the President, with the advice and consent of the Senate.

C. Activities of the Foundation. The Activities of the Foundation are carried out by a number of Foundation components reporting to the Director through their respective senior officers.

1. *Staff Offices.*

a. *General Counsel.* Provides legal advice to the Director, the National Science Board, and NSF staff and represents them in legal matters, including the development of law and regulations likely to affect the NSF, science, or the use of science. Prepares and coordinates NSF comments on proposed legislation.

b. *Director, Office of Government and Public Programs.* Responsible for representing the Foundation, the Director, and his key associates in relationship with the Congress, various academic groups and professional societies, institutions and other NSF clientele, the communications media and the public. The Office of Government and Public Programs carries out the above responsibilities through four major elements: The Congressional Liaison Branch, the Public Information Branch, the Communications Resource Branch, and the Community Affairs Branch.

c. *Director, Office of Planning and Resources Management.* Responsible for program planning, programming, and budgeting activities; the development of long-range planning estimates; and a range of functions associated with appropriation and authorization process. The organization consists of three Divisions: The Division of Budget and Program Analysis, consisting of the Budgeting Section and the Programming Section; the Division of Planning and Policy Analysis, consisting of the Policy Analysis Section and the Program Review Section; and the Division of Program Development, responsible for establishing new programs and guiding their development.

d. *Director, Office of Equal Employment Opportunity.* Responsible for developing, maintaining, and carrying out a continuing Agency-wide affirmative action program designed to provide equal employment opportunity for all persons and to eradicate every form of prejudice or discrimination based on race, color, religion, sex, age, or national origin.

e. *Director, Office of Small Business Research and Development.* Responsible for fostering communication between the National Science Foundation and the small business community; collecting, analyzing, compiling, and publishing information concerning grants and contracts awarded to small business concerns by the Foundation; assisting small business concerns in obtaining information regarding programs, policies, and procedures of the Foundation; and recommending to the Director and to the National Science Board any changes in procedures and

practices which would enable the Foundation to use more fully the resources of the small business research and development community.

f. *Director, Office of Small and Disadvantaged Business Utilization.* Responsible for NSF compliance with the provisions of Pub. L. 95-507. Assists small and disadvantaged businesses with information about NSF programs and procurement opportunities.

g. *Director, Office of Audit and Oversight.* Responsible for post hoc sampling of proposal actions and post-award administration to evaluate documentation and adherence to stated procedures; assessing overall system performance and recommendations for improved and simplified procedures; investigating charges of improper actions by NSF staff and monitoring the decision reconsideration system; conducting financial, evaluation, and program audits; and monitoring and coordinating procedures for scientific oversight undertaken by disciplinary panels.

h. *Director, Office of Scientific Ocean Drilling.* Responsible for the management and the support of the development and operations of the Foundation's worldwide program of scientific deep sea drilling. This is accomplished through two major activities: the *Deep Sea Drilling Project (DSDP)* and the *Advanced Ocean Drilling Program (AOD)*. DSDP scientific investigations, a reconnaissance of the global ocean floor, have been essential to development of the plate tectonics hypothesis; AOD is a planning effort to define and direct future drilling objectives and techniques. The Office directs and supports, through contracts, scientific planning and operations, the acquisition and conversion of research vessels, and the development of new drilling techniques and systems.

2. *Directorates.*

a. *Assistant Director for Mathematical and Physical Sciences.* Appointed by the President, with the advice and consent of the Senate. Serves as an advisor to the Director in the development of long-range plans, annual programs, and research policy in the areas of mathematical and physical sciences, as established under statutory and National Science Board authority; and is responsible for developing and carrying out a program to accomplish the Foundation's research support mission in these areas. Four Divisions report to the Assistant Director for Mathematical and Physical Sciences. Each Division is headed by a Division Director and generally is subdivided on a disciplinary or functional basis into

Sections and/or Programs. In addition to the specific areas of support discussed below, each Division supports appropriate conferences, symposia, and research workshops in the areas of science for which it has responsibility.

(1) *Division of Physics*. Responsible for providing support for research which concentrates on the most fundamental aspects of the properties and interactions of matter and energy. Support is provided through programs in atomic, molecular and plasma physics, nuclear physics, elementary particle physics, theoretical physics, intermediate energy physics, and gravitational physics. In addition, support is provided for university physics research facilities.

(2) *Division of Materials Research*. Responsible for the support of research designed to extend and deepen our understanding of materials and to help discover ways to apply that understanding. Included is research in solid state physics and chemistry, metallurgy, polymers, ceramics, and other areas of science and engineering necessary to improve basic understanding of materials and their engineering properties. This also includes research on the preparation, characterization, and understanding of the properties of crystalline and amorphous materials.

(3) *Division of Mathematical and Computer Sciences*. Responsible for providing research support in mathematics and in the applications of mathematics to other sciences; and for research in computer science and engineering, advanced computer-based research techniques and the impact of the computer on organizations and the individual. The Division also provides support for regional meetings on topics at the forefront of mathematics research.

(4) *Division of Chemistry*. Responsible for the support of fundamental research in all areas of chemistry, to improve understanding and make possible new applications of chemistry beneficial to other sciences, engineering and technology. The broad subfields supported are inorganic and organic synthesis, chemical dynamics and thermodynamics, structural chemistry, quantum chemistry, and chemical analysis. In addition, a special program exists to assist department and individual investigators in acquiring advanced instrumentation critical to modern chemical inquiry.

b. *Assistant Director for Astronomical, Atmospheric, Earth, and Ocean Sciences*. Appointed by the President, with the advice and consent of the Senate. Responsible for the conduct of the Foundation's programs in

the areas of astronomical, atmospheric, earth, ocean, and polar multidisciplinary sciences. The Assistant Director serves as the Director's principal advisor in these areas, formulating long-range plans, annual programs, and research policy within the framework of policy established by statutes and the National Science Board. The Directorate is organized into five Divisions under the leadership of Division Directors who report to the Assistant Director. The Divisions are subdivided on a disciplinary or functional basis into Sections and Programs, as appropriate.

(1) *Division of Astronomical Sciences*. Responsible for the support of research in all areas of ground-based astronomy including research on the sun, the solar system, the structure and evolution of stars, stellar systems and motions, and the composition and distribution of interstellar gas and dust; provides support to the U.S. scientific community for the development and acquisition of advanced telescopes and instrumentation related to the analysis of light and radio waves. The Division also carries out the Foundation's responsibilities in radio spectrum management. Further, the Division also assures continuing support, through contracts, for the development and operation of the country's five National Research Centers: National Astronomy and Ionosphere Center (NAIC), Arecibo, Puerto Rico; Cerro Tololo Inter-American Observatory (CTIO), Cerro Tololo, Chile; National Radio Astronomy Observatory (NRAO), Green Bank, WV—Kitt Peak, AZ—Socorro, NM; Kitt Peak National Observatory (KPNO), Kitt Peak, AZ; and Sacramento Peak Observatory (SPO), Sunspot, NM. The major objective of the Division is to increase the understanding of the physical principles governing the universe and the properties and behavior of astronomical objects such as the solar system, individual stars and stellar groups, and phenomena of outer space such as quasars, active galactic nuclei, and molecular masers.

(2) *Division of Atmospheric Sciences*. Responsible for the support of research in the atmospheric sciences at the Nation's academic institutions through a wide range of programs including aeronomy, atmospheric chemistry, climate dynamics, meteorology, solar terrestrial research, and field research on the physics and dynamics of the troposphere. Also responsible for providing university and private sector support for scientific participation in the U.S. Global Atmospheric Research Program (GARP). Continuing support, through contract, is provided for the

development and operations of the National Center for Atmospheric Research (NCAR) with principal laboratories located in Boulder, Colorado, which provides the atmospheric science community advanced research facilities including modern computing support and a fleet of aircraft, radars and other observational instrumentation. The objective of the Division of Atmospheric Sciences is to expand fundamental knowledge of the atmosphere of the earth, the sun, and other planets through a better understanding of the physical behavior of climate and weather: natural global cycles of gases and particles in the earth's atmosphere; the composition and dynamics of the upper atmospheric systems, and increased knowledge of the sun and neighboring planets as they relate to an understanding of the earth's upper atmosphere and space environment.

(3) *Division of Earth Sciences*. Responsible for support of research in earth sciences at the Nation's academic institutions in: experimental and theoretical geochemistry, environmental geosciences, mantle geochemistry, stratigraphy and paleontology, seismology and deep earth structure, experimental and theoretical geophysics, petrogenesis and mineral resources, and crustal structure and tectonics, focusing on the application of the plate tectonics hypothesis to the study of the origin and evolution of continents. The objective of the Division of Earth Sciences is to enhance basic knowledge of the structure and evolution of the earth and the organisms living on it from its beginning to the present time; its chemical and physical properties; and the processes that create mountains, plains, ore deposits, fertile soils, earthquakes, landslides, and volcanic eruptions.

(4) *Division of Ocean Sciences*. Responsible for support of research at the Nation's academic oceanographic institutions of a broad spectrum of scientific projects directed towards a greater understanding of the physical, chemical, geological and biological processes of the ocean and its boundaries that control the chemical composition and motions of ocean waters, the nature and distribution of marine organisms, and the character of the ocean floor; and assures continued support to academic oceanographic institutions for the acquisition, operations, and maintenance of a fleet of research vessels and specialized facilities serving the basic oceanographic research programs and a wide range of other science that derives

data and research materials from the ocean. The major objective of the Division of Ocean Sciences is to improve basic knowledge of the sea, its resources, and its relationship to human activities and to provide oceanic ships and research facilities to sustain a viable research effort at the Nation's universities.

(5) *Division of Polar Programs.* Implements the Executive Directive assigning to the Foundation sole responsibility for planning, funding and managing a United States Antarctic Research Program that preserves national interests in Antarctic, including: Continued peace and stability in the region under a strong Antarctic Treaty; cooperative international research on regional and worldwide problems; conservation of the flora, fauna and environment of Antarctica; equitable and wise use of the region's natural resources; and protecting U.S. rights resulting from exploration or discovery in the region prior to the Antarctic Treaty. Scientific investigations by U.S. academic institutions are supported in Antarctica and the adjacent oceans in the disciplines of glaciology, oceanography, and the atmospheric, earth, and biological sciences. U.S. research stations in the Antarctic, designed, managed, and operated with support from NSF, provide scientists with year-round living accommodations and modern laboratories with specialized equipment. Other specialized facilities are provided aboard research ships and ski-equipped aircraft. The Division's arctic research program supports selected research projects, both individual and multi-investigator, for field experiments and observations in Alaska, Canada, Greenland, the Arctic Ocean and subarctic seas in the disciplines of glaciology, oceanography, and the atmospheric, earth, and biologic sciences. The major objectives of the Division of Polar Programs are to acquire new knowledge of the relationship of the earth's polar regions to global weather and climate; to develop a better understanding of upper atmosphere physics, tectonics, terrestrial biology, and paleontology of the polar regions and their relationship to the rest of the world; to evaluate the scientific basis for possible renewable and nonrenewable resources and to foster cooperative international research contributing to these objectives and toward environmental protection of the earth's polar regions.

c. Assistant Director for Biological, Behavior, and Social Sciences. Appointed by the President, with the

advice and consent of the Senate. The Assistant Director serves as principal advisor to the Director in the development of long-range plans, annual programs, and research policy in the biological, behavioral, and social sciences as established under the statutory and the National Science Board authority. The Assistant Director is also responsible for developing and implementing programs to strengthen scientific research potential in these sciences. The Directorate, composed of five Divisions, each reporting to the Assistant Director, is structured primarily on a disciplinary basis. Each Division, headed by a Division Director, is subdivided into Programs.

(1) *Division of Physiology, Cellular, and Molecular Biology.* Responsible for supporting research in the fields of biochemistry, biophysics, genetics, cell physiology, cellular, developmental, metabolic, and regulatory biology and on alternative biological resources. The Division also provides support for specialized facilities, research conferences and workshops, and biological instrumentation. The major objectives of the Division are to understand better how plants, animals, and microbes regulate their metabolic and physiologic activities, reproduce, grow, and age and, in physical and chemical terms, how these life processes occur at the molecular, cellular, and organismal level and how this information may be used in addressing health and agricultural problems.

(2) *Division of Behavioral and Neural Sciences.* Responsible for basic and applied research in anthropology, linguistics, memory and cognitive processes, neurobiology, psychobiology, sensory physiology and perception, and social and developmental psychology. The Division also provides support for dissertation research, systematic anthropological collections, conferences and workshops, specialized facilities, and instrumentation. The major goals of the Division are to advance human understanding of behavior and nervous systems and to comprehend better the biological, psychological, and culture mechanisms underlying behavior.

(3) *Division of Social and Economic Science.* Responsible for research in economics, geography and regional science, sociology, measurement methods and data resources, political science, law and social sciences, and history and philosophy of science and regulation and policy analysis. Interdisciplinary and applied research is assisted. The Division also provides support for specialized research conferences and doctoral dissertation

research. The objective of research support by this Division is to contribute to the basic understanding of how social organizations and institutions function and change and how human interaction and decisionmaking are influenced by social conditions and institutional arrangements.

(4) *Division of Environmental Biology.* Responsible for research in ecology, ecosystem studies, population biology and physiological ecology, and systematic biology. The Division provides support for biological research resources such as systematic collections, controlled environmental facilities, field research facilities, and culture collections. Support is also provided for dissertation research, research equipment, and research conferences and workshops. The research supported by this Division is to advance knowledge of the attributes and interrelations of organisms, populations, and communities as they exist in their natural environment.

(5) *Division of Information Science and Technology.* Responsible for programs (a) to increase understanding of the properties and structure of information and information transfer, (b) to contribute to the store of scientific and technical knowledge which can be applied in the design of information systems, and (c) to improve understanding of the economic and other impacts of information science and technology.

d. Assistant Director for Science and Engineering Education. Appointed by the President with the advice and consent of the Senate. As principal advisor to the Director, provides leadership in all aspects of science and engineering education policy and programming. The Assistant Director for Science and Engineering Education has the responsibility of managing four major program categories: programs to improve the quality and distribution of scientific human resources; programs to strengthen science programs at educational institutions; programs of educational research and development; and programs that deal with promoting greater knowledge and use of science by the general public. At the present time, the status of Science and Engineering Education programs for Fiscal Year 1982 is not known, pending final Congressional action on NSF's budget.

e. Assistant Director for Engineering. Responsible for strengthening engineering research and, as appropriate, focusing some of that research in areas which are relevant to national problems. This is accomplished by supporting research across the entire

range of engineering disciplines and by identifying and supporting special areas of engineering research where results are expected to have timely and topical impacts on the selected problems. The specific objectives of the Directorate for Engineering are to advance fundamental knowledge of engineering principles that will be applied to the analysis and design of a large variety of man-made devices, systems, and processes; strengthen the academic engineering research base in order to address the need for increased basic knowledge underlying engineering technology; create an improved academic research environment which will encourage larger numbers of young engineers to seek graduate education and research; and stimulate the application of fundamental engineering knowledge and capabilities towards the solution of a limited number of significant problems of national interest. The Assistant Director participates with the Director in planning, analyzing, and evaluating the activities and in establishing and maintaining an effective liaison with the Congress, other Federal agencies, the educational and scientific community, professional societies, and other interested parties. Four Divisions report to the Assistant Director. Each Division is headed by a Division Director and generally subdivided on a disciplinary or functional basis into Sections and/or Programs. Within the Office of the Assistant Director for Engineering, the Problem Analysis Group seeks to identify and analyze major national problems with significant scientific content to provide a preliminary assessment of the appropriate role of science and technology and the Federal government (including NSF) in their solution.

(1) *Division of Chemical and Process Engineering.* Responsible for promoting the creation of knowledge relevant to the design, optimization, and operation of a wide range of processes in the chemical, petroleum/petrochemical, food, biochemical/pharmaceutical, mineral, and allied industries. Research efforts include the development of fundamental principles, design and control strategies, mathematical models, and experimental techniques which cut across a large number of industries and processes. Areas of support include catalysis, combustion, plasma chemistry, biochemical, electrochemical, macromolecular, and separation processes, particulate characterization and interaction, thermodynamic and transport properties, and renewable and nonrenewable materials processing.

(2) *Division of Civil and Environmental Engineering.* Deals with extending our understanding of the basic behavior of natural and man-made physical structures and systems from both the elemental and macroscopic viewpoints, and with the interaction of the built environment and man's activities with the natural environment. Areas of research include geotechnical engineering, structural mechanics, water resources and environmental engineering. Under the President's Earthquake Hazards Reduction Act, the Division also supports research on the phenomena involved in hazards produced by earthquakes, and the means by which these and other natural hazards can be mitigated.

(3) *Division of Electrical, Computer, and Systems Engineering.* Seeks to stimulate exploration of fundamental engineering principles applicable to man-made electrical systems and devices. Research topics include studies of electronic materials, solid-state devices, very large scale integrated circuits, integrated optics, lasers and optoelectronics, sensors and imaging systems, plasmas and particle beams, computer engineering, machine intelligence, robotics and automation, information theory and communications control systems methodologies and networks, and operations research.

(4) *Division of Mechanical Engineering and Applied Mechanics.* Supports research driven by both the intrinsic interest in the phenomena which arise in technological applications as well as by the need for solutions to problems in mechanical engineering. Applied Mechanics research deals with the continuum behavior of solids, fluids, multi-phase mixtures, and biological materials including the effects of heat transfer, phase changes and chemical reaction. Special attention is given to time dependent or unsteady phenomena. On the other hand, mechanical engineering research deals with fundamental problems relating to the behavior and design of mechanical systems and industrial production. It supports research relating to the analysis and synthesis of machines and mechanical systems including tribology and dynamical behavior, and to optimization of manufacturing processes.

f. *Assistant Director for Scientific, Technological and International Affairs.* Responsible for programs designed to: Link the producers of research with the users of research; support research on the interactions between science, technology, and public policy; and to facilitate the international exchange of

scientific and technical information. Serves as the principal advisor to the NSF Director in the development of long-range plans, programs, and policy for scientific, technological and international affairs. Provides policy analyses and assessments of scientific and technological issues of interest to decisionmakers in the Executive Office of the President, the National Science Board, and the Congress. The Directorate consists of five Divisions.

(1) *Division of Industrial Science and Technological Innovation.* Responsible for programs designed to accelerate industrial science and technological innovation by improving the linkage between universities and industries. This is done by supporting research centers and projects where industrial and university scientists and engineers collaborate in work on specific topics of mutual interest. In addition, opportunities are provided for small science- and technology-based firms to perform research projects leading to more rapid commercialization of new ideas, products, and processes. The Division also supports studies to improve the understanding of the processes by which technological innovation occurs and how those processes are affected by Federal actions.

(2) *Division of International Programs.* Administers the Foundation's programs for international cooperative scientific activities including joint research projects, seminars, and scientific visits. Facilitates U.S. scientists' access to unique facilities and sites abroad. Provides staff support to Joint Commissions and other U.S. international scientific efforts. Manages the use of Special Foreign Currency for programs in research and related activities. Coordinates other National Science Foundation programs with international aspects.

(3) *Division of Policy Research and Analysis.* Responsible for developing information for decisionmakers through analysis of existing and emerging national and international issues having substantial scientific and technological (S&T) components. Activities include: Identifying issues that relate research and development and technological advances to national concerns; developing a knowledge base and monitoring capabilities for analyzing the S&T enterprise; and assessing alternative policy options and their potential costs, risks, and benefits. The Division provides information useful to policy-makers within the Executive Office of the President, such as the Office of Science and Technology Policy

and the Office of Management and Budget.

(4) *Division of Science Resources Studies.* Responsible for development and maintenance of a data base dealing with the characteristics, magnitude, and utilization of the Nation's human and financial resources for S&T activities. Studies and analyses provide information on scientific and technological personnel, science education, scientific institutions, the funding of research and development, the nature and relationship of different types of R&D activities, the economic impact of R&D, and related topics.

(5) *Division of Intergovernmental and Public Service Science and Technology.* Maintains liaison and coordination among, and provides technical information and services to State and local governments and nongovernmental organizations. Purpose is to improve their capacity to make effective use of scientific and technical resources in decisionmaking and in managing public services.

g. *Assistant Director for Administration.* Serves as the principal advisor to the Director on all administrative and general management activities of the National Science Foundation. This responsibility encompasses: Grants and contracts administration; management analysis; personnel management and employee-oriented programs; general administrative and logistic support functions; financial management systems; and information processing activities, including the operation of the NSF computer facility. The organization consists of one Office and four Divisions: Health Services; Division of Grants and Contracts; Division of Information Systems; Division of Personnel and Management; and Division of Financial and Administrative Management.

(1) *Division of Personnel and Management.* Responsible for planning, developing and implementing the personnel management program of the Foundation to provide for the effective acquisition, retention, motivation, development and utilization of NSF personnel as well as for improvement of Foundation management systems and procedures.

(2) *Division of Grants and Contracts.* Responsible for the negotiation of grants and contracts or other arrangements in accordance with existing laws, regulations and Foundation policy and procedures. Negotiation includes those activities necessary to obtain agreement on the arrangements between the grantee or contractor and the Foundation prior to the making of an

award. Administration includes those administrative activities necessary to execute the award, monitor performance, and close out the grant, contract, or other arrangement.

(3) *Division of Financial and Administrative Management.* Responsible for the development, coordination and direction of financial management policies, programs, and operations, and responsible for the design of modern automated business management systems. This Division provides fund control, payroll and disbursing services, and maintains accounting systems to manage the financial aspects of Foundation operations and to produce timely and accurate data for financial management and budgetary purposes. Also responsible for the management and direction of administrative services in the following areas: travel arrangements; procurement and issuance of supplies, materials and equipment, including maintenance; space management; communications and building maintenance; records disposition; mail (including mailing list control) and messenger services; property accountability records; document and building security matters; printing, reproduction and binding services, including publications distribution and storage, contractual and typographic services. This Division also provides a library program for the Foundation.

(4) *Division of Information Systems.* Responsible for development, operation, maintenance and oversight of automated systems that provide management information and support program and administrative staff activities throughout the Foundation's business cycle. Included are policy development, technical assistance, systems analysis (for both manual and automated systems), computer programming, operation of the central computer facility, implementation/coordination of office automation/word processing systems and external computing services, and a variety of services for document handling and data entry for proposals, award budgets, reviewer forms, financial management and grants and contracts administration.

Information for Guidance of the Public

A. *Inquiries and Transaction of Business.* All inquiries, submittals, or requests should be addressed to the National Science Foundation, Washington, D.C. 20550. A member of the public may call at the Foundation offices at 1800 G Street, NW., Washington, D.C. during normal business hours, 8:30 a.m. to 5:00 p.m.,

Monday through Friday. The Statement of Organization, set forth above, indicates the offices with which members of the public should deal on particular matters. If an individual is uncertain as to which office to contact, that person may write the Foundation's mailing address or visit the National Science Foundation, Public Information Branch, Room 531, 1800 G Street, NW.

B. *General Method of Functioning, Procedures, Forms, Description of Programs.* The Foundation accomplishes its mission primarily through the award of grants and other agreements to universities, colleges, other nonprofit organizations, and to individuals as well as profit-making organizations. In instances where NSF has a specially assigned mission, or where services are being procured, contracts are used rather than grants. The Foundation's general course and method of operations is to provide financial support for basic and applied research and education in the sciences and engineering in response to requests, applications and proposals submitted by the person or organization desiring support. In general, grants are made on a merit basis after a review process involving several qualified outside commentators drawn from the scientific, educational, and industrial communities.

C. *Honorary Awards.* The National Science Board bestows annually the Alan T. Waterman Award on an outstanding young scientist for support of research and study. This award provides for up to \$150,000 for three years of research and study at the institution of the awardee's choice. From time to time the Board also presents the Vannevar Bush Award to a person who, through public service activities in science and technology, has made an outstanding contribution toward the welfare of the Nation and mankind. The two awards together are designed to encourage individuals to seek to achieve the Nation's objectives in scientific research and education.

The National Science Foundation also provides support for the President's Committee on the National Medal of Science.

D. *Pertinent Publications.* The Foundation and the National Science Board publish a variety of booklets and other materials describing the programs and procedures of the Foundation and assessing the status of science in the Nation. All publications and forms may be obtained by writing to or visiting the Foundation. The following are key publications of the Foundation:

1. *Grants for Scientific Research (NSF 78-41).* Provides basic guidelines and

instructions for investigators applying to the Foundation's program of scientific research project support and other closely related programs, such as the support of foreign travel, conferences, symposia and specialized research equipment and facilities. Complete details are given on application procedures. Additional information outlines the more detailed areas of how application data must be presented and other scientific areas for which NSF support funds may be granted. Also provides information on the evaluation process concerning the merit review of proposals for support. Available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

2. *NSF Grant Policy Manual*. A compendium of basic NSF grant administration policies and procedures generally applicable to most types of NSF grants and to most categories of recipients. Included are fiscal regulations regarding the use and expenditure reporting of NSF granted funds and other specific administrative procedures and policies. The NSF Grant Policy Manual (GPM) is available only by subscription, \$9.00 domestic and \$11.25 foreign, from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. This loose-leaf manual, identified by GPO as NSF

77-47, revised October 1977, will be updated periodically through supplements which will be furnished by GPO to subscribers. GPM subscription rules and prices are subject to change by GPO.

3. *NSF Bulletin*. This monthly publication summarizes program announcements and other NSF activities. Available from the Public Information Branch, Room 531, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

4. *NSF Annual Report*. An annual presentation to the President for submission to the Congress highlighting the activities of the Foundation for the fiscal year. Accomplishments in research project support activities and science and engineering education are reflected in a series of brief synopses illustrating and explaining recent undertakings and results which have been brought about through NSF grants. Other data relating to the Foundation staff, financial reports, patents, research center contractors, advisory committees, panels and their membership are contained in the appendix. Available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

5. *National Science Board Reports*. The National Science Board assesses the status and health of science and its various disciplines, including such matters as national resources and manpower, in reports rendered annually to the President for submission to the Congress. The last three such reports which have been submitted or are under preparation are:

Science Indicators—1978 (Eleventh NSB Report, 1979)

One Science (Twelfth NSB Report, 1980)
Science Indicators—1980 (Thirteenth NSB Report, 1981)

6. *Publications of the National Science Foundation*. Provides a listing of issued NSF publications available to the public, with prices where they apply.

7. *Guide to Programs*. Contains summary information about assistance support programs of the National Science Foundation. The Guide is a source of general information for individuals interested in participating in these programs. Program listings describe the principal characteristics and basic purpose of each activity, as well as eligibility requirements, closing dates (where applicable), and the address from which more detailed information, brochures, or application forms may be obtained. Available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

8. *Individual Program Announcements*. Detailed program publications are issued by individual program areas of the Foundation, announcing and describing award programs and containing critical dates and application procedures for competitions.

9. *Important Notices*. The primary means of general communication by the Director, NSF, with organizations receiving or eligible for NSF support. These notices convey important announcements of NSF policies and procedures or other subjects determined to be of interest to the academic community and to other selected audiences.

10. *NSF Organization and Functions Manual*. The approved organization structure of the Foundation, including the functions and responsibilities of each major component, described in chart and narrative form.

11. *Internal Directives*. The Foundation also maintains a system of internal issuances for communication within the Agency on matters of policy, procedures, and general information. The internal directives are issued to establish organizations, define missions, set objectives, assign responsibilities,

delegate or limit authorities, establish program guidelines, and delineate basic requirements affecting activities of the Foundation.

a. *Staff Memoranda*. These are issuances reserved for use by the Director and Deputy Director, for communication with the staff on subjects of their choice.

b. *Circulars*. A series of issuances to communicate Agency policies, regulations, and procedures of a continuing nature.

c. *Manuals*. Developed to implement detailed information on operating procedures, requirements, and criteria.

d. *Bulletins*. Issuances to communicate urgent information concerning changes in policy or procedure prior to their incorporation into a circular or manual, and to communicate information that is pertinent generally for a period of less than one year.

16. *Mosaic*. An interdisciplinary magazine of basic and applied research. Published six times a year. Edited for nonspecialists in the sciences as a way for the Foundation to report on the scientific research it supports. Available from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Subscription is \$11.00 per year in the United States and possessions. A single copy may be purchased for \$2.75.

17. *Antarctic Journal of the United States*. This magazine, published quarterly, is available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

18. *Arctic Bulletin*. A quarterly publication, available from the Division of Polar Programs, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

E. *Availability of Information*. Persons desiring to obtain information, including documents, may submit a request by telephone or in writing to the Public Information Branch or to other Foundation units. If not satisfied with the response, they may submit a formal request under terms of the NSF Freedom of Information Act regulations, 45 CFR Part 61, or, if applicable, the NSF Privacy Act regulations, 45 CFR Part 613. All documents will be made available for inspection or copying, except for those which fall within the exemptions specified in the law and the withholding of which is deemed absolutely necessary.

Sources of Information

Grants. Individuals or organizations planning to submit grant proposals

should refer to the *NSF Guide to Programs* and to appropriate program brochures and announcements which may be obtained by writing the Forms and Publications Unit, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550 or calling the Foundation at 202/357-7861.

Contracts. The Foundation publicizes contracting and subcontracting opportunities in the *Commerce Business Daily* and other appropriate publications. Organizations seeking to undertake contract work for the Foundation may contact the Division of Grants and Contracts, 202/357-7384, Room 640, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Small Business. The NSF Office of Small Business Research and Development provides information on opportunities for NSF support to small businesses with strong research capabilities in science and technology. Interested organizations may contact the Office at 202/357-7464, Room 511-A, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Engineering Information Resources. Information concerning engineering resources may be obtained through Engineering Information Resources, Room 1110, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

National Science Board Documents. Schedules of Board meetings, agendas, and summary minutes of the open meetings of the Board may be obtained from the NSB Office, 202/357-7510, Room 545, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Committee Minutes. Summary minutes of meetings of the Foundation's advisory groups may be obtained from the Division of Personnel and Management, Management Analysis Branch, 202/357-9520, Room 217-A, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Freedom of Information Act (FOIA) Inquiries. Requests from the public for Agency records should be clearly identified "FOIA REQUEST" and addressed to the Public Information Branch, Room 531, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Privacy Act Inquiries. Persons desiring to obtain personal records which are legally available to the individual under the Privacy Act of 1974, should submit a request in accordance with the NSF Privacy Act Regulations, 45 CFR Part 613.

Reading Room. Persons who wish to inspect or copy records should contact

the NSF Public Information Branch, 202/357-9498, Room 531, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Employment. Inquiries may be directed to the National Science Foundation, Division of Personnel and Management, Room 212, 1800 G Street, NW., Washington, D.C. 20550.

Dated: December 3, 1981.

Thomas Ubois,

Assistant Director for Administration.

[FR Doc. 81-35320 Filed 12-9-81; 8:45 am]

BILLING CODE 7555-01-M

Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permits Issued Under the Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550. Telephone (202) 357-7934.

SUPPLEMENTAL INFORMATION: On October 27, 1981, the National Science Foundation published a notice in the *Federal Register* of permit applications received. On December 2, 1981 permits were issued to: David G. Ainley, John G. Baust.

Charles E. Myers,

Division of Polar Programs.

[FR Doc. 81-35372 Filed 12-9-81; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Reports, Recommendations, Responses; Availability

Safety Recommendations to Secretary, Department of Transportation (Dec. 1), 1-81 -11 through -16: Form single agency for department-wide hazardous materials program; develop safety analysis guidelines/standards to identify unreasonable risks; require safety analyses to be submitted as part of exemption applications; develop regulations based on "quantity and form" framework; eliminate requirements for shipment if quantity and form does not pose unreasonable risk; safety analysis evaluations program.

Recommendation Responses from—

Federal Highway Administration, Nov. 16, H-81-17 and 18. On-Guard bulletin being developed for worn ball joint assemblies and end fittings on power-assist mechanism; but inspection procedures being studied.

U.S. Coast Guard, Nov. 16, M-81-74 and 75. "Towboat boarding program" not feasible because of budget and manpower constraints; steering gear inspection requirements not justified.

Federal Aviation Administration, Nov. 20, A-76-136 and -137. National program surveys and final report, "National Runway Friction Measurement Program," completed; AC 150/5320-12, Methods for the Design, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces, is being revised. *Nov. 20, A-81-99 and -100.* Will require procedures to cope with potential leaks in pressurized cabins for commuters and air taxis using pressurized aircraft; preparing corrective maintenance procedures for Nord 262 door safety latch mechanism.

Association of American Railroads, Nov. 16, R-81-102. Checked signal systems maintenance procedures; distributed copies of safety recommendation to members.

Columbia LNG Corporation, Nov. 10, P-80-35 through -38. Conducts monthly fire and evacuation drills; added post indicator valve in lateral between vaporizer/second-stage pump building; posted diagram of firefighting equipment on site; notification of outside agencies lists emergency telephone numbers.

Western Pacific Railroad Company, Nov. 13, R-80-27 through 29 and -41 through -46. Revised organization responsibilities and authority; strengthened supervision; clarified rules and instructions; increased training; required attendance at periodic rules classes; and increased number and improved quality of operational efficiency tests.

Note.—Single copies of reports, recommendations and responses are free on written request, identified by recommendation or report number, to: Public Inquires Section, National Transportation Safety Board, Washington, D.C. 20594. (Multiple copies of reports are available from National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.)

B. Sharon Fleming,

Director, Executive Secretariat.

December 4, 1981.

[FR Doc. 81-34968 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-56-M

Schedule for Awarding Senior Executive Service Bonuses

The National Transportation Safety Board hereby gives notice that it intends to award Senior Executive Service bonuses for the performance cycle of October 1, 1980, through September 30, 1981, with payouts scheduled by December 31, 1981.

This notice is given in accordance with the Office of Personnel Management guidelines which require that each agency publish a notice in the Federal Register of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid.

Dated: December 4, 1981.

B. Michael Levins,

Director, Bureau of Administration.

[FR Doc. 81-35370 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[License No. 45-09963-01 (EA 81-51)]

Met Lab, Inc.; Hearing

Met Lab, Incorporated, 605 Rotary Street, Hampton, VA 23661 (Licensee), is the holder of NRC License No. 45-09963-01, which authorizes the Licensee to possess and use byproduct materials for industrial radiographic operations, under conditions specified in the license.

Pursuant to section 234 of the Atomic Energy Act of 1954 (42 U.S.C. 2282) and 10 CFR 2.205, on June 3, 1981, the Director of the Office of Inspection and Enforcement served on the Licensee a Notice of Violation and Proposed Imposition of Civil Penalty, which alleged that the Licensee was responsible for violations of Commission requirements and set forth civil penalties to be assessed for two of the alleged violations. The two violations for which penalties were assessed related to inspections of Licensee's radiography activities conducted on March 25 and April 10, 1981, which found exposure to a radiographer in excess of NRC limits and a failure to process immediately a film badge after the pocket dosimeter discharged beyond its range. The Licensee responded to the Notice of Violation and Proposed Civil Penalty on July 3, 1981. After consideration of the Licensee's Answer, the Director issued an Order Imposing a Civil Monetary Penalty in the total amount of \$3,000.00 on August 14, 1981. 46 FR 42555 (August

21, 1981). By letter dated September 11, 1981, the Licensee requested a hearing.

Pursuant to the Atomic Energy Act of 1954, as amended, and regulations in Title 10, Code of Federal Regulations, Part 2, notice is hereby given that a hearing will be held before the Honorable Ivan W. Smith, Administrative Law Judge, at a time to be set by the Administrative Law Judge. The issues to be considered and decided shall be:

(a) Whether the Licensee violated the NRC requirements set forth in the June 3, 1981, Notice of Violation and Proposed Imposition of Civil Penalty;

(b) Whether the August 14, 1981 Order Imposing a Civil Monetary Penalty should be sustained.

A prehearing conference will be held by the Administrative Law Judge at a date and place to be set by him to consider pertinent matters in accordance with the Commission's Rules of Practice. The date and place of hearing will be set at or after the prehearing conference and noticed in the Federal Register. Pursuant to 10 CFR 2.705, an answer to this Notice may be filed by the Licensee not later than December 30, 1981.

Required papers shall be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Chief, Docketing and Service Branch, or by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC.

Pending further order of the Administrative Law Judge, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and two (2) copies of each such paper with the Commission. Pursuant to 10 CFR 2.785, the Commission authorizes an Atomic Safety and Licensing Appeal Board to exercise the authority and perform the review functions which would otherwise be exercised and performed by the Commission. The Appeal Board will be designated pursuant to 10 CFR 2.787, and notice as to membership will be published in the Federal Register.

Dated at Washington, DC, this 4th day of December 1981.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-35302 Filed 12-9-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Boston Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

December 4, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Mellon National Corp., Common Stock, \$.50 Par Value (File No. 7-6096)

North European Oil Royalty Trust, Units of Beneficial Interest (File No. 7-6097)

SCA Services, Inc., Common Stock, \$1 Par Value (File No. 7-6098)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 28, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-35343 Filed 12-9-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

December 4, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Amdahl Corporation, Common Stock,
\$.05 Par Value (File No. 7-6099)
Brock Hotel Corporation, Common
Stock, \$.10 Par Value (File No. 7-6100)
Central Vermont Public Service
Corporation, Common Stock, \$6 Par
Value (File No. 7-6101)
Unit Drilling and Exploration Company,
Common Stock, \$.20 Par Value (File
No. 7-6102)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 28, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets, and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

JFR Doc. 81-36344 Filed 12-9-81; 8:45 am
BILLING CODE 8010-01-M

[Release No. 34-18310; File No. SR-BSE-81-11]

Boston Stock Exchange, Inc.;
Proposed Change by Self-Regulatory
Organization

In the matter of proposed rule change relating to an assessment against members. Comments requested on or before December 31, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(1)), notice is hereby given that on November 27, 1981 the Boston Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's
Statement of the Terms of Substance of
the Proposed Rule Change

Effective November 2, 1981 to place an assessment on all members in the amount of \$7,000 per member. However, members whose firms have executed less than a monthly average of 50,000 shares over the past six months will be assessed at \$4,000. Members whose firms have not executed any business or utilized the facilities of the Exchange over the past year are assessed \$1,000. Members associated with specialist firms, regardless of their levels of business, are assessed at \$7,000 for the first seat. Members associated with firms holding multiple seats are assessed at \$3,000 for the second seat and \$1,000 each for the third and additional seats. Members who find that a single payment of the assessment would result in a net capital problem will be permitted to pay the assessment in installments (after a 50% down payment in November 1981) by March 31, 1982.

II. Self-Regulatory Organization's
Statement of the Purpose of, and
Statutory Basis for, the Proposed Rule
Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places set forth in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's
Statement of the Purpose of, and Basis
for, the Proposed Rule Change

(a) On October 22, 1981, the Board of Governors of the Exchange voted to implement immediately settlement and depository interfaces with National Securities Clearing Corp. (NSCC) and the Depository Trust Company (DTC) in New York and with any other entity selected by participants. In order to prepare for the future growth, to provide some cushion for past and anticipated losses, and to adopt more sophisticated technology in the trading and settlement of securities, the Board of Governors determined that an infusion of additional funds was necessary. The Board also felt that when working capital was built to a sufficient level to warrant it, consideration would be given to returning to members some or all of

this assessment proportional to the amount paid.

(b) The basis under the Act for the proposed rule change is section 6(b)(4) requiring the rules of an 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

No burden on competition is perceived by adoption of the proposed Rule change.

(C) Self-Regulatory Organization's
Statement on Comments on the
Proposed Rule Change Received from
Members, Participants or Others

Comments have neither been solicited nor received.

III. Date Of Effectiveness of the
Proposed Rule Change and Timing for
Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol St., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number in the caption above and should be submitted on or before December 31, 1981.

Dated: December 4, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-35398 Filed 12-9-81; 8:45 am]

BILLING CODE 9010-01-M

[File No. 22-11348]

Lifemark Corp.; Application and Opportunity for Hearing

December 7, 1981.

Notice is hereby given that Lifemark Corporation (formerly Medenco, Inc., hereinafter referred to as "Lifemark") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Manufacturers Hanover Trust Company ("Manufacturers") as successor trustee under two indentures, each dated as of July 1, 1975, between Lifemark and Southern National Bank of Houston and under four other indentures, dated June 1, 1978, June 1, 1979, October 1, 1980 and April 15, 1981, the first three of which were heretofore qualified under the Act, between Lifemark and Manufacturers, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers from acting as successor trustee under any such indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such section provides, in effect, with certain exceptions that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that the trusteeship under such qualified indenture and any other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

Lifemark alleges that:

1. Lifemark has outstanding on the date hereof indentures covering (i) \$1,994,344 principal amount of 10% Subordinated Notes due 1995 (the "1975 Notes") under an Indenture dated as of July 1, 1975 (the "1975 Note Indenture"), between Lifemark and Southern National Bank of Houston, Trustee, (ii) \$255,640 principal amount of 10% Subordinated Sinking Fund Debentures due 1995 (the "1975 Debentures") under an Indenture dated as of July 1, 1975 (the "1975 Debenture Indenture"), between Lifemark and Southern National Bank of Houston, Trustee, (iii) \$10,000,000 principal amount of 11% Subordinated Sinking Fund Debentures due October 1, 1998 (the "1978 Debentures") under an Indenture, dated as of June 1, 1978 (the "1978 Indenture"), between Lifemark and Manufacturers, Trustee, (iv) \$15,000,000 principal amount of 11¾% Subordinated Sinking Fund Debentures due 1999 (the "1979 Debentures") under an Indenture, dated as of June 1, 1979 (the "1979 Indenture"), between Lifemark and Manufacturers, Trustee, (v) \$23,565,000 principal amount of 9% Convertible Subordinated Debentures due 2005 (the "1980 Debentures") under an Indenture dated as of October 1, 1980 (the "1980 Indenture"), between Lifemark and Manufacturers, Trustee, and (vi) \$25,000,000 principal amount of 9¾% Convertible Subordinated Debentures due 1996 (the "1981 Debentures") under an Indenture between Lifemark International N.V., Lifemark as Guarantor and Manufacturers, Trustee, dated as of April 15, 1981 (the "1981 Indenture").

2. The 1975 Notes and the 1975 Debentures were issued in transactions exempt from registration under the Securities Act of 1933, pursuant to the provisions of section 3(a)(9) thereof. The 1978 Debentures, the 1979 Debentures and the 1980 Debentures were registered under the Securities Act of 1933 (File Nos. 2-61616, 2-64705 and 2-69191, respectively) and the 1975 Note Indenture, the 1975 Debenture Indenture, the 1978 Indenture, the 1979 Indenture and the 1980 Indenture, were qualified under the Act (File Nos. 22-8372, 22-8389, 22-9604, 22-9994 and 22-10734, respectively). Inasmuch as the 1981 Debentures were offered and sold outside the United States, its territories and possessions to persons who are not nationals or residents thereof, the 1981 Debentures were not registered under the Securities Act of 1933 and the Indenture was not qualified under the Act. The Commission has previously granted an application by Lifemark pursuant to section 310(b)(1)(ii) of the Act for a finding by the Commission that the trusteeship of Manufacturers under

the 1978, 1979, 1980 and 1981 Indentures is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers from acting as trustee under any of such Indentures (File No. 22-11124).

3. Appointment of Manufacturers as a successor trustee to Southern National Bank of Houston will involve Manufacturers in a conflict of interest within the meaning of (i) section 8.08 of the 1975 Note Indenture and of the 1975 Debenture Indenture since Manufacturers is trustee under the 1978, 1979, 1980 and 1981 Indentures and (ii) section 608 of each of the 1978, 1979 and 1980 Indentures because the 1975 Note Indenture and the 1975 Debenture Indenture were qualified prior to the 1978, 1979, 1980 and 1981 Indentures.

4. The 1975 Note Indenture and the 1975 Debenture Indenture and the 1978, 1979, 1980 and 1981 Indentures are wholly unsecured. The guaranty of Lifemark under the 1981 Indenture ranks equally with Lifemark's other unsecured and unsubordinated indebtedness, including the 1975 Notes and the 1975, 1978, 1979 and 1980 Debentures. The only material differences between the 1975 Note Indenture and the 1975 Debenture Indenture and the 1978, 1979, 1980 and 1981 Indentures, and between the rights of the holders of the 1975 Notes and the 1975, 1978, 1979, 1980 and 1981 Debentures relate to the fact that Lifemark is the Guarantor under the 1981 Indentures, but is the primary obligor under the 1975 Note Indenture, the 1975 Debenture Indenture and the 1978, 1979 and 1980 Indentures, and also relate to aggregate principal amounts, dates of issue, denominations, events of default, maturity and interest payment dates, interest rates, places of payment of interest and principal, form of registration, redemption or prepayment provisions or procedures, reports of the Trustee or the issuer, restrictions on transferability, provisions for conflicting interest of the Trustee, special provisions relating to the non-United States offering of the 1981 Debentures and other provisions of a similar nature. In addition, the 1980 Debentures are convertible into Lifemark common stock, \$.01 par value, at \$37 per share and the 1981 Debentures are convertible into such common stock at \$47.75 per share. The 1975 Notes and the 1975, 1978 and 1979 Debentures are not convertible. Any such differences and any other difference in the provisions of the six Indentures are unlikely to cause any conflict of interest between the

respective trusteeships of Manufacturers under such Indentures.

5. Lifemark is not in default under the 1975 Note Indenture, the 1975 Debenture Indenture and the 1978, 1979, 1980 or 1981 Indentures.

6. Such differences as exist between the 1975 Note Indenture, the 1975 Debenture Indenture and the 1978, 1979, 1980 and 1981 Indentures are not likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers from acting as successor trustee under either the 1975 Note Indenture or the 1975 Debenture Indenture.

Lifemark has waived its right to a hearing and any and all rights to specify procedures under Rules of Practice of the Securities and Exchange Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application, which is a public document on file in the office of the Commission, Washington, D.C. 20549.

Notice is further given that any interested person may, not later than December 28, 1981, request in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after such date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-35390 Filed 12-9-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-18303; File No. SR-MSTC-81-5]

Midwest Securities Trust Co.; Proposed Rule Change by Self- Regulatory Organization

In the matter of proposed rule change relating to MSTC policy regarding penalties for settlement violations.

Comments requested on or before December 31, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(1)), notice is hereby given that on November 16, 1981 the Midwest Securities Trust Company 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

Attached as Exhibit A is the MST System Administrative Bulletin dated November 12, 1981.

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

MSTC requires participants to meet their payment obligations daily in next day valued funds. MSTC incurs a liability and, in some situations, a related interest expense when a participant fails to remit next-day valued funds on Settlement Date. This expense should not be absorbed by all participants, but rather passed along to those participants creating the situation.

The purpose of the change in the MSTC policy regarding penalties for settlement violations is to increase the penalty charged to a participant in relation to the frequency of settlement violations. It is the responsibility of the participant to ensure that payment obligations are being met on a timely basis. All fines are appealable under MSTC Rule 14 and any fine which becomes final is reported to the Securities and Exchange Commission.

The proposed change in policy is consistent with section 17 of the Act in

that it is designed to safeguard the funds related to the prompt and accurate clearance and settlement of securities transactions by enforcing the MSTC procedures requiring payment obligations to be made on a timely basis. The procedures also provide that participants will be appropriately disciplined for violations of the rules of the clearing agency, pursuant to the guidelines set forth in this filing.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the 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 NW., 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 at 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 on or before December 31, 1981.

Dated: December 4, 1981.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-35396 Filed 12-9-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18311; File No. SR-PCC-81-3]

Pacific Clearing Corp.; Proposed Rule Change By Self-Regulatory Organization

In the matter of proposed rule change relating to enhancements to the Institutional Clearing Program. Comments requested on or before December 31, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78s(b)(1)), notice is hereby given that on December 3, 1981, Pacific Clearing Corporation 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

Pacific Clearing Corporation is initiating certain revisions in its Institutional Clearing Program to make the program more efficient for participants.

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 enhance the Institutional Clearing Program operated by Pacific Clearing Corporation by providing information meeting the requirements of Securities Exchange Act Rule 10b-10 on behalf of participants and making certain other modifications. The proposed rule change is consistent with section 17A(b)(3)(F) of the Act in that it provides for the prompt and accurate clearance 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 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 on or before December 31, 1981.

Dated: December 7, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-35397 Filed 12-9-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Ellis County, Tex.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Ellis County, Texas.

FOR FURTHER INFORMATION CONTACT: George H. Nelson, District Engineer, Federal Highway Administration, 826 Federal Building, Austin, Texas 78701, Telephone: (512) 397-5966.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Texas State Department of Highways and Public Transportation (DHT), intends to prepare and environmental impact statement (EIS) on a proposal to construct United States Highway 287 (U.S. 287) in Ellis County, Texas. The facility proposed is a four lane divided facility with no control of access.

The highway section under study, bypasses Ennis, Ellis County, Texas on new location. The corridor study begins at U.S. 287 near the west city limits of Ennis and ends at Interstate Route 45 for a total length of approximately 5.7 miles.

An interregional route, U.S. 287, serves extensive truck traffic between Fort Worth and Houston, Texas.

The proposed action, if constructed, will provide for a fast, safe and efficient transportation facility that will provide for the needs of the area.

Several alternative locations as well as taking no action will be considered.

There are currently no plans to hold a formal scoping meeting for this proposal.

A public hearing will be scheduled after the environmental impact statement is circulated for comments. Adequate notice will be given through the news media concerning the location of the hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on November 30, 1981.

George H. Nelson,

District Engineer, Austin, Texas.

[FR Doc. 81-35097 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement: Philadelphia County, Pennsylvania

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in the city of Philadelphia, Philadelphia County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

John R. Krause, Division Environmental Engineer, Federal Highway Administration, 228 Walnut Street, P.O. Box 1086, Harrisburg, Pennsylvania 17108, Telephone: (717) 782-2276, or Robert L. Rowland, P.E., District Engineer, Pennsylvania Department of Transportation, 200 Radnor-Chester Road, St. Davids, PA 19087, Telephone: (215) 687-1600.

SUPPLEMENTARY INFORMATION:

The FHWA, in cooperation with the Pennsylvania Department of Transportation, will be preparing an Environmental Impact Statement (EIS) on a proposal to construct a portion of the Vine Street Expressway (I-676) between the Schuylkill Expressway (I-

76) on the west and the Benjamin Franklin Bridge on the east. A series of ramps interconnecting with the local streets and with the Delaware Expressway (I-95) are also proposed. The total length of limited access divided highway involved is 2.5 miles of which 1.2 miles is constructed to Interstate standards. Completion of the remainder of the highway section will eliminate congestion and delay on the existing route and adjacent arterial streets as well as provide better east-west access for the surrounding region.

The project has been under consideration for many years and a variety of alignments have been studied. During these studies, various alignments were eliminated because traffic congestion, social and economic considerations, community opposition, potential urban impacts, and consideration of historical sites. Three alternates will now be considered. They are (1) a "scaled down" expressway, (2) a "modified arterial" roadway, and (3) taking no action. All three alternates will be studied in detail in the areas of air quality, noise pollution, preliminary engineering, historical and archaeological resources, traffic/transportation/energy, water resources, social-economic and land use, cost analysis of effective alternatives, and consultation/coordination. The alternatives being considered are those selected by the Vine Street Task Force whose work was completed in 1980. This group consisted of representatives of the appropriate Federal, State and City agencies. Input from local business concerns and community groups was also obtained. The alternates selected were developed to minimize many adverse environmental, social, and economic concerns which precluded construction of the project in the past.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies, and to private organizations and citizens who have expressed interest in the proposal. Scoping meetings are planned with the agencies

between December 1981 and February 1982. A series of public meetings will be held in the city of Philadelphia in the winter and spring of 1982. In addition, a public hearing will be held. Public notice will be given of the time and place of these meetings and the hearing. The draft EIS will be available for public and agency review and comment. To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: December 4, 1981.

Louis M. Papet,

Division Administrator, Harrisburg, Pennsylvania.

[FR Doc. 81-35379 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-22-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in September 1981. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2709-P	DOT-E 2709	Thiokol Corporation, Brigham City, UT	49 CFR 173.52, 173.93, 177.821, 177.834(f)(1), 177.835(k).	To become a party to Exemption 2709. (Mode 1.)
3569-X	DOT-E 3569	NL McCullough/NL Industries, Incorporated, Houston TX	49 CFR 173.246, 172.101 column 4, 175.3.	To authorize use of non-DOT specification non-refillable cylinders for shipment of a liquid oxidizer. (Modes 1, 2, 3, 4.)
3630-P	DOT-E 3630	Mallinckrodt, Inc., St. Louis, MO	49 CFR 173.839(a), 177.839(b)	To become a party to Exemption 3630. (Mode 1.)
3630-P	DOT-E 3630	Ashtand Oil, Inc., Dublin, OH	49 CFR 177.839(a), 177.839(b)	To become a party to Exemption 3630. (Mode 1.)
3768-X	DOT-E 3768	Minerex Corporation, Baltimore, MD	49 CFR 173.119, 173.245, 173.288	To authorize use of DOT Specification MC-304, MC-307 and MC-312 cargo tanks for shipment of certain flammable and corrosive liquids. (Mode 1.)
3992-X	DOT-E 3992	Dow Chemical Company, Midland, MT	49 CFR 173.314	To authorize shipment of hydrogen chloride in a DOT specification 105A600W tank car. (Mode 2.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
5248-P	DOT-E 5248	Los Alamos Scientific Laboratory, Los Alamos, NM.	49 CFR 173.388(g), 175.3	To become a party to Exemption 5248. (Modes 1, 2, 4, 5.)
5485-X	DOT-E 5485	Union Carbide Corporation, Tarrytown, NY.	49 CFR 172.101, 173.315(a)	To authorize the shipment of liquid helium in non-DOT specification insulated cargo tanks. (Mode 1.)
6122-X	DOT-E 6122	Pennwalt Corporation, Buffalo, NY	49 CFR 173.154(a)(12), 173.158(a)(3), 178.205-16.	To authorize the use of non-DOT specification full telescope half slotted fiberboard boxes for the shipment of certain dry organic peroxides. (Modes 1, 2.)
6452-X	DOT-E 6452	Pennwalt Corporation, Buffalo, NY	49 CFR 173.154	To authorize the shipment of certain organic peroxides in one pound bags in a DOT Specification 12B65 fiberboard box. (Modes 1, 2.)
6468-X	DOT-E 6468	Martin Marietta Chemicals, Charlotte, NC.	49 CFR 173.365	To authorize use of insulated DOT Specification MC-304 cargo tanks for shipment of certain Class B poison. (Mode 1.)
6806-P	DOT-E 6806	Pall Trinity Micro Corporation, Cortland, NY.	49 CFR 173.302(a), 175.3	To become a party to Exemption 6806. (Mode 5.)
7005-P	DOT-E 7005	Reilly Tar & Chemical Corporation, Indianapolis, IN.	49 CFR 173.119, 173.141(a)(10), 173.221, 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To become a party to Exemption 7005. (Modes 1, 2, 3, 4, 5.)
7005-P	DOT-E 7005	United Tank Containers, Inc., Limited, Dallas, TX.	49 CFR 173.119, 173.141(a)(10), 173.221, 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To become a party to Exemption 7005. (Modes 1, 2, 3, 4, 5.)
7060-X	DOT-E 7060	Charles R. Wall, d/b/a HZm RAM Air, Cornelius, OR.	49 CFR 175.702(b), 175.75(a)(3)(ii)	To authorize the carriage of radioactive materials aboard cargo-only aircraft when the combined transport index exceeds 50.0 and/or the separation criteria cannot be met. (Mode 4.)
7274-X	DOT-E 7274	Union Carbide Corporation, Tarrytown, NY.	49 CFR 172.101, 173.315(a)	To authorize the use of non-DOT specification portable tanks for the shipment of certain nonflammable gases. (Mode 3.)
7512-X	DOT-E 7512	Puerto Rico Marine Management, Inc., Elizabeth, NJ.	49 CFR 173.119, 173.125(a)(1), 173.128(a)(1), 173.129(a)(1), 173.131(a)(1), 173.132(a)(1), 173.135(a)(9), 173.144(a)(1), 173.145(a)(7), 173.147(a)(1), 46 CFR 90.05-35, 98.35-3.	To authorize the use of non-DOT specification portable tanks complying with DOT Specification MC-306 for shipment of flammable and combustible liquids. (Modes 1, 2, 3.)
7607-P	DOT-E 7607	Lubrizol Corporation, Wickliffe, OH	49 CFR 172.101, 175.3	To become a party to Exemption 7607. (Mode 5.)
7769-X	DOT-E 7769	Brunswick Corporation, Lincoln, NB.	49 CFR 173.302(a)(1), 175.3	To authorize the manufacture, marking, and sale of non-DOT specification fiber reinforced plastic full composite cylinders for shipment of certain nonflammable compressed gases. (Modes 1, 2, 3, 4, 5.)
7857-X	DOT-E 7857	Makhteshim Darom, Beer Sheva, Israel	49 CFR 173.315	To authorize the use of certain non-DOT specification portable tanks for shipment of certain flammable gases. (Modes 1, 3.)
7869-P	DOT-E 7869	Suffolk Chemical Company, Chapin, SC	49 CFR 173.245, 178.253	To become a party to Exemption 7869. (Mode 1.)
7891-P	DOT-E 7891	Reliance Electric Company, Cleveland, OH.	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 172.504, Table 1, 173.126, 173.128, 173.237, 173.246, 173.25(a), 175.3.	To become a party to Exemption 7891. (Modes 1, 2.)
7907-P	DOT-E 7907	Union Explosivos Rio Tinto, Madrid, Spain.	49 CFR 173.127, 173.184, 178.224	To become a party to Exemption 7907. (Modes 1, 2.)
7915-P	DOT-E 7915	US Department of Defense, Washington, D.C.	49 CFR 173.93(b)	To become a party to Exemption 7915. (Mode 1.)
8000-X	DOT-E 8000	Transport International Containers, Paris, France.	49 CFR F & H, Part 173 Subpart D	To authorize shipment of certain flammable, corrosive, irritating, class B poison, combustible liquids and organic peroxide in non-DOT specification portable tanks. (Modes 1, 2, 3.)
8002-P	DOT-E 8002	Compagnie Generale Maritime, Paris, France.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.620, 173.630, 46 CFR 90.05-35.	To become a party to Exemption 8002. (Modes 1, 2, 3.)
8012-X	DOT-E 8012	Degussa, Frankfurt, West Germany	49 CFR 173.266	To authorize the transportation of hydrogen peroxide in non-DOT specification portable tanks. (Modes 1, 2, 3.)
8065-X	DOT-E 8065	U.S. Department of Energy, Washington, D.C.	49 CFR 173.65, 173.93, 173.94	To authorize the shipment of certain Class A and Class B explosives in non-DOT specification plywood boxes. (Mode 1.)
8127-P	DOT-E 8127	Union Explosivos Rio Tinto, Madrid, Spain.	49 CFR 173.127, 173.184, 178.224	To become a party to Exemption 8127. (Modes 1, 2, 3.)
8186-X	DOT-E 8186	King-Seetley Thermos Company, Kendallville, IN.	49 CFR Parts 100-177	To authorize sodium potassium liquid alloy sealed in a stainless steel temperature sensing bulb of thermostatic element to be shipped in a non-DOT specification corrugated fiberboard box. (Modes 1, 2, 4.)
8194-X	DOT-E 8194	Pennwalt Corporation, Buffalo, NY	49 CFR 173.119(m)(6), 173.221(a)(3), 178.205, 178.210-10.	To authorize the use of a fiberboard box complying with DOT Specification 12B (except for closure method and its one-piece, die-cut design) for shipment of liquid organic peroxides. (Modes 1, 3.)
8217-X	DOT-E 8217	Hugonnet, S A., Paris, France	49 CFR F, H, J & K, Part 173 Subpart D	To authorize shipment of flammable, combustible, corrosive, and poison B liquids, and ORM-A materials in non-DOT specification ISO portable tanks. (Modes 1, 2, 3.)
8245-X	DOT-E 8245	Halliburton Company, Duncan, OK	49 CFR 173.263(a)(11), 173.264(a)	To authorize use of non-DOT specification steel portable tanks for shipment of certain corrosive liquids. (Modes 1, 3.)
8249-X	DOT-E 8249	Lawrence Packaging Supply Corporation, Newark, NJ.	49 CFR 172.400, 172.402(a)(2), 172.402(a)(3), 172.504(a), 173.126, 173.138, 173.237, 173.246, 173.25(a), 175.3.	To authorize hazardous materials, which are required to bear the POISON label, to be transported without the label when shipped in prescribed packaging. (Modes 1, 2, 4.)
8256-X	DOT-E 8256	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.273(a)(4), 174.3, 179.102-16, 179.202-13.	To authorize shipment of stabilized sulfur trioxide in DOT Specification 105A100W and 111A100W2 tank cars equipped with stand-pipe electrical heaters and a modified safety relief device. (Mode 2.)
8273-X	DOT-E 8273	Rocket Research Corporation, Redmond, WA.	49 CFR 173.153, 173.154, 175.3	To authorize the transportation of a passive restraint module, and the inflator therefor, containing a Class B explosive as a flammable solid. (Modes 1, 2, 3, 4.)
8417-P	DOT-E 8417	United Tank Containers, Inc., Limited, Dallas, TX.	49 CFR 173.119, 173.221, 173.245, 173.348.	To become a party to Exemption 8417. (Modes 1, 2, 3.)
8445-P	DOT-E 8445	Earth Industrial Waste Management, Inc., Memphis, TN.	49 CFR 173, Subpart D, E, F, & H	To become a party to Exemption 8445. (Mode 1.)
8451-P	DOT-E 8451	Aerojet Strategic Propulsion Company, Sacramento, CA.	49 CFR 173.65, 173.86(e), 175.3	To become a party to Exemption 8451. (Modes 1, 2, 4.)
8554-P	DOT-E 8554	Alamo Explosives Company, Inc., Houston, TX.	49 CFR 173.114a, 173.93	To become a party to Exemption 8554. (Mode 1.)
8554-P	DOT-E 8554	Explosives, Inc., Clarksburg, WV	49 CFR 173.114a, 173.93	To become a party to Exemption 8554. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8648-X	DOT-E 8648	Marshall Hyde, Incorporated, Port Huron, MI.	49 CFR 172.101, 173.100, 173.86	To authorize the transportation of an explosive pest repellent device in limited quantities in non-DOT specification inner fiberboard cartons. (Modes 1, 2.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8599-N	DOT-E 8599	Liquid Air Corporation, San Francisco, CA.	49 CFR 173.315, 173.318	To authorize shipment of a flammable gas in non-DOT specification super insulated portabla tanks. (Modes 1, 3.)
8611-N	DOT-E 8611	Paisano, Inc., Alvin, TX	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell certain non-DOT specification cargo tanks for transportation of certain hazardous materials. (Mode 1.)
8614-N	DOT-E 8614	Arrowhead Airways, Inc., Minneapolis, MN.	49 CFR 172.101, 172.204(c)(3), 173.27, 175.30(a)(1), 175.320(b), Part 107 Appendix B.	To authorize transportation of class A, B and C explosives not permitted for air shipment or in quantities greater than those prescribed for air shipment. (Mode 4.)
8629-N	DOT-E 8629	Fabricated Metals, Inc., San Leandro, CA.	49 CFR 173.245, 173.289	To manufacture, mark and sell DOT Specification 57 stainless steel portable tanks for shipment of formic acid or solutions thereof. (Modes 1, 2.)
8640-N	DOT-E 8640	Fruhauf Corporation, Omaha, NB	49 CFR 173.119(a), (m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell certain non-DOT specification cargo tanks for transportation of certain hazardous materials. (Mode 1.)
8643-N	DOT-E 8643	Lely Corporation of Delaware, Wilson, NC.	49 CFR 173.119(a), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell certain non-DOT specification cargo tanks complying generally with DOT Specification MC-307 or 312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids. (Mode 1.)
8644-N	DOT-E 8644	Richmond Lox Equipment Company, Livermore, CA.	49 CFR 172.101, 173.315	To authorize shipment of liquid nitrogen or oxygen in non-DOT specification tank motor vehicles (cargo tanks). (Mode 3.)
8653-N	DOT-E 8653	Fiber Industries, Inc., Charlotte, NC	49 CFR 173.245	To authorize shipment of a corrosive liquid, n.o.s. in A DOT Specification 57 stainless steel portable tanks. (Mode 1.)
8656-N	DOT-E 8656	Texas Nuclear Corporation, Austin, TX	49 CFR 173.302, 175.3	To authorize the shipment of nonflammable gases in non-DOT specification metal, single-trip, inside containers. (Modes 1, 2, 3, 4, 5.)
8659-N	DOT-E 8659	Goodyear Tira & Rubber Company, Akron, OH.	49 CFR 173.224	To authorize shipment of organic peroxide solution in DOT Specification MC-310, MC-311, or MC-312 cargo tanks. (Mode 1.)
8665-N	DOT-E 8665	Bethlehem Steel Corporation, Bethlehem, PA.	49 CFR 173.245, 173.248, 173.263, 178.343-5.	To authorize the use of rubber lined DOT Specification MC-312 cargo tanks with modified bottom outlets, for shipment of certain corrosive waste liquids. (Mode 1.)
8668-N	DOT-E 8668	Millipora Corporation, Bedford, MA	49 CFR 173.119, 175.3	To authorize shipment of pyroxylin solution, classed as a flammable liquid, in non-DOT specification stainless steel drums of 20 liter capacity. (Modes 1, 2, 4.)
8671-N	DOT-E 8671	Allied Chemical Corporation, Morristown, NJ.	49 CFR 173.119(a)(23), 175.30, 178.24a-5.	To authorize shipment of various flammable liquids in non-DOT specification polyethylene bottles of 1000 ml capacity overpacked in a DOT Specification 12A fiberboard boxes. (Modes 1, 2, 3, 4, 5.)
8674-N	DOT-E 8674	Gulf Chemicals Company, Overland Park, KS.	49 CFR 173.114a(b)	To authorize shipment of blasting agents in a non-DOT specification cement mixture, lined with cold tar epoxy. (Mode 1.)
8686-N	DOT-E 8686	NL Industries, Inc., Highstown, NJ	49 CFR 173.297	To authorize the shipment of titanium sulfate solution, classed as a corrosive material, in 30 gallon DOT Specification 34 polyethylene drums. (Mode 1.)
8687-N	DOT-E 8687	Par-Chem Products, Inc., Houston, TX	49 CFR 173.245	To authorize the shipment of paint removing compound, corrosive to skin but not to metal, in a DOT Specification 12B65 fiberboard box, with six inside F-Style metal cans not over one-gallon capacity each. (Mode 1.)
8691-N	DOT-E 8691	Aluminum Company of America, Pittsburgh, PA.	49 CFR 173.333	To authorize the shipment of aluminum chloride contaminated with phosphene, packed in one liter glass containers overpacked in a DOT Specification fiberboard box, or in 55 gallon drums, or metal portable tanks. (Modes 1, 2.)
8692-N	DOT-E 8692	Mitsubishi International Corporation, New York, NY.	49 CFR 173.154	To authorize the shipment of sodium persulfate in collapsible polyethylene-lined, woven polypropylene bags having a capacity of approximately 2,200 pounds each. (Modes 1, 2, 3.)
8695-N	DOT-E 8695	Atomic Energy of Canada, Limited, Ottawa, Canada.	49 CFR 173.395(c)(2)	To transport large quantities of cobalt 60 within the State of Texas using packagings certified by the Canadian competent authority and rerepackaged by the Department of Transportation for International shipments. (Mode 1.)
8697-N	DOT-E 8697	ERA Helicopters, Inc., Anchorage, AK	49 CFR 172.101, Column (6)b, 175.30(a)(1).	To authorize the carriage by cargo-only aircraft in the State of Alaska of a larger quantity of liquefied petroleum gas in DOT Specifications 4B240, 4BA240, and 4BW240 cylinders. (Mode 4.)
8706-N	DOT-E 8706	Prairie State Equipment, Inc., Sioux Falls, SD.	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for transportation of flammable or corrosive waste liquids or semi-solids. (Mode 1.)

EMERGENCY EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
EE 8686-X	DOT-E 8686	Transamerica Airlines, Inc., Oakland, CA	49 CFR 172.101 Column (6)b, 173.86, 173.92, 175.3, 175.30.	To authorize the one time shipment of a rocket motor, class B explosive. (Mode 4.)
EE 8713-N	DOT-E 8713	Ethyl Corporation, Baton Rouge, LA	49 CFR 173.252(a)(4)	Authorizes the transportation of bromine in a Dot Specification MC-312 tank motor vehicle. (Mode 1.)
EE 8714-N	DOT-E 8714	Lobrizol Corporation, Wickliffe, OH	49 CFR 173.272(h)(22)	To authorize the use of two DOT Specification 115A60W6 tank cars for the shipment of oleum. (Mode 2.)

WITHDRAWALS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8144-X	Hercules, Incorporated, Wilmington, DE	49 CFR 173.133	To authorize transport of 10 percent of nitroglycerine in propylene glycol in metal inside containers, packed in a DOT Specification wooden box. (Mode 1.)

Issued in Washington, DC, on November 30, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-35325 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-60-M

Applications for Exemptions

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applicants for Exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is

hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comment period closes January 11, 1982.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION:

Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, D.C.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8747-N	Copps Industries, Inc., Menomonee Falls, WI	49 CFR 173.245, 173.249, 175.3	To authorize shipment of alkaline corrosive liquid, n.o.s., classed as a corrosive material in DOT Specification 37C, unlined, removable head 5-gallon steel pails. (modes 1, 2, 3, 4)
8748-N	Reuter-Stokes, Inc., Cleveland, OH	49 CFR 172.101, 173.302, 175.3	To authorize shipment of boron trifluoride, classed as a nonflammable gas in non-DOT specification containers when shipped as a component of a radiation detector. (modes 1, 2, 3, 4, 5)
8749-N	British Caledonian Airways Limited, West Sussex, England	49 CFR 175.75	To authorize shipment of small medical inhalers each containing 15 grams of nonflammable compressed gas not to exceed a total net weight of 500 pounds of gas stowed in each assessable cargo compartment aboard passenger-carrying aircraft. (mode 5)
8751-N	Delta Tech Service, Inc., Martinez, CA	49 CFR 173.245, 173.249, 173.263, 178.343-5.	To authorize shipment of various corrosive waste liquids or semi-solids in non-DOT specification cargo tanks similar to DOT Specification MC-312 except for bottom outlet valve variations. (mode 1)
8753-N	Union Carbide Corporation Tarrytown, NY	49 CFR 173.315	To manufacture, mark and sell non-DOT specification cargo tanks or portable tank for shipment of pressurized liquid argon, nitrogen or oxygen. (mode 1)
8754-N	Columbia Nitrogen Corporation, Augusta, GA	49 CFR 173.245	To authorize shipment of ammonium hydroxide, classed as a corrosive material in DOT Specification 109A200ALW or 105A200ALW tank car tanks. (mode 2)
8755-N	U.S. Department of the Interior, Anchorage, AK	49 CFR 172.101, 173.119, 175.3	To authorize shipment of gasoline and turbine fuel, classed as flammable liquids in non-DOT specification rubberized fabric containers of up to 500 gallon capacity. (mode 4)
8756-N	Trailmobile Inc., North Kansas City, MO	49 CFR 173.119(a)(17), 173.245(a)(30), 173.245(a)(31), 173.346(a)(12), 178.340-7, 178.342-5, 178.343-5.	To manufacture, mark and sell non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations for transportation of flammable, corrosive or poisonous waste liquid of semi-solids. (mode 1)
8757-N	Y-Z Industries, Inc., Snyder, TX	49 CFR 173.302, 173.304, 175.3	To manufacture, mark and sell non-DOT specification pressure vessels (Gas Sampling Device) comparable to a DOT Specification 3E for shipment of certain liquefied and non-liquefied compressed gases. (modes 1, 4)

This notice of receipt of applications for new exemptions is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on December 3, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-35323 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-60-M

Applications for Renewal or Modification of Exemptions of Applications To Become a Party To an Exemption

AGENCY: Materials Transportation Bureau, D.O.T.

ACTION: List of Applications for Renewal or Modification of Exemptions or Application to Become a Party to an Exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Regulation of the Materials Transportation Bureau has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of the application have been shown in earlier Federal Register publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comment period closes December 28, 1981.

ADDRESS COMMENTS TO: Dockets Branch, Information Services Division, Materials Transportation Bureau, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, S.W., Washington, D.C.

Application No.	Applicant	Renewal of exemption	Application	Applicant	Parties to Exemption
5322-X	San Diego Gas & Electric, San Diego, CA	5322	2582-P	Ozark-Mahoning Company, Tulsa, OK (See Footnote 1)	2582
5454-X	Union Carbide Corporation, Tarrytown, NY	5454	6218-P	Welding & Therapy Service, Inc., Louisville, KY	6218
6113-X	Utility Propane Company, Elizabeth, NJ	6113	6759-P	Atlas Powder Company, Dallas, TX	6759
6250-X	U.S. Department of Defense, Washington, DC	6250	7503-P	Compagnie des Containers Reservoirs, Paris, France	7503
6536-X	Utility Propane Company, Elizabeth, NJ	6536	7695-P	Compagnie des Containers Reservoirs, Paris, France	7695
6563-X	Mada Medical Products, Inc., Carlstadt, NJ	6563	7701-P	Compagnie des Containers Reservoirs, Paris, France	7701
6614-X	GPS Industries, City of Industry, CA	6614	7835-P	Liquid Air Corporation, San Francisco, CA	7835
6614-X	Jones Chemicals, Incorporated, Caledonia, NY	6614	7835-P	Wilson Oxygen and Supply, Inc., Austin, TX	7835
6614-X	Chem Lab Products, Inc., Ontario, CA	6614	7893-P	Compagnie des Containers Reservoirs, Paris, France	7893
6653-X	Shell Oil Company, Houston, TX (See Footnote 1)	6653	8000-P	Compagnie des Containers Reservoirs, Paris, France	8000
6700-X	Container Corporation of America, Wilmington, DE	6700	8080-P	Allied Chemical Company, Morristown, NJ	8080
6765-X	Union Carbide Corporation, Tarrytown, NJ	6765	8109-P	Compagnie des Containers Reservoirs, Paris, France	8109
8765-X	Cities Service Company, Tulsa, OK	8765	8110-P	Compagnie des Containers Reservoirs, Paris, France	8110
6800-X	Plast-Drum Corporation, Lockport, IL	6800	8129-P	Multichem Corporation, Baltimore, MD	8129
6826-X	Atlantic Research Corporation, Gainesville, VA	6826	8196-P	Freon Products Middle East, Beirut, Lebanon	8196
6898-X	Mallinckrodt, Incorporated, St. Louis, MO	6898	8396-P	Witco Chemical Corporation, Richmond, CA	8396
6898-X	MCB Manufacturing Chemists, Incorporated, Cincinnati, OH	6898	8436-P	Witco Chemical Corporation, Richmond, CA	8436
6902-X	Halocarbon Products Corporation, Hackensack, NJ	6902	8441-P	Bunker Ramo Corporation, Westlake Village, CA	8441
6913-X	Conoco, Inc., Houston, TX	6913	8511-P	E. I. duPont de Nemours & Co., Inc., Wilmington, DE	8511
7060-X	Summit Airlines, Inc., Philadelphia, PA	7060	8599-P	Air Products and Chemicals, Inc., Allentown, PA	8599
7060-X	Las Vegas Airlines, Incorporated, Las Vegas, NV	7060	8655-P	American Chemical & Refining Company, Waterbury, CT	8655
7060-X	Sajen Air, Inc., Manchester, NH	7060	8678-P	Freon Products Middle East, Beirut, Lebanon	8678
7060-X	Charles R. Wall, d.b.a. HZm RAM Air, Cornelius, OR	7060	8710-P	Witco Chemical Corporation, Richmond, CA	8710
7060-X	Express Airways, Inc., Sanford, FL	7060	8732-P	Chemcentral Inc., Santa Fe, CA	8732
7220-X	Greif Brothers Corporation, Springfield, NJ (See Footnote 2)	7220			
7280-X	U.S. Department of Defense, Washington, DC	7280			
7502-X	Snyder Industries, Incorporated, Lincoln, NB	7502			
7584-X	Compagnie des Containers Reservoirs, Neuilly-sur-Seine, France	7584			
7607-X	Dow Chemical Company, Freeport, TX	7607			
7616-X	Missouri Pacific Railroad Company, St. Louis, MO	7616			
7803-X	Plastican, Inc., Loominster, MA	7803			
7897-X	Compagnie des Containers Reservoirs, Neuilly-sur-Seine, France	7897			
8192-X	Greif Brothers Corporation, Springfield, NJ (See Footnote 3)	8192			
8301-X	Container Corporation of America, Wilmington, DE	8301			
8307-X	U.S. Department of Energy, Washington, DC	8307			
8341-X	Pacific Coast Drum Company, South El Monte, CA	8341			
8342-X	Great Lakes Container Corporation, Southfield, MI	8342			
8354-X	Fauvet-Giret, Paris, France	8354			
8354-X	Compagnie des Containers Reservoirs, Paris, France	8354			
8386-X	J. J. Maugey Company, Burbank, CA	8386			
8525-X	Associated Container Transportation (USA), New York, NY	8525			
8572-X	Western States Energy, Inc., Salt Lake City, UT	8572			
8572-X	AMEX, Inc., Hayden Lake, ID	8572			

¹ Request party status and to allow those commodities presently authorized in DOT Specification 3E cylinders to be shipped under this exemption.

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with Section 107 of the Hazardous Materials Transportation Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on December 3, 1981.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-35324 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-60-M

Public Notice of Non-Existent Exemption; DOT-E 8347-A

I have been provided a copy of a document prepared in the form of a DOT exemption of the type issued pursuant to the provisions of 49 CFR, Subpart B of Part 107. The document indicates that certain hazardous materials may be

Application No.	Applicant	Renewal of exemption
4399-X	Union Carbide Corporation, Danbury, CT	4399

⁴ To authorize monomethylchloroacetamide, corrosive liquid, n.o.s. to be stowed under deck when shipped by cargo vessel.

⁵ To authorize hydrogen peroxide exceeding 52% strength classed as oxidizer as an additional commodity.

⁶ To authorize hydrogen peroxide exceeding 52% strength classed as oxidizer as an additional commodity.

transported in DOT Specification 57 portable tanks aboard cargo vessels. The company named on the document as the alleged holder of the exemption is Itasco Industries, Inc., of Anaheim, California.

The purpose of this Notice is to advise all shippers and carriers of hazardous materials that no exemption bearing the identification "DOT-E 8347-A" has been issued by the Materials Transportation Bureau, and no person may offer hazardous materials for transportation, nor transport, thereunder. Use of a document identified as exemption DOT-E 8347-A as a basis for the offering and/or transportation of hazardous materials may subject the user to civil and criminal penalties under 49 U.S.C. 1809, and 18 U.S.C. 1001.

Exemption 8347 (without any suffix) which relates to use of DOT Specification 57 portable tanks is valid and was reissued by me on October 15, 1981.

Issued in Washington, D.C. on December 4, 1981.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

[FR Doc. 81-35326 Filed 12-9-81; 8:45 am]

BILLING CODE 4910-00-M

VETERANS ADMINISTRATION

Guidelines Pertaining to Treatment of Veterans Exposed to Agent Orange and Ionizing Radiation

Correction

In FR Doc. 81-34438 appearing on page 58636 in the issue of Wednesday, December 2, 1981, make the following correction:

On page 58636, center column, in the third line from the top of the page, " * * * it was legally * * * " should have read " * * * it was not legally * * * ".

BILLING CODE 1505-01-M

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to

Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on January 5, 1982, at 1:00 p.m., the Winston-Salem Veterans Administration Regional Office Station Committee on Educational Allowances shall at Room 609, Federal Building, 251 North Main Street, Winston-Salem, North Carolina, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Wilkes Community College, Wilkesboro, North Carolina, should be discontinued, as provided in 38 CFR 21.4207, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

November 30, 1981.

Kenneth E. McDonald,

Director, Veterans Administration Regional Office.

[FR Doc. 81-35382 Filed 12-9-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 237

Thursday, December 10, 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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1

FEDERAL DEPOSIT INSURANCE CORPORATION

Change in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, December 7, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Request by Peoples Westchester Savings Bank, Tarrytown, New York, for relief from a previously imposed condition of an order issued pursuant to section 18(c) of the Federal Deposit Insurance Act.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: December 7, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-1840-81 Filed 12-8-81; 11:59 am]

BILLING CODE 6714-01-M

2

FEDERAL DEPOSIT INSURANCE CORPORATION

Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, December 7, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,928-L (Amended)—The Drovers' National Bank of Chicago, Chicago, Illinois

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

By the same majority vote, the Board also voted to withdraw from the agenda for consideration in open session and to add to the agenda for consideration at the Board's closed meeting held at 2:30 p.m. the same day, the following matter:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: City Bank of Philadelphia, Philadelphia, Pennsylvania

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(4), (c)(6), (c)(9)(B), and (c)(10)); and that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: December 7, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-1841-81 Filed 12-8-81; 11:59 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, December 14, 1981, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Requests for relief from adjustment for violations of Regulation Z:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8) and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents, or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Discussion Agenda:

Request for rescission of a condition imposed in granting Federal deposit insurance: Arlington State Bank, Arlington, Texas.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,935-L—Southern National Bank, Birmingham, Alabama

Case No. 44,996-NR—United States National Bank, San Diego, California

Case No. 45,008-L—The Hamilton National Bank of Chattanooga, Chattanooga, Tennessee

Recommendations regarding First Pennsylvania Bank N.A., Bala-Cynwyd, Pennsylvania, and First Pennsylvania Corporation, Philadelphia, Pennsylvania.

Appeal from an initial partial denial of a request for records pursuant to the Freedom of Information Act.

Reports of committees and officers:

Report of the General Counsel:

Memorandum re: Reports of Actions Approved Under Delegated Authority: Settlement of Claims, New Employment of Counsel and Attorneys' Fees Approved for Payment.

Report of the Director, Division of Liquidation:

Memorandum re: Sale of Hamilton National Bank Mortgage Loans to Federal National Mortgage Association.

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: December 7, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-1842-81 Filed 12-8-81; 11:59 am]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, December 14, 1981, to consider the following matters:

Summary Agenda: No substantive

discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings. Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum and Resolution re: Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico

Memorandum and Resolution re: Amendments to Parts 335 and 338 of the Corporation's rules and regulations, entitled "Securities of Nonmember Insured Banks" and "Fair Housing," respectively, which give notice that the information collection requirements contained in the regulations have been cleared by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980.

Memorandum and Resolution re: Recommended Definition of Bank Capital to be Used in Determining Capital Adequacy.

Memorandum and Resolution re: Mandatory Accrual Accounting Guidelines for Commercial Banks and Mutual Savings Banks.

Memorandum re: Renewal of lease for office space in the building located at 1709-11 New York Avenue, N.W., Washington, D.C.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: December 7, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-1843-81 Filed 12-8-81; 11:59 am]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the

"Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:25 p.m. on Friday, December 4, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider a recommendation regarding the liquidation of assets acquired by the Corporation from the Greenwich Savings Bank, New York, New York (Case No. 45,017).

In calling the meeting, the Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to the public observation; and that the matter could be considered in a closed meeting by authority of subsection (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B)).

Dated: December 7, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1844-81 Filed 12-8-81; 11:59 am]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 9:50 a.m. on Friday, December 4, 1981, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) approve the application of Central Savings Bank, New York (Manhattan), New York, for consent to merge with Harlem Savings Bank, New York (Manhattan), New York, under the charter and title of Harlem Savings Bank, and to establish the main office, seven branches, and one public accommodation office of Central Savings Bank as eight branches and one public accommodation office of the resultant bank, and (2) provide financial assistance to the resulting bank, pursuant to section 13(e) of the Federal Deposit Insurance Act, in order to prevent the probable failure of Central Savings Bank.

In calling the meeting, the Board determined, on motion of Chairman William M. Isaac, seconded by Director

Irvine H. Sprague (Appointive), concurred in by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: December 7, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Executive Secretary.

[S-1845-81 Filed 12-8-81; 11:59 am]

BILLING CODE 6714-01-M

7

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, December 15, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Compliance. Litigation. Audits. Personnel. Labor Management Relations (current contract negotiations involving FEC and NTEU).

* * * * *

DATE AND TIME: Wednesday, December 16, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Continuation of agenda of December 15, 1981 Executive Session, if necessary.

* * * * *

DATE AND TIME: Thursday, December 17, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Draft AO 1981-51 William C. Oldaker,
Metzenbaum for Senate
Election of officers
Appropriations and budget
Revised non-filer policy and procedure
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION:
Mr. Fred Eiland, Public Information

Officer; Telephone: 202-523-4065.

Lena L. Stafford,

Acting Secretary of the Commission.

[S-1840-81 Filed 12-8-81; 2:50 pm]

BILLING CODE 6715-01-M

8

FEDERAL MARITIME COMMISSION "FEDERAL REGISTER" CITATION OF

PREVIOUS ANNOUNCEMENT: 46 FR 58779, December 3, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m. December 9, 1981.

CHANGE IN THE MEETING: Addition of the following item to the open session:

3. Agreement No. T-3938 between the City of Los Angeles and American President Lines, Ltd.—Petition for reconsideration of Order of Conditional Approval.

[S-1840-81 Filed 12-8-81; 3:27 pm]

BILLING CODE 6730-01-M

9

BOARD OF GOVERNORS FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Wednesday, December 16, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed 1982 Fee Schedule for Coin Wrapping Services.
2. Consideration of secondary market activities of International Banking Facilities (IBFs).
3. Proposed technical amendments to Regulation Q (Interest on Deposits) to conform with actions of the Depository Institutions Deregulation Committee.

Discussion Agenda:

4. Proposed amendment to Regulation D (Reserve Requirements of Depository Institutions) to adjust the low reserve tranche for transactions accounts.
5. Proposed timing of 1982 revisions to fee schedules for services.
6. Amendments to the Financial Institutions Regulatory and Interest Rate Control Act of 1978 proposed by the Federal Financial Institutions Examination Council.
7. Proposed Federal Reserve Bank budgets for 1982.
8. Proposed Federal Reserve Board budget for 1982.
9. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: December 8, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1850-81 Filed 12-8-81; 3:50 pm]

BILLING CODE 6210-01-M

10

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF
PREVIOUS ANNOUNCEMENTS: [To be published.]

STATUS: Open meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATES PREVIOUSLY ANNOUNCED:
Wednesday, December 2, 1981.

CHANGES IN THE MEETING: Additional items/meeting:

The following additional item will be considered at a closed meeting scheduled for Tuesday, December 8, 1981, at 10:00 a.m.

Litigation matter.

The following item will be considered at an open meeting scheduled for Tuesday, December 8, 1981, 3:30 p.m.

The Commission will meet with representatives of the British Council for the Securities Industry, at their request, to discuss areas of mutual interest; for example, those aspects of the U.S. securities regulation which may affect British investments in U.S. markets. For further information, please contact Brandon Becker at (202) 272-2300.

The following additional item will be considered at a closed meeting scheduled for Wednesday, December 9, 1981, following the 10 a.m. open meeting.
Litigation matter.

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth determined by vote that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted

or postponed, please contact: Jerry Marlatt at (202) 272-2092.

December 8, 1981.

[S-1846-81 Filed 12-8-81; 1:04 pm]

BILLING CODE 8010-01-M

11

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of December 14, 1981, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, December 15, 1981, at 10:00 a.m., on Wednesday, December 16, at 2:30, and on Thursday, December 17, 1981, following the 10:00 a.m. open meeting. An open meeting will be held on Thursday, December 17, 1981, 10:00 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meetings may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, December 15, 1981, at 10:00 a.m., will be:

- Access to investigative files by Federal, State, or Self-Regulatory authorities.
- Settlement of injunctive action.
- Institution of administrative proceedings of an enforcement nature.
- Freedom of Information Act appeal.
- Institution of injunctive action.
- Litigation matter.
- Regulatory matters regarding financial institutions.
- Regulatory matter bearing enforcement implications.

The subject matter of the closed meeting scheduled for Wednesday, December 16, 1981, at 2:30 p.m., will be:

Litigation matter.

The subject matter of the closed meeting scheduled for Thursday, December 17, 1981, following the 10:00 a.m. open meeting, will be:

Institution of injunctive action and administrative proceeding of an enforcement nature.

The subject matter of the open meeting scheduled for Thursday, December 17, 1981, at 10:00 a.m., will be:

Consideration of whether to adopt the proposed Subpart N to 17 CFR Part 200 to display the consent control numbers assigned by the Director of the Office of Management and Budget to information collection devices of the Commission, pursuant to the Paperwork Reduction Act. For further information, please contact Theodore S. Bloch at (202) 272-2454.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Paul Sieglebaum at (202) 272-2468.

December 8, 1981.

[S-1847-81 Filed 12-8-81; 3:25 pm]

BILLING CODE 8010-01-M