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Highlights

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Highlights

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Rules and Regulations

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

Agricultural Marketing Service

7 CFR Parts 915 and 944

[Florida Avocado Reg. 24; Avocado Import Reg. 30]

Avocados Grown in South Florida and Imported Avocados; Grade and Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: These regulations specify minimum grade and maturity requirements for shipments of fresh avocados grown in south Florida, and for avocados imported into the United States. Such action is necessary to assure the shipment of ample supplies of mature avocados of acceptable quality in the interests of producers and consumers.

DATES: Effective August 17, 1981, through April 30, 1982.

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 rule 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.

An interim rule was published in the **Federal Register** on May 20, 1981 (46 FR 27469) which specified grade and maturity requirements applicable to shipments of Florida avocados and imported avocados through August 16, 1981. That rule provided an opportunity to file comments through June 19, 1981. No comments were received. This final rule contains the same requirements as specified in the interim rule.

The Florida avocado regulation is issued under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in south Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The avocado import regulation is issued under section 8e (7 U.S.C. 608e–1) of this act. The grade and maturity requirements applicable to Florida avocado shipments were recommended by the Avocado Administrative Committee, which locally administers this marketing order program.

The regulations establish U.S. No. 3 as the minimum grade, and prescribe minimum weights or diameters by specified dates as the maturity requirements for the various varieties of avocados. Minimum weights or diameters and picking dates are used as indicators during harvest to determine which avocados are sufficiently mature to complete the ripening process. Skin color would also be authorized as a method of determining maturity, for those varieties which turn red or purple when mature. The requirements are designed to assure that the various varieties of avocados will be of suitable quality and maturity so they provide consumer satisfaction, which is essential for the successful marketing of the crop. They are also designed to provide the trade and consumers with an adequate supply of mature avocados of acceptable quality, in the interest of producers and consumers pursuant to the declared policy of the act.

The import requirements are issued under section 8e of the act, which requires that when specified commodities, including avocados, are regulated under a Federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

For the 1981–82 season, the Avocado Administrative Committee estimates fresh shipments at a record 1,150,000 bushels (55 pounds net weight), 3 percent more than the 1,113,951 bushels shipped fresh in 1980–81 and 13 percent more than the 1,016,862 bushels shipped fresh in 1979–80. Shipments of fresh avocados from California are expected to reach a record 7,760,000 bushel equivalents during the California season ending in late October 1981. Relatively small amounts of avocados are imported into the United States, mostly from the Dominican Republic.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of these regulations until 30 days after publication in the **Federal Register** (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) shipment of the current crop of avocados is now underway; (2) these regulatory provisions are the same as those currently in effect through August 16, 1981, under an interim rule which provided 30 days for filing of comments, none of which were received; (3) the Florida avocado regulation was recommended by the committee following discussion at a public meeting on April 8, 1981; (4) Florida avocado handlers have been apprised of these requirements for Florida avocados and the effective date; (5) the avocado import requirements are mandatory under § 8e of the act, and they become effective at the same time as the domestic requirements; (6) the import regulation imposes the same grade requirement as is being made applicable to the shipment of avocados grown in Florida under Florida Avocado Regulation 24; (7) the import regulation imposes the same maturity requirements for Pollock, Catalina, and Trapp varieties and comparable maturity requirements for other varieties of avocados as are being made applicable under Florida Avocado Regulation 24; and (8) three days notice, the minimum prescribed by section 8e, is provided with respect to this import regulation.

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.

Therefore, new §§ 915.324 and 944.22 are added to read as follows: (§§ 915.324 and 944.22 expire April 30, 1982, and will not be published in the annual Code of Federal Regulations).

§ 915.324 Florida Avocado Regulation 24.

(a) *Order.* (1) During the period August 17, 1981 through April 30, 1982, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade: *Provided,* That avocados which fail to meet the requirements of such grade may be handled within the production area, if such avocados meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 915.305, as amended (7 CFR Part 915), for the handling of avocados between the production area and any point outside thereof;

(2) On and after the effective date of this regulation, except as otherwise provided in paragraphs (a)(8) and (9) of this section, no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to the date listed for the respective variety in Column 2 of such table, and thereafter each such variety shall be handled only in conformance with paragraphs (a)(3), (4), (5), (6), and (7) of this section;

(3) From the date listed for the respective variety in Column 2 of Table I to the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(4) From the date listed for the respective variety in Column 4 of Table I to the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) From the date listed for the respective variety in Column 6 of Table I to the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is at least the diameter specified for such variety in said Column 7;

(6) Except as otherwise provided in paragraphs (a)(8) and (9) of this section, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions;

(i) From August 17, 1981, through August 30, 1981, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(ii) From August 31, 1981, through September 27, 1981, individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(7) Except as otherwise provided in paragraphs (a)(8) and (9) of this section, varieties of avocados not covered by paragraphs (a)(2) through (6) hereof shall not be handled except in accordance with the following terms and conditions;

(i) Such avocados shall not be handled prior to September 14, 1981.

(ii) From September 14, 1981, through October 11, 1981, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 12, 1981, through December 13, 1981, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(8) Notwithstanding the provisions of paragraphs (a)(2) through (7) of this section regarding the minimum weight of diameter for individual fruit up, to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in Columns 3, 5, or 7 of Table I or in paragraphs (a)(6) and (7) of this section. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(9) The provisions of paragraphs (a)(2) through (8) of this section shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

Table I

Variety—(1)	Date—(2)	Minimum weight or diameter—(3)	Date—(4)	Minimum weight or diameter—(5)	Date—(6)	Minimum weight or diameter—(7)	Date—(8)
Rushie			8-10-81	12 oz., 3 1/16 in	8-17-81	10 oz., 3 1/16 in	8-24-81.
Cash	7-13-81	16 oz	9-28-81				
Biondo	7-20-81	13 oz	8-24-81				
Peterson					8-3-81	10 oz., 3 1/16 in	8-17-81.
232			8-10-81	12 oz	8-24-81		
Trapp			8-10-81	12 oz., 3 1/16 in	8-24-81		
B&B	7-27-81	16 oz., 3 1/16 in	8-31-81				
Pinelli			8-10-81	16 oz., 3 1/16 in	8-24-81		
Miguel			8-10-81	20 oz., 3 1/16 in	8-24-81	18 oz., 3 1/16 in	9-7-81.
Nesbitt			8-10-81	16 oz., 3 1/16 in	8-17-81	14 oz., 3 1/16 in	8-31-81.
Chapple	7-27-81	18 oz	8-24-81				
Bermecker	7-27-81	18 oz., 3 1/16 in	8-24-81				
Waldin	8-10-81	16 oz., 3 1/16 in	8-24-81	14 oz., 3 1/16 in	9-7-81	12 oz., 3 1/16 in	9-21-81
Millie-D	8-10-81	18 oz	9-7-81				
Shula	8-10-81	22 oz	8-31-81				
Tonnage	8-10-81	16 oz., 3 1/16 in	8-24-81	14 oz., 3 1/16 in	8-31-81	12 oz., 3 1/16 in	9-7-81
Beta	8-10-81	18 oz., 3 1/16 in	8-17-81	16 oz., 3 1/16 in	9-7-81		
K-9	8-10-81	16 oz	8-31-81				
Gorham	8-10-81	29 oz., 4 1/16 in	8-24-81	27 oz., 4 1/16 in	9-7-81		
Tower-2	8-10-81	14 oz., 3 1/16 in	8-24-81	12 oz., 3 1/16 in	9-14-81		
The Franvee	8-17-81	23 oz	9-14-81				
Lisa	8-17-81	12 oz., 3 1/16 in	8-24-81	11 oz., 3 1/16 in	8-31-81		
Fairchild	8-24-81	16 oz., 3 15/16 in	9-7-81	14 oz., 3 1/16 in	9-21-81	12 oz., 3 1/16 in	9-28-81.
Nirody	8-24-81	18 oz., 3 15/16 in	9-7-81	16 oz., 3 15/16 in	9-21-81		
Loretta	8-24-81	26 oz., 4 1/16 in	10-5-81				
Catalina	8-24-81	24 oz	9-7-81	22 oz	9-28-81		
Booth 6	9-7-81	16 oz., 3 1/16 in	9-28-81	14 oz., 3 1/16 in	10-12-81	10 oz., 3 1/16 in	10-26-81.
Black Prince	9-7-81	23 oz., 3 15/16 in	9-21-81	16 oz., 3 1/16 in	10-12-81		
Blair	9-7-81	16 oz., 3 1/16 in	9-21-81	14 oz., 3 1/16 in	10-12-81		
Booth 7	9-7-81	18 oz., 3 15/16 in	9-21-81	16 oz., 3 15/16 in	10-6-81	14 oz., 3 1/16 in	10-19-81.
Csonka	9-14-81	22 oz	10-12-81				
Brooks 1978	9-14-81	12 oz	9-21-81	10 oz., 3 15/16 in	9-28-81	8 oz	10-19-81.
Booth 5	9-14-81	14 oz., 3 1/16 in	9-28-81	12 oz., 3 1/16 in	10-12-81		
Marcus	9-14-81	32 oz., 4 15/16 in	9-28-81	24 oz., 4 1/16 in	11-9-81		
Collison	9-21-81	16 oz., 3 15/16 in	10-19-81				
Chica	9-21-81	12 oz., 3 1/16 in	10-5-81	10 oz., 3 1/16 in	10-19-81		
Rue	9-21-81	30 oz., 4 1/16 in	9-28-81	24 oz., 3 15/16 in	10-12-81	18 oz., 3 1/16 in	10-26-81.
Hickson	9-21-81	12 oz., 3 1/16 in	10-5-81	10 oz., 3 1/16 in	10-19-81		
Simpson	9-28-81	16 oz., 3 1/16 in	10-19-81				
Vaca	9-28-81	16 oz., 3 1/16 in	10-19-81				
Sherman	9-28-81	16 oz	10-12-81	14 oz	10-26-81	10 oz	11-16-81
Choquette	9-28-81	24 oz., 4 1/16 in	10-12-81	20 oz., 3 15/16 in	10-26-81	16 oz., 3 1/16 in	11-9-81
Booth	10-5-81	16 oz., 3 15/16 in	11-2-81				
Avon	10-5-81	15 oz., 3 11/16 in	10-26-81				
Booth 11	10-5-81	16 oz., 3 15/16 in	10-26-81				
Leone	10-5-81	18 oz., 3 15/16 in	10-19-81				
Winslowson	10-5-81	18 oz., 3 15/16 in	10-26-81				
Nelson	10-5-81	14 oz., 3 1/16 in	10-19-81	12 oz., 3 1/16 in	11-2-81	10 oz., 3 1/16 in	11-23-81.
Hall	10-5-81	26 oz., 3 15/16 in	10-19-81	20 oz., 3 1/16 in	11-2-81	18 oz., 3 1/16 in	11-16-81.
Lula	10-12-81	18 oz., 3 11/16 in	10-26-81	14 oz., 3 1/16 in	11-9-81	12 oz., 3 1/16 in	11-23-81.
Herman	10-12-81	16 oz., 3 1/16 in	10-26-81	14 oz., 3 1/16 in	11-9-81		
Murphy	10-12-81	16 oz	10-26-81	14 oz	11-9-81	11 oz	11-30-81.
Ajax (6-7)	10-19-81	18 oz., 3 15/16 in	11-9-81				
Booth 3	10-19-81	16 oz., 3 1/16 in	10-26-81	14 oz., 3 1/16 in	11-9-81		
Taylor	10-19-81	14 oz., 3 1/16 in	11-2-81	12 oz., 3 1/16 in	11-16-81		
Dunedin	11-2-81	16 oz., 3 15/16 in	11-16-81	14 oz., 3 1/16 in	11-30-81	10 oz., 3 1/16 in	12-21-81
Byars	11-9-81	16 oz., 3 15/16 in	11-30-81				
Monroe	11-9-81	24 oz., 4 1/16 in	11-23-81	20 oz., 3 15/16 in	12-7-81	16 oz., 3 1/16 in	12-21-81
Linda	11-9-81	18 oz., 3 15/16 in	11-30-81				
Nabal	11-9-81	14 oz., 3 1/16 in	11-30-81				
Booth 1	11-16-81	16 oz., 3 15/16 in	11-30-81	12 oz., 3 1/16 in	12-14-81		
Zio	11-23-81	12 oz., 3 1/16 in	12-7-81	10 oz., 2 15/16 in	12-21-81		
Marclin	11-23-81	26 oz., 4 1/16 in	12-21-81				
Wagner	11-30-81	12 oz., 3 1/16 in	12-14-81	10 oz., 3 1/16 in	12-28-81		
Schmidt	11-30-81	16 oz	12-28-81				
Meya	12-21-81	13 oz., 3 1/16 in	1-4-82	11 oz., 3 1/16 in	1-18-82		
Brookslate	12-14-81	18 oz., 3 15/16 in	12-28-81	14 oz., 3 1/16 in	1-18-82	12 oz., 3 1/16 in	
					2-1-82	10 oz	2-15-82
Itzamna	2-8-82	12 oz	2-15-82				

(b) The term "diameter" shall mean the greatest dimension measured at right angles to a straight line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the United States Standards for Florida Avocados (7 CFR 2851.3050–2851.3069).

§ 944.22 Avocado Import Regulation 30.

(a) *Applicability to imports.* Pursuant to section 8e of the act and Part 944—Fruits; Import Regulations, the importation into the United States of any avocados is prohibited during the period August 17, 1981, through April 30, 1982, unless such avocados meet the following minimum grade and maturity requirements:

(1) All avocados imported during the period shall grade not less than U.S. No. 3.

(2) Avocados of the Catalina variety shall not be imported (i) prior to August 24, 1981, (ii) from August 24, 1981, through September 6, 1981, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 7, 1981, through September 27, 1981, unless the individual fruit in each lot of such avocados weighs at least 22 ounces.

(3) Avocados of the Trapp variety shall not be imported from August 17, 1981, through August 23, 1981, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 7/16 inches in diameter.

(4) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian varieties not listed elsewhere in this regulation, shall not be imported (i) August 17, 1981, through August 30, 1981, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (ii) from August 31, 1981, through September 27, 1981, unless the individual fruit in each lot of such avocados weighs at least 14 ounces; *Provided,* That any lot of such avocados may be imported without regard to the date or minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(5) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 14, 1981; (ii) from September 14, 1981, through October 11, 1981, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 12, 1981, through December 13, 1981, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(6) Notwithstanding the provisions of paragraphs (a)(2) through (5) of this section regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified and be less than the specified diameter; *Provided,* That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Quality Division, Food Safety and Quality Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection and Certification (7 CFR Part 944.400).

(c) Notwithstanding any other provisions of this regulation, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(d) It is hereby found that the application of the maturity restrictions being imposed pursuant to Order No. 915 (7) CFR Part 915), upon avocados grown in south Florida to imported avocados, other than of the Pollock, Catalina, and Trapp varieties is not practicable because of variations in characteristics between the domestic and imported avocados; and the maturity restrictions applicable to imported avocados other than of the Pollock, Catalina, and Trapp varieties are comparable to those imposed upon the domestic commodity. The quality restrictions for all imported avocados and the maturity restrictions for imported avocados of the Pollock, Catalina, and Trapp varieties are the same as those being imposed upon the domestic commodity.

(e) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(f) Any lot or portion thereof which fails to meet the import requirements prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of said lot borne by the importer.

(g) The terms relating to grade, as used herein, shall have the same meaning as when used in the United States Standards for Florida Avocados (7 CFR 2851.3050–2851.3069). "Diameter" shall mean the greatest dimension measured at right angles to a straight line from the stem to the blossom end of the fruit. "Importation" means release from custody of the United States Customs Service.

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

Dated: July 16, 1981, to become effective August 17, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-21196 Filed 7-20-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 916

[Nectarine Reg. 14]

Nectarines Grown in California; Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation sets minimum grade and size requirements for shipments of specified varieties of fresh nectarines grown in California. Such action is designed to promote orderly marketing of suitable quality and sizes of fresh California nectarines in the interest of producers and consumers.

EFFECTIVE DATE: August 6, 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 rule 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.

An interim rule was published in the **Federal Register** on May 29, 1981 (46 FR 28835) which specified grade and size requirements applicable to shipments of California nectarines through August 15, 1981. That rule provided an opportunity to file comments through June 29, 1981. No comments were received. This final rule contains the same requirements as specified in the interim rule.

This regulation is issued under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of fresh nectarines grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Nectarine Administrative Committee, established under the order, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act.

Under the terms of the regulation the grade and size requirements would be effective on and after August 16, 1981. Although the regulation would be effective for an indefinite period, the committee would continue to meet prior to each season and consider recommendations for continuation, modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will annually evaluate committee recommendations and information submitted by the committee, and other available information, and determine whether continuation, modification, suspension, or termination of regulation of shipments of California nectarines would tend to effectuate the declared policy of the act.

The committee has adopted a marketing policy for the 1981 season California nectarine crop, in which it estimates that this season fresh shipments of California nectarines will total 16,206,000 packages, compared with actual shipments of 15,677,000 packages last season. More than adequate supplies of California nectarines should be available to meet fresh market demand during the 1981 season.

The grade and size requirements are necessary to prevent the shipment of California nectarines of a lower grade or smaller size than specified and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers pursuant to the declared policy of the act.

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), and good cause exists for making these regulatory provisions effective as specified in that (1) they are the same as those currently in effect through August 15, 1981, under an interim rule which provided 29 days for filing comments, none of which were received; (2) they were recommended by the committee following discussion at a public meeting; (3) California nectarine handlers have been apprised of these requirements and the effective date; and (4) shipment of the current crop of nectarines is in progress and this regulation should be applicable to all shipments.

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.

Therefore, a new § 916.356 is added under a new subpart heading *Grade and Size Regulation* to read as follows:

Subpart—Grade and Size Regulation

§ 916.356 Nectarine Regulation 14.

(a) On and after August 16, 1981, no handler shall handle:

(1) Any package or container of any variety of nectarines unless such nectarines meet the requirements of U.S. No. 1 grade: *Provided*, that maturity shall be determined by the application of color standards by variety or such other tests as determined to be proper by the Federal or Federal-State Inspection Service: *Provided further*, That nectarines 2 inches in diameter or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle ⅜ inch in diameter, and nectarines larger than 2 inches in diameter shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle ½ inch in diameter: *Provided further*, That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen.

(2) Any package or container of Mayred variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 122 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 105 nectarines.

(3) Any package or container of Aurelio Grand, Mayfair, Maybelle, or Royal Delight variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (3) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 98 nectarines.

(4) Any package or container of Apache, Armking, Arm Queen, Crimson Gold, Early Star, Gee Red, June Belle, June Grand, May Grand, Red June, Spring Grand, 73–40, or Zee Gold variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (4) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 90 nectarines.

(5) Any package or container of Autumn Grand, Bob Grand, Clinton-Strawberry, Early Sun Grand, Ed's Red, Fairlane, Fantasia, Firebrite, Flamekist, Flavortop, Flavortop I, Gold King, Granderli, Hi-Red, Independent, Kent Grant, Late Le Grand, Le Grand, Moon Grand, Niagara Grand, Red Diamond, Red Free, Red Grand, Regal Grand, Richards Grand, Royal Giant, Royal Grand, Ruby Grand, September Grand, Tasty Free, Tom Grand, Honey Gold, Larry's Grand, Son Red, Spring Red, Star

Grand, Summer Grand, Sun Grand, or Sun King variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 84 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than specified in subdivision (i) of this subparagraph (5) are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 75 nectarines.

(b) As used herein, "U.S. No. 1" and "standard pack" means the same as defined in the United States Standards for Grades of Nectarines (7 CFR 2851.3145–3160); "No. 22D standard lug box" means the same as defined in Section 1380.19(17) of the "Regulations of the California Department of Food and Agriculture."

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

Dated: July 16, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-21197 Filed 7-20-81; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 130

[Docket No. 81N-0083]

Food Standards; Temporary Permits for Market Testing; Clarification

AGENCY: Food and Drug Administration.

ACTION: Final rule; clarification.

SUMMARY: The Food and Drug Administration (FDA) clarifies the procedure for submission of temporary permit applications to facilitate market testing of foods.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: Section 130.17 (21 CFR 130.17) provides for FDA to issue temporary permits to facilitate market testing of foods varying from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). In recent years many such permits have been issued. Section 130.17(k) requires that all temporary marketing permit applications, as well as applications for an extension of a temporary permit and related records, be made available for public disclosure (at the Dockets Management Branch (formerly the Hearing Clerk's office)) upon publication of the notice granting either a temporary permit or an extension of a temporary permit previously granted. Most have been sent directly to the Commissioner of Food and Drugs and then forwarded to the Division of Food Technology. FDA believes that the issuance of the permits can be expedited by the submission of the applications and related correspondence directly to the FDA division that processess the application. Since permit applications will no longer be directed to the Commissioner, all references to "the Commissioner" have been changed to "the Food and Drug Administration." FDA is also correcting the reference to "Part 4" in paragraph (k) to read "Part 20" and the reference to "Subpart F of Part 10" in paragraph (l) to read "Part 16."

This regulation relates to agency organization and management and thus is exempt from the requirements of Executive Order 12291 by virtue of section (1)(a)(3) of the Order.

§ 130.17 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 341, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), § 130.17 *Temporary permits for interstate shipment of experimental packs of food varying from the requirements of definitions and standards of identity* is amended in paragraphs (b), (c), (d), (e), (f), (g), and (i) by changing the word "Commissioner" to read "Food and Drug Administration" wherever it appears; in paragraph (c) by revising the introductory text to read: "(c) Any person desiring a permit may file with the Deputy Director, Division of Food Technology, Bureau of Foods (HFF–211), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, a written application in triplicate containing as part thereof the following:"; and in paragraph (k) by changing the reference "Part 4" to read "Part 20"; and in paragraph (l) by changing the reference "Subpart F of Part 10" to read "Part 16."

Effective Date: August 20, 1981.

(Secs. 401, 701(a), 52 Stat. 1046, 1055 (21 U.S.C. 341, 371(a)))

Dated: July 14, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-21226 Filed 7-20-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Parts 510 and 522

Animal Drugs, Feeds, and Related Products; Oxytetracycline Hydrochloride Injection

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Wendt Laboratories providing for safe and effective use of a 50-milligram-per-milliliter (mg/mL) oxytetracycline (as oxytetracycline hydrochloride or OTC HCl) injection for treating certain infections of cattle. The regulations are also amended to add the firm to the list of sponsors of approved NADA's.

EFFECTIVE DATE: July 21, 1981.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV–125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1788.

SUPPLEMENTARY INFORMATION: Wendt Laboratories, Inc., 100 Nancy Dr., Belle Plaine, MN 56011, filed an NADA (48–287) providing for intramuscular use of a sterile solution containing 50 mg/mL of OTC HCl in beef cattle, beef calves, nonlactating dairy cattle, and dairy calves for treating certain diseases caused by OTC-susceptible organisms.

Wendt Laboratories' injection is similar to Pfizer's 50 mg/mL OTC HCl injection. Pfizer's injection was one of several OTC HCl injectable preparations reviewed by the National Academy of Sciences/National Research Council (NAS/NRC) Drug Efficacy Study Group. The evaluation was published in the Federal Register of July 21, 1970 (35 FR 11646). In that document, NAS/NRC and FDA concluded that the preparations were probably effective for treating infections in cattle, sheep, swine, horses, cats, dogs, chickens, and turkeys caused by pathogens sensitive to OTC HCl.

Pfizer responded to the evaluation notice by submitting a supplemental NADA (8–769) that revised the labeling for safe and effective use of injections containing 50 mg/mL of OTC HCl for treating cattle, swine, and poultry. The

supplemental application was approved by a regulation published in the **Federal Register** of September 18, 1974 (39 FR 33509). The regulation reflecting this approval amended 21 CFR 135b.65 (recodified as 21 CFR 522.1662a) by adding new paragraph (d).

Wendt Laboratories submitted cross-over blood level studies demonstrating bioequivalency between its product and Pfizer's 50 mg/mL OTC HCl injectable thereby justifying agency approval for use of the product in cattle. The conditions of use in cattle specified by the labeling of Wendt Laboratories' product are among those mentioned in the paragraph above which discussed Pfizer approval. Accordingly, 21 CFR 522.1662a is amended by adding a paragraph reflecting approval of Wendt's product. The regulations are also amended to include this firm in the list of sponsors of approved NADA's.

Approval of the application poses no increased human risk from exposure to residues of oxytetracycline because the drug is already regulated at the requested use level. Accordingly, this approval does not require a complete reevaluation of human safety data supporting the drug's use.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) [21 CFR 514.11(e)(2)(ii)], a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 [21 U.S.C. 360b(i)]) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 522 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug Labeler Code
* * * * *	
Wendt Laboratories, Inc., 100 Nancy Dr., Belle Plaine, MN 56011	015579
* * * * *	

(2) * * *

Drug Labeler Code	Firm name and address
* * * * *	
015579	Wendt Laboratories, Inc., 100 Nancy Dr., Belle Plaine, MN 56011.
* * * * *	

2. In Part 522, § 522.1662a is amended by adding new paragraph (i), to read as follows:

§ 522.1662a Oxytetracycline hydrochloride injection.

* * * * *

(i)(1) *Specifications.* Each milliliter of sterile solution contains 50 milligrams of oxytetracycline hydrochloride.

(2) *Sponsor.* See No. 015579 in § 510.600(c) of this chapter.

(3) *Conditions of use.*—(i) *Amount.* The drug is used in beef cattle, beef calves, nonlactating dairy cattle, and dairy calves as follows: Administer 3 to 5 milligrams of the oxytetracycline hydrochloride intramuscularly per pound of body weight per day.

(ii) *Indications for use.* The drug is used for treatment of bacterial pneumonia and shipping fever complex associated with *Pasteurella spp.;* foot-rot and diptheria caused by *Spherophorus necrophorus;* bacterial enteritis (scours) caused by *Escherichia coli;* wooden tongue caused by *Actinobacillus lignieresi;* wound infections and acute metritis caused by staphylococcal and streptococcal organisms susceptible to oxytetracycline.

(iii) *Limitations.* In severe forms of the indicated diseases, administer the equivalent of 5 milligrams of oxytetracycline hydrochloride per pound of body weight per day. Continue treatment 24 to 48 hours following remission of disease symptoms, not to exceed a total of 4 consecutive days. If no improvement is noted within 24 to 48 hours, consult a veterinarian for diagnosis and therapy. In adult livestock, do not inject more than 10 milliliters at any one site. Reduce the volume administered per injection site according to age and body size. In calves weighing 100 pounds or less inject only 2 milliliters per site. Discontinue treatment at least 18 days before slaughter. Not for use in lactating dairy cattle.

Effective date. This regulation is effective July 21, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 9, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-21049 Filed 7-20-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Fenbendazole Granules

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Hoechst-Roussel Pharmaceuticals, Inc., providing for over-the-counter (OTC) use of fenbendazole granules as an equine anthelminthic rather than the currently approved use by or on the order of a licensed veterinarian.

EFFECTIVE DATE: July 21, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: Hoechst-Roussel Pharmaceuticals, Inc., Rte. 202–206 N., Somerville, NJ 08876, filed a supplemental NADA (111–278) providing for OTC use of fenbendazole granules as a horse anthelminthic for control of large strongyles, small strongyles, pinworms, and ascarids. The drug is currently approved for these uses when used by or on the order of a licensed veterinarian. The supplemental application provides for the product to be marketed OTC, in 0.17-ounce (5.2-gram) packets rather than 5-gram packets (one packet per 500 lb of body weight rather than one per 450 to 480 lb), with re-treatment at 6- to 8-week intervals if required, for the control of certain helminth infections, and a statement to consult a veterinarian for

assistance in managing helminth problems. The supplement is approved, and 21 CFR 520.905b is amended to reflect this approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) [21 CFR 514.11(e)(2)(ii)], a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 520.905b is amended by revising paragraph (c)(2) and (3) to read as follows:

§ 520.905b Fenbendazole granules.

* * * * *

(c) *Conditions of use.* * * *

(2) *Indications for use.* For the control of infections of large strongyles (*Strongylus edentatus, S. equinus, S. vulgaris*), small strongyles, pinworms (*Oxyuris equi*), and ascarids (*Parascaris equorum*) in horses.

(3) *Limitations.* Sprinkle the appropriate amount of drug on a small amount of the usual grain ration. Prepare for each horse individually. Withholding feed or water is not necessary. Re-treat in 6 to 8 weeks if required. Do not use in horses intended for food. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

Effective date. July 21, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: July 10, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-21048 Filed 7-20-81; 8:45 am]

BILLING CODE 4110-03-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 561

[Ph-FRL-1888-8; FAP 9H5198/T69]

Tolerances for Pesticides in Animal Feeds; Thidiazuron

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends a feed additive regulation related to the experimental use of the defoliant thidiazuron on cotton. This regulation was requested by Nor-Am Agricultural Products, Inc. This rule will permit the marketing of cottonseed hulls while further data are collected on thidiazuron.

EFFECTIVE DATE: July 21, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of May 16, 1980 (45 FR 32295) that Nor-Am Agricultural Products, Inc., 350 West Shurman Boulevard, Naperville, IL 60566 had submitted a feed additive petition (FAP 9H5198) to the EPA. The petition established a regulation permitting the combined residues of the herbicide thidiazuron (*N*-phenyl-*N'*-1,2,3,-thiadiazole-5-ylurea) and its aniline-containing metalolites in or on cottonseed hulls resulting from the application of the defoliant of cotton leaves prior to harvest in a proposed experimental program with a tolerance limitation of 0.4 part per million.

Nor-Am has requested an extension of the temporary feed additive regulation.

The data submitted in the petition and other relevant material have been evaluated and it has been determined that extension of the temporary feed additive regulation will protect the public health. The pesticide is considered useful for the purpose which the regulation is sought, therefore, 21 CFR Part 561 is amended as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication of this regulation in the **Federal Register**, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708, (A–110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that the regulations establishing new food and feed additive levels or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24945).

Effective on: July 21, 1981.

(Sec. 409(c)(1), 72 Stat. 1786, 21 U.S.C. 348(c)(1))

Dated: July 6, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 21 CFR 561.385(a) is revised to read as follows:

§ 561.385 Thidiazuron.

(a) A feed additive regulation of 0.4 part per million is established for combined residues of thidiazuron (*N*-phenyl-*N'*-1,2,3-thiadiazole-5-ylurea) and its aniline-containing metabolites in or on cottonseed hulls resulting from the preharvest application of the defoliant thidiazuron to cotton in accordance with

an experimental use permit which expires July 1, 1982.

* * * * *

[FR Doc. 81-21245 Filed 7-20-81; 8:45 am]
BILLING CODE 6560-32-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Placement of Fenethylline in Schedule I

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Final rule.

SUMMARY: This is a final rule placing the substance, fenethylline, into Schedule I of the Controlled Substances Act. As a result of this rule, fenethylline will be subject to the manufacture, distribution, security, registration, recordkeeping, quotas, inventory, order forms, criminal liability, exportation and importation controls of Schedule I.

EFFECTIVE DATE: August 20, 1981.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537; Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** on Friday, May 1, 1981 (46 FR 24593), proposing that fenethylline be placed into Schedule I of the Controlled Substances Act. All interested persons were given until June 2, 1981 to submit any comments or objections in writing regarding this proposal. One comment was received from the American Society of Hospital Pharmacists (ASHP), which supported the proposed placement of fenethylline in Schedule I. No other comments or objections were received in response to this proposal, nor were there any requests for a hearing.

Based on the scientific and medical evaluation and recommendation of the Secretary of Health and Human Services, received in accordance with section 201(b) of the Controlled Substances Act (21 U.S.C. 811(b)), the Administrator of the Drug Enforcement Administration, pursuant to sections 201(a) and 201(b) of the Act (21 U.S.C. 811(a) and 811(b)), finds that:

(1) Based on information now available, fenethylline has a high potential for abuse;

(2) Fenethylline has no currently accepted medical use in treatment in the United States; and,

(3) Fenethylline lacks accepted safety for use under medical supervision.

The above findings are consistent with the placement of fenethylline in Schedule I of the Controlled Substances Act. All regulations applicable to Schedule I substances are effective on August 20, 1981.

1. *Registration.* Any person who manufactures, distributes, delivers, imports or exports fenethylline, or who engages in research or conducts instructional activities with respect to this substance, or who proposes to engage in such activities, must be registered to conduct such activities in accordance with Parts 1301 and 1311 of Title 21 of the Code of Federal Regulations.

2. *Security.* Fenethylline must be manufactured, distributed and stored in accordance with §§ 1301.71, 1301.72(a), (c), and (d), 1301.73, 1301.74(a)-(f), 1301.75(a), and 1301.76 of Title 21 of the Code of Federal Regulations on or before August 20, 1981. In the event that this imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time.

3. *Labeling and Packaging.* All labels and labeling for commercial containers of fenethylline and all labeling of fenethylline packaged after August 20, 1981 must comply with the requirements of § 1302.03-1302.05, 1302.07, and 1302.08 of Title 21 of the Code of Federal Regulations. In the event this imposes special hardships on any manufacturer, as defined in section 102(14) of the Controlled Substances Act (21 U.S.C. 802(14)), the Drug Enforcement Administration will entertain any justified request for an extension of time.

4. *Quotas.* All persons required to obtain quotas on fenethylline shall submit applications pursuant to §§ 1303.12 and 1303.22 of Title 21 of the Code of Federal Regulations.

5. *Inventory.* Every registrant required to keep records who possesses any quantity of fenethylline shall take an inventory pursuant to §§ 1304.11-1304.19 of Title 21 of the Code of Federal Regulations, of all stocks of fenethylline on hand.

6. *Records.* All registrants required to keep records pursuant to §§ 1304.21-1304.27 of Title 21 of the Code of Federal Regulations shall do so regarding fenethylline commencing on the date on which the inventory of fenethylline is taken.

7. *Reports.* All registrants required to submit reports pursuant to §§ 1304.37-1304.41 of Title 21 of the Code of Federal Regulations shall do so regarding fenethylline commencing on the date on which the inventory of fenethylline is taken.

8. *Order Forms.* The order form requirements of §§ 1305.01-1305.16 of Title 21 of the Code of Federal Regulations shall be in effect on the date which the inventory of fenethylline is taken.

9. *Importation and Exportation.* All importation and exportation of fenethylline shall be required to be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

10. *Criminal Liability.* The Administrator, Drug Enforcement Administration, hereby orders that any activity with respect to fenethylline not authorized by, or in violation of, the Controlled Substances Act or the Controlled Substances Import and Export Act shall be unlawful, except that any person who is entitled to registration under such Acts may continue to conduct normal business, research or professional practice with fenethylline between the date on which this order is published and the date on which he obtains or is denied registration: *Provided,* That application for such registration is submitted on or before August 20, 1981.

11. *Other.* In all other respects, this order is effective August 20, 1981.

Pursuant to Title 5, United States Code, Section 605(b), the Administrator certifies that control of fenethylline, as ordered herein, will have no significant impact upon small business or other entities whose interests must be considered under the Regulatory Flexibility Act. This action involves initial control of a substance not approved for marketing in the United States.

In accordance with the provisions of Section 201(a) of the Controlled Substances Act (21 U.S.C. 811(a)), this scheduling action is a formal rulemaking "on the record after opportunity for a hearing." Such formal proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and as such, have been exempted from the consultation requirements of Executive Order 12991 and from the postponement of pending regulations under the President's memorandum of January 30, 1981.

Under the authority vested in the Attorney General by section 201(a) of the Act (21 U.S.C. 811(a)) and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part 0.100), the Administrator hereby orders that § 1308.11 of Title 21 of the Code of Federal Regulations be amended by adding a new paragraph (f)

entitled *Stimulants* and that § 1308.11 be amended to read as follows:

§ 1308.11 Schedule I.

* * * * *

(f) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(1) Fenethylline	1,503

Dated: July 10, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-21200 Filed 7-20-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R-81-923]

Increase in Manufactured (Mobile) Home Loans

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Final rule.

SUMMARY: This rule provides for increases in loan amounts for manufactured (mobile) home loans as authorized by Section 308 of the Housing and Community Development Act of 1980. Rising costs of housing without corresponding increases in loan amounts results in excessive downpayment requirements, thus precluding many low and moderate income families from homeownership. This rule will establish increased loan limits for manufactured (mobile) homes making it easier for low and moderate income families to purchase them which will convey a benefit on the manufactured housing and other related industries.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Director, Office of Title I Insured Loans, Department of Housing and Urban Development, Room 9172, 451 Seventh Street, SW., Washington, D.C. 20410. Telephone (202) 755-6680 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Section 308 of the Housing and Community Development Act of 1980 amended Section 2(b) of the National Housing Act to authorize increases for manufactured (mobile) home loans in the following amounts: (1) On single-wide homes from $18,000 to $20,000; (2) on double-wide homes from $27,000 to $30,000.

The term, manufactured housing, has been used throughout this rule to reflect the new terminology of the 1980 Act. However, the word, mobile, is used parenthetically as a guide to persons familiar with the old terminology.

Rising costs of housing without corresponding increases in loan amounts results in excessive downpayment requirements, thus precluding many low and moderate income families from homeownership. This rule will establish increased loan limits for manufactured (mobile) homes making it easier for low and moderate income families to purchase them which will convey a benefit on the manufactured housing and other related industries. Publishing a notice of proposed rulemaking with comments would cause substantial delay in making the benefits available. Therefore, the Secretary finds that prior notice and public procedure on the rule would be contrary to public interest and that the rule should become effective as soon as possible under legal applicable requirements.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The program affected by this rule change is identified in the Catalog of Federal Domestic Assistance as follows:

14.110 Mobile Home Loan Insurance. Financing Purchase of Mobile Homes as Principal Residences of Borrowers (Title I).

Accordingly, 24 CFR Part 201 is amended by revising the first sentence of paragraph (a) and by revising paragraph (c) of § 201.530 to read as follows:

§ 201.530 Maximum loan amount.

(a) *Basic limitation.* The proceeds of a manufactured (mobile) home loan shall not exceed the lesser of $20,000 ($30,000 where the manufactured (mobile) home is composed of two or more modules) or 116 percent of the total price for such home, as stated in the manufacturer's invoice (ninety percent of the appraised value of a used mobile home if the used mobile home was previously financed with a loan under this part). * * *

* * * * *

(c) The charges and fees authorized in paragraph (b) of this section may be added to the loan, if the inclusion of such items does not increase the total loan proceeds to more than $20,000 ($30,000 where the manufactured (mobile) home is composed of two or more modules).

(Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)) Title I, sec. 2, 48 Stat. 1246 (12 U.S.C. 1703 as amended))

Issued at Washington, D.C., July 7, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 81-21264 Filed 7-20-81; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 571

[Docket No. R-81-924]

Community Development Block Grants for Indian Tribes and Alaskan Natives; Allocation of Funds

AGENCY: Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: This rule revises the regional allocation formula for the Indian Community Development Block Grant Program. The funding formula phases out the weight given to past funding while increasing the weight given to population. A study of the old formula revealed that funds had not been distributed equitably. This revision is being made to more equitably distribute the funds among the various tribes.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: Marcia A. B. Brown, Office of Policy Planning, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, Telephone

Number (202) 755–6092. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On December 19, 1979 (44 FR 75136) HUD published an Interim Rule for the Indian Community Development Block Grant Program which phased out the weight given to past funding while increasing the weight given to population in the regional allocation formula for Fiscal Years 1980 and 1981. The rule was published as an interim rule rather than a proposed rule in order to resolve some inequities in the regional allocation formula prior to the Fiscal Year 1980 allocations to the Regions. It was therefore impracticable to afford an opportunity for extensive public comment prior to publication of the rule.

However, comments were solicited for a period of 20 days prior to the effective date of the Rule. Five public comments were received. Two of the comments were similar to those discussed in the third response. The following are some of the comments which were received from Tribes which expressed concerns as to the outcome of the Interim Rule:

1. One comment described the proposed regulation as an attempt by the Department to begin to allocate Indian Community Development Block Grant funds in the same manner as Revenue Sharing.

The Indian Community Development Block Grant program differs significantly from Revenue Sharing in both intent and funding allocation approach. For Indian communities, population data will be temporarily used as the sole means of distributing funds only because (1) it has been found to have a high factual relationship to needs on a regional level, and (2) no better indicator of needs is currently available. A more need-related funding approach will be used once 1980 Census data is available.

2. Another comment questioned the use of preparing preapplications if the Department intends to fund on the basis of need. The commenter apparently assumed that HUD was no longer requesting that preapplications address need as one of the criteria used in the ranking and rating of preapplications. The Department is using population data only in its distribution of funds to the Regions. The Regions will continue to set their Rating and Ranking Criteria with need being only one of the criteria used for determining final applicants.

3. The third comment reflected concerns of smaller Tribes. The primary concern was that larger Reservations will receive a disproportionate share of the funding because of the percentage of total eligible Indian population in each region. The commenter proposed that a provision be included so that need can be a determining factor in the selection of future recipients.

The Department is not using this formula to select recipients of Indian Community Development Block Grant funds. The need factor the Commenter refers to will remain in the rating and ranking criteria used by the regions to select recipients. Population will only be used in determining the allocation of funds to each Region.

A study of the regional allocation formula used for the first two years of the Indian Community Development Block Grant Program revealed that funds had not been allocated equitably. Regional allocations in those years were biased towards those Regions with Tribes who, at the time the formula was established, had greater success in receiving grants than other Tribes. In trying to determine what Regional allocation formula would insure the most equitable distribution of funds, many variables which measure need were examined. Population data proved to be the only data available which had a clear relationship to need. A new formula containing reliable measures of need will be developed once 1980 Census and other improved data are available. Thus, the Interim Rule phased out the weight given to past funding and phased in the weight given to population in the regional allocation formula for Fiscal Years 1980 and 1981. During Fiscal Year 1982 and until a new formula is available, funds will be allocated to the Region solely on the basis of population.

A finding of inapplicability with respect to environmental impact has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. Copies of the finding are available for inspection and copying in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned hereby certifies that this Rule does not have a significant economic impact on a substantial number of small entities.

The Catalog of Federal Domestic Assistance Number is 14.223.

Accordingly, 24 CFR 571.101 is amended by adding paragraph (c) as follows:

§ 571.101 Allocation of Funds to Regional and Field Offices.

* * * * *

(c) In Fiscal Years following 1981, funds will be allocated to the Regional Field Office responsible for the program totally on the basis of population until such time that a weighted formula can be developed which includes an acceptable measure of need, along with population.

(Sec. 107, Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Title I, Housing and Community Development Act of 1977 (42 U.S.C. 5301 et seq.); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d))

Issued at Washington, D.C., July 6, 1981.

Donald G. Dodge,

Acting General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 81-21283 Filed 7-20-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Mines

30 CFR Part 601

Sales of Helium by and Rental of Containers From the Bureau of Mines

AGENCY: Bureau of Mines, Interior.

ACTION: Final rule.

SUMMARY: This revised rule on sales of helium and rental of containers simplifies the regulation and eliminates the need to republish the regulation when prices and charges are changed. This action reduces Government costs and paperwork associated with publication of revised regulations. Additionally, about 70 percent of the wording was eliminated.

DATE: The revised regulation will become effective August 20, 1981.

FOR FURTHER INFORMATION CONTACT: B. J. King, Chief, Branch of Administration, Division of Helium Operations, Bureau of Mines, 1100 S. Fillmore St., Amarillo, Texas, 79101. Telephone 806–735–1608.

SUPPLEMENTARY INFORMATION: The proposed rule revising 30 CFR Part 601 was published on pages 25653–25656 of the **Federal Register** of Friday, May 8, 1981. A 30-day period ending June 10, 1981, was allowed for public comment. No comments were received. Therefore, the Bureau of Mines, Department of the Interior, by publication herein will make the revision final, subject to the following minor additions and corrections.

§ 601.3 [Amended]

§ 601.3(b) is redesignated as paragraph (c);

§ 601.3(c) is redesignated as paragraph (d);

§ 601.3(d) is redesignated as paragraph (e).

§ 601.3 Add a new paragraph (b) which reads as follows:

(b) The information collection requirement contained in this paragraph has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1932-0111. The information is being collected to identify firms desiring to enter into a contract. This information will be used to complete contract documents and establish cash advance required. The obligation to respond is required to obtain a benefit.

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 and 43 CFR 14.

Accordingly, pursuant to authority provided by the Helium Act of 1960, 50 U.S.C. 167 et seq., 30 CFR Part 601 is revised to read as set forth below.

Dated: July 10, 1981.

Daniel N. Miller, Jr.,

Assistant Secretary of the Interior.

CHAPTER VI—BUREAU OF MINES

PART 601—SALES OF HELIUM BY AND RENTAL OF CONTAINERS FROM THE BUREAU OF MINES

Sec.

Authority: Pub. L. 86-777, approved September 13, 1960, 74 Stat. 918; 50 U.S.C. 167-167n.

§ 601.1 Purpose.

The purpose of this Part 601 is to establish procedures governing the sale of helium and related services by the Bureau of Mines, and the rental of helium containers from the Bureau of Mines.

§ 601.2 Definitions.

(a) "Act" means the Helium Act, Pub. L. 86-777, approved September 13, 1960 (74 Stat. 918; 50 U.S.C. 167-167n).

(b) [Reserved]

(c) "Helium plant" means a facility operated by or for the United States Bureau of Mines for the production, purification, repurification, or shipment of helium.

(d) "Bureau" means the Bureau of Mines of the Department of the Interior.

(e) "Purchaser" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, state or political subdivision thereof, having a new (after revision of this Part) helium purchase contract with the Bureau, and any agency of the United States Government, purchasing helium from the Bureau or using helium containers rented from the Bureau.

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

(g) "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.

(h) "Cylinder" means a standard-type cylinder of approximately 1.5 cubic feet internal volume, designed for a filling pressure of 1,800 pounds per square inch gage or more, which will stand vertically without external support with the center of the valve outlet not less than 50½ inches nor more than 58½ inches above the floor, equipped with a standard-type cylinder valve, safety relief device, and valve-protective cap, or a similar cylinder acceptable to the Bureau as a standard type.

(i) "Valve" means a standard-type cylinder valve acceptable to the Bureau of Mines having a valve outlet conforming to Specification No. 580 or No. 350 as described by the latest edition of Compressed Gas Association, Inc., Pamphlet V-1, ANSI B57.1-1977; Provided, That at the Bureau's option, valves with outlets conforming to other specifications may be accepted as alternate standards.

(j) "Tank car" means a railroad car permanently equipped with multiple tubes manufactured in accordance with 49 CFR 179.500.

(k) "Tube trailer" means a road-type semitrailer without motive power permanently equipped with multiple tubes manufactured in accordance with 49 CFR 178.36, 178.37, or 178.45.

(l) "Tube module" means one or more seamless steel tubes, manufactured in accordance with 49 CFR 179.500, that by means of a framework are joined together to form a unit. Valves may be manifolded.

(m) "Liquid helium trailer" means a special road-type semitrailer without motive power, equipped with a vacuum-jacketed container suitable for transporting 1,000 U.S. gallons or more of liquid helium. The container may be separable or an integral part of the chassis and dependent upon design, may or may not require a Department of Transportation (DOT) special permit for transporting.

(n) "Liquid helium dewar" (dewar) means a portable or skid-mounted, vacuum-jacketed container suitable for shipping less than 1,000 U.S. gallons of liquid helium.

(o) "Schedule of Prices and Charges" (Schedule) means a listing of prices and charges for products and services provided under contract pursuant to this Part.

(p) "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.

(q) "Contracting officer" is the person executing a contract on behalf of the Government, and includes any duly appointed successor.

§ 601.3 Contract application forms and procedures.

(a) Any prospective helium purchaser may make application to the Bureau to become a purchaser of helium, and, if desired, rent containers from the bureau and, upon meeting the requirements of this Part and upon execution of a purchase (and container rental) contract with the Bureau, may purchase helium (and rent containers) from the Bureau. To be eligible, a prospective purchaser must: demonstrate adequate financial resources to pay for helium and helium-related services in advance, hold a certificate of competency and/or a determination of eligibility from the Small Business Administration if the prospective purchaser 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 enter into a Bureau contract under applicable laws and regulations.

(b) The information collection requirement contained in this paragraph has been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1032-0111. The information is being collected to identify firms desiring to enter into a contract. This information

will be used to complete contract documents and establish cash advance required. The obligation to respond is required to obtain a benefit.

(c) The contract shall include, among other things, duties and responsibilities of the parties, definitions, term, minimum contract volume, and other conditions, such as advance payments, deposits, surety bonds, repurchase rights of the Government, liabilities, reservations with respect to sales and deliveries, power of inspection, notification to repurchasers, violations and penalties, cancellation and assignment of contract, termination, general provisions, and standard provisions.

(d) Application forms are available upon written request from Division of Helium Operations, 1100 S. Fillmore St., Amarillo, Texas 79101. Applicable contract form(s) and Schedule will be included for examination by the prospective purchaser.

(e) Upon approval by the Contracting Officer of the returned application, the contract will become effective when executed by both parties.

§ 601.4 [Reserved]

§ 601.5 Schedule of prices and charges.

(a) The Schedule of Prices and Charges (Schedule) is published by the Bureau of Mines, Division of Helium Operations, and is periodically updated. The Schedule is available upon request from the Division of Helium Operations, 1100 S. Fillmore St., Amarillo, Texas 79101, telephone 806–376–2638 or FTS 735–1638. The Schedule shows prices and charges for helium, ordinary related services, use or rental of Bureau-owned helium containers or equipment, cash advance, and deposit required, and bonds and/or insurance to guarantee return of containers.

(b) Terms and conditions under which products and services can be acquired under contract pursuant to this Part are shown in Appendix 1 to the Schedule. The Terms and Conditions are reviewed at least annually, and are revised as required.

(c) Revisions to the Schedule are determined at least annually by the Division of Helium Operations in accordance with Office of Management and Budget (OMB) Circular No. A–25, as revised. In no case will a revised Schedule become effective in less than 30 days after date of distribution to all Bureau helium customers known at the time of distribution.

§601.6 Purchase price of helium

(a) The purchase price of Grade-A helium shipped f.o.b. origin shall be the price stated in the Schedule that is in effect on the date the helium is shipped from the helium plant.

(b) [Reserved]

(c) The purchase price of Grade-A helium shipped f.o.b. destination shall be the price stated in the Schedule that is in effect on the date the helium is shipped from the helium plant plus any service charges, container charges, transportation charges, and other charges incurred in making such delivery. Delivery of helium f.o.b. destination is made only in Bureau-furnished containers.

§ 601.7 Service charges.

In addition to the purchase price of helium, the following charges for services and use of equipment rented from the Bureau shall be paid by the purchaser.

(a) *For filling containers.* The charge for filling helium containers shall be as shown in the Schedule that is in effect on the date the helium is shipped from the helium plant.

(b) *For ordinary work performed on containers supplied by the purchaser and for ordinary services performed in connection with shipment of helium from a helium plant.* The charge for ordinary work shall be as shown in the Schedule that is in effect on the date the work is performed.

(c) *For extraordinary expenses.* Such expenses incurred in connection with any contract or delivery for which prices are not stated in the effective Schedule including, but not limited to, costs of work on purchaser's containers, filling, servicing, and rental of containers of types other than those stated in the effective Schedule, purifying helium beyond normal plant purity, (delete "liquefying helium") analytical services, shipment of helium from other than a helium plant selected by the Bureau, and unusual handling, transportation, and communications, may be determined by the Bureau and charged to the purchaser as they arise on the basis of the cost of rendering the services, making due allowance for contingencies, overhead expense, and commercial common-carrier rates.

(d) *For use of helium containers supplied by the Bureau.* The charge for use of each Bureau-supplied container shall be as shown in the Schedule in effect on the date of shipment from a helium plant.

§ 601.8 Settlements under existing contracts.

Contracts for the purchase of helium or for the rent of Bureau-owned shipping containers which are in effect on the effective date of the amended regulations in this Part shall remain in effect, subject to the terms and conditions of the amended regulations in this Part, for a period of not more than 90 days after the effective date of these amended regulations or until replaced by new contract or contracts as described in these amended regulations, should such replacement occur prior to expiration of the 90 days. In the event that purchaser does not enter into replacement contract or contracts within 90 days after effective date of these regulations, the existing contract(s) shall terminate and purchaser shall pay any sums due Bureau under terms of the contracts and shall return any Bureau-owned shipping containers outstanding under any container rent contract so terminated.

§ 601.9 Shipping containers.

(a) *Containers may be provided by the purchaser or the Bureau.* The purchaser may provide containers or may request the Bureau to provide them under contract. Containers provided by the purchaser must be satisfactory to the Bureau in all respects, must be free internally from oil or water, and shall comply with the requirements for shipment in interstate commerce. The Bureau will not use or fill any container which in its opinion is unsafe or unsuitable.

(b) *Provisions applicable to all types of containers supplied by the Bureau.* Specific provisions for all types of containers, such as, cylinders, tank cars, tube trailers, tube modules, liquid helium trailers, and liquid helium dewars, are detailed in the container rental contract and the Schedule.

§ 601.10 [Reserved]

§ 601.11 Applicability to Federal Agencies.

The regulations in this Part are applicable to Federal agencies procuring helium or services from Bureau or using containers furnished by Bureau; *except that* Federal agencies shall not be required to: (a) enter into contracts for the purchase of helium or lease of containers, (b) furnish advance payments, or (c) provide surety for the return of containers or payment of bills.

[FR Doc. 81-21191 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-53-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[EN-FRL 1849-7]

Revised Motor Vehicle Exhaust Emission Standards for Oxides of Nitrogen (NO_x) for 1982 Model Year Light-Duty Diesel Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This amended regulation revises the oxides of nitrogen (NO_x) emission standards for 1982 model year light-duty diesel vehicles for which EPA has granted a waiver from the standard otherwise applicable under section 202(b)(6)(B) of the Clean Air Act, 42 U.S.C. 7521(b)(6)(B). This amendment applies only to one diesel engine family manufactured by Automobiles Peugeot (Peugeot) which I have determined qualifies under the statutory criteria for waiver of the NO_x standard for model year 1982. This rule has the effect of setting an interim NO_x standard at the most stringent level that will permit Peugeot to market this diesel engine family in model year 1982.

EFFECTIVE DATE: August 20, 1981.

ADDRESSES: Information relevant to this rule, including the accompanying decision document, is contained in Public Docket EN-81-1 at the Central Docket Section of the Environmental Protection Agency, Gallery I, 401 M Street, SW., Washington, D.C. 20460 and is available for review between the hours of 8:00 a.m. and 4:00 p.m. As provided in 40 CFR Part 2, EPA may charge a reasonable fee for copying services. Copies of the decision documents may also be obtained from the Manufacturers Operations Division by contacting Mr. Chernekoff as stated below.

FOR FURTHER INFORMATION CONTACT: Michael Chernekoff, Attorney/Advisor, Manufacturers Operations Division (EN-340), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 472-9421.

SUPPLEMENTARY INFORMATION: Section 202(b)(1)(B) of the Clean Air Act (Act), 42 U.S.C. 7521(b)(1)(B), requires that regulations applicable to NO_x emissions from light-duty vehicles or engines manufactured during or after the 1981 model year shall contain standards which provide that such emissions from vehicles or engines shall not exceed 1.0 gram per vehicle mile (g/mi). Regulations implementing this requirement have established this NO_x standard.

Section 202(b)(6)(B) of the Act authorizes the Administrator, upon application by any manufacturer, to waive the statutory NO_x standard for the 1981 through 1984 model years for any light-duty diesel engine family for which the Administrator can make the required statutory findings. I must promulgate interim NO_x standards applicable to the subject light-duty diesel engine families for those model years for which I have granted waivers.

Peugeot has submitted an application for a waiver for one of its diesel engine families. My decision to grant the waiver application, which includes the statutory criteria and my determinations with respect to the vehicle model covered by that application, will be made available to interested parties in the Public Docket and at the Manufacturers Operations Division, as stated above. In that decision, I granted a waiver covering Peugeot's engine family for the 1982 model year because Peugeot has demonstrated that technology is unavailable to enable these vehicles to meet both the 1982 model year NO_x standard and the 1982 model year particulate standard applicable to this engine family. Specifically, Peugeot has demonstrated that, using current exhaust gas recirculation (EGR) technology, it can only meet the 1982 model year particulate standard at a NO_x level of 1.2 g/mi. Information in the record indicates that none of the various emission control technology alternatives which Peugeot has tested or will have available for use in the XD2C engine family is sufficient to assure compliance with both the 1982 model year particulate standard and the 1.0 g/mi NO_x standard. Additionally, Peugeot has met the public health, fuel economy, and long-term air quality benefit criteria of the Act.

The waiver I granted covers the following engine family for the model year specified:

Manufacturer	Engine family	Model year
Peugeot	2.3 Liter (L) naturally aspirated (NA) XD2C.	1982

For reasons discussed in the decision on Peugeot's application, I am simultaneously promulgating regulations adopting emission standards not permitting NO_x emissions from 1982 model year vehicles of this engine family to exceed 1.2 g/mi, the level Peugeot requested be established in its application. Data submitted by Peugeot indicate that at an interim NO_x standard of 1.2 g/mi, Peugeot is capable of meeting a particulate standard of 0.6 g/mi. The public has received an opportunity to comment on the waiver application at issue, and the 1982 model year certification process is underway. For these reasons, I find that providing notice and an opportunity to comment on this rulemaking before final promulgation is impracticable and unnecessary.

Note.—Because the decision accompanying this rulemaking is based on a detailed analysis indicating this rulemaking will have a negligible effect on air quality, the Environmental Protection Agency has not prepared an Environmental Impact Statement to accompany this rulemaking.

In addition, under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA is required to determine whether a regulation will have a significant economic impact on a substantial number of small entities so as to require a regulatory analysis. The interim NO_x emission standard established by this rulemaking only directly affects Peugeot, which is not a "small entity" under the Regulatory Flexibility Act. Therefore, pursuant to 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

Under Executive Order 12291, EPA must judge whether an action is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action is not major because it grants a waiver request for one model produced by one manufacturer, and is 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 for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The applicant, Peugeot, indicated that if EPA did not grant the requested waiver, it would not be able to produce its diesel engine family so as to be in compliance with all applicable exhaust emission standards. Granting this waiver averts losses for Peugeot that might have resulted if the waiver were denied and Peugeot could not market its vehicles. Further, granting this waiver will place Peugeot in the same competitive position in the diesel vehicle market as domestic manufacturers, most of which have already received waivers of the statutory NO_x emission standards.

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

Dated: July 12, 1981.

Anne M. Gorsuch,

Administrator.

For the reasons set forth in the preamble, 40 CFR 86.082–8(a)(1)(iii), is revised to read as follows:

§ 86.082–8 Emissions standards for 1982 model year light-duty vehicles.

(a) * * *

(1) * * *

(iii) Oxides of nitrogen—1.0 grams per mile (g/mi), except that: (A) oxides of nitrogen emissions from 1982 model year light-duty vehicles manufactured by American Motors Corporation shall not exceed 2.0 grams per vehicle mile; (b) oxides of nitrogen emissions from light-duty diesel vehicles of the following 1982 model year engine families shall not exceed the prescribed levels:

Manufacturer	Engine family	NO_x (grams per mile)
General Motors Corp.	5.7 liter (L)	1.5
	1.8 L	1.5
	4.3 L	1.5
Daimler-Benz AG	2.4L	1.25
	3.0L naturally-aspirated (NA)	1.5
	3.0L turbocharged (TC)	1.5
AB Volvo	2.4L NA	1.5
Peugeot	2.3L-TC-XD2S	1.5
	2.3L-NA-XD2C	1.2
Volkswagen AG	1.6L-NA-2250 pounds inertia weight (I.W.).	1.3
	2.0L-NA-3000 I.W.	1.5
	1.6L-TC-2250 I.W.	1.3
	1.6L-TC-2500 I.W.	1.4
	2.0L-TC-3000 I.W.	1.5
	1.6L-NA-2750 I.W.	1.4
	1.6L-NA-2500 I.W.	1.4
	1.6L-TC-2750 I.W.	1.4
Nissan Motor Company.	2.8L	1.5
Isuzu Motors, Ltd.	1.8L	1.5

* * * * *

(Secs. 202 and 301(a) of the Clean Air Act, as amended, 42 U.S.C. 7521, 7601(a) (Supp. I 1977))

[FR Doc. 81-21111 Filed 7-20-81; 8:45 am]

BILLING CODE 6560-33-M

40 CFR Part 180

[PH-FRL-1888-6; OPP-300049A]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for the inert ingredient ammonium thiocyanate when used as an adjuvant and intensifier for defoliation of cotton and soybeans.

EFFECTIVE DATE: Effective on July 21, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7110).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of May 1, 1981 (46 FR 24605) that Ralph W. Fogleman, DVM, Ringoes, NJ 08551, had requested that the Administrator amend 40 CFR 180.1001(d) by exempting ammonium thiocyanate, as an inert (or occasionally active) ingredient in pesticide formulations, from tolerance requirements when applied as an adjuvant and intensifier (preharvest) to cotton and soybeans.

No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Therefore, it is concluded that the regulation established by amending 40 CFR Part 180 will protect the public health and is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication of this regulation in the **Federal Register**, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M–3708 (A–110), 401 M St., SW, Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities.

A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on: July 21, 1981.

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

Dated: July 8, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, 40 CFR 180.1001(d) is amended by alphabetically inserting "ammonium thiocyanate" to read as follows:

§ 180.1001 Exemption from the requirements of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * * * *		
Ammonium thiocyanate		Adjuvant/intensifier for defoliation of, and weed control in/on cotton and soybeans.
* * * * *		

[FR Doc. 81-21248 Filed 7-20-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Notice of reduction in fishing time.

SUMMARY: This notice reduces the allowable fishing time from 24 hours to 12 hours per week for fishing vessels harvesting Atlantic surf clams within the fishery conservation zone. Action is necessary to prevent the overharvest of cumulative surf clam allocations and avoid prolonged closure of the fishery. This action should keep harvests from exceeding the cumulative allocations.

and reduce the possibility of exceeding annual optimum yield.

EFFECTIVE DATE: July 26, 1981.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930; or Frank Grice, Chief, Fisheries Management Division, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Telephone 617–281–3600.

SUPPLEMENTARY INFORMATION: The surf clam fishery regulations (50 CFR 652.22(a)(4)) provide for reduction of surf clam fishing time if the Regional Director determines, on review of available information and public comment, that the quota for surf clams for any quarterly period will be exceeded.

Harvest of surf clams during the first quarter of 1981 exceeded the quarterly allocation of 400,000 bushels by approximately 120,000 bushels. Accordingly, the quarterly allocation for the second quarter of 500,000 bushels has been reduced by the amount of the overage, making the quota for the second quarter 380,000 bushels. Catch statistics for the period through April 24, 1981, indicate that approximately 200,000 bushels were taken in the first four weeks of the second quarter. Projection of landings at the current rate suggests that the quarterly quota will be exhausted three or four weeks prior to the end of the quarter.

In consultations with the Mid-Atlantic Fishery Management Council and industry spokesmen, the Regional Director has been advised that continued harvest of surf clams through the second quarter is critical to efforts to rebuild inventories of surf clam products for the important summer sales season, and that reduction of fishing time will allow for continued operation and employment in both the harvesting and processing sectors of the industry and is preferable to the alternative action of fishery closure.

The Regional Director has determined that the reduction of fishing time for surf clams in the fishery conservation zone is necessary both to prevent harvest of surf clams from significantly exceeding cumulative allocations, and to reduce the possibility of exceeding the annual optimum yield.

The reduction of fishing time will begin on July 26, 1981, and continue until harvests and allocations are again in balance.

The Acting Administrator, NOAA, has determined that this action is not a major rule under E.O. 12291 and, as such, does not require a regulatory impact analysis. A regulatory flexibility analysis is not required under the Regulatory Flexibility Act because the rule is exempt from the notice and comment requirements of the Administrative Procedure Act. In addition, the rule does not have a significant economic effect on small businesses for the purposes of § 609 of the Regulatory Flexibility Act. The rule which is being published in final form, implements an existing provision in the regulations which allows the Regional director to make inseason reductions in the surf clam fishing time when he determines the quarterly quota will be exceeded. This rulemaking does not call for additional collection of information from the public under the Paperwork Reduction Act of 1980. The environmental impact for this action was evaluated in the final environmental impact statement and supplements prepared for the fishery management plan for the Atlantic surf clam and ocean quahog fisheries and its amendments which are on file with the Environmental Protection Agency.

(16 U.S.C. 1801 *et seq.*)

Dated: July 14, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-21180 Filed 7-20-81; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 139
Tuesday, July 21, 1981

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

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service[1]

7 CFR Part 68

Adjustment of Fees for Federal Rice Inspection Service

AGENCY: Federal Grain Inspection Service [1], USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) proposes to increase fees for Federal rice inspection services. This change is being made to equate the fees as nearly as possible with the cost of the service. Rice inspection is a permissive service made available upon request of an applicant. This proposed rule will also limit the availability of commitment service rates to the number of hours specified in the commitment agreement. A priority noncommitment service is also being proposed in addition to the current noncommitment service. This service will be available upon request. The applicant may request this priority noncommitment service when the projected time to fulfill prior requests for noncommitment service with local FGIS resources will not meet the applicant's time requirements.

DATE: Written comments must be submitted on or before August 20, 1981.

ADDRESSES: Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Director, Issuance and Coordination Staff, USDA, Federal Grain Inspection Service, Room 1127, Auditors Building, 1400 Independence Avenue SW., Washington, D.C. 20250. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27 (b)).

FOR FURTHER INFORMATION CONTACT: Lewis Lebakken, Jr.; tel. (202) 447-3910.

[1] Authority to exercise the functions of the Secretary of Agriculture contained in the Agricultural Marketing Act of 1946 as amended (7 U.S.C. 1621-1627) concerning inspection and standardization activities related to grain and similar commodities and products thereof has been delegated to the Administrator, Federal Grain Inspection Service (7 U.S.C. 75a; 7 CFR 68.2(e)).

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and has been determined to be nonmajor. This proposed increase in rice inspection service fees will add approximately one-half cent per hundredweight to the cost of rice and is considered not significant.

Kenneth A. Gilles, Administrator, has determined that this proposed action will not have a significant economic impact on a substantial number of small entities because most users of rice inspection services do not meet the requirements for small entities as defined in the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164-1170).

Section 203(h) of the Agricultural Marketing Act of 1946 provides for the collection of such fees as will be reasonable and as nearly as possible cover the cost of the service rendered. The fees currently in effect do not cover FGIS costs in providing the service. Accordingly, FGIS has determined that an increase in Federal rice inspection service fees (7 CFR 68.42c) is necessary to more closely equate with its costs in order to continue providing the service to applicants.

It is FGIS' intent, when practical, to make the effective date for any adjustments in rice inspection service fees coincide with the crop year for rice, which begins in the month of August. Accordingly, it is necessary that a final determination of this matter be made as soon as practicable as FGIS plans to implement final rulemaking on the proposed adjustment of fees by August 31, 1981, the start of the next crop year. Therefore, a 30-day comment period for all interested parties on this proposed rule is provided because of the time limitations.

Rice Inspection Service Fees

In July 1977, FGIS reduced the rice inspection service fees by approximately 10 percent to reduce the operating reserve fund which is maintained for contingencies when fees may not cover the cost of providing the service. These fees were again reduced in August 1978 by approximately 10 percent to further reduce the operating reserve fund. Both reductions resulted in a return of funds to the industry. However, due to a rapidly increasing rate of monetary loss in the rice inspection program, FGIS increased the fees approximately 15 percent in August 1980. At that time, it was noted that this fee increase would reduce, but not halt, the rate of loss in the program. FGIS indicated that the rice inspection service fee schedule would be closely monitored to determine if the level of fees was adequate to maintain a reasonable operating reserve. Since fiscal year 1977 there have been increases in Federal salaries totaling approximately 32 percent of the fiscal year 1977 base. These increases in salaries, coupled with increases in general program costs, have resulted in a sharp decrease in the operating reserve. At the present rate of loss the operating reserve will be depleted in the fall of 1981.

As a result, it has been determined that a fee increase for all rice inspection services ins necessary to continue to provide service in FY 1982. The increase will be in conjunction with cost-saving measures such as reductions in staff and travel. The percent of the proposed increase from the current fee schedule varies by type of service; for example, proposed commitment hourly rates are increased approximately 27 percent and noncommitment hourly rates approximately 33 percent. The proposed fees are being set to more nearly reflect the costs incurred in providing each type of inspection service and will add approximately one-half cent per hundredweight to the cost of inspection services. At sale prices in 1981 of $18.00 to $30.00 per hundredweight, depending on the quality of the rice, any increase in cost to consumers would be insignificant.

Restricting Commitment Service Agreement

It is proposed that an applicant may enter into a commitment service agreement for a specified period whereby (1) the applicant agrees to pay for 8 hours of service per person for 5 consecutive days per week and (2) FGIS agrees to provide this inspection service during the specified period at a reduced hourly rate. A commitment service argument assures FGIS a constant workload and aids in determining the number of official personnel needed to provide services and thereby provides for the most efficient use at the least cost to applicants.

Presently, fees for hours worked for a commitment applicant in excess of the hours specified in the commitment service agreement are charged at the commitment service rate. These hours in excess of the commitment are often

performed on a sporadic basis which requires FGIS to incur costs for overtime work. In most instances, the assessment of hours in excess of those specified in the commitment service agreement at the reduced rate does not enable FGIS to recover the additional costs because of overtime costs. The proposed fee schedule provides that the commitment service rate will apply only to the hours stated in the commitment service agreement. All hours worked in excess of the agreement will be charged at the noncommitment service rate. This will better compensate FGIS for the additional cost to the program for the hours worked in excess of those specified in the commitment service agreement.

Priority Noncommitment Service

It is proposed that an applicant may request inspection service at the higher rate priority noncommitment service fee. Generally, service to applicants on a noncommitment basis is furnished if personnel are available and in the order the requests are received. With the establishment of the priority noncommitment service, it will be possible for applicants who require immediate service to obtain inspection service at the earliest possible time, if they are willing to pay the higher hourly rate. FGIS's costs for providing personnel on a temporarty basis from other field offices are increased because of travel, per diem, and other costs associated with official travel. These costs are reflected in the higher fees for this service. The applicant for priority noncommitment service will be charged a minimum of 8 hours per man at the higher hourly rate.

The proposed adjustments in fees include the following changes:

(1) Commitment service hourly rates, except holidays, from $17.00 to $21.60 between the hours of 6 a.m. and 6 p.m.; from $20.40 to $26.00 between the hours of 6 p.m. and 6 a.m. except holidays; and from $24.00 to $30.60 for holidays.

(2) Noncommitment service hourly rates for Monday through Friday, except holidays, from $21/60 to $28.80 between the hours of 6 a.m. and 6 p.m.; from $24.80 to $33.00 between the hours of 6 p.m. and 6 a.m. and during weekends except holidays; and from $28.20 to $37.60 for holidays.

(3) Establishment of priority noncommitment service hourly rates, except holidays, $41.80 between the hours of 6 a.m. and 6 p.m.; $44.40 between the hours of 6 p.m. and 6 a.m. and during weekends, except holidays; and an hourly rate of $50.00 for holidays.

(4) Fee per lot or sublot when inspecting for quality at other than the point of sampling and the per sample fee for sample inspections. The charges are from $12.50 to $19.60 for rough rice, $10.70 to $18.00 for brown rice processing, and $9.00 to $18.00 for milled rice.

(5) Fee per factor for any single factor from $3.60 to $4.70. This per factor fee will also be charged for factors analyzed which are not included in the U.S. Rice Standards, such as milling yield in brown rice for processing.

(6) Fee for extra copies of certificates (per copy) from $1.15 to $1.50.

(7) Fee for Parboiled Light Interpretive Line (per sample) from $10.00 to $13.00.

In 7 CFR Part 68—Regulations and Standards for Inspection and Certification of Certain Agricultural Commodities and Products thereof, section 68.42c Fees for Federal Rice Inspection Services is proposed to be revised as follows:

§ 68.42c Fees for Federal rice inspection services.

The following fees apply to the Federal rice inspection services specified below:

Service and Fees

(a) *Commitment service.* An applicant may enter into an agreement with FGIS for rice inspection services on weekly basis, whereby the applicant agrees to pay for 8 hours of service per day per person, for at least 5 consecutive days per week, and FGIS agrees to make official inspection personnel available to perform the service for the applicant at reduced hourly rates. The hourly rate service may include sampling, grading, weighing, and other services requested by the applicant when performed at the point of sampling. All hours of service performed in excess of the commitment shall be charged at the noncommitment rate or priority noncommittment service rates, as applicable. If one of the consecutive days per week falls on a holiday and inspection services are not needed, the applicant is not charged for this day. Hourly rates shall begin when the official inspection personnel arrive at the point of service and shall end when they depart from the point of service. Hourly rates include the cost of travel and transportation to perform the service requested and the original and 3 copies of each certificate.

To enter into a commitment agreement, the applicant must give FGIS 60 days written notice specifying the proposed effective date of the commitment. However, a commitment may become effective prior to the proposed effective date with the consent of both parties. To terminate a commitment, the applicant must give FGIS 60 days written notice specifying the date of termination. A commitment agreement may be terminated at any time by mutual consent of both parties.

FGIS reserves the right to: (1) Determine the number of official inspection personnel needed to perform the service for a commitment applicant, which may be different than the number of official personnel under commitment, (2) terminate a commitment agreement by giving the applicant 60 days written notice specifying the date of termination, and (3) temporarily reassign official inspection personnel from a commitment applicant when, in the opinion of the Administrator, the official inspection personnel are not needed to perform service for the commitment applicant, in which event, the commitment applicant is credited with the number of commitment hours charged to other applicants or other FGIS activities.

(b) *Noncommittment service:* A noncommitment service is provided for applicants who do not enter into a commitment service agreement with FGIS, and also for all hours not covered under the commitment service or the priority noncommitment service. Service on a noncommitment basis will be furnished to applicants if personnel are available and in the order in which requests are received, insofar as is consistent with good management, efficiency, and economy. Hourly rates shall begin when the official inspection personnel arrive at the point of service and shall end when they depart from the point of service, computed to the nearest quarter hour (less mealtime, if any). Hourly rates include the cost of travel and transportation to perform the service requested and the original and 3 copies of each certificate. This hourly rate service may include sampling, grading, weighing, and other services as requested by the applicant when performed at the point of sampling. Precedence will be given, when necessary, to (1) commitment service participants, (2) requests for appeal service, (3) requests by Government agencies, and (4) requests by regular users of the service. Standby time per person is to be charged at the applicable hourly rate. The minimum fee per callout or inspection visit for noncommitment service is charged at the applicable hourly rate with a 2-hour minimum.

(c) *Priority noncommitment service.* A priority noncommitment service will be provided for applicants who need a more timely service than may be available through a noncommitment request. In order to provide this more timely service, FGIS will make official inspection personnel available to perform such service by detailing inspectors from other field offices. When this situation occurs, the priority noncommittment rates will apply. A

minimum service request will be 8 hours per inspector. The priority noncommitment service rate includes travel expenses and per diem incurred by FGIS to provide personnel for the request.

The following fees shown in Tables 1 and 2 apply to the Federal rice inspection services specified below:

Table 1.—*Hourly rates* [1]

[Rates per hour]

	Day [2]	Night and weekend [3]	Holiday [3]
Commitment service	$21.60	$26.00	$30.60
Noncommitment service [4] [5]	28.80	33.00	37.60
Priority noncommitment service, 8-hour per man minimum	41.80	44.80	50.00

[1] The hourly rate may included sampling, grading, weighing, and other services requested by the applicant if performed at the point of smapling.
[2] 6 a.m. to 6 p.m.
[3] Holiday means the legal public holidays specified in paragraph (a) of section 6103, title 5, of the United States Code (5 U.S.C. 6103(a)) and any other day declared to be a holiday by Federal Statute or Executive Order. If the specified legal public holiday falls on a Saturday, the preceding Friday shall be considered to be the holiday, or if the specified legal public holiday falls on a Sunday, the following Monday shall be considered to be the holiday.
[4] Minimum fee per person per callout or inspection visit for noncommitment service 2 hours at the applicable hourly rate.
[5] Standby time per person per hour shall be charged at the applicable hourly rate.

Table 2.—*Other services*

	Rough rice	Brown rice for processing	Milled rice
(1) Appeal [1]			
(2) Extra copies of certificates, per copy	$1.50	$1.50	$1.50
(3) Grading only, per lot or sample [2] [3]	$9.60	18.00	18.00
(4) Grading only, per factor	4.70	4.70	4.70
(5) Interpretive line samples [4]:			
(a) Milling degree, per set			50.00
(b) Parboiled light, per sample			13.00

[1] The same inspection fee is charged as would have been charged if the inspection were not an appeal. No charge is made if the appeal result indicates a material error was made on the original inspection.
[2] When graded according to the U.S. Standards for rice. Factors requested in addition to the U.S. Standards will be charged the factor fee for each additional factor.
[3] Inspection for quality charges per lot or sublot when performed at the office of inspection.
[4] Interpretive line samples may be purchased from the U.S. Department of Agriculture, Federal Grain Inspection Service, Standardization Division, Board of Appeals and Review, Richards-Gebaur AFB, Building #221, Grandview, MO 64030. Interpretive line samples are also available for examination at selected FGIS field offices. A list of the field offices may be obtained from the Director, Inspection Division, USDA, FGIS, Washington, D.C. 20250. The interpretive line samples illustrate the lower limit for milling degrees only and the color limit for the factor "Parboiled Light" rice.

* * * * *

(Sec. 203(h), Pub. L. 79–733, 60 Stat. 1087 (7 U.S.C. 1622))

Done in Washington, D.C., on July 8, 1981.

Kenneth A. Gilles,

Administrator.

[FR Doc. 81–21215 Filed 7–20–81; 8:45 am]

BILLING CODE 3410–02–M

Agricultural Marketing Service

7 CFR Part 905

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Rules and Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes to exempt the handling of Florida citrus for animal feed from regulations under the order subject to specified safeguards to prevent fruit from entering fresh channels of trade. It would also specify the procedures for determining the quantities of Robinson tangerines each handler is permitted to ship when a portion of the 210 size of such variety is restricted by regulations. This action is designed to maintain orderly marketing conditions for such fruits and protect the interest of consumers.

DATES: Written comments must be received by August 20, 1981. Proposed effective date September 15, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, and they will be made available for public inspection during regular business hours (7 CFR Part 1.27(b)).

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 proposed rule 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 proposed rule is issued under the marketing agreement, as amended, and marketing Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Citrus Administrative Committee established under the order and other available information. It is found that this amendment of Subpart—Rules and Regulations (§ 905.120 *et seq.*) as hereinafter set forth is in accordance with the provisions of the order and will tend to effectuate the declared policy of the act.

The exemption applicable to the handling of citrus fruit for animal feed is authorized under § 905.80 of the order. Under the exemption any person may handle citrus fruit for animal feed without regard to the provisions of § 905.52 (Issuance of regulations) and § 905.53 (Inspection and certification) subject to necessary safeguards to prevent such fruit from entering fresh channels.

The amendment of § 905.52 is authorized under § 905.152(a)(1) of the order. It establishes procedures for determining the quantity of Robinson tangerines each handler is permitted to ship when a portion of the 210 size of such variety is restricted by regulation. Section 905.152 currently applies only to Dancy and similar varieties of tangerines. When a size limitation restricts the shipment of a portion of 210 size Dancy or Robinson tangerines during a particular week, the committee computes the quantity of 210 size of such variety that may be shipped by each handler. The committee notifies each handler of such quantity that may be handled during the particuler week. The amendment provides a uniform rule for determining quantities of 210 size Dancy or Robinson tangerines each handler is permitted to ship when a portion of such size is restricted.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained. The proposal is being published with less than a 60-day comment period because there is insufficient time between the date when the information upon which it is based became available and the effective date necessary to effectuate the declared policy of the act.

Therefore, such rules and regulations are revised by adding a new § 905.142 and revising § 905.152 to read as follows:

§ 905.142 Animal feed.

(a) The handling of citrus for animal feed shall be exempt from the provisions of § 905.52 and § 905.53 and the regulations issued thereunder under the following conditions:

(1) The handler notifies the committee each fiscal period, prior to such handling of his/her intention to handle such fruit, the quantity he/she anticipates handling and the destination point of each lot of fruit and receives from the committee a special shipping permit for the shipment of such fruit;

(2) The fruit is used for animal feed and is not offered for resale, disposed of, or in any way handled so as to enter frush fruit channels;

(3) The quantity does not exceed 1,000 4/5 bushel cartons per fiscal period or such other quantity as may be specified by the committee;

(4) The fruit is placed in containers of uniform capacity; and

(5) Each shipment is certified by the Federal-State Inspection Service as to the quantity shipped.

§ 905.152 Procedure for determining handlers' permitted quantities of Robinson, Dancy and similar tangerine varieties when a portion of the 210 size of such varieties is restricted.

(a) For the purposes of this section, the prior period specified in § 905.52 is hereby established as a average week within the immediately preceding three seasons, together with the current season. When used in the regulation of Dancy tangerines the term "season" means the twenty weeks beginning with the first full week in October, and the term "current season" means the elapsed weeks beginning with the first full week in October of the current fiscal period through the most recent week that certified shipping records are available for all shippers. When used in the regulation of Robinson variety tangerines, the term "season" means the fifteen weeks beginning with the first full week in September, and the term "current season" means the elapsed weeks beginning with the first full week in September of the current fiscal period through the most recent week that certified shipping records are available for all shippers.

(b) When a size limitation restricts the shipment of a portion of the 210 size Dancy or Robinson tangerines during a particular week as provided in § 905.52, the committee shall compute the quantity of the 210 size of such variety that may be shipped by each handler by multiplying the handler's volume of shipments of such variety in the applicable prior period by the percentage established by regulation for such variety for that week.

(c) The committee shall notify each handler of the quantity of 210 size Dancy or Robinson tangerines such handler may handle during the particular week.

(d) Any handler may transfer any or all of his or her shipping allowance of 210 size Dancy or Robinson tangerines to another handler. Each handler party to such transfer shall promply notify the committee so the proper adjustment of records may be made. The commmittee shall confirm all such transfers immediately after completion thereof by memorandum to the handlers involved.

Dated: July 16, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-21198 Filed 7-20-81; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Inspection Service[1]

9 CFR Parts 312 and 381

[Docket No. 80-046P]

Official Export Certificates, Marks, and Devices

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) proposes to amend the Federal meat inspection regulations and the poultry products inspection regulations to provide for a new "Application for Export Certificate" (MP Form 130-A), which will be used for making applications for both meat and poultry export certificates. This new form will replace MP Form 412, which is currently used for making applications for meat exports, and will provide an application form for poultry exports (currently, there are no application forms used for poultry exports). A new official export certificate (MP Form 130), to be used in connection with meat and poultry exports, is also proposed. The new official export certificate would replace MP Form 412-3 and MP Form 506, which are respectively used currently for meat and poultry exports. The new proposed export certificate would eliminate the necessity of using three of the four official export marks described in the poultry products inspection regulations. A new letterhead is also proposed as part of this new form to replace the current legends on the meat and poultry export certificates.

DATE: Comments must be received on or before September 20, 1981.

ADDRESS: Written comments to: Regulations Coordination Division, Attn: Annie Johnson, FSIS Hearing Clerk, Room 2637, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Oral comments on the poultry products inspection regulations may be made to Dr. W. I. Leary, (202) 447-9051. (For additional information, see "Comments" under Supplementary Information.)

FOR FURTHER INFORMATION CONTACT: Dr. W. I. Leary, Director, Export Coordination Staff, Inspection Operations, Meat and Poultry Inspection Operations, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-9051.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule" under Executive Order 12291. No significant additional costs on industry are foreseen. This action would provide for a reduction in the existing number of forms and provide uniformity in their use. Consequently, it will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

Donald L. Houston, Administrator, Food Safety and Inspection Service has determined that this proposal will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601 *et seq.*), because the information obtained with respect to the issuance of export certificates is presently required. Therefore, the new proposed application and export forms are not imposing any significant additional economic impact. In fact, the reduction and uniformity in the current forms should ease the existing burden. Additionally, the export certificates are required by most foreign countries.

Comments

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Regulations Coordination Division. Comments must reference the docket number located in the heading of this document. Any person desiring opportunity for oral presentation of views, pursuant to section 14(c) of the Poultry Products Inspection Act (21 U.S.C. 463(c)), concerning the proposed amendments to the poultry products inspection

[1] Pursuant to the reorganizational plans outlined in USDA Secretary's Memo 1000-1, issued June 17, 1981, the Food Safety and Quality Service has become the Food Safety and Inspection Service. A notice detailing the Agency's reorganization is now being drafted for later publication.

regulations, must make such request to Dr. Leary so that arrangements may be made for such views to be presented. A transcript shall be made of all views orally presented. All comments submitted pursuant to this notice will be made available for public inspection in the Regulations Coordination Division between 8:00 a.m. and 4:30 p.m., Monday through Friday.

Background

Pursuant to the authority granted in section 21 of the Federal Meat Inspection Act (21 U.S.C. 621) and section 14(b) of the Poultry Products Inspection Act (21 U.S.C. 463(b)), the Food Safety and Inspection Service is proposing to amend the Federal meat and poultry products inspection regulations to provide for (1) the use of a uniform application for all meat and poultry export certificates, (2) the use of a uniform meat and poultry export certificate to replace the two separate certificates currently in use for meat and poultry exports, (3) the elimination of three of the four official export marks currently described in the poultry products inspection regulations, and (4) the deletion of the certificate legends that now appear on meat and poultry export certificates.

Currently, the meat and poultry inspection regulations each prescribe how exporters may obtain export certificates, but the regulations are not consistent with one another. Under the Federal meat inspection regulations (9 CFR 322.2), exporters of meat products must submit an application (MP Form 412) to the inspector in charge in order to obtain an export certificate. However, under the Federal poultry products inspection regulations (9 CFR 381.105), exporters of poultry products need only "request" an export certificate.[2] Therefore, to eliminate the inconsistent provisions in regard to the requirement of formal applications for an export certificate and to provide for a uniform manner of obtaining export certificates, FSIS has designed a new application form (MP Form 130-A) for use by both exporters of meat products and exporters of poultry products. Information on the application will be reviewed by the inspector prior to issuing an export certificate.

Additionally, to provide consistency and cost savings, a new official export certificate, MP Form 130, for issuance in connection with meat and poultry exports, has been developed. The new form will combine the information now contained on MP Form 412-3, the "Meat Export Certificate", and MP Form 506, "Poultry Export Certificate", on to one form. MP Forms 412-3 and 506 will be discontinued. Therefore, only two forms will be needed for meat and poultry exports—the application (MP Form 130-A) and the official export certificate (MP Form 130). The reduction in the number of forms will provide a projected savings of approximately $1,700 annually, while providing for uniformity in connection with the issuance of export certificates. If the regulations are not amended as proposed, the desired results will not be obtained.

Three official marks, shown in figures 8, 9, and 10 of section 381.104 of the poultry products inspection regulations (9 CFR 381.104) and used to identify where the product was inspected and passed for export, are no longer necessary and will be eliminated because of the provisions in the new export certificate. This proposed official export certificate includes blocks for checking where the product was inspected and passed for export, such as slaughter plants, processing plants, warehouses or docksides. Only one mark, figure 11 of section 381.104 of the poultry products inspection regulations (9 CFR 381.104), also contained in section 312.8 of the Federal meat inspection regulations and prescribed in section 322.1 of the Federal meat inspection regulations (9 CFR 312.8 and 322.1), would continue to be used to mark outside containers of any products inspected and passed for export.

Additionally, the certificate legend, "United States Department of Agriculture, Animal and Plant Health Inspection Service, Meat and Poultry Products Inspection" prescribed in section 312.8 of the meat inspection regulations (9 CFR 312.8), and the similar legend prescribed in section 381.106 of the poultry products inspection regulations (9 CFR 381.106), would be replaced by a requirement that the certificate bear a letterhead of this Department. This would avoid the necessity for amending the regulations in the event of Agency name changes.

Accordingly, Part 312 of the Federal meat inspection regulations (specifically, 9 CFR 312.8(b)) and Part 381 of the Federal poultry products inspection regulations (specifically, 9 CFR 381.104, 381.105(a), and 381.106) would be amended as follows:

1. The authority citation for Parts 312 and 381 reads as follows:

Authority: 34 Stat. 1260, 79 Stat. 903, as amended, 81 Stat. 584, 84 Stat. 91, 438; 21 U.S.C. 71 et seq., 601 et seq., 33 U.S.C. 466-466k; Sec. 14, 71 Stat. 441, 76 Stat. 110, 21 U.S.C. 463.

PART 312—OFFICIAL MARKS, DEVICES AND CERTIFICATES

2. Section 312.8(b) of the Federal meat inspection regulations (9 CFR 312.8(b)) would be amended by removing the words "the legend: United States Department of Agriculture, Animal and Plant Health Inspection Service, Meat and Poultry Products Inspection" and adding the words "a letterhead" to the first sentence to read as follows:

§ 312.8 Official export inspection marks, devices, and certificates.

(a) * * *

(b) The official export certificate required by Part 322 of this subchapter is a paper certificate form for signature by a Program employee, bearing a letterhead and the seal of the United States Department of Agriculture, with a certification that meat or meat food products described on the form is from animals that received anti-mortem and post-mortem inspection and were found sound and healthy and that it has been inspected and passed as provided by law and the regulations of the Department of Agriculture and is sound and wholesome. The certificate also bears a serial number such as "No. 184432."

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

3. Section 381.104 of the poultry products inspection regulations (9 CFR 381.104) would be amended by deleting Figures 8, 9, and 10 and the references to those figures to read as follows:

§ 381.104 Official export certificates, marks and devices.

The form of certificate described in § 381.106 is an official export certificate, and the mark shown in Figure 11 is the official mark used on outside containers to identify inspection and passed poultry products for export. Devices used by the Department to apply such a mark are official devices.

[2] Sections 12, 13, 14, 16, 17, and 18 of the Federal Meat Inspection Act (21 U.S.C. 612, 613, 614, 616, 617, 618) provide a specific requirement for export certificates to accompany meat and meat food products being exported from the United States. The Poultry Products Inspection Act (21 U.S.C. 451 *et seq.*) does not specifically require the use of an official certificate for exporting poultry and poultry products. However, the poultry products inspection regulations provide for this certificate on a request basis by the exporter since most foreign countries require an export certificate for products exported to such countries. The general authority for the regulations is found in section 14(b) of the Poultry Products Inspection Act (21 U.S.C. 462(b)).

FIGURE 11.

4. Section of the poultry products inspection regulations (9 CFR 381.105) would be revised by changing the second word in paragraph (a) from "request" to "application", and would read as follows:

§ 381.105 Export certification; marking of containers.

(a) Upon application by any person intending to export any poultry product, any inspector is authorized to issue an official export certificate as prescribed in § 381.107 with respect to the shipment to any foreign country of any inspected and passed poultry product, after adequate inspection of the product has been made by the inspector to determine its identify as inspected and passed and eligible for export:

Provided, That the product is offered for inspection at an offical establishment. Each shipping container covered by the export certificate shall be market with an official export stamp as shown in § 381.104 bearing the number of the export certificate. Official export certificates will be issued only upon condition that the products covered thereby shall be subject to reinspection at any place and at any time prior to exportation to determine the identity of the products and their eligibility for certification, and such certificates shall become invalid if such reinspection is refused or discloses that the products are not eligible for certification. If reinspection discloses that any poultry products covered by an export certificate are not eligible for such certification, a superseding certificate setting forth such findings shall be issued and copies shall be furnished to interested persons.

* * * * *

5. Section 381.106 of the poultry products inspection regulations (9 CFR 381.106) would be amended by removing the words "form (MP–506)" and "the legend United States Department of Agriculture Animal and Plant Health Inspection Service Meat and Poultry Inspection Program, Export Certificate" and adding the words "a letterhead" to the first sentence to read as follows:

§ 381.106 Form of official export certificate.

The official export certificate authorized by this subpart is a paper certificate form for signature by an inspector, bearing a letterhead and the seal of the U.S. Department of Agriculture, with a certification that the slaughtered poultry and other poultry products described on the form came from birds that were officially given an ante-mortem and post-mortem inspection and passed in accordance with the regulations of the Department and that such products are wholesome and fit for human consumption. The certificate also bears a serial number, such as "MPA 002805", and shows the respective names of the exporter and consignee, the destination, the shipping marks, the name of such products, the total net weight thereof, and such other information as the Administrator may prescribe or approve in specific cases.

The reporting and recordkeeping requirements prescribed herein have been approved by the Office of Management and Budget.

Done at Washington, DC, on July 8 1981.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 81–21173 Filed 7–20–81; 8:45 am]

BILLING CODE 3410–DM–M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, and 221

[Docket No. R–0362; Regulations G, T, and U]

Securities Credit by Persons Other Than Banks, Brokers, or Dealers; Credit by Brokers and Dealers; Credit by Banks for the Purpose of Purchasing or Carrying Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed amendments.

SUMMARY: The Board of Governors is inviting comment on a second set of proposals to simplify and reduce the regulatory burden of its margin regulations, Regulations T, U and G (12 CFR 220, 221 and 207). The first group of proposed amendments was published for comment in the **Federal Register** on June 24, 1981 (46 FR 32592). In this second group of amendments the following changes are proposed:

1. Amend Regulation T to reduce the number of accounts and restructure them along functional lines; increase types of firms that may offer certain accounts; permit dealers in OTC margin securities to obtain credit from other broker/dealers and make special provision for jointly-owned clearing firms.

2. Change the terminology of Regulation T when referring to the amount of credit that can be extended by a broker/dealer to "margin/equity" from "maximum loan value/adjusted debit balance."

3. Revise the definition of "indirectly secured" in Regulations U and G to incorporate more objective standards.

4. Amend Regulation G to permit G-lenders to extend both regulated and nonregulated credit to the same borrower. This action would remove restrictions which are no longer believed to be necessary and would parallel more lenient restrictions applicable to banks under Regulation U. In addition, Regulations G and U would be amended to permit consolidation of loans secured by convertible bonds with other regulated loans. This action would parallel a previously announced consolidation proposal for Regulation T.

DATE: Comments should be received on or before September 15, 1981.

ADDRESS: Comments, which should refer to Docket No. R–0362, may be mailed to the Secretary, Board of Governors of the Federal Reserve System, 20th Street and Consitution Avenue, NW., Washington, D.C. 20551 or delivered to Room B–2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B–1122 between 8:45 and 5:15 p.m., except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Laura Homer, Division of Banking Supervision and Regulation (202) 452–2781, or Robert Rewald, Division of Research and Statistics (202) 452–3637, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or Mindy R. Silverman (212) 791–5032 or James M. McNeil (212) 791–5914, Federal Reserve Bank of New York.

SUPPLEMENTARY INFORMATION: *Account consolidation.* The 11 accounts currently required by Regulation T would be consolidated into 7 accounts along functional lines. Four of these accounts would be used for public customer transactions and three for transactions between industry members. The four public customer transaction accounts would be as follows:

1. General Account. This account would consolidate the present General Account and the two bond accounts. It would contain margin stock, margin bonds, including convertible bonds, and exempted securities. Virtually all extensions of securities credit to public customers would be recorded in this consolidated General Account.

2. Segregated Equity Account. This account would contain public customer transactions currently described in one subdivision of the Special Miscellaneous Account (12 CFR 220.4(f)(6)) and commonly known as SMA transactions. The following types of credit would be permitted to be recorded in a Segregated Equity Account: (i) dividends and interest payments; (ii) deposits not required by Regulation T; (iii) net proceeds released by a sale of securities; and (iv) transfer of credit available because of the increase in loan value of securities in the General Account. Although the SMA has a long history of use for the purposes indicated, the Board questions whether, in fact, the type of credits for which it is now used could as easily be accommodated in the Cash Account. Accordingly, comment is specifically invited as to justifications for retaining the SMA account (to be renamed the Segregated Equity Account), including what, if any, adverse effects would result from its elimination. Comment is also requested as to what, if any, problems might arise if the SMA is eliminated and the previously proposed minimum level adjustment [46 FR 32953] is applied to the Cash Account.

3. Cash Account. This would be substantially identical to the present Special Cash Account (12 CFR 220.4(c)). A Cash Account is used for the purchases and sales of securities that are *bona fide* cash transactions. Credit is extended in the account only for clearing and settlement, if at all.

4. Non-securities Credit Account. This account would be used for transactions in commodities and foreign exchange and for the extension or maintenance of non-purpose credit, *i.e.* credit that is not to be used to purchase, carry, or trade in securities. Currently, commodity transactions are effected in the Special Commodity Account (12 CFR 220.4(e)) and foreign exchange transactions and non-purpose credits are effected in the Special Miscellaneous Account (12 CFR 220.4(f)).

The accounts that would be used for transactions with other brokers or dealers are as follows:

5. Market Functions Account. This account would consolidate the present provisions for special credit on transactions contributing to efficient and orderly markets. The account would combine the Specialist Account (12 CFR 220.4(g)), Special Arbitrage Account (12 CFR 220.4(d)), and the provisions in the Special Miscellaneous Account (12 CFR 220.4(f)) for extensions of credit to odd-lot dealers and the underwriting or distribution of securities. In addition, this account would include a new provision for special credit for market in OTC margin securities comparable to the provisions in Regulation U that permit such loans by banks (12 CFR 221.3(w)). The current inability of a dealer in OTC margin stock to get special credit from another broker/dealer is a burden for any dealer who clears transactions through another broker/dealer and wishes to finance the dealer inventory with the clearing broker.

6. Omnibus Account. This account would contain the same transactions as the present Special Omnibus Account (12 CFR 220.4(b)). In addition it would be amended to permit broker/dealers who are not members of exchanges to carry these accounts.

7. Broker-Dealer Credit Account. This account would be a consolidation of those provisions of the Special Miscellaneous Account that have not been incorporated into either the Market Functions Account, the Non-securities Credit Account or the Segregated Equity Account. The account would consolidate the present provisions for credit used to finance capital contributions to broker/dealers, delivery against payment transactions between broker/dealers and credit extended to broker/dealers in emergency circumstances. In addition, this account would permit financing on a special basis by a broker/dealer clearing firm which is owned jointly by a group of broker/dealers. Currently, transactions processed by a jointly-owned clearing firm for its owners are subject to the restrictions in Regulation T on credit to customers, whereas a firm that clears its own transactions is not subject to Regulation T restrictions on those transactions.

Two accounts presently contained in Regulation T would be deleted. These are the Special Subscription Account (12 CFR 220.4(h)) and the Special Insurance Premium Funding Account (12 CFR 220.4(k)). It appears that at the present time these accounts are rarely used and may no longer be necessary. Unless there are substantial reasons for their continued existence, both of these accounts would be deleted from the regulation in the interest of simplification.

Terminology. The Board proposes to rewrite Regulation T to change the terminology when describing the amount of credit that can be extended by a broker/dealer to "margin/equity" from "maximum loan value/adjusted debit balance." It has been suggested that the terminology currently employed in the regulation is unnecessarily complex and confusing and is not the terminology used by the securities industry. The same regulatory effect can be achieved by placing the structure and language of the regulation in a margin/equity framework in which the regulatory status of an account would be determined by comparing the required margin to the equity (or net worth) of the account. The regulatory text to effect this recommendation will be published at a later date. However comments are requested on the proposal.

Indirect security. The Board is proposing amendments to Regulations U and G to narrow the definition of "indirectly secured." The present definition has caused undue regulatory burden since it is premised on a subjective standard that is difficult to interpret and administer. It is expected that many of the interpretive problems that now exist will be mooted if the Board adopts its proposal to eliminate nonmargin stock from the collateral test in Regulation U (46 F.R. 32592). However, to further reduce the complexity of interpretation engendered by the "indirect security" concept, the Board is proposing a more objective definition.

Restrictions on Regulation G-lenders. Lenders subject to Regulation G are currently prohibited from extending regulated loans and non-purpose loans to the same borrower if the non-purpose loan is over $5,000 and both loans are secured by the same margin securities. In addition, G-lenders are prohibited from extending purpose credit on assets other than margin equity securities concurrently with or subsequent to an extension of purpose credit secured by margin equity securities to the same borrower. The proposed amendments would permit G-lenders to extend both non-purpose and purpose credit secured by assets other than margin equity securities concurrently with the extension of regulated purpose credit. This would provide a regulatory structure comparable to that presently applicable to banks under Regulation U. In addition, the present provision of Regulation G requiring segregation of purpose loans secured by convertible bonds from other regulated loans would be eliminated. This action would parallel the Board's proposal concerning Regulation T that was published on June 24, 1981. A similar change will be made in Regulation U.

Accordingly, pursuant to sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g, 78w), the Board proposes to amend Regulations T, U and G (Parts 220, 221 and 207 respectively) as follows:

PART 220—CREDIT BY BROKERS AND DEALERS

A. Section 220.4 of Regulation T is amended as follows:

§ 220.4 Special Accounts [Amended]

1. In § 220.4 paragraphs (a) (3) and (4) are revised to read as follows:

(a) *General Rule.* * * *

(3) A special account established pursuant to this section shall not be used in any way for the purpose of evading or circumventing any of the provisions of this part. If a customer has with a creditor both a general account and one or more such special accounts, the creditor shall treat each such special account as if the customer had with the creditor no general account.

(4) The only other conditions to which transactions in such special accounts shall be subject under the provisions of this part shall be such conditions as are specified in the appropriate paragaph of this section and in §§ 220.2, 220.6, 220.7, or 220.8.

* * * * *

2. Existing paragraph (b) is removed and paragraph (c) is relettered as paragraph (b) and the word "Special" is removed from the title of the account so it now reads "Cash Account."

3. Existing paragraphs (d), (e), (f) and (g) are removed and the following new paragraphs (c), (d), (e), (f) and (g) are added:

* * * * *

(c) *Segregated Equity Account.* In a segregated equity account a creditor may receive from or for any customer deposits derived from:

(1) Dividend and interest payments

(2) Cash resulting from a maintenance margin call or other requirement of a self-regulatory organization which are not required by this Part.

(3) Proceeds of a sale of securities that may be released under provisions of § 220.3.

(4) Excess loan value of securities in a general account.

or pay out to any customer or transfer to any other account any credit balance.

(d) *The Non-securities Credit Account.* In a non-securities credit account a creditor may:

(1) Effect and carry transactions in commodities.

(2) Effect and carry transactions in foreign exchange.

(3) Extend and maintain credit without collateral or on any collateral whatever for any purpose other than purchasing or carrying or trading in securities, provided that the requirements of § 220.7(c) are met.

(e) *Omnibus Account.* In a special omnibus account, a creditor may effect and finance transactions for a member of a national securities exchange or a broker or dealer registered with the Securities and Exchange Commission under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) from whom the member receives (1) written notice, pursuant to a rule of the Securities and Exchange Commission concerning the hypothecation of customers' securities by brokers or dealers (Rule 8c–1 (17 CFR 240.8c–1) or Rule 15c2–1 (17 CFR 240.15c2–1)), to the effect that all securities carried in the account will be carried for the account of the customers of the broker or dealer and (2) written notice that any short sales effected in the account will be short sales made in behalf of the customers of the broker or dealer other than his partners.

(f) *Broker-dealer Credit Account.* In a broker-dealer credit account, a creditor may:

(1) With the approval of any regularly constituted committee of a national securities exchange having jurisdiction over the business conduct of its members, extend and maintain credit to meet the emergency needs of any creditor;

(2)(i) Extend and maintain credit, (A) to or for any partner of a firm which is a member of a national securities exchange to enable such partner to make a contribution of capital to such firm, or to purchase stock in an affiliated corporation of such firm, or (B) to or for any person who is or will become the holder of stock of a corporation which is a member of a national securities exchange to enable such person to purchase stock in such corporation, or to purchase stock in an affiliated corporation of such corporation; provided the lender as well as the borrower is a partner in such member firm or a stockholder in such member corporation, or the lender is a firm or a stockholder in such member corporation, or the lender is a firm or corporation which is a member of a national securities exchange and the borrower is a partner in such firm or a stockholder in such corporation;

(ii) Extend and maintain subordinated credit to another creditor for capital purposes: Provided, That

(A) Either the lender or the borrower is a firm or corporation which is a member of a national securities exchange or national securities association, the other party to the credit is an affiliated corporation of such firm or corporation, the credit is not in contravention of any rule of the exchange or association and the credit has the approval of appropriate committees of the exchange or association, or

(B) The lender as well as the borrower is a creditor as defined in § 220.2(b), the subordinated loan agreement has the approval of the appropriate Examining Authority as defined in Securities and Exchange Commission Rule 15c3–1(c)(12) (12 CFR 240.15c3–1(c)(12)) and such examining authority is satisfied, in the case of a borrower who would be considered a customer of the lender apart from the subordinated loan, that the loan will not be used to increase the amount of dealing in securities for the account of the borrower, his firm or corporation or an affiliated corporation of such firm or corporation.

(iii) For the purpose of paragraphs (f)(2) (i) and (ii) of this section, the term "affiliated corporation" means a corporation all the common stock of which is owned directly or indirectly by the member firm or general partners and employees of the firm, or by the member corporation or holders of voting stock and employees of the corporation and an appropriate committee of the exchange has approved the member firm's or member corporation's affiliation with such affiliated corporation.

(3) Purchase any security from any customer who is a member of a national securities exchange or a broker or dealer registered with the Securities and Exchange Commission under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o), or sell any security to such customer: *Provided,* That the creditor acting in good faith purchases or sells the security for delivery, against full payment of the purchase price, as promptly as practicable in accordance with the ordinary usage of the trade;

(4) If the creditor is a clearing and servicing broker/dealer, owned jointly or individually by other creditors, effect and finance transactions of any of its owners.

(g) *The Market Functions Account.* In a market functions account a creditor may:

(1) Effect and finance for any customer bona fide arbitrage transactions in securities. For the purpose of this paragraph, the term "arbitrage" means (i) a purchase or sale of a security in one market together with an offsetting sale or purchase of the same security in a different market at as

nearly the same time as practicable, for the purpose of taking advantage of a difference in prices in the two markets, or (ii) a purchase of a security which is, without restriction other than the payment of money, exchangeable or convertible within 90 calendar days following the date of its purchase into a second security together with an offsetting sale at or about the same time of such second security for the purpose of taking advantage of a disparity in the prices of the two securities, except that when the security purchased is solely a due bill for, or other evidence of the right to receive only the security that is sold, and the security that is sold is trading as a when-issued security, such period shall be 180 calendar days.

(2) Clear and finance for a specialist who is a member of a national securities exchange such member's securities transactions or transactions of any joint account in which all participants, or all participants other than the creditor, are registered and act as specialists.

(i) A specialist in options is permitted to establish in this account on a share-for-share basis a long or short position in the securities underlying the options in which the specialist makes a market, and a specialist in securities other than options is permitted to purchase or write options overlying the securities in which the specialist makes a market, only under one or more of the following conditions (such positions are referred to in this paragraph as "permitted offset positions"):

(A) The account holds a short options position which is "in or at the money" and is not offset by a long or short option position for an equal or greater number of shares of the same underlying security which is "in the money;"

(B) The account holds a long option position which is "in or at the money" and is not offset by a long or short option position for an equal or greater number of shares of the same underlying security which is "in the money;"

(C) The account held a short option position against which an exercise notice was tendered;

(D) The account held a long option position which was exercised;

(E) The account holds a net long position in a security (other than an option) in which the specialist makes a market; or,

(F) The account holds a net short position in a security (other than an option) in which the specialist makes a market.

(ii) The maximum loan value of securities which may be used as collateral in the account shall be:

(A) No more than 100 percent of the current market value of any long position in a security in which the specialist makes a market, a wholly-owned margin security, or an exempted security issued by the United States Government or an agency thereof;

(B) 75 percent of the current market value of any permitted offset position that is purchased and held in the account under the terms of paragraph (g)(2) of this section;

(C) The maximum loan value prescribed by the Board in § 220.8 (the Supplement to Regulation T) when a security purchased and held in the account does not qualify as a specialist or permitted offset position.

(iii) The amount to be included in the adjusted debit balance of the account shall be:

(A) Not less than 100 percent of the current market value of either a security sold short or an option written where such position qualifies as a specialist transaction;

(B) 125 percent of the current market value of any permitted offset position sold short or written in the account under the terms of paragraph (g)(2) of this section;

(C) The amount prescribed by the Board in § 220.8 (the Supplement to Regulation T) when a security sold short in the account does not qualify as a specialist or permitted offset position plus, for a short position in a security other than an option, the current market value of the security sold short.

(iv) Except as required by paragraph (g)(2)(vi) of this section, on any day when additional margin is required as a result of transactions in the account, the creditor shall issue a call for a deposit of cash or securities having loan value and may allow the specialist a maximum of five full business days to make a deposit sufficient to meet the call. To prevent "free-riding" in the account, a creditor who has not obtained this deposit (and is therefore required to liquidate sufficient securities to meet the call) is prohibited for a 15 day period from extending any further credit in the account to finance transactions in securities in which the specialist is not registered to make a market. The acquisition or liquidation of a permitted offset position shall not be subject to this "free-riding" penalty. The restriction on "free-riding" shall not apply to any national securities exchange adopting a "free-riding" rule applicable to specialists which has been approved by the Securities and Exchange Commission.

(v) On any day when a specialist requests a withdrawal of cash or securities from the account, the creditor shall compute the status of the account for non-specialist securities positions in accordance with the provisions of § 202.8 (the Supplement to Regulation T), permitted offset positions in accordance with the provisions of paragraphs (g)(2)(ii) and (g)(2)(iii), and specialist positions on a "good faith" basis. Withdrawals shall be permitted to the extent that the adjusted debit balance in the account would not exceed the total value of all of the collateral held in the account after the withdrawal has been made.

(vi) On any day when the account would liquidate to a deficit, the creditor shall not extend any further credit in the account, and shall issue a call for additional cash or collateral which shall be met by noon of the following business day. In the event sufficient cash or collateral is not deposited the creditor shall liquidate existing positions in the account.

(vii) The provisions of this paragraph are available to a specialist who is a member of a national securities exchange which submits to the Board of Governors of the Federal Reserve System reports suitable for supplying current information regarding the use of specialist credit.

(viii) For the purpose of this paragraph:

(A) The term "joint account" means an account in which the creditor may participate and which by written agreement permits the commingling of the security positions of the participants and provides for a sharing of profits and losses from the account on some predetermined ratio;

(B) The term "underlying security" means the security which will be delivered upon exercise of the option and does not include a security convertible into the underlying security;

(C) The term "overlying option" means (*1*) a put option purchased or a call option written against an existing long position in a specialist's or market-maker's account, or (*2*) a call option purchased or a put option written against a short position in a specialist's or market-maker's account.

(D) The term "in or at the money", with respect to a call option, indicates that the current market price of the underlying security is not more than one standard exercise interval below the exercise price of the option, and, with respect to a put option, that the current market price of the underlying security is not more than one standard exercise interval above the exercise price of the option.

(E) The term "in the money", with respect to a call option, indicates that the current market price of the underlying security is not below the

exercise price of the option and, with respect to a put option, that the current market price of the underlying security is not above the exercise price of the option.

(3) Effect and finance, for any member of a national securities exchange who is registered and acts as an odd-lot dealer in securities on the exchange, such member's transactions as an odd-lot dealer in such securities, or effect and finance, for any joint venture in which the creditor participates, any transactions in any securities of an issue with respect to which all participants, or all participants other than the creditor, are registered and act on a national securities exchange as odd-lot dealers;

(4) Effect transactions for and finance any joint venture or group in which the creditor participates and in which all participants are dealers (whether such participants be acting jointly or severally), or any member thereof or participant therein, for the purpose of facilitating the underwriting or distributing of all or part of an issue of securities (i) not through the medium of a national securities exchange, or (ii) the distribution of which has been approved by the appropriate committee of a national securities exchange;

* * * * *

4. Paragraphs (h), (i), (j) and (k) are removed.

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

B. Section 221.3 of Regulation U is amended as follows:

1. Section 221.3(c) is revised to read as follows:

§ 221.3 Miscellaneous provisions.

* * * * *

(c) *Indirectly secured.* The term "indirectly secured" includes any arrangement with the customer under which the customer's right or ability to sell, pledge, or otherwise dispose of margin equity securities owned by the customer is in any way restricted as long as the credit remains outstanding or under which the exercise of such right is or may be cause for acceleration of the maturity of the credit.

The foregoing shall not apply:

(1) If, following application of the proceeds of the credit, not more than 25 percent of the fair market value of the assets subject to the arrangement are margin equity securities;

(2) To a lending arrangement that permits acceleration of maturity of the credit as a result of a specified event of default or the renegotiation of the terms of another credit to the same customer by another lender that is not an affiliate[1] of the bank; or

(3) If the margin equity securities are held by the bank only in the capacity of custodian, depositary, or trustee, or under similar circumstances, and the bank in good faith has not relied upon such margin equity securities as collateral in the extension or maintenance of the particular credit.

* * * * *

2. Existing paragraphs (r) and (t) are removed; existing paragraph (s) is redesignated as paragraph (r); and existing paragraphs (u) through (z) are redesignated as paragraphs (s) through (x).

§ 221.1 [Amended]

C. Section 221.1(a) is amended by removing all the words at the end of paragraph (a)(1) following the words "as described in § 221.3(s).". Section 221.2 is amended by removing the phrase "or in § 221.3(t)" (and the commas before and after the phrase) in the introductory sentence of the section after the words "the limitations prescribed therein."

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

D. Section 207.1 of Regulation G is amended as follows:

§ 207.1 General rule. [Amended]

1. Paragraph (c) is amended to remove all words at the end of the paragraph after the words "or as determined by the lender in good faith for any collateral other than margin securities:" and beginning with "*Provided,* That."

2. Paragraph (d) is removed in its entirety and paragraphs (e) and (f) are redesignated as (d) and (e) respectively.

3. Paragraph (g) is redesignated as paragraph (f) and revised to read as follows:

* * * * *

(f) *Combining purpose credit extended to the same customer.* For the purpose of this part, except for a credit subject to § 207.4(a)(2), the aggregate of all outstanding purpose credit extended to a customer by a lender shall be considered a single credit and all the collateral securing such a credit, whether directly or indirectly, in whole or in part, shall be considered in determining whether the credit complies with this part.

4. Existing paragraphs (h) and (i) are removed and paragraph (j) is redesignated as paragraph (g) and revised to read as follows:

* * * * *

(g) *Withdrawals and substitutions of collateral.* Except as permitted by § 207.4(a), a lender shall not at any time permit any withdrawal or substitution of collateral, if, after completion of the transaction, there would be any increase in the amount by which the credit exceeded the maximum loan value of the collateral.

* * * * *

5. New paragraphs (h) and (i) are added to read as follows:

* * * * *

(h) *Purpose and nonpurpose credit extended to the same customer.*

(1) The lender shall identify all the collateral used to meet the requirements of § 207.1(c) (the entire credit being considered a single credit and collateral being similarly considered) and shall not cancel the identification of any portion thereof except in circumstances that would permit the withdrawal of that portion. Such identification may be made by any reasonable method.

(2) For any credit extended to the same customer that is not subject to § 207.1(c) the lender shall in good faith require as much collateral not so identified as would be required (if any) if the lender held neither the indebtedness subject to § 207.1(c) nor the identified collateral.

(i) *Purpose credit secured by margin securities and other collateral.* A lender may extend credit for the purpose of purchasing or carrying margin securities secured by collateral other than margin securities, and, in the case of such credit, the maximum loan value of the collateral shall be as determined by the lender in good faith.

E. Section 207.2(i) is revised to read as follows:

§ 207.2 Definitions.

* * * * *

(i) *Indirectly secured.* The term "indirectly secured" includes any arrangement with the customer under which the customer's right or ability to sell, pledge, or otherwise dispose of margin equity securities owned by the customer is in any way restricted as long as the credit remains outstanding or under which the exercise of such right is or may be cause for acceleration of the maturity of the credit.

The foregoing shall not apply:

[1] For this purpose the term "affiliate" shall mean a bank holding company of which the bank is a subsidiary within the meaning of the Bank Holding Company Act of 1956, as amended, or any other subsidiary of such bank holding company, or any other corporation, business trust, association or other similar organization which is an affiliate as defined in section 2(b) of the Banking Act of 1933 (12 U.S.C. 221a).

(1) if, following application of the proceeds of the credit, not more than 25 percent of the fair market value of the assets subject to the arrangement are margin equity securities;

(2) to a lending arrangement that permits acceleration of maturity of the credit as a result of a specified event of default or the renegotiation of the terms of another credit to the same customer by another lender that is not an affiliate [3] of the lender; or

(3) if the margin equity securities are held by the lender only in the capacity of custodian, depositary, or trustee, or under similar circumstances, and the lender in good faith has not relied upon such margin equity securities as collateral in the extension of maintenance of the particular credit.

* * * * *

Initial Regulatory Flexibility Analysis

The Board of Governors of the Federal Reserve System is requesting comment on additional proposed changes to its margin regulations. These changes are the second part of a planned package of proposed amendments intended to simplify margin regulations, generally, and to reduce specific administrative and regulatory burdens imposed upon lenders by Regulation T (broker lending), Regulation U (bank lending), and Regulation G (lending by persons other than brokers or banks).

The simplification of margin regulations that is being proposed at this time will provide benefits in the form of overall clarity and consistency of treatment across margin lenders. For example, two basic changes have been proposed for Regulation T: one calling for consolidation and reorganization of the entire structure of margin accounts that the Board requires and the other recommending that the terminology employed in the Regulation be changed to correspond to existing recordkeeping practices of the brokerage industry. Also, the number of accounts is reduced from eleven to seven and, after these changes, all public customer transactions will be recorded in four new accounts and transactions between brokers and other market professionals—including credit extensions to market makers in over-the-counter margin stocks—will be recorded in three new accounts.

The two recommended changes in Regulations G and U are in the nature of clarifying or relaxing amendments. The proposed amendment that defines "indirectly secured" margin lending is expected to greatly reduce the need for corporate borrowers to seek and Board staff to issue opinions on the applicability of margin regulations to certain unsecured loan agreements. The other proposed changes to Regulations G and U involve relaxation of the Board's rules for consolidating credit by purpose and by type of security. These changes bring about parallel regulatory treatment between banks and G-lenders for purpose and nonpurpose borrowing by the same customer and, because the quantitative limitations for non-purpose loans would no longer apply, would allow G-lenders (for example, credit unions and insurance companies) to expand their nonpurpose lending activities. In addition, the proposed changes relax various collateral segregation rules to achieve comparability between provisions of Regulations G and U and the newly proposed consolidated account structure of Regulation T.

By order of the Board of Governors of the Federal Reserve System, July 8, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-20958 Filed 7-20-81; 8:45 am]

BILLING CODE 6210-01-M

[3] For this purpose the term "affiliate" shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with the lender.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

Federal Old-Age, Survivors and Disability Insurance Benefits; Benefits for Remarried Widowers and Surviving Divorced Husbands

AGENCY: Social Security Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Social Security Administration proposes to issue regulations which provide widower's benefits to a widower who remarried before age 60 if the marriage terminated before the time of application, and to surviving divorced husbands. These regulations reflect court decisions which prevent implementation of two gender-based distinctions in the Social Security Act. The court decisions are discussed in the Supplementary Information section of this preamble. We have determined that these regulations do not meet the criteria specified in Executive Order 12291 for major regulations.

DATE: Your comments will be considered if we receive them no later than September 21, 1981.

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

FOR FURTHER INFORMATION CONTACT: Lawrence Dudar, 4-H-10, West High-rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, 301-594-6629.

SUPPLEMENTARY INFORMATION:

Background

On September 10, 1980, the District Court for the Southern District of Texas held in *Mertz* v. *Harris*, a class action, that section 202(f)(1) of the Social Security Act unconstitutionally denies widower's benefits solely on the basis of gender to widowers who remarried before age 60. The Act, section 202(f)(1), provides that a man who remarried before age 60 may not qualify for widower's benefits. Section 202(e)(1) of the Act does not so restrict women but requires only that they not be married at the time they apply for widow's benefits.

On July 17, 1980, the U.S. District Court for the District of Oregon held in *Ambrose* v. *Califano*, a class action, that section 202(f)(1) of the Social Security Act unconstitutionally denies widower's benefits to surviving divorced husbands solely on the basis of gender. Section 202(e) of the Act provides widow's benefits for a surviving divorced wife of an individual who died fully insured; section 202(f) does not provide a comparable widower's benefit for a surviving divorced husband.

The Solicitor General determined that the constitutional issues raised by the *Mertz* and *Ambrose* decisions are substantially the same as issues previously decided by the Supreme Court involving other gender-based provisions. He, therefore, declined to appeal these cases to the Supreme Court and declined to defend further 3 other district court cases raising the same issues as the *Ambrose* case. Subsequently, the Attorney General, as the law requires him to do, advised the Congress of the decision not to appeal or further defend these cases. Since the decisions are final and there will be no further judicial proceedings on the specific issues raised in the cases, they are being implemented on a nationwide basis and are reflected in these proposed regulations.

Proposed Regulations

The proposed regulations concern the following new benefits:

(a) Widower's benefits for a remarried widower who is not married at the time

he applies for benefits, if he otherwise meets the conditions for entitlement to widower's benefits.

(b) Widower's benefits for a surviving divorced husband, if he otherwise meets the conditions for entitlement to widower's benefits.

Effective Date

The court order in *Mertz* directed us to stop denying widower's benefits to the plaintiff and the class he represents solely because they remarried after the insured individual died. The class certified by the court consists of persons who were not married at the time they applied for widower's benefits, who were denied by us solely because they had remarried after the death of the wife on whose earnings record they claimed benefits, and who received notices of the denial mailed to them on or after April 30, 1978. These persons who satisfy all the other conditions of entitlement will be awarded benefits based on the effective date of their previously denied application for widower's benefits. Other persons claiming widower's benefits who satisfy all the other conditions of entitlement will be awarded benefits based on the effective date of a current application.

The court order in *Ambrose* directed us to stop denying widower's benefits to the plaintiff and the class he represents solely because they are surviving divorced hushands rather than surviving divorced wives. The class certified by the court consists of persons who applied for widower's benefits, who were denied by us solely because they were suviving divorced husbands, and who received notices of the denial on or after November 24, 1978. These persons who satisfy all the other conditions of entitlement will be awarded benefits based on the effective date of their previously denied applications. Other persons claiming widower's benefits as surviving divorced husbands will be awarded benefits based on the effective date of a current application, assuming all other conditions of entitlement are met.

Notice of Proposed Rulemaking

When the Supreme Court declares a provision of the Social Security Act unconstitutional and requires the payment of benefits not expressly provided by Congress, we comply and issue interim regulations that apply to all claimants qualifying for benefits under the same circumstances as those covered by the Supreme Court's decision. We do, as we are legally obliged to do, what the Court requires, leaving to the judgement of the Congress any extension of the Supreme Court's decision to comparable circumstances.

However, when the Supreme Court decides an issue that relates to other claimants with almost identical interests, and the Government (the Executive Branch and the Congress) declines to appeal later lower court decisions that apply the Supreme Court decision to the latter claimants because the Supreme Court decision is considered to be binding, we believe the agency concerned has no practical alternative but to adopt a regulation giving the mandate in those decisions nationwide effect.

These proposed regulations involve one of those rare situations where we will pay benefits without express statutory authority on the basis of one or more district court decisions. Therefore, we are issuing a Notice of Proposed Rule Making to provide an opportunity for public comment and to give full notice of our reasons for proceeding in this manner.

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.

(Secs. 202, 216, and 1102 of the Social Security Act, as amended; 49 Stat. 623, as amended, 64 Stat. 510 as amended, 49 Stat. 647, as amended; (42 U.S.C. 402, 416, and 1302))

(Catalog of Federal Domestic Assistance Programs Nos. 13.802 Social Security—Disability; 13.803 Social Security—Retirement Insurance; 13.805 Social Security—Survivors' Insurance)

Dated: June 17, 1981.

John A. Svahn,

Commissioner of Social Security.

Approved: July 1, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.335 is amended by revising paragraph (e) to read as follows:

§ 404.335 Who is entitled to widow's or widower's benefits.

* * * * *

(e) You are unmarried unless you remarried after you became 60 years old.

2. Section 404.336 is amended by revising the section heading and the material preceding paragraph (a) and revising paragraphs (a), (b), and (c)(1) to read as follows:

§ 404.336 Who is entitled to widow's or widower's benefits as a surviving divorced spouse.

You may be entitled to widow's or widower's benefits as the surviving divorced wife or the surviving divorced husband of a person who was fully insured when he or she died. You are entitled to these benefits if—

(a) You are the insured's surviving, divorced wife or surviving divorced husband and—

* * * * *

(b) You apply, except that you need not apply again if—

(1) You are entitled to wife's or husband's benefits for the month before the month in which the insured dies and you are 65 years old or you are not entitled to old-age or disability benefits; or

(2) You are entitled to mother's or father's benefits for the month before the month in which you become 65 years old;

(c) * * *

(1) The disability started not later than 7 years after the insured died or 7 years after you were last entitled to mother's or father's benefits or to widow's or widower's benefits based upon a disability, whichever occurred last; and

* * * * *

3. The captioned heading above § 404.1577 is revised and § 404.1577 is amended by revising the section heading and the first sentence to read as follows:

Widows, Widowers, and Surviving Divorced Spouses

§ 404.1577 Disability defined for widows, widowers, and surviving divorced spouses.

To be entitled to a widow's or widower's benefit as a disabled widow, widower or surviving divorced spouse, the law provides that you must have a medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months.* * *

4. Section 404.1578 is amended by revising the section heading and paragraph (a) to read as follows:

§ 404.1578 How we determine disability for widows, widowers, and surviving divorced spouses.

(a) We will find that you are disabled and pay you widow's or widower's benefits as a widow, widower, or surviving divorced spouse if—

* * * * *

5. Section 404.1579 is amended by revising paragraph (a) to read as follows:

§ 404.1579 Why and when we will find that your disability ended.

(a) *If you are not disabled.* If you are entitled to widow's or widower's benefits as a disabled widow, widower, or surviving divorced spouse, we will find that your disability ended in the earlier of—

* * * * *

[FR Doc. 81-21262 Filed 7-20-81; 8:45 am]
BILLING CODE 4110-07-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

Procedural Regulations; 706 State and Local Agencies

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Equal Employment Opportunity Commission proposes to revise its procedural regulations by the addition of §§ 1601.75, 1601.76, 1601.77, 1601.78, 1601.79 and 1601.80 to 29 CFR Part 1601.These sections set forth procedures whereby the Commission and certain State and local fair employment practices agencies (706 agencies) are relieved of the present Commission individual, case-by-case review of cases processed by these agencies under contract with the Commission, as provided in section 709(b) of Title VII of the Civil Rights Act of 1964, as amended. These sections set forth the procedures by which the Commission may certify certain 706 State and local agencies which meet prescribed criteria. Such certification of a 706 State or local agency means that the Commission will accept the findings and resolutions in cases processed under contract with EEOC by those agencies, with certain exceptions, without conducting an individual, case-by-case review of those findings and resolutions. These procedures provide for maintenance of high quality processing of cases by certified agencies through regular and special audits. Certification of an agency is purely discretionary with the Commission and may be revoked by the Commission. Parties to cases processed by certified agencies have the right to request review by the Commission.

DATE: Comments on the proposed regulations must be submitted on or before September 21, 1981.

ADDRESS: Comments should be addressed to the Office of the Executive Secretariat, Room 4096, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Legal Counsel Division, Office of General Counsel, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506. (202) 634-6595.

SUPPLEMENTARY INFORMATION: The Equal Employment Opportunity Commission presently reviews on an individual, case-by-case basis the findings and resolutions of charges processed by designated 706 agencies under contract with the Commission, as provided in section 709(b) of Title VII, to insure that the 706 agencies comply with the Commission's Substantial Weight Review Procedures, EEOC Order 916. The Commission is proposing that, where the performance of certain designated 706 agencies has been substantially in conformance with the Commission's Substantial Weight Review Procedures in the past, the Commission may certify these agencies. Certification will be based on the assumption that agencies that have performed satisfactorily in the past will perform satisfactorily in the future. Thus for those agencies the Commission can dispense with the individual, case-by-case substantial weight review and accept the agency's findings and resolutions with three exceptions. First, the parties whose cases are to be processed by the certified 706 agencies have the right to request substantial weight review by the Commission of the final agency action. The parties are to be advised of this right by the Commission at the same time the Commision notifies them that the charge is to be processed by the designated 706 agency. Second, charges closed for lack of jurisdiction under the laws of the State or local agency processing the charge must be reviewed to ensure that lack of jurisdiction applies under Title VII as well. Third, all charges closed as a result of unsuccesssful conciliation must be reviewed to ascertain whether the cause finding meets EEOC's litigation worthy standard and whether additional processing is necessary.

The proposal insures continued high quality performance by 706 agencies receiving certification through regular, periodic audits or by audits or evaluations triggered by specified percentage rejections by the Commission of the 706 agencies' findings and resolutions. An agency will be audited at least once every three years. In addition an audit will be mandated whenever its rejection rate is 5% or more at the end of the year or 20% or more for two consecutive quarters as a result of substantial weight reviews requested by the parties or required in regard to charges closed as a result of unsuccessful conciliation or for lack of jurisdiction. Where the Commission rejects 20% or more of a designated 706 agency's findings during any quarter, the Commision shall initiate an inquiry and may conduct an on-site review.

Certification of a designated 706 agency is discretionary with the Commission and can be revoked by the commission as a result of an audit or evaluation or for any other reason if the Commission determines that the certification no longer serves the interest of effective enforcement of Title VII.

Section 1601.75 provides that designated 706 agencies may be certified based upon past performance and the Commission will accept the findings and resolutions of those agencies without performing an individual, case-by-case substantial weight review. This section sets forth the criteria which a 706 agency must meet prior to being certified: That the agency has been a designated 706 agency for four years; that the agency's work product has been evaluated within the past 12 months by the Operations Evaluations Division, Office of Field Services, and conforms with the Commission's Substantial Weight Review Procedures; and that 95% of the cases processed by the agency have been accepted by the Commission. Paragraph (b) of this section provides for the publication in the **Federal Register** of the names of those agencies which the Commission intends to certify and for a 60-day notice and comment period.

Section 1601.76 provides that the Commission must notify the parties whose cases are to be processed by a certified 706 agency that they have the right to request review by the Commission of the final agency action. The parties must request review within 15 days of the final agency action. The Commission will conduct the review in accord with the Substantial Weight Review Procedures currently in effect.

Section 1601.77 requires the Commission to review charges closed by the certified 706 agency for lack of jurisdiction or as a result of unsuccessful conciliation. Section 1601.78 provides for a periodic audit of each designated 706 agency certified by the Commission at least once every 3 years and for mandatory audits whenever 5% of an agency's findings

and resolutions and cases closed as a result of unsuccessful conciliation or for lack of jurisdiction are rejected by the Commission in one year or 20% are rejected in two consecutive quarters. When 20% of the agency's actions are rejected during one quarter, the Commission will initiate any inquiry and may conduct an audit. These provisions for audit and evaluation are to assure that the certified 706 agency continues to process cases consistent with the requirements of the Commission's Substantial Weight Review Procedures.

Section 1601.79 makes clear that certification of a designated 706 agency is discretionary with the Commission and that the Commission may revoke the certification for any reason which leads the Commission to believe that the certification no longer serves the interests of effective enforcement under Title VII. The section further provides for the publication of the revocation of certification by amendment to section 1601.80.

Section 1601.80 lists the designated 706 agencies that have been certified by the Commission.

Signed at Washington, D.C., this 26th day of May 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chairman, Equal Employment Opportunity Commission.

In 29 CFR Part 1601, §§ 1601.75, 1601.76, 1601.77, 1601.78, 1601.79 and 1601.80 are proposed to be added to read as follows:

§ 1601.75 Certification of designated 706 agencies.

(a) The Commission may certify designated 706 agencies based upon the past, satisfactory performance of those agenices. The effect of such certification is that the Commission shall accept the findings and resolutions of designated 706 agencies in regard to cases processed under contracts with those agencies, as provided in section 706(b) of Title VII, without individual, case-by-case substantial weight review by the Commission except as provided in §§ 1601.76 and 1601.77.

(b) Eligibility criteria for certification of a designated 706 agency are as follows:

(1) That the State or local agency has been a designated 706 agency for 4 years;

(2) That the State or local designated 706 agency's work product has been evaluated within the past 12 months by the Operations Evaluation Division, Office of Field Services, and found to be in conformance with the Commission's Substantial Weight Review Procedures (EEOC Order 916); and

(3) That the State or local designated 706 agency's findings and resolutions pursuant to its contract with the Commission, as provided in section 709(b) of Title VII, have been accepted by the Commission in at least 95% of the cases processed by the 706 agency in the past 12 months.

(c) Upon Commission approval of a designated 706 agency for certification, it shall notify the agency that it proposes to issue such certification. Such proposed certification shall be published in the **Federal Register** and shall provide any person or organization not less than 60 days in which to file written comments with the Commission. If after evaluating any comments so received, the Commission is still of the opinion that issuance of the proposed certification as published in the **Federal Register** is appropriate, it shall effect such certification by issuance and publication of an amendment to § 1601.80.

§ 1601.76 Right of party to request review.

The Commission shall notify the parties whose cases are to be processed by the designated, certified 706 agency of their right, if aggrieved by the agency's final action, to request review by the Commission within 15 days of that action. The Commission, on receipt of a request for review, shall conduct such review in accord with the procedures set forth in the Substantial Weight Review Procedures (EEOC Order 916).

§ 1601.77 Review by the Commission.

After a designated 706 agency has been certified, the Commission shall accept the findings and resolutions of that agency as final in regard to all cases processed under contract with the Commission, as provided in section 709(b) of Title VII, except that the Commission shall review charges closed by the certified 706 agency for lack of jurisdiction or as a result of unsuccessful conciliation.

§ 1601.78 Audit and evaluation of designated 706 agencies certified by the Commission.

To assure that designated 706 agencies certified by the Commission, as provided in § 1601.75, continue to maintain performance consistent with the Commission's Substantial Weight Review Procedures (EEOC Order 916), the Commission shall provide for the audit and evaluation of such agencies as follows:

(a) Each designated 706 agency certified by the Commission shall be audited at least once every 3 years; and

(b) Each designated 706 agency certified by the Commission shall be audited when, as a result of a substantial weight review requested as provided in § 1601.76 or required in regard to cases closed as a result of unsuccessful conciliation or for lack of jurisdiction as provided in § 1601.77, the Commission rejects 5% or more of a designated 706 agency's findings at the end of the year or 20% or more of its findings for two consecutive quarters. When the Commission rejects 20% or more of a designated 706 agency's findings during any quarter, the Commission shall initiate an inquiry and may conduct an audit.

(c) The Commission may, on its own motion, require an audit or evaluation at any time.

§ 1601.79 Revocation of Certification.

Certification of a designated 706 agency is discretionary with the Commission and the Commission may, upon its own motion, withdraw such certification as a result of audits conducted pursuant to section 1601.78 or for any reason which leads the Commission to believe that such certification no longer serves the interest of effective enforcement of Title VII. The revocation shall be effected by the issuance and publication of an amendment to section 1601.80.

§ 1601.80 Certified designated 706 agencies.

The designated 706 agencies receiving certification by the Commission are as follows:

* * * * *

[FR Doc. 81-21199 Filed 7-20-81; 8:45 am]
BILLING CODE 6570-06-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Part 250

Clarifying Regulation Concerning Appeals

AGENCY: Geological Survey, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The proposed amendment would make it clear that the present language of § 250.81 was not intended to apply to appeals before the Board of Land Appeals pursuant to 30 CFR 290.7 and 43 CFR 4.411.

Under 43 CFR 4.21, a decision is not effective while an appeal to the Interior

Board of Land Appeals is pending, except as otherwise provided elsewhere in the regulations. Regulation 30 CFR 250.81 provides that the filing of an appeal will not excuse compliance with the decision or order being appealed. However, 30 CFR 250.81 was not intended to apply to appeals before the Interior Board of Land Appeals. The proposed amendment would clarify the intent of § 250.81.

DATE: This regulation pertains to a matter of Agency practice and procedure; however, public comments are being solicited to afford the public an opportunity to participate in the rulemaking process. Comments on the proposed rule should be submitted on or before September 21, 1981.

ADDRESS: Responses should identify the subject matter and be directed to the Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 610, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

FOR FURTHER INFORMATION CONTACT: Eva R. Datz, telephone 703–860–7395, Legal Staff Assistant, Branch of Offshore Rules and Procedures, Conservation Division, U.S. Geological Survey, Reston, Virginia 22092.

SUPPLEMENTARY INFORMATION: Pursuant to Executive Order 12291, the Department of the Interior has determined that the proposed rule is not major and a Regulatory Impact Analysis is not required.

The Department has also determined that the proposed rule will not have a significant economic effect on a substantial number of small entities. The proposed rule would impose no new recordkeeping or reporting requirements.

It is hereby determined that publication of this rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is required.

The proposal to review 30 CFR Part 250 (including 250.81) was announced in the April 1981 Semiannual Agenda of Rules Scheduled for Review or Development (46 FR 24462).

PRINCIPAL AUTHOR: Eva R. Datz, Branch of Offshore Rules and Procedures, U.S. Geological Survey, Conservation Division, National Center, Mail Stop 640, Reston, Virginia 22092.

§ 250.81 [Amended]

Pursuant to the authority of 43 U.S.C. 1334 and 1335, it is proposed to amend § 250.81, Title 30 of the Code of Federal Regulations, by adding the words "with the Director" to the second sentence of that section. The second sentence would read:

"The filing of an appeal with the Director shall not suspend the requirement for compliance with an order or decision."

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

July 7, 1981.

[FR Doc. 81-21299 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-31-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 1878-7]

Approval and Promulgation of Implementation Plans; Massachusetts

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The purpose of this Notice is to announce that EPA is proposing approval of Massachusetts regulation 310 CMR 7.18(2)(b). The intended effect of this proposal would allow surface coaters of metal cans, large appliances, magnetic wire insulation, automobile, metal coil, miscellaneous metal parts and products, graphic arts—rotogravure and flexography, paper, fabric, and vinyl to "bubble" volatile organic compound (VOC) emissions. EPA is proposing to approve 310 CMR 7.18(2)(b) provided it is amended to include conditions stated in this Notice.

DATES: Comments must be received on or before August 20, 1981.

ADDRESSES: Copies of the Massachusetts submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460 and Department of Environmental Engineering, One Winter Street, Boston, Massachusetts 02110.

Comments should be submitted to Harley Laing, Region I, Environmental Protection Agency, Room 1903, JFK Federal Building, Boston, Massachusetts 02203.

FOR FURTHER INFORMATION CONTACT: John L. Hanisch, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223–5630.

SUPPLEMENTARY INFORMATION:

Description of the Massachusetts Bubble Regulation for Surface Coating Operations of Metal Cans, Large Appliances, Magnetic Wire Insulation, Automobile, Metal Coil, Miscellaneous Metal Parts and Products, Graphic Arts—Rotogravure and Flexography, Paper, Fabric, and Vinyl

EPA designated the entire state of Massachusetts as nonattainment for ozone in the March 3, 1978, Federal Register (43 FR 9002). Massachusetts was then required to submit an implementation plan for ozone to meet the requirements of Part D of the Clean Air Act. It submitted such a plan on December 31, 1978; May 16, September 19, November 13, 1979; and March 20, 1980. The plan includes regulations establishing requirements for reasonably available control technology (RACT) at existing stationary volatile organic compound (VOC) sources. These regulations, codified in 310 CMR 7.18(2)(b), specified particular control measures for certain designated source categories listed in 310 CMR 7.18 (4), (5), (6), (7), (10), (11), (12), (14), (15) and (16). Regulation 310 CMR 7.18(2)(b) provides for owners of VOC sources covered by subsections (4), (5), (6), (7), (10), (11), (12), (14), (15), (16) to propose a plan containing a mix of emission limits such that the total emissions from all source coating lines is less than or equal to the sum of emissions which results if each individual coating line is in compliance with the specified emission limitation. In EPA parlance, this procedure is called "bubbling". The Massachusetts bubble will apply to 310 CMR 7.18 (4), (5), (6), and (7) which have already been approved by EPA; and it will apply to 310 CMR 7.18 (10), (11), (12), (14), (15), and (16) once these regulations are finally submitted to and approved by EPA. [Regulations 310 CMR 7.18 (14), (15), and (16) are being proposed for approval in a separate rulemaking. Regulations 310 CMR 7.18 (10), (11) and (12) have not yet been submitted to EPA by the State.]

Presently, EPA must approve a bubble for an individual source as a SIP revision. The Massachusetts bubble regulation is a "generic" VOC bubble rule which would not require each individual bubble from surface coating sources mentioned above to be submitted to EPA for inclusion in the SIP. This will reduce the amount of time necessary for a source to eventually come into compliance with the emission limitations. This proposed bubble regulation would permit owners of the surface coating sources containing two

or more emission points to propose emission limits different from those specified in the SIP, so long as on a solids-applied basis the total allowable emissions for the plant remains the same or is reduced. Each emission point under the bubble would have a specified emission limitation. These emission points may be in different Control Technique Guideline (CTG) categories so long as the state has an EPA-approved regulation which defines RACT for the relevant emission points. (EPA has issued a series of documents, CTGs, which establish a "presumptive norm" for controlling nationally important industrial source categories.) Trades, without regards to CTG categories, are allowed if RACT emission levels are defined in an EPA-approved regulation, and if the new total of emission limits after the trade are equal to RACT. If the SIP provides for mechanical procedures to change SIP emission limits, those new limits must be a mathematical equivalent of the existing limits. EPA need not approve each application of those procedures if the mathematical equivalency means that the impact on the ambient air quality is equivalent. In approving these surface coating VOC bubble rules EPA is in essence approving in advance all bubbles adopted under those rules. In this way EPA is expressing confidence that Massachusetts emission limitations, developed under these rules, will not interfere with attainment and maintenance of the ozone standard and that EPA review of each application of these rules is therefore unnecessary.

In its bubble policy published December 11, 1979 (44 FR 71780) EPA provided that a bubble could be approved for individual sources as a SIP revision. In the **Federal Register** approving the New Jersey bubble rule (46 FR 20551), however, EPA revised its bubble policy to approve generic VOC bubble regulations, using the New Jersey bubble regulation as a standard. That Notice specified guidance for other states that wish to implement a similar generic bubble regulation. In today's proposed rulemaking EPA proposes to approve Massachusetts' bubble regulation, 310 CMR 7.18(2)(b), provided that it be made consistent with the policy set forth in the New Jersey rule and in the EPA bubble policy set forth on December 11, 1979 (44 FR 71780). This action would allow Massachusetts to approve alternative emission limits for the surface coating operations provided the alternative set of limits does not result in an increase in the total allowable emissions, without submitting each individual bubble as a SIP revision.

Since 310 CMR 7.18(2)(b) applies to state regulations which control some source categories which are not presently part of the federally approved SIP, EPA is proposing to approve 310 CMR 7.18(2)(b) now only as it applies to those source categories presently in the approved SIP with the additional categories to be added when they are finally approved by EPA and made part of the SIP. EPA will issue a Final Rulemaking Notice on these additional categories when they are finally approved.

Proposed Action

In light of the New Jersey bubble rule, EPA is proposing today to approve the Massachusetts bubble regulation 310 CMR 7.18(2)(b) as it applies to 310 CMR 7.18 (4), (5), (6), and (7) which have already been approved by EPA; to regulations 310 CMR 7.18(14), (15), and (16) which are being proposed for approval in a separate rulemaking, and will be eligible for bubbling when they are finally approved by EPA; and to regulations 310 CMR 7.18 (10), (11), and (12) which will be added when they are finally submitted to and approved by EPA, provided it is consistent with the bubble criteria set forth in the December 11, 1979 Notice (44 FR 71780) and provided the bubble regulation is amended to meet the following conditions prior to the Final Rulemaking Notice approving this regulation:

1. Massachusetts must provide adequate opportunity for public notice and comment on each alternative set of emission limitations developed under its bubble program and notify the public after each final approval.

2. Massachusetts must provide that this regulation does not apply to or supersede conditions that sources must meet under nonattainment or Prevention of Significant Deterioration (PSD) permit programs, including any Best Available Control Techniques (BACT) or Lowest Achievable Emissions Reduction (LAER) determinations; Federal New Source Performance Standards (NSPS); National Emission Standards of Hazardous Air Pollutants (NESHAPs), 40 CFR Part 61; or other conditions that the Act specifically requires for new or modified sources.

3. Massachusetts must provide that the pollutants under the alternate proposal must be comparable. That is, pollutants that pose significant health hazards cannot be traded against less harmful pollutants. In all cases, sources must meet applicable Section 112 regulations and be consistent with the December 11, 1979 EPA bubble policy.

4. Massachusetts must promptly transmit to EPA notice of an alternative set of emission limitations, assigned by the state, when they are adopted pursuant to the bubble regulation. These new emission limits set for each emission point must be approvable according to the test methods for VOC surface coaters as specified in 310 CMR 7.18 and those test methods must be federally enforceable.

5. Massachusetts must keep a record of each approved bubble under 310 CMR 7.18(2)(b) and a record of the emission limitations to which the source was originally subject.

6. Massachusetts must provide that the compliance schedules for new emission limitations developed with the bubble regulation proposed today shall be subject to compliance dates as set forth in 310 CMR 7.18(2)(a).

If the regulation is substantially changed, beyond including the conditions specified herein, EPA will re-evaluate those changes and publish a revised Notice of Proposed Rulemaking. If no substantive changes are made to 310 CMR 7.18(2)(b) other than those conditions specified herein, EPA will issue a Notice of Final Rulemaking on the regulation.

The final Rulemaking Notice approving Massachusetts regulation 310 CMR 7.18 will contain a statement such as found in the Final Rulemaking Notice approving the New Jersey bubble rule, 46 FR 20554, that emission limitations in a bubble developed under Massachusets Regulation 310 CMR 7.18(2)(b) are the applicable requirements in the SIP, enforceable by EPA and private citizens under Sections 113 and 304(a) of the Clean Air Act.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities, 46 FR 8709 (January 27, 1981). The attached rule, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This action imposes no new requirements, and provides for greater flexibility and the use of more cost-effective measures in meeting existing state requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulation Impact Analysis. This regulation is not Major because, if promulgated, it will only approve Massachusetts state actions enabling sources to meet the existing state requirements with more cost-effective control strategies, with greater flexibility, and adds no new

requirements. Further, this regulation should decrease the time between application and implementation of certain alternative, more cost-effective control strategies by eliminating the requirement that they be approved, individually, by EPA via the SIP revision process.

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

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of Sections 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act as amended, and EPA regulations in 40 CFR Part 51.

This revision is being proposed pursuant to Sections 110(a) and 301 of the Clean Air Act, as amended 42 U.S.C. 7401 and 7601.

Dated: June 16, 1981.

Leslie Carothers,

Acting Regional Administrator.

[FR Doc. 81-21114 Filed 7-20-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL-1879-3]

Georgia: Alternate Compliance Schedules for Volatile Organic Compound (VOC) Sources; Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: EPA proposes to approve State Implementation Plan (SIP) revisions that Georgia submitted on December 18, 1980, and May 7, 1981; these revisions consist of alternate compliance schedules for the St. Regis Paper Company, Printpack Incorporated and American Can Company in the Atlanta area. These compliance schedules are included as part of the plants' operating permits.

The issuance of the permits by the State represents implementation of Georgia's volatile organic compound (VOC) regulations which EPA approved on September 18, 1979 (44 FR 54047). The regulations are included as a part of Georgia's control strategy to attain the ozone standard in the metropolitan Atlanta area by December 31, 1982.

DATE: Comments must be received by August 20, 1981, to be considered.

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

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

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

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

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

SUPPLEMENTARY INFORMATION: The Georgia Environmental Protection Division submitted to EPA SIP revisions consisting of alternate compliance schedules for the St. Regis Paper Company, Printpack Incorporated and American Can Company in the Atlanta area. These compliance schedules are included as part of the plants' operating permits.

The issuance of the permits with compliance schedules is necessary in order for the State to implement its VOC regulations and ensure reasonable further progress toward attaining the National Ambient Air Quality Standard (NAAQS) for ozone, as stated in Georgia's 1979 nonattainment SIP submittal, and approved by EPA at 44 FR 54047, September 18, 1979.

On November 4, 1980, permits to operate with conditions of the alternate compliance schedules were issued to the following plants: St. Regis Paper Company, 840 Woodrow Avenue, S.W., Atlanta, Georgia.

The facility for lamination of plastic film shall have all process modifications completed and use low solvent content coatings by September 1, 1983. The facility must demonstrate full compliance with Rule 391-3-1-.02(2)(w) by November 1, 1983: Printpack Incorporated, 4335 Wendell Drive, Altanta, Georgia.

The facility for paper laminating and coating must use a greater percentage of low solvent content coating each year until October 1, 1985, when it must use 100% low solvent content coatings and be in compliance with Rule 391-3-1-.02(2)(w): American Can Company, 115 Lake Mirror Road, Forest Park, Georgia.

The alternate compliance schedule applies to three-piece can coating operations including sheet coating, litho varnishing, interior body spraying, striping and end sealing. Average annual VOC contents vary for each operation prior to demonstration of compliance by January 31, 1986. At that time they shall meet Rule 391-3-1-.02(2)(u)1. (i) through (iv) which is based on a daily weighted average.

EPA has reviewed these alternate compliance schedules and found they are acceptable.

ACTION: EPA is today proposing to approve the SIP revision and is soliciting public comment on the revision.

Pursuant to the provisions of 5 U.S.C. section 605(b) the Administrator has certified (46 FR 8709) that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements. In addition, this action only applies to three facilities and simply modifies compliance dates.

Under Executive Order 12291, EPA must judge whether a regulation is major and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it merely extends compliance dates for three VOC facilities.

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

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

Dated: June 30, 1981.

John A. Little,

Acting Regional Administrator.

[FR Doc. 81-21247 Filed 7-20-81; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 264

[SWH-FRL-1868-3]

Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period for reproposed rule and for supplemental notice of reproposed rulemaking.

SUMMARY: On February 5, 1981, EPA reproposed standards for permitting hazardous waste land disposal facilities.

On May 26, 1981, EPA published in the **Federal Register** a supplemental notice to the February 5 reproposal, setting forth more fully the various issues which EPA has considered in developing the standards. The purpose of the supplemental information is to enable the public to better comment on the February 5 reproposal as well as other regulatory options. Today's notice extends the comment period on the February 5 reproposal and on the May 26 notice to October 4, 1981. Both comment periods were originally due to end on August 4, 1981.

DATE: Comments on 46 FR 11126–11177, February 5, 1981 (reproposal of proposed rule and proposed amendments to rule) and on 46 FR 28314–28328, May 26, 1981 (supplemental notice of reproposed rulemaking) must be received on or before October 4, 1981.

ADDRESS: Comments should be addressed to Deborah Villari, Docket Clerk, Office of Solid Waste (WH–562), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 755–9173.

Comments on the reproposed rule or the supplemental notice should identify the regulatory docket as follows: "Section 3004: Permitting Standards for Land Disposal Facilities."

The public docket for this rulemaking is available at Room 2711B, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460 and is available for reviewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: For further information on today's notice, contact Kenneth Shuster, Office of Solid Waste (WH–564), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 755–9125.

SUPPLEMENTARY INFORMATION: Under Section 3004 of the Resource Conservation and Recovery Act of 1976, as amended, EPA is required to establish standards applicable to owners and operators of hazardous waste treatment, storage, and disposal facilities, as may be necessary to protect human health and the environment. On December 18, 1978 (43 FR 58982), EPA proposed technical standards for permitting hazardous waste disposal facilities based on specific design standards. On October 8, 1980 (45 FR 66816), EPA published a supplemental notice of proposed rulemaking briefly outlining options the Agency was considering, and announcing the tentative selection of a risk assessment approach. On February 5, 1981 (46 FR 11126), EPA reproposed the technical standards for land disposal facilities using a site-specific risk assessment approach. On May 26, 1981 (46 FR 28314), EPA published a supplemental notice of reproposed rulemaking in order to set forth more fully the regulations, as well as numerous complex policy and technical issues underlying the selection of any approach.

Because of the scope, complexity, and inter-relationship of the issues raised in the February 5 reproposed rule and the May 26 supplemental notice, and the desire of the Agency to fully explore the benefits and costs of each option (in accordance with Executive Order 12291) and the effects of regulation on small businesses (as required by the Regulatory Flexibility Act), today's notice extends the close of the public comment period on both the February 5 reproposal and the May 26 supplemental notice by 60 days, from August 4 to October 4, 1981. This extension will allow commenters an opportunity to review the background documents to the February 5 reproposal before finalizing their responses. The availability of the background documents will be announced in a separate **Federal Register** notice in the near future. The extension will also provide the public more time to evaluate and respond to the questions raised in the supplemental notice. The extension also responds to requests to extend the comment period for the above reasons.

Dated: July 14, 1981.

Christopher J. Capper,

Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 81–21327 Filed 7–20–81; 8:45 am]

BILLING CODE 6560–30–M

DEPARTMENT OF LABOR

Office of Federal Contract Compliance Programs

41 CFR Ch 60

Government Contractors; Affirmative Action

Correction

In FR Doc. 81–20614, appearing at page 36213, in the issue for Tuesday, July 14, 1981 make the following correction:

On page 36214, in the second column, first paragraph, line 9, the word "not" should be corrected to read "now".

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 426

Acreage Limitation; Reclamation Rules and Regulations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Resumption of comment period on proposed rules.

SUMMARY: This Notice resumes the comment period on the proposed rules and regulations for acreage limitation the Department of the Interior published in the **Federal Register** on January 14, 1981 (46 FR 3350–3357) until December 31, 1981. The comment period on the proposed rules and regulations, which originally was to have closed on March 16, 1981, was suspended indefinitely on February 19, 1981 (46 FR 12991) to allow adequate time for the Department to study and review thoroughly the issues involved. The comment period is being resumed to comply with a United States District Court order directing that rules and regulations dealing with acreage limitation be prepared. Comments received during the extended period will be considered in preparing revisions to the proposed rules that the Department determines appropriate. The schedule for any public hearings on the proposed rules that may be held will be published in a future edition of the **Federal Register**. A Notice resuming the comment period on the draft environmental impact statement on the proposed rules and regulations for acreage limitation is published separately in this issue of the **Federal Register**. While the original comment period was in effect, from January 14 to February 19, 1981, a number of comments on the proposed rules and draft environmental impact statement were submitted. These comments have been retained and will be considered in preparing the final environmental impact statement and rules. Comments received after the comment period was closed on February 19 were returned and must be resubmitted in order to be considered.

DATE: Comment period closes December 31, 1981.

ADDRESS: Comments on the proposed rules should be submitted to: Phillip T. Doe, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, D–700, Denver, Colorado 80225. Comments reviewers wish to submit on the draft environmental impact statement on acreage limitation may be incorporated

with proposed rules and regulations comments.

FOR FURTHER INFORMATION CONTACT: Vernon S. Cooper, Senior Staff Assistant for Special Projects, Operation and Maintenance Policy Staff, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240 (202) 343–2148.

Dated: July 15, 1981.

Garrey E. Carruthers,

Assistant Secretary, Land and Water Resources.

[FR Doc. 81-21156 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-09-M

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43 CFR Part 426

[Int-DES 81-1]

Acreage Limitation; Resumption of Comment Period on Draft Environmental Impact Statement

AGENCY: Bureau of Reclamation, Interior.

ACTION: Resumption of comment period on draft environmental impact statement.

SUMMARY: This Notice resumes the comment period on the draft environmental impact statement on the proposed rules and regulations for administering the acreage limitation provisions of reclamation law for which the Department of the Interior published a Notice of Availability in the **Federal Register** on January 14, 1981 (46 FR 3358). The comment period on the draft environmental impact statement, which originally was to have closed on March 16, 1981, was suspended indefinitely on February 19, 1981 (46 FR 12992) to allow adequate time for the Department to study and thoroughly review the issues involved. The comment period is being resumed to comply with a United States District Court order halting further action on proposed rules and regulations for acreage limitation until an environmental impact statement on the proposed rules has been published. Comments received during the extended comment period will be addressed in the final environmental impact statement. The schedule for any public hearings that may be held on the draft environmental impact statement will be published in a future edition of the **Federal Register**. While the original comment period was in effect, from January 14 to February 19, 1981, a number of comments on the proposed rules and draft environmental impact statement were submitted. These comments have been retained and will be considered in preparing the final environmental impact statement and rules. Comments received after the comment period was closed on February 19 were returned and must be resubmitted in order to be considered.

DATE: Comment period closes December 31, 1981.

ADDRESS: Comments on the draft environmental impact statement should be submitted to Phillip T. Doe, Bureau of Reclamation, Engineering and Research Center, P.O. Box 25007, D–700, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Vernon S. Cooper, Senior Staff Assistant for Special Projects, Operation and Maintenance Policy Staff, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, (202) 343–2148.

SUPPLEMENTARY INFORMATION: Copies of the draft environmental impact statement are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Washington, DC 20240, Telephone: (202) 343–4991

Division of Management Support, General Services, Library Section, Code 950, Engineering and Research Center, P.O. Box 25007, Denver Federal Center, Denver, CO 80225, Telephone: (303) 234–3019

Regional Director, Pacific Northwest Region, Bureau of Reclamation, 550 West Fort Street, P.O. Box 043, Boise, ID 83724, Telephone: (208) 384–1208

Regional Director, Mid-Pacific Region, Bureau of Reclamation, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825, Telephone: (415) 916–4680

Regional Director, Lower Colorado Region, Bureau of Reclamation, Nevada Highway and Park Street, P.O. Box 427, Boulder City, NV 89005, Telephone: (703) 293–7652

Regional Director, Upper Colorado Region, Bureau of Reclamation, 125 South State Street, P.O. Box 11568, Salt Lake City, UT 84147, Telephone: (801) 234–5457

Regional Director, Southwest Region, Bureau of Reclamation, 714 South Tyler, Amarillo, TX 79101, Telephone: (806) 378–5400

Regional Director, Upper Missouri Region, Bureau of Reclamation, 316 North 26th Street, P.O. Box 2553, Billings, MT 59103, Telephone: (406) 657–6412

Regional Director, Lower Missouri Region, Bureau of Reclamation, Building 20, Denver, Federal Center, P.O. 25247, Lakewood, CO 80225, Telephone: (303) 234–3327

Copies will also be available for inspection at other Federal offices and public and university libraries within each region. Their location may be obtained by contacting the appropriate regional office.

Individual copies of the statement may be obtained on request to any of the offices shown above.

Dated: July 15, 1981.

Garrey E. Carruthers,

Assistant Secretary, Land and Water Resources.

[FR Doc. 81-21194 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-09-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–6052]

Connecticut; National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Killingworth, Middlesex County, Connecticut, previously published at 46 FR 27140 on May 18, 1981.

EFFECTIVE DATE: July 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Killingworth, Middlesex County, Connecticut, previously published at 46 FR 27140 on May 18, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not

have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

Due to a clerical error, a location under the Source of Flooding of Hammonasset River was listed as "4,450' downstream of State Route 80"; it should be amended to read "approximately 3,900' downstream of State Route 80". The corresponding elevation was correct as published.

(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 Federal Insurance Administrator).

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21206 Filed 7-20-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6027]

New Jersey; National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Holmdel, Monmouth County, New Jersey, previously published at 46 FR 21031 on April 8, 1981.

EFFECTIVE DATE: July 21, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Holmdel, Monmouth County, New Jersey, previously published at 46 FR 21031 on April 8, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

In order for the following location to be correctly identified with the corresponding Flood Insurance Study (profile) and Flood Insurance Rate Map for the Source of Flooding Hop Brook in the Township of Holmdel, Monmouth County, New Jersey, the elevation for the location "Downstream of Roberts Road" should be amended to read 102 feet. Additionally, the corresponding elevations for the following locations under the Source of Flooding Waackaack Creek should be amended to read as follows:

Downstream Corporate Limits	*10
1,500' downstream of upstream Corporate Limits	*18

(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 Federal Insurance Administrator)

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21206 Filed 7-20-81; 8:45 am]

BILLING CODE 6718-03-M

(44 CFR Part 67)

[Docket No. FEMA 6033]

New Jersey; National Flood Insurance Program Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Mullica, Atlantic County, New Jersey, previously published at 46 FR 22620 on April 20, 1981.

EFFECTIVE DATE: July 21, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Mullica, Atlantic County, New Jersey, previously published at 46 FR 22620 on April 20, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirements; of itself it has no economic impact.

In order to better describe the tidal flooding affecting the Township of Mullica, Atlantic County, New Jersey, the sample of Proposed Base Flood Elevations published in the *Egg Harbor News* on April 9, 1981, and April 16, 1981, and in the **Federal Register** at 46 FR 22620 on April 20, 1981, may be amended as follows so as to more accurately reflect the FIS (profiles) and Flood Insurance Rate Map which were correct as distributed.

Mullica River	Downstream State Route 542	*11
Great Bay	Mullica River shoreline from downstream Corporate Limits to approximately 3,050 feet downstream of State Route 542 (tidal flooding).	*9

(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 Federal Insurance Administrator)

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21207 Filed 7-20-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6027]

Pennsylvania; National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Collier, Allegheny County, Pennsylvania, previously published at 46 FR 21033 on April 8, 1981.

EFFECTIVE DATE: July 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program, (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Collier, Allegheny County, Pennsylvania, previously published at 46 FR 21033 on April 8, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

In order to more correctly correspond with the Flood Insurance Rate Map and Flood Insurance Study (profiles) for the Township of Collier, Allegheny County, Pennsylvania, the Proposed Flood Elevation Determinations published at 46 FR 21033 on April 8, 1981 should incorporate the Source of Flooding Chartiers Creek Division Channel to read as follows:

Chartiers Creek Diversion Channel	Outlet to Chartiers Creek Steen Road (upstream side) Low Flow Diversion Weir	*792 *813 *815

(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 Federal Insurance Administrator)

Issued: July 6, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21209 Filed 7-20-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6033]

Pennsylvania; National Flood Insurance Program; Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of South Abington, Lackawanna County, Pennsylvania, previously published at 46 FR 22622 on April 20, 1981.

EFFECTIVE DATE: July 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of South Abington, Lackawanna County, Pennsylvania, previously published at 46 FR 22622 on April 20, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

Due to a clerical error, the location description listed as "approximately 13' downstream of Pennsylvania Turnpike (northeast extension)", under the Source of Flooding of Lackawanna Trail Tributary, should be amended to read "approximately 1,300' downstream of Pennsylvania Turnpike (northeast extension)". The corresponding elevation, Flood Insurance Study (profile) and Rate Map are correct as published.

(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 Federal Insurance Administrator)

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21206 Filed 7-20-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6027]

Rhode Island National Flood Insurance Program; Proposed Flood Elevation Determination; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Exeter, Washington County, Rhode Island, previously published at 46 FR 21037 on April 8, 1981.

EFFECTIVE DATE: July 21, 1981. publication.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Federal Emergency Management Agency, Federal Insurance Administration, National Flood Insurance Program (202) 755–5585, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Town of Exeter, Washington County, Rhode Island, previously published at 46 FR 21037 on April 8, 1981, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a).

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

In order for the following locations to be more carefully identified with corresponding Flood Insurance Study (profile) and Flood Insurance Rate Map for the Source of Flooding for Queens Fort Brook and Chipuxet River in the Town of Exeter, Washington, County, Rhode Island, the following descriptions should be amended to read as follows. The elevations were correct as cited.

Queens Fort Brook	Approximately 2,460' downstream of Ladd School Drive No. 2 (Dawley Road).	*140
	Upstream of Ladd School Drive No. 2 (Dawley Road).	*150
	Approximately 620' upstream of Sioumville Road.	*159
Chipuxet River	Approximately 1,470' upstream of Yawgoo Valley Road.	*112

(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 Federal Insurance Administrator)

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Administration.

[FR Doc. 81-21210 Filed 7-20-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FI-3166]

Wisconsin National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of River Falls, Pierce and St. Croix Counties, Wisconsin.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in the *River Falls Journal* on May 29, 1980 and June 5, 1980, and at 45 FR 84797 on December 23, 1980, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: See table below:

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 755–5585, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the City of River Falls, Pierce and St. Croix Counties, Wisconsin, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4(a)).

These base (100-year) flood elevations are the 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 modified elevations will also 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 their contents.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the (proposed) flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will goven future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accordance with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

Proposed Based (100-year) Flood Elevations

State	City/town/county	Source of Flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(C) River Falls Pierce and St. Croix Counties	Kinnickinnic River	At the downstream corporate limits	*814
			Just downstream of dam near Park Street	*815
			Just upstream of dam near Park Street	*832
			Approximately 320 feet downstream of dam located downstream of Falls Street.	*833
			Just upstream of dam located downstream of Falls Street.	*875
			Approximately 200 feet upstream of Maple Street	*877
			At upstream corporate limits	*864
		South Fork Kinnickinnic River	At the confluence with Knnickinnic River	*837
			Approximately 120 feet upstream of South Main Street	*879
			Approximately 350 feet upstream of Sixth Street	*885
			Just downstream of Wasson Lane (upstream corporate limits).	*894
		Unnamed Tributary No. 1	At confluence with South Fork Kinickinnic River	*884
			Just upstream of Cascade Avenue	*899
			Just downstream of Spring Street	*900
			About 150 feet upstream of Hazel Street	*904
			Just downstream of Division Street	*911

Maps available for inspection at the City Hall, 123 Elm Street, River Falls, Wisconsin.

Send comments to Honorable J. Lawson, Mayor, City of River Falls, City Hall, 123 Elm Street, River Falls, Wisconsin 54022.

(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 Federal Insurance Insurance Administratior).

Issued: July 2, 1981.

Donald L. Collins,

Acting Administrator, Federal Insurance Adminstration.

[FR Doc. 81-21204 Filed 7-20-81; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Foreign Fishing Fees

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

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The American Fisheries Promotion Act of 1980 establishes a formula for calculating the sum of the fees to be collected from owners or operators of foreign vessels which conduct fishing operations in the fishery conservation zone off the United States. This notice announces the sum to be collected in 1982 and explains how the sum was calculated. This notice also contains three alternative methods of apportioning the sum among foreign countries. The notice is intended to provide an opportunity for comments and to aid the collection of economic data necessary for NOAA to evaluate the alterntive methods.

DATES: A public hearing will begin at 10:00 a.m. on August 5, 1981. Written comments may be submitted until August 20, 1981.

ADDRESSES: The public hearing will be held in Room B–100, Page Building I, 2100 Wisconsin Avenue NW., Washington, D.C. Written comments may be addressed to the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Denton R. Moore or Alfred J. Bilik, (202) 634–7432.

SUPPLEMENTARY INFORMATION: This advance notice is published to solicit information from all interested parties on the anticipated impact of alternative fee collection systems and to assist the National Marine Fisheries Service (NMFS) to develop an equitable system.

The foreign fishing fee issue is both important and sensitive. We hope that this notice will elicit helpful comments not only from the foreign fishermen who must pay the fees, but also from the public at large, particularly from the domestic fishing community.

Executive Order 12291

The first issue to consider is whether this regulation should be classified as a "major rule" within the meaning of Executive Order 12291.

E.O. 12291 lists three criteria to define a "major rule." These are:

(1) An annual impact on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under these criteria, NMFS believes that this fee schedule would not be a "major rule." However, because the fee schedule is significant, NMFS solicits comments on this determination.

The Sum of the Fees To Be Collected

The fees are intended to reimburse the United States for a portion of the costs associated with the conservation and management of fishery resources in the fishery conservation zone (FCZ). Those costs are related to the presence of foreign fishermen in the FCZ, and not to the removal of fish from the water.

The Magnuson Fishery Conservation and Management Act (Magnuson Act), as amended by the American Fisheries Promotion Act (AFPA) of 1980, Pub. L.

96-561, specifies a formula for determining the total amount of foreign fishing fees which must be collected. NMFS believes this total cost should include all funded activities which are reasonably necessary for the agency to fulfill its statutory responsibilities under the Act.

The Magnuson Act requires that the ratio of the foreign harvest in the FCZ to the U.S. harvest in the territorial waters and the FCZ be used to determine the share of total Federal costs which must be paid by foreign fishermen.

Based on a careful assessment of the total harvest in the FCZ and territorial waters, NMFS determined that foreign fishermen harvested about 45 percent of the total catch. That ratio is expected to be about the same in 1981. NMFS assumes, therefore, that the sum of money to be collected in 1982 will be approximately $58 million (45 percent of $128 million).

In addition to these fees, there will be a surcharge for the Fishing Vessel and Gear Damage Compensation Fund, as well as an additional sum of money to defray the observer costs. Those cost are prescribed by other section of the Magnuson Act and the Fishermen's Protective Act of 1967 and are beyond the scope of this notice.

A summary of these relative costs, together with other Federal costs and fees, is shown below:

Agency	
NMFS	$54,000,000
NOAA	$3,610,000
State	$250,000
Coast Guard	$71,000,000
Costs (total)	$128,860,000
Percentage apportioned for payment by foreign fishermen	×0.45
	$57,987,000
Other Fees	
Surcharge for fishing vessel and gear damage compensation fund	$5,000,000
Estimated observer fees	$14,000,000
Total cost and fees	$76,987,000

Apportioning the Sum Among Foreign Countries

Seven criteria have been developed to measure alternative fee collection proposals. NMFS believes any foreign fee system should:

(1) Be consistent with the Magnuson Act and other applicable law;

(2) Minimize incentive for underreporting by foreign vessel captains;

(3) Be easy to administer and be self-enforcing, if possible;

(4) Take appropriate account of traditional fishing practices and methods;

(5) Be flexible;

(6) Be reasonable; and

(7) Support long-range management objectives.

Reviewers are encouraged to comment on these criteria, including possible additions and deletions.

The Magnuson Act does not prescribe any particular method for collecting the fees from foreign fishermen. NMFS proposes three alternative systems for public comment:

Option 1. *Continue the present system* of basing fees on the tonnage of each species caught, with the fee varying by species. This system has the advantage of being familiar, flexible, and allowing a selective fishery. It has the disadvantage of rewarding underreporting and encouraging debates about the "value" of different species of fish. It might also be construed as a tax rather than a fee. Below is our estimate of what the value for each species would be in 1982, and the total amount we think may be collected based on a preliminary TALFF estimation.

Species	Fee (metric ton)	Total
Pollock (Alaska)	$36	$36,288,000
Flounders (Alaska)	40	5,800,000
Whiting (Pacific)	25	1,400,000
Cod (Pacific)	75	4,950,000
Other groundfish (Alaska)	25	1,400,000
Hake, silver	25	100,000
Atka mackerel	25	1,000,000
Other finfish (Atlantic)	63	126,000
Squid, *Loligo*	125	2,125,000
Pacific ocean perch	100	1,900,000
Squid, *Illex*	35	385,000
Rockfish	50	400,000
Squid (Pacific)	25	225,000
Sablefish (Alaska)	166	1,328,000
Hake, red	25	7,500,000
Butterfish	160	40,000
Jack mackarel	25	32,000
Snails	48	3,000
Seamount groundfish	35	28,000
Other fish (WOC)	55	4,000
River herring	25	1,000
Sablefish (WOC)	188	14,000
Flounders (WOC)	138	300
Total		57,556,000

NOTE.—This list of species is not inclusive, but does include all species for which applications are expected.

Option 2. *Charge a flat percentage fee to the reviewing country based on the national allocation.*

The total allowable level of foreign fishing (TALFF) for 1982 will be approximately 1,800,000 metric tons. The cost could be apportioned simply by dividing that sum by the TALFF and multiplying that quotient by the tonnage in the allocation. There would not be any species price discrimination. Although this system would be the easiest alternative to administer, there would be difficulties. The Magnuson Act specifies that the fees shall be paid by the owner or operator of the foreign fishing vessels. This has not been the general practice except by the socialist countries. In virtually all other cases, governmental or quasi-governmental organizations have acted as agents for the "owners or operators." This system would require a degree of cooperation that some countries probably could not provide. It has other short-comings as well. All species of fish are valued differently in the market place. This system could result in an intense competition for the more valued species and possible indifference toward the less valued species. NMFS is concerned that this approach might result in significant underutilization of some lower value species which could have long-range adverse biological management implications. Underreporting would continue to be a vexing problem.

Option 3. *Base fees on number of days foreign vessels spend in FCZ.*

This system has numerous advantages and is the option preferred by NOAA. It is logical, because many costs of administering the Magnuson Act are incurred only when the foreign fishing vessels are in the FCZ. This system would be easy to administer and would encourage more efficient operations by the foreigners. One big advantage from the standpoint of the United States is that it will, with refinement and experience, match effort with resource availability. It has the disadvantage of discouraging foreign fishing vessels from taking the time to move away from areas of high by catches or prohibited species, but the presence of observers should remedy this shortcoming.

In this system, each vessel could be assessed a fee based on variables such as size, gear, fishery and the number of days spent in the FCZ. However, the foreign fisheries would continue to be managed on the basis of allocation and catch. Only the fees would be related to days in the FCZ.

Each vessel would be assigned to a vessel class based on gross registered tonnage. The vessel classes would be similar to the Northwest Atlantic Fisheries Organization (NAFO) classes: Class 2=0-49.9 GRT, class 3=50-149.9 GRT, class 4-150-499.9 GRT, class 5=500.-999.9 GRT, class 6=1,000-1999.9 GRT, class 7=2,000-2,999.9 GRT, class 8=3,000-3,999.9 class 9, 4,000 and over.

An average daily catch rate will be calculated for each vessel class in each of three major foreign fisheries (e.g., Alaska groundfish, Pacific whiting, and Atlantic squid). From this, NMFS will derive a standard effort unit (SEU) for each class in each fishery. For example:

Class	Catch per day (metric tons)	Standard effort unit
2	2.5	1
3	7.0	3
4	10.0	4
5	15.00	6
6	25.00	10
7	40.00	16
8	50	20
9	80	32

The fee charged will be based on the SEU. For example, NMFS may establish a fee of $288 per SEU. Thus, a vessel in class 2 would pay ($288/SEU×(1 SEU/day) or $288/day. A vessel in class 4 would pay ($288/SEU×(4 SEU/day) or $1,152/day.

Commenters are encouraged to submit further refinements of this option, as well as alternate ways of apportioning the costs among foreign vessel owners and operators.

Information Specifically Desired

NMFS specifically seeks advice on the following points:

(1) Given that NMFS must collect about $58 million (plus surcharge and observer fees) in 1982, what will be the likely effect on foreign fishing strategies in the FCZ?

(2) If one or more prices under Option 1 seem excessive, what alternative prices would be more reasonable, keeping in mind that if one price is reduced another must be increased to offset the reduction?

(3) Are the effects of these higher fees likely to be "major" within the meaning of Executive Order 12291?

(4) What impact are these fees likely to have on world-wide and domestic fish prices (especially blocks)?

(5) Will supplies to the United States be affected?

(6) What other impacts might reasonably be expected?

(16 U.S.C. 1801 *et seq.*)

Dated: July 16, 1981.

William H. Stevenson,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-21311 Filed 7-17-81; 10:14 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 139
Tuesday, July 21, 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

Packers and Stockyards Administration

Hi-Country Cattle Co., Ignacio, Colorado, et al.; Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. *et seq.*), it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302, on the respective dates specified below.

Facility No., name, and location of stockyards	Date of posting
CO-150 Hi-County Cattle Company, Ignacio, Colorado.	May 8, 1981.
GA-190 Triple T Livestock Co., Dalton, Ga.	March 24, 1981.
NY-161 Bullville Auction, Bullville, N.Y.	June 8, 1981.
NY-162 Englan Select Sales, Inc., Madison, N.Y.	June 30, 1981.
MO-253 Charleston Auction Company, Charleston, Mo.	June 27, 1981.

Done at Washington, D.C., this 15th day of July, 1981.

Jack W. Brinckmeyer,

Chief, Rates and Registrations Branch, Livestock Marketing Division.

[FR Doc. 81-21192 Filed 7-20-81; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

Copper Valley Electric Association, Inc.; Glennallen, Alaska; Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider (a) providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $836,000 to Copper Valley Electric Association, Inc., of Glennallen, Alaska, and (b) supplementing such a loan with an insured REA loan at 5 percent interest in the approximate amount of $5,726,000 to this cooperative. These loan funds will be used for the financing of cost overruns on a project consisting of a 12,500 kW hydro generating unit, substation, and 106 miles of 138 kV and 4 miles of 24.9 kV transmission line.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed construction, including the engineering and economic feasibility studies and the proposed schedule of advances to the borrower of the guaranteed loan funds from Mr. James F. Palin, Manager, Copper Valley Electric Association, Inc., Box 45, Glennallen, Alaska 99588.

In order to be considered, proposals must be submitted (within 30 days from the date of the **Federal Register** publication of this notice) to Mr. Palin. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received as Copper Valley Electric Association, Inc. and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

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

Dated at Washington, D.C., this 15th day of July, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-21303 Filed 7-20-81; 8:45 am]

BILLING CODE 3410-15-M

CIVIL AERONAUTICS BOARD

Fitness Determination of Pinehurst Airlines, Inc.

AGENCY: Civil Aeronautics Board

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-7-94, Order to Show Cause

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

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than August 4, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-7-94.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce A Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-94 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW, Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-7-94 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 16, 1981

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-21260 Filed 7-20-81; 8:45 am]

BILLING CODE 6320-01-M

Fitness Determination of Comair, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 81-7-95, Order to Show Cause.

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

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than August 4, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-7-95.

FOR FURTHER INFORMATION CONTACT: Ms. Joyce Snovitch, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5074.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-95 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-7-95 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 16, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-21201 Filed 7-20-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-7-71]

Fischer Bros. Aviation, Inc., d.b.a. Galion Commuter Service; Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—Order 81-7-71, order to show cause.

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

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 31, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

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

FOR FURTHER INFORMATION CONTACT: John F. Brennan, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-6064.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-71 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-7-71 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 14, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 21189 Filed 7-20-81; 8:45 am]

BILLING CODE 6320-01-M

[Dockets 30499 and 30696]

Mrs. William Thomas Fuller v. American Airlines, Inc. and Nancy W. Lawrence v. American Airlines, Inc. (Part 252 Enforcement Proceedings); Reassignment of Proceedings

The above captioned proceedings have been reassigned to the undersigned.

Dated At Washington, D.C., July 14, 1981.

Joseph J. Saunders,

Chief Administrative Law Judge.

[FR Doc. 81-21190 Filed 7-20-81; 8:45 am]

BILLING CODE 6320-01-M

[Order 81-7-72]

Southern International Airways, Inc.; Fitness Determination

AGENCY: Civil Aeronautics Board.

ACTION: Notice of commuter air carrier fitness determination—Order 81-7-72, order to show cause.

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

DATES: Responses: All interested persons wishing to respond to the Board's tentative fitness determination shall serve their responses on all persons listed below no later than July 31, 1981, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with Special Authorities Division, Room 915, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Attachment A of Order 81-7-72.

FOR FURTHER INFORMATION CONTACT: Mr. J. Kevin Kennedy, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5918.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-7-72 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-7-72 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: July 14, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-21188 Filed 7-20-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Columbia University in the City of New York; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5 P.M. in Room

2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00025. Applicant: Columbia University in the City of New York, Department of Chemistry, 119th Street and Broadway, New York, NY 10027. Article: High Pressure Cell. Manufactured: Union Giken, Ltd., Japan. Intended use of article: See Notice on page 11694 in the **Federal Register** of February 10, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a (1) circulated thermostated water for precise temperature control as well as variability and (2) a seven centimeter light path. The National Bureau of Standards advises in its memorandum dated May 29, 1981 that (1) the capabilities of the foreign article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-21230 Filed 7-20-81; 8:45 am]

BILLING CODE 3510-25-M

Cornell University; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81-00093. Applicant: Cornell University, Department of Chemistry, Baker laboratory, Ithaca, New York 14853. Article: Ion Microanalyzer, Model IMS-3F. Manufacturer: Cameca Instruments, France. Intended use of article: See Notice on page 18571 in the **Federal Register** of March 25, 1981.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides mass resolving power up to 10,000. The National Bureau of Standards advises in its memorandum dated June 5, 1981 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientic value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes at this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-21231 Filed 7-20-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: California Department of Fish and Game (P191B).

b. Address: 1416 Ninth Street, Sacramento, California 95814.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Harbor seal *(Phoca vitulina richardii)*, 520+; California sea lion *(Zalophus californianus)*, +; Pilot whale *(Globicephala macrorhynchus)*, +.

4. Type of Take: Harbor seals will be roto-tagged and/or marked with pelage dye. Sea lions, Pilot whales, and harbor seals will be subject to acoustic harassment studies.

5. Location of Activity: California waters.

6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, on or before August 19, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW, Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 16, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-21179 Filed 7-20-81; 8:45 am]

BILLING CODE 3510-22-M

Modification of Permit

Notice is hereby given that pursuant to the provisions of Sections 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), Permit No. 311 issued to the U.S. Air Force, HQ Space Division, Los Angeles, California 90009, on December 3, 1980, is modified as follows:

Section A-2 is modified by deleting "A total of three hundred (300) Northern elephant seals *(Mirounga angustirostris)* may be subjected to harassment * * *" substituting therefor the following:

"A total of four hundred (400) Northern elephant seals *(Mirounga angustirostris)* may be subjected to harassment * * *"

This modification became effective on July 16, 1981.

The Permit as modified, and documentation pertaining to the modification are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: July 7, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals/ Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-21305 Filed 7-20-81; 8:45 am]

BILLING CODE 3510-22-M

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to import marine mammals as authorized by the Marine Mammal Portection Act of 1972 (16 U.S.C. 1361-1407), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217-222).

1. Applicant:
   a. Name: Marine Mammal Revcovery Foundation (P285)
   b. Address: P.O. Box 463, Storrs, Connecticut 06268
2. Type of Permit: Scientific Research and Scientific Purposes.
3. Species:
   Humpback Whale (Megaptera novaeanglia)
   Blue Whale (Balaenoptera musculus)
   Sie Whale (Balaenoptera borealis)
   Fin Whale (Balaenoptera physalus)
   Minke Whale (Balaenoptera acutorostrata)
   Beluga Whale (Delphinapterus leucas)
   Sperm Whale (Physeter catodon)
   Harbor Porpoise (Phocoena phocoena)
   White Beaked Dolphin (Lagenorhynchus albirostris)
   Atlantic Whitesided Dolphin (Lagenorhynchus acutus)
   Northern Bottlenosed Whale (Hyperoodon ampullatus)
   Pilot Whale (Globisephala melaena)
   Harbor Seal (Phoca vitulina)
   Gray Seal (Halichoerus grypus)
   Common Dolphin (Delphinus delphis)
   Killer Whale (Orcinus orca)
4. Type of Take: To collect tissue samples from an unspecified number of dead beached and stranded or indicientally captured marine mammals.
5. Location of Activity: Newfoundland, Canada.
6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or request for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, August 19, 1981. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachsetts 01930.

Dated: July 16,1981

Ricahard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-21300 Filed 7-20-81; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, D.C. 20310

Patent application 6-194,192: Process for the Recovery of Carborane from Reject Propellant, filed October 6, 1980

Patent application 6-194,646: Lightweight One Piece Side Rack with Stakes for Flatbed Semitrailers; filed October 6, 1980

Patent application 6-198,577: Homodyne Radar System; filed October 20, 1980

Patent application 6-205,359: Pulse Width Spectrum Analyzer; filed November 10, 1980

Patent application 6-209,809: Hemispherical Coverage Microstrip Antenna; filed November 24, 1980

Patent application 6-214,367: Priority Circuit for Service Request Signals; filed December 8, 1980

Patent application 6-218,235: Glass Lead Seal Test Apparatus; filed December 19, 1980

Patent application 6-218,400: Cure Rate Inhibitors for Ferrocene-Containing Propellants; filed December 19, 1980

Patent application 6-219,056: Stable NF_4^+ Salt of High Fluorine Content; filed December 22, 1980

Patent application 6-221,737: Combined Side Lobe Canceller and Frequency Selective Limiter; filed December 31, 1980

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, SW., Washington, D.C. 20324

Patent application 6-100,320: Fiber Optic Rotation Sensing Interferometer; filed December 5, 1980

Patent application 6-179,597: Troposcatter System Antenna Alignment; filed August 19, 1980

Patent application 6-216,103: Automatically Sequenced Signaling System; filed December 15, 1980

Patent application 6-219,396: Polyaromatic Amides; filed December 22, 1980

Patent application 6-225,546: Grease Compositions; filed January 16, 1981

Patent 4,254,688: Low Friction Servo Valve; filed May 3, 1979, patented March 10, 1981; not available NTIS

Patent 4,257,164: Optical Protractor; filed November 9, 1978, patented March 24, 1981; not available NTIS

Patent 4,258,965: Adjustable Electronic Circuit Card Supporter; filed August 3, 1979, patented March 31, 1981; not available NTIS

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 6-230,984: Low Sidelobe Pulse Compressor; filed February 3, 1981

Patent application 6-236,948: 360 Degree Closed Circuit Television System; filed February 23, 1981

Patent 4,207,450: Continuous Oil Concentration Monitor; filed June 14, 1978, patented June 10, 1980; not available NTIS

Patent 4,243,935: Adaptive Detector; filed May 18, 1979, patented January 16, 1981; not available NTIS

Patent 4,243,949: Frequency Stabilization Technique for Microstrip Oscillators; filed November 17, 1978, patented January 6, 1981; not available NTIS

Patent 4,243,991: Antenna Feed for Scan-with-Compensation Tracking; filed May 30, 1978, patented January 6, 1981; not available NTIS

Patent 4,249,143: Xenon Fluoride and Mercury Chloride Photodissociation Lasers; filed April 25, 1979, patented February 3, 1981; not available NTIS

Patent 4,249,257: Radio Frequency Signals Analyzer; filed September 1, 1977, patented February 3, 1981; not available NTIS

[FR Doc. 81-21242 Filed 7-20-81; 8:45 am]

BILLING CODE 3510-04-M

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

U.S. Department of Agriculture, Program Agreements and Patent Branch, Administration Service Division, Federal Building, Science and Education Administration, Hyattsville, Md. 20782.

Patent application 6,228,853: Chemotherapeutically Active Maytansinoids from Trewia nudiflora; filed Jan. 27, 1981.

Patent 4,247,644: Foam Flotation Process for Separating Bacillus thuringiensis Sporultion Products; filed Aug. 8, 1979, patented Jan. 27, 1981, not available NTIS.

Patent 4,253,970: Flocculation of Coals with Water-Soluable Starch Xanthates; filed Oct. 1, 1979, patented Mar. 3, 1981; not available NTIS.

U.S. Department of Energy, Office of the Assistant General Counsel for Patents (GC-42), 1000 Independence Avenue, N.W., Washington, D.C. 20585.

Patent application 6,128,203: Heat Transfer System; filed Mar. 7, 1980.

Patent application 6,129,868: Method for Fabricating Thin Films of Pyrolytic Carbon; filed Mar. 13, 1980.

Patent application 6,130,995: Spacer Grid Assembly and Locking Mechanism; filed Mar. 17, 1980.

Patent application 6,131,303: Reactor Control Rod Timing System; filed Mar. 18, 1980.

Patent application 6,133,702: Device for Conversion of Electromagnetic Radiation Into Electrical Current; filed Mar. 25, 1980.

Patent application 6,134,352: Method and Apparatus for Measuring Irradiated Fuel Profiles; filed Mar. 27, 1980.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 6,116,700: Radar Video Compression System; filed Oct. 14, 1980.

Patent application 6,230,577: Water-Armed/Air-Safed Release Apparatus; filed Feb. 2, 1981.

Patent application 4,221,417: Line Release System; filed Aug. 19, 1976; patented Sept. 9, 1980; not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-4, Washington, D.C. 20546.

Patent application 6,210,491: Leading Edge Vortex Flaps for Drag Reduction; filed Nov. 26, 1980.

Patent application 6,210,498: A Low Energy Electron Magnetometer; filed Nov. 26, 1980.

Patent application 6,210,506: Fixture for Environmental Exposure of Structural Materials under Compression; filed Nov. 26, 1980.

Patent application 6,229,231: Intrusion Detection Method and Apparatus; filed Jan. 28, 1981.

Patent application 6,229,693: Heat Pipes to Reduce Engine Exhaust Emissions; filed Jan. 30, 1980.

Patent application 6,233,269: Electromigration Process for the Purification of Molten Silicon During Crystal Growth; filed Feb. 10, 1981.

Patent application 6,233,271: Antenna Grout Replacement System; filed Feb. 10, 1981.

Patent application 6,233,274: Optical Signature Generating and Correlating Apparatus; filed Feb. 10, 1981.

Patent application 6,234,244: Sidelooking Laser Altimeter for a Flight Simulator; filed Feb. 13, 1981.

Patent application 6,235,797: Improved Thermionic Energy Converters; filed Feb. 19, 1981.

Patent application 6,235,867: Fiberglass/Epoxy Composite Automotive Door Structure Including a Glass-Reinforced Intrusion Strip; filed Feb. 19, 1981.

Patent 4,236,684: Thrust Augmented Spin Recovery Device; filed Apr. 27, 1979; patented Dec. 2, 1980; not available NTIS.

Patent 4,241,312: Self-Calibrating Threshold Detector; filed Jul. 27, 1979; patented Dec. 23, 1980; not available NTIS.

Patent 4,242,553: Apparatus for Use in the Production of Ribbon-Shaped Crystals from a Silicon Malt; filed Aug. 31, 1978; patented Dec. 30, 1980; not available NTIS.

Patent 4,242,864: Integrated Control System for a Gas Turbine Engine; filed May 25, 1978; patented Jan. 6, 1981; not available NTIS.

Patent 4,244,853: Composition and Method for Making Polyimide Resin-Reinforced Fabric; filed Apr. 6, 1979; patented Jan. 13, 1981; not available NTIS.

Patent 4,245,286: Buck/Boost Regulator; filed May 21, 1979; patented Jan. 13, 1981; not available NTIS.

Patent 4,245,288: Elimination of Current Spikes in Buck Power Converters; filed Oct. 31, 1978; patented Jan. 13, 1981; not available NTIS.

Patent 4,245,566: Safety Shield for Vacuum/Pressure Chamber Viewing Port; filed June 29, 1979; patented Jan. 20, 1981; not available NTIS.

Patent 4,245,768: Method of Cold Welding Using Ion Beam Technology; filed July 28, 1978; patented Jan. 20, 1981; not available NTIS.

Patent 4,245,956: Compensating Linkage for Main Rotor Control; filed Dec. 25, 1978; patented Jan. 20, 1981; not available NTIS.

Patent 4,247,434: Process for Preparation of Large-Particle-Size Monodisperse Latexes; filed Dec. 29, 1978; patented Jan. 27, 1981; not available NTIS.

Patent 4,248,083: Containerless High Temperature Calorimeter Apparatus; filed June 29, 1979; patented Feb. 3, 1981; not available NTIS.

Patent 4,249,238: Apparatus for Sensor Failure Detection and Correction in a Gas Turbine Engine Control System; filed May 24, 1978; patented Feb. 3, 1981; not available NTIS.

Patent 4,249,957: Copper Droped Polycrystalline Silicon Solar Cell; filed May

30, 1979; patented Feb. 10, 1981; not available NTIS.

[FR Doc. 81-21241 Filed 7-20-81; 8:45 am]

BILLING CODE 3510-04-M

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, September 1, 1981; Tuesday, September 8, 1981; Tuesday, September 15, 1981; Tuesday, September 22, 1981; and Tuesday, September 29, 1981 at 10:00 a.m. in Room 3D-321, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b.(c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b. (c)(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D-264, The Pentagon, Washington, D.C.

July 16, 1981.

M. S. Healy,

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

[FR Doc. 81-21202 Filed 7-20-81; 8:45 am]

BILLING CODE 3810-70-M

Department of the Army

Ongoing Operation of the United States Military Academy; Filing of Environmental Impact Statement

The Army, on July 17, 1981, provided the Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) concerning the ongoing operation of the United States Military Academy, West Point, New York. The DEIS evaluates the environmental impacts associated with (1) the ongoing operations of the Academy, and (2) the ongoing operations associated with major construction developed as part of the USMA Master Plan. Copies of the statement are being forwarded to concerned Federal, State, and local agencies. Interested organizations or individuals may obtain copies for the cost of reproduction from the Superintendent, United States Military Academy, ATTN: MAEN-AE (LTC MacKinnon), West Point, New York 10996.

In the Washington area, copies may be seen during normal duty hours, in the Environmental Office, Office of Assistant Chief of Engineers, Room 1E676, Pentagon, Washington, DC 20310, telephone: (202) 694-3434.

Lewis D. Walker,

Deputy for Environment, Safety and Occupational Health, OASA (IL&FM).

July 9, 1981.

[FR Doc. 81-21166 Filed 7-20-81; 8:45 am]

BILLING CODE 3710-08-M

Corps of Engineers, Department of the Army

Duluth—Superior Harbor Improvement; Intent To Prepare Draft Environmental Impact Statement

Intent to prepare a draft environmental impact statement (DEIS) for the Duluth-Superior Harbor Improvement. The harbor is located between Duluth, Minnesota and Superior, Wisconsin.

AGENCY: Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement.

SUMMARY:

Proposed Actions

The construction and maintenance of a confined disposal facility (CDF) at the Duluth-Superior Harbor is proposed for containment of the sediments to be removed from deepening the upstream channels. The project activities include: (a) Construction of a confined disposal facility at an inwater location at the Berwind Dock site in Duluth, Minnesota or at an upland location in the Superior Forest in Superior, Wisconsin; (b) dredging of the existing upstream channels from 23 feet to 27 feet from mile 4.0 to 7.3 to remove approximately 2,000,000 cubic yards of sediment; and (3) placement of pipe, if necessary, from the mooring location to the disposal site.

Alternatives

In addition to dredging to the 27-foot depth by mechanical or hydraulic dredge with disposal at the Berwind or Superior Forest site, six other alternatives will be evaluated. These alternatives include: no action; widening the cross channel area; deepening the existing upstream channels by mechanical dredge to 25 feet with disposal at the Berwind Site; deepening the existing upstream channels by hydraulic dredge to 25 feet with disposal at the Berwind Site; deepening the existing upstream channels by hydraulic dredge to 25 feet with disposal at the Superior Forest Site; and downstream development (relocation).

Scoping Process

a. *Public Involvement.* A public meeting was held in April 1972 and had been coordinated with the members of existing local organizations to assist in project planning. Due to the lack of agreement on a disposal location, the project was deactivated in 1978. Apparent consensus on two proposed disposal sites allowed the project to be reactivated in 1979. The Harbor Advisory Committee, developed by the Metropolitan Interstate Committee (MIC), assisted in coordinating efforts with local interests to agree upon a final plan for disposal. A public workshop was held in January 1981 and strong support to deepen the channel to 27 feet, to widen the cross channel, and to complete the study rapidly was indicated. Throughout this period of time, many formal and informal

meetings have been held with Federal, State and local agencies.

b. *Significant Issues.* The selection of one disposal location is a significant issue and is being resolved between the two cities of Duluth, Minnesota and Superior, Wisconsin and other Federal, state and local agencies. The two cities have expressed concern about the cost-sharing formula. There have also been questions concerning the Federal funding and as to the Federal responsibility.

c. *Environmental Review and Consultation Requirements.* This project will be reviewed for compliance with the following rules and regulations: Fish and Wildlife Act of 1956; Fish and Wildlife Coordination Act of 1958; National Historic Preservation Act of 1966; National Environmental Policy Act of 1969; Endangered Species Act of 1973; Water Resources Development Act of 1976; Executive Order 11990, Wetlands Protection, May 1977; Clean Water Act of 1977; and Environmental Quality, Policy and Procedures for Implementing NEPA (Corps Engineering Regulation 200–2–2).

Estimated Date of Release

It is anticipated that the DEIS will be available to the public March 1982.

Address

Questions about the proposed action and DEIS can be answered by: Miss Judith McLane, Environmental Branch, U.S. Army Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231, Tel (313) 226–6753.

John O. Roach II,

Department of Army Liaison Officer with the Federal Register.

[FR Doc. 81–21170 Filed 7–20–81; 8:45 am]

BILLING CODE 3710–6A–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA–FC–81–015; OFC Case Number 55119–9207–01–12]

General Motors Corp.; Acceptance of Petition for Exemption From Prohibitions of Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of acceptance of petition for exemption from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and notice of availability of tentative staff analysis.

SUMMARY: On June 18, 1981, General Motors Corporation (GM) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. Criteria and the procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

GM requested a permanent fuels mixture exemption in order to burn natural gas in a mixture with coal in a new field-erected boiler to be constructed at its Assembly Division Plant at Lake Orion, Michigan.

Under the authority of section 212(d) of the Act, 10 CFR 503.38 sets forth eligibility criteria and evidentiary requirements governing a permanent exemption for the use of petroleum or natural gas in a mixture with alternate fuels. Under 10 CFR 503.38(d), a certification alternative is available for MFBI's which will not burn more than 25 percent petroleum or natural gas in a mixture with an alternate fuel. GM utilized the certification alternative in its permanent fuels mixture exemption petition. ERA's decision in this proceeding will determine whether GM will be granted the requested permanent exemption to use natural gas in a mixture with coal in the new MFBI in which the amount of natural gas used will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the unit. In its petition, GM did not request an exemption to burn petroleum in the unit.

ERA has determined that GM's petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). Additionally, the ERA staff has reviewed and analyzed the information presently contained in the record of this proceeding, and has completed a Tentative Staff Analysis which recommends that ERA issue an order which would grant GM the requested exemption. In order to expedite the processing of the petition, and pursuant to 10 CFR 501.64, notice of availability of the Tentative Staff Analysis is hereby issued simultaneously with this notice of acceptance of GM's petition for exemption. A review of the petition and a summary of the Tentative Staff Analysis is provided in the SUPPLEMENTARY INFORMATION section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. As provided for in 10 CFR 501.64, interested persons may also submit written comments or request a public hearing on the Tentative Staff Analysis notice herein. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATE: Written comments on the acceptance of GM's petition for exemption are due on or before September 4, 1981. Any request for public hearing must also be made within the same 45-day period. The 14-day period to submit written comments or request a public hearing on the Tentative Staff Analysis, as prescribed in 10 CFR 501.64, is also included within and will run concurrently with the above 45-day comment period. Accordingly, any such written comments or requests for public hearing on the Tentative Staff Analysis must also be filed with ERA on or before the expiration of the 45-day period provided for acceptance of GM's petition.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

Docket Number ERA–FC–81–015 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Acting Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461, Phone (202) 653–3934

Christina Simmons, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252–2967

SUPPLEMENTARY INFORMATION: The MFBI for which the petition for exemption has been filed is a field-erected boiler to be constructed at GM's Assembly Division Plant at Lake Orion, Michigan. The new MFBI, designated as the boiler No. 1 by GM, will have a design heat input rate of approximately 80 million Btu's per hour and will burn coal in a mixture with natural gas. Boiler No. 1, when aggregated with three other

new coal-fired boilers of approximately the same size at the same site, is subject to the prohibitions of Title II of the Act in accordance with the aggregation criteria contained in 10 CFR 500.5 (b)(2).

GM has utilized the certification alternative for the permanent fuels mixture exemption provided for in 10 CFR 503.38(d) and has included in its petition a description of the fuel mixture, component elements, and percentage and quantity of each component to be utilized; and the following duly executed certifications:

(1) That the amount of natural gas to be used in the fuels mixture in boiler No. 1 will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the installation;

(2) That, pursuant to 10 CFR 503.15(b), GM will, prior to operating boiler No. 1 under the exemption, secure all applicable environmental permits and approvals pursuant to but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act, Safe Drinking Water Act and the Resource Conservation and Recovery Act;

(3) The information required by the Environmental Checklist pursuant to 10 CFR 503.15(b); and

(4) That it will, upon grant of the requested exemption, agree to the following terms and conditions specified in 10 CFR 503.38(e):

The amount of natural gas to be used in the mixture will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the installation;

All steam pipes will be insulated and all steam traps properly maintained; and

That it will comply with any terms and conditions which may be imposed pursuant to the environmental requirements of 10 CFR 503.15(b).

ERA hereby gives notice that GM's petition for a permanent fuels mixture exemption for its boiler No. 1 has been determined to be complete as filed and is accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

Tentative Staff Analysis. The ERA staff has examined the aforementioned certifications made by GM in its petition, and other information contained therein, and has determined that the petition fulfills the requirements of 10 CFR 503.38(d). Accordingly, the ERA staff has completed a Tentative Staff Analysis which recommends that an order be issued, subject to the terms and conditions specified below, which would grant GM the requested permanent fuels mixture exemption for its boiler No. 1. This tentative recommendation also takes into account the purposes for which the minimum percentage of petroleum or natural gas provided by a fuels mixture exemption are to be used, i.e. to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Therefore, should this exemption be granted, ERA will not exclude any fuel from the definition of primary energy source for the purposes of unit ignition, startup, testing, flame stabilization and control uses for boiler No. 1.

Terms and Conditions. Section 214(a) of FUA gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.38(d), GM, in accordance with 10 CFR 503.38(e), agreed, upon grant of the exemption, to the standard terms and conditions specified in that subsection. Such terms and conditions, as enumerated below, will accordingly be attached to any order which would grant the requested exemption.

(1) The amount of natural gas to be used in a mixture with an alternate fuel in boiler No. 1 will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that unit.

(3) Prior to operating boiler No. 1 GM will secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coatal Zone Management Act and the Resource Conservation and Recovery Act.

Reporting Requirements. In addition to the above standard terms and conditions, GM will, pursuant to 10 CFR 503.38(g), certify to ERA the date boiler No. 1 is first operated under the provisions of this order, and will file with ERA annually thereafter, within 30 days of that anniversary date, a certification that the amount of petroleum and natural gas used in Boiler No. 1 during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of GM. Cite OFC Case Number 55119-9207-01-12 on each certification and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn: OFC Case No. 55119-9207-01-12, Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461.

NEPA Categorical Exclusion Guidelines. On August 11, 1980, DOE published in the Federal Register (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent fuels mixture exemption by certification, was identified as an action which normally does not require the preparation of an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion). This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. GM has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI under exemption. The Environmental Checklist completed certified to by GM pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. GM's responses to the questions contained therein indicate that the operation of the new boiler No. 1 will have no significant impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. No contrary information has come to the attention of ERA. Therefore, unless substantial questions regarding the application of the categorical exclusion in this instance are raised during the proceeding on GM's petition which indicate otherwise, no additional environmental review is deemed to be required.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

The public file containing documents on this proceeding and supporting materials is available for inspection upon request at ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C. on July 15, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-21171 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-81-016; OFC Case No. 55119-9206-01-12]

General Motors Corp.; Acceptance of Petition for Exemption From Prohibitions of Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of Acceptance of Petition for Exemption From the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 and Notice of Availability of Tentative Staff Analysis.

SUMMARY: On June 18, 1981, General Motors Corporation (GM) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) seeking a permanent exemption for a major fuel burning installation (MFBI) from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.*, (FUA or the Act), which prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBI's. Criteria and the procedures for petitioning for an exemption from the prohibitions of FUA are contained in 10 CFR Parts 500 and 501 and 10 CFR Part 503 published on June 6, 1980, at 45 FR 38276 and 38302 respectively.

GM requested a permanent fuels mixture exemption in order to burn natural gas in a mixture with coal in a new field-erected boiler to be constructed at its Assembly Division Plant at Wentzville, Missouri.

Under the authority of section 212(d) of the Act, 10 CFR 503.38 sets forth eligibility criteria and evidentiary requirements governing a permanent exemption for the use of petroleum or natural gas in a mixture with alternate fuels. Under 10 CFR 503.38(d), a certification alternative is available for MFBI's which will not burn more than 25 percent petroleum or natural gas in a mixture with an alternate fuel. GM utilized the certification alternative in its permanent fuels mixture exemption petition. ERA's decision in this proceeding will determine whether GM will be granted the requested permanent exemption to use natural gas in a mixture with coal in the new MFBI in which the amount of natural gas used will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of the unit. In its petition, GM did not request an exemption to burn petroleum in the unit.

ERA has determined that GM's petition is complete and is accepted as filed in accordance with 10 CFR 501.3(d). Additionally, the ERA staff has reviewed and analyzed the information presently contained in the record of this proceeding, and has completed a Tentative Staff Analysis which recommends that ERA issue an order which would grant GM the requested exemption. In order to expedite the processing of the petition, and pursuant to 10 CFR 501.64, notice of availability of the Tentative Staff Analysis is hereby issued simultaneously with this notice of acceptance of GM's petition for exemption. A review of the petition and a summary of the Tentative Staff Analysis is provided in the Supplementary Information section below.

As provided for in section 701(c) and (d) of FUA and 10 CFR 501.63 and 501.34(b), interested persons are invited to submit written comments in regard to this matter, and any interested person may submit a written request that ERA convene a public hearing on the exemption petition. As provided for in 10 CFR 501.64, interested persons may also submit written comments or request a public hearing on the Tentative Staff Analysis noticed herein. Any hearing requested must include a description of the interest in the issue or issues involved and an outline of the anticipated content of the presentations.

DATE: Written comments on the acceptance of GM's petition for exemption are due on or before September 4, 1981. Any request for public hearing must also be made within the same 45-day period. The 14-day period to submit written comments or request a public hearing on the Tentative Staff Analysis, as prescribed in 10 CFR 501.64, is also included within and will run concurrently with the above 45-day comment period. Accordingly, any such written comments or requests for public hearing on the Tentative Staff Analysis must also be filed with ERA on or before the expiration of the 45-day period provided for acceptance of GM's petition.

ADDRESSES: Fifteen copies of written comments or a request for a public hearing should be submitted to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

Docket Number ERA-FC-81-016 should be printed on the outside of the envelope and on the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Acting Chief, New MFBI Branch Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street NW., Room 3128, Washington, D.C. 20461, Phone (202) 653-3934

Christina Simmons, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6B-178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: The MFBI for which the petition for exemption has been filed is a field-erected boiler to be constructed at GM's Assembly Division Plant at Wentzville, Missouri. The new MFBI, designated as the boiler No. 1 by GM, will have a design heat input rate of approximately 80 million Btu's per hour and will burn coal in a mixture with natural gas. Boiler No. 1, when aggregated with three other new coal-fired boilers of approximately the same size at the same site, is subject to the prohibitions of Title II of the Act in accordance with the aggregation criteria contained in 10 CFR 500.5(b)(2).

GM has utilized the certification alternative for the permanent fuels mixture exemption provided for in 10 CFR 503.38(d) and has included in its petition a description of the fuel mixture, component elements, and percentage and quantity of each component to be utilized; and the following duly executed certifications:

(1) That the amount of natural gas to be used in the fuels mixture in boiler No. 1 will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the installation;

(2) That, pursuant to 10 CFR 503.15(b), GM will, prior to operating boiler No. 1 under the exemption, secure all applicable environmental permits and approvals pursuant to but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act, Safe Drinking Water Act and the Resource Conservation and Recovery Act;

(3) The information required by the Environmental Checklist pursuant to 10 CFR 503.15(b); and

(4) That it will, upon grant of the requested exemption, agree to the following terms and conditions specified in 10 CFR 503.38(e):

The amount of natural gas to be used in the mixture will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in the installation;

All steam pipes will be insulated and all steam traps properly maintained; and

That it will comply with any terms and conditions which may be imposed pursuant to the environmental requirements of 10 CFR 503.15(b).

ERA hereby gives notice that GM's petition for a permanent fuels mixture exemption for its boiler No. 1 has been determined to be complete as filed and is accepted. Pursuant to 10 CFR 501.3(d), acceptance of a petition and its supporting documents does not constitute an approval of an exemption, nor does it foreclose ERA from requesting further information during the course of the proceeding. Failure to provide any requested additional information could ultimately result in the denial of the request for an exemption.

Tentative Staff Analysis. The ERA staff has examined the aforementioned certifications made by GM in its petition, and other information contained therein, and has determined that the petition fulfills the requirements of 10 CFR 503.38(d). Accordingly, the ERA staff has completed a Tentative Staff Analysis which recommends that an order be issued, subject to the terms and conditions specified below, which would grant GM the requested permanent fuels mixture exemption for its Boiler No. 1. This tentative recommendation also takes into account the purposes for which the minimum percentage of petroleum or natural gas provided by a fuels mixture exemption are to be used, i.e. to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Therefore, should this exemption be granted, ERA will not exclude any fuel from the definition of primary energy source for the purposes of unit ignition, startup, testing, flame stabilization and control uses for Boiler No. 1.

Terms and Conditions. Section 214(a) of FUA gives ERA the authority to attach terms and conditions to any order granting an exemption which are appropriate and consistent with the purposes of the Act. By petitioning for an exemption under the provisions of 10 CFR 503.38(d), GM, in accordance with 10 CFR 503.38(e), agreed, upon grant of the exemption, to the standard terms and conditions specified in that subsection. Such terms and conditions, as enumerated below, will accordingly be attached to any order which would grant the requested exemption.

(1) The amount of natural gas to be used in a mixture with an alternate fuel in Boiler No. 1 will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that unit.

(3) Prior to operating boiler No. 1 GM will secure all applicable environmental permits and approvals pursuant to, but not limited to, the following: Clean Air Act, Clean Water Act, Rivers and Harbors Act, Coastal Zone Management Act and the Resource Conservation and Recovery Act.

Reporting Requirements. In addition to the above standard terms and conditions, GM will, pursuant to 10 CFR 503.38(g), certify to ERA the date boiler No. 1 is first operated under the provisions of this order, and will file with ERA annually thereafter, within 30 days of that anniversary date, a certification that the amount of petroleum and natural gas used in Boiler No. 1 during the preceding year did not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that MFBI. Such certifications shall be executed by a duly authorized representative of GM. Cite OFC Case Number 55119-9206-12 on each certification and send to: Economic Regulatory Administration, Case Control Unit (Fuel Use Act), Attn: OFC Case No. 55119-9207-01-12, Box 4629, Room 3214, 2000 M Street NW., Washington, D.C. 20461.

NEPA Categorical Exclusion Guidelines. On August 11, 1980, DOE published in the **Federal Register** (45 FR 53199) a notice of proposed amendments to guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA). Pursuant to the guidelines, the granting or denial of certain FUA permanent exemptions, including the permanent fuels mixture exemption by certification, was identified as an action which normally does not require the preparation of an Environmental Impact Statement or an Environmental Assessment pursuant to NEPA (categorical exclusion). This classification raises a rebuttable presumption that the granting or denial of the exemption will not significantly affect the quality of the human environment. GM has certified that it will secure all applicable permits and approvals prior to commencement of operation of the new MFBI under exemption. The Environmental Checklist completed certified to by GM pursuant to 10 CFR 503.15(b) has been reviewed by DOE's Office of Environment, in consultation with the Office of the General Counsel. GM's responses to the questions contained therein indicate that the operation of the new boiler No. 1 will have no significant impact on those areas regulated by specified laws that impose consultation requirements on DOE, and otherwise affirm the applicability of the categorical exclusion to this FUA action. No contrary information has come to the attention of ERA. Therefore, unless substantial questions regarding the application of the categorical exclusion in this instance are raised during the proceeding on GM's petition which indicate otherwise, no additional environmental review is deemed to be required.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemption. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

The public file containing documents on this proceeding and supporting materials is available for inspection upon request at ERA, Room B-110, 2000 M Street, NW., Washington, D.C., Monday-Friday, 8:00 a.m.-4:30 p.m.

Issued in Washington, D.C. on July 15, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-21172 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-01-M

Office of the Secretary

Intent To Grant Exclusive Patent License

Notice is hereby given of an intent to grant to Murray Enterprises, of Livermore, California, an exclusive license to manufacture, use, and sell in the United States, the invention described in U.S. Patent No. 4,095,580, entitled "Fuel-Injecting Spark Plug." The patent is owned by the United States of America, as represented by the Department of Energy (DOE).

This is republication of the notice appearing in the **Federal Register** (46 FR 29495, June 2, 1981), which identified the incorrect patent number. Accordingly, the prior notice is hereby cancelled.

The proposed license will have a duration of 10 years and will contain terms and conditions in accordance with 35 U.S.C 209. DOE intends to grant the license unless within 60 days of this notice the Assistant General Counsel for Patents, Department of Energy, Washington, D.C. 20585, receives in writing any of the following, together with supporting documents:

(i) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license, or

(ii) an application for a nonexclusive license to manufacture, use, and/or sell the invention in the United States, in which applicant states that he has already brought the invention to

practical application or is likely to bring the invention to practical application expeditiously.

The Assistant General Counsel for Patents will review all written responses to this notice. The license will be granted if a determination can be made by DOE, following expiration of the 60-day notice period, (i) that no applicant for a nonexclusive license has brought or will bring the invention to the point of practical application within a reasonable period and (ii) that the granting of the license will be in the public interest after consideration of all the facts, evidence, and argument which third parties may present to the Assistant General Counsel for Patents.

Signed at Washington, D.C. this 14th day of July, 1981.

R. Tenney Johnson,

General Counsel.

[FR Doc. 81-21249 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Issuance of Proposed Decisions and Orders; Week of June 8 through June 12, 1981

During the week of June 8 Through June 12, 1981, the proposed decisions and orders summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to applications for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, NW, Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

July 14, 1981.

Benson-Montin-Greer, Drilling Corporation, Farmington, New Mexico, BEE-1118, crude oil

Benson-Montin-Greer Drilling Corporation (BMG) filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. The exception request, if granted, would permit BMG to establish the base production control level of a new unit in accordance with the provisions of 10 CFR § 212.72 rather than Section 212.75. On June 12, 1981, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted.

Indiana Farm Bureau Cooperative Association, Washington, D.C., BEE-1628, crude oil

Indiana Farm Bureau Cooperative Association filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would permit Indiana Farm to sell additional entitlements to correct a crude oil cost disparity which the firm alleges to have experienced during the period January 1, 1980 through January 27, 1981. On June 12, 1981, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 81-21230 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of June 8 Through June 12, 1981

During the week of June 8 through June 12, 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.

Remedial Orders

Batson Petroleum Corporation, d.b.a. Tiny Town Truckstops, 6/12/81, DRO-0136.

Batson Petroleum Corporation d.b.a. Tiny Town Truckstops objected to a Proposed Remedial Order which was issued to the firm by the ERA Southeast Enforcement District on October 25, 1978. In the Proposed Remedial Order, the Southeast Enforcement District found that the firm had charged prices to customers of No. 2 diesel fuel that exceeded the firm's maximum legal selling prices for that product as set forth in 10 CFR 212.93.

In considering the firm's objectives, the DOE found that Batson failed to demonstrate that the PRO was factually or legally deficient. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order. [The important issues discussed include whether the firm should be permitted to net overcharges with undercharges without regard to the conditions set forth in *Mid-Continent, Inc.*, 3 FEA ¶ 80,507 (1975).]

Joe E. Smith, 6/11/81, DRO-0149

Joe E. Smith filed a Statement of Objections to a Proposed Remedial Order issued to him by Region VI of the DOE Economic Regulatory Administration's Office of Enforcement. In the Proposed Remedial Order, Region VI found that Smith had, at various times during the period 1974 through 1976, sold crude oil at prices in excess of those permitted by the price regulations. In his Statement of Objections, Smith does not contest the finding of the violation, but rather requests that the period in which he must refund the overcharge, plus interest, be extended from 90 days to five years. In considering Smith's Objections, the DOE determined that the refund period be extended from 90 days to twenty months. Additionally, the DOE determined that the ERA's Motion to Modify Proposed Remedial Order to Provide for Alternate Disposition of Overcharges, in which the ERA seeks to have Smith refund the overcharge, plus interest, to a DOE escrow account instead of to his purchaser, be granted. The DOE also determined that the ERA's Motion for Modification of the PRO with respect to interest rates be granted prospectively from the date the Motion was filed, and be denied in all other respects. Finally, the DOE determined that a twelve (12) percent rate of interest be assessed on Mr. Smith's refund obligation from February 1, 1980 until the date the Motion with respect to interest rates was filed.

Sycamore Shell, 6/12/81, BRO-1385

On December 15, 1980, A. J. Atale d/b/a Sycamore Shell filed a Statement of Objections to a Proposed Remedial Order that the DOE Office of Enforcement has issued to the firm on July 30, 1980. In the Proposed Remedial Order, the Office of Enforcement found that the firm had charged prices for gasoline higher than those permitted by 10 CFR § 212.93(a)(2) and had refused to make records available for inspection upon the request of the DOE in violation of 10 CFR 210.92(b). In its Statement of Objections, the firm stated that it had charged a cents-per-gallon fee for services associated with the sale of gasoline, despite the fact that such fees were prohibited by 10 CFR 210.62(d)(1). After considering the firm's objections, the DOE concluded that the Proposed Remedial Order should be issued as a final Remedial Order. The issues discussed in the decision include the authority of the DOE to fashion equitable remedies for violations of the agency's regulations.

Remedial Orders

In the following case involving a Proposed Remedial Order and/or Interim Remedial Order for Immediate Compliance, no Statements of Objection were filed. The DOE therefore issued the orders in final form.

Company Name and Case No.

George Clement d/b/a George's Standard, BRW-0069

Request for Modification and/or Rescission

San Joaquin Refining Company, Inc., 6/12/81, BYR-0125

On May 4, 1981, San Joaquin Refining Company, Inc. filed a Motion for Reconsideration of a Supplemental Decision and Order issued to the firm on April 20, 1981. In the April 20 Supplemental Order, we determined that San Joaquin had received excessive benefits for its fiscal year ended April 30, 1979 and should thus purchase $660,713 of entitlements to repay those excessive benefits. In granting the firm's Motion for Reconsideration, we found that the April 20 Supplemental Order had erroneously applied the 1975 NOOSR ceiling on a retroactive basis. Accordingly, we concluded that the firm should only purchase $31,896 of entitlements in order to reimburse the Entitlements Program for the excessive entitlement benefits which it received for its 1979 fiscal year.

Requests for Exception

Asamera Oil (U.S.), Inc., 6/8/81, BXE-1600, BXE-1601

On January 19, 1981, Asamera Oil (U.S.), Inc. (Asamera) filed Applications for Exception from the provisions of 10 C.R.R., Part 212, Subpart D in which the firm sought extensions of previously granted exception relief enabling it to sell portions of the crude oil production from the Myrin Ranch and Carrell leases located in Duchesne County, Utah at prices in excess of the applicable ceiling price levels. In the final Decision and Order, the DOE also considered a Statement of Objections to the extension of relief filed by the Standard Oil Company of Ohio (Sohio). In considered the Asamera request, the DOE determined that the firm failed to meet the applicable criteria for retroactive relief and thus was not eligible for an extension of exception relief effective December 1, 1980, the date on which previously granted exception relief terminated. However, the DOE determined that the firm's January 19 submission contained adequate information to evaluate its applications under the standards set forth in *Great Southern Oil & Gas Co., Inc.*, 3 FEA ¶ 83,124 (1976). Accordingly, under the precedent established in *Chevron U.S.A., Inc.*, 3 DOE ¶ 81,003 (1979), Asamera was accorded exception relief on a prospective basis effective January 19, 1981. As a result of Executive Order No. 12287, 46 Fed. Reg. 9909 (January 30, 1981), which immediately exempted crude oil from price and allocation controls effective January 28, 1981, however, no exception relief was found to be necessary beyond January 27, 1981, and exception relief for Asamera's Myrin Ranch and Carrell lease production was therefore limited to the period January 19 through 27, 1981.

Colstrip Town Pump, Inc., 6/9/81, BXE-1158

Colstrip Town Pump, Inc. filed an Application for Exception from the provisions of 10 CFR Part 211 in which the firm sought an increased base period allocation of motor gasoline. In considering the request, the DOE found that exception relief was necessary in order to prevent the residents from experiencing an unfair distribution of burdens. Accordingly, the firm's Application for Exception was granted for the period November 1980 through January 1981.

Rehoboth Amoco, 6/10/81, BEO-0092

On April 27, 1979, Rehoboth Amoco (Rehoboth) filed an Application for Exception in which it sought an increase in its base period allocation of motor gasoline. On September 20, 1979, the Northeast Regional Center of the DOE Office of Hearings and Appeals issued a Proposed Decision tentatively granting the firm relief. This relief was made effective immediately by an Interim Order issued on September 25, 1979. Subsequently, Rehoboth filed a Statement of Objections, arguing that the relief which had been tentatively approved was insufficient to enable the firm to meet its operating expenses.

After considering the matter, the DOE determined that Rehoboth's Statement of Objections was rendered moot by the January 28, 1981 Executive Order that exempted motor gasoline from the provisions of the DOE Mandatory Allocation Regulations. Accordingly, the firm's Statement of Objections was dismissed and the September 20, 1979 Proposed Decision issued as a final Decision and Order of the DOE.

Ross Oil Company, 6/12/81, BEE-1592

Ross Oil Company (Ross) filed an Application for Exception in which it requested that it be relieved of the requirement to file Form EIA-172, "Sales of Fuel Oil and Kerosene" for calendar year 1979. In considering the exception request, the DOE found that the reporting requirements imposed a grossly inequitable burden on the firm. Accordingly, exception relief was granted.

SSM Oil & Gas Producers, 6/10/81, BEE-1137

SSM Oil and Gas Producers filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D in which the firm sought permission to recertify the crude oil produced in October 1979 from the Myrtle Hubbard lease located in Richland Parish, Louisiana as stripper well crude oil. In considering the request, the DOE determined that the firm failed to satisfy the generally applicable criteria for the approval of retroactive exception relief. The DOE also determined that the firm had failed to demonstrate that the requirement that stripper well crude oil be certified as such to the purchaser within the two month period following the month in which the crude oil was produced and sold constituted an invalid regulation. Accordingly, exception relief was denied.

USA Petroleum Corporation, 6/10/81, BEE-1357

USA Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR 211.67 (the Entitlements Program) in which the firm sought exception relief from its entitlements purchase obligation for the month of July 1980 with respect to its receipts of upper tier Alaskan North Slope (ANS) crude oil during May 1980. In considering the request, the DOE determined that USA did not experience a gross inequity as a result of the treatment of ANS crude oil under the Entitlements Program and that the firm failed to demonstrate that it would experience a serious hardship in the absence of exception relief. Accordingly, exception relief was denied.

Requests for Stay

Masonite Corporation, Uncle Ben's Foods, Inc., 6/12/81, BES-0670, BES-0672

Masonite Corporation and Uncle Ben's Foods, Inc. filed Applications for Stay in which the firms requested that they be placed on the January Entitlements List and issued runs credits for their production and consumption of sold waste pursuant to 10 CFR 211.67(a)(5)(i)(F). The Applications for Stay related to Appeals filed by the firms in which they claim that the ERA's failure to act upon their Applications for Entitlements Benefits for Petroleum Substitutes is a constructive denial thereof that should be reversed. In considering the Applications for Stay, the DOE rejected the firms' claims with respect to the nature of the irreparable harm and the appropriateness of the requested relief. The DOE further found, however, that the ERA's apparent policy of suspending the issuance of decisions on pending Applications for Entitlements Benefits for Petroleum Substitutes, pending the outcome of a related rulemaking proceeding, warranted an alternative form of relief. Accordingly, the DOE determined that the ERA should be directed to resume the issuance of decisions on pending Applications for Entitlements Benefits for Petroleum Substitutes and, thus, the Applications for Stay were granted in part.

Motions for Discovery

Atlantic Richfield Company, Office of Special Counsel, 6/10/81, BRD-1243, BRD-0079

Atlantic Richfield Company (Arco) filed a Motion for Discovery in connection with a Statement of Objections it filed to a Proposed Order of Disallowance issued to it by the Office of Special Counsel (OCS) on May 15, 1980. OSC later filed a Motion for Discovery directed toward Arco in connection with its Response to Arco's Statement of Objections. On April 27, 1981, the Office of Hearings and Appeals convened a hearing concerning both these discovery motions. At the hearing, it was found that those portions of both motions seeking information which was relevant and material to the enforcement proceeding should be granted. The DOE accordingly issued a Decision and Order granting both Motions for Discovery in part, for the reasons stated at the hearing. Among the discovery granted was discovery of DOE's contemporaneous construction of the Transfer Price Regulations, 10 CFR 212.83-84, discovery of the administrative records of

these regulations, and discovery of Arco's constructions of portions of these regulations.

Exxon Company, USA., Cities Service Company, Conoco, Inc., Marathon Oil Company, Sun Oil Company of Pennsylvania, The Standard Oil Company of Ohio, Tosco Corporation, Mobile Oil Corporation, 6/12/81, BED-0096, BEH-0096, BED-0097, BEH-0097, BED-0098, BEH-0098, BED-0099, BEH-0099, BED-0100, BEH-0100, BED-0101, BEH-0101, BED-0102, BEH-0102, BED-0103, BEH-0103

On December 31, 1980, a Decision and Order was issued to the Citronelle Unit in which exception relief in the amount of $60 million was approved in order to provide the working interest owners with the requisite financial incentives to undertake a tertiary recovery project on the Citronelle Field. In connection with their administrative appeals of the December 31 Order, eight firms filed Motions for Discovery and Evidentiary Hearing in connection with the Statements of Objections phase of the proceeding. The petitioners sought extensive discovery of the background and the events leading up to the approval of exception relief to the Citronelle Unit. The material requested by the petitioners is encompassed within four discrete categories:

(1) The motion must seek specific information which is relevant and material to factual issues which remain in dispute after all Statements of Objections and Responses have been filed.

(2) The requested information cannot be obtained through a method of discovery which ranks higher in the order of preference set forth in 10 CFR 205.64(a)

(3) The requested discovery must not place an undue burden on another person or on the DOE.

(4) The requested discovery must not cause undue delay.

After a review of the file in the Citronelle case, the DOE found that a substantial amount of the information sought through discovery had recently been made available to the petitioners by the Citronelle Unit. In addition, the DOE determined that discovery of certain material was warranted in order to provide information which would lead to the resolution of certain material issues of fact that remain in dispute. In this connection, the DOE concluded that discovery of the efforts undertaken by the Citronelle Unit to secure the agreement of the working interest owners to agree to undertake the tertiary recovery project was appropriate since one of the Citronelle Unit's contentions was that in the absence of exception relief the Unit could not garner the requisite percentage of the ownership interest to agree to undertake the project. The DOE also concluded that in order for all the parties to possess a full record in this case, the Citronelle Unit would be required to provide the petitioners with a summary of all communications that representatives of the Unit had with employees of the federal government prior to the issuance of the December 31 Order.

Finally, the DOE determined that an evidentiary hearing should be convened in order to receive testimony on disputed material issues of fact. The principal factors underlying the approval of exception relief were the alleged inability of the Citronelle Unit to secure the requisite percentage of the ownership interest to agree to undertake the enhanced crude oil recovery project and the alleged inability of the Citronelle Unit to obtain financing for the project in the absence of exception relief. It was determined that resolution of these disputed issues would be significantly enhanced by the oral testimony and cross examination of Citronelle officials and experts nominated by the requesters.

Hunt Oil Company, 6/10/81, BRD-0114

Hunt Oil Company filed a Motion for Discovery in connection with its Statement of Objections to a Proposed Remedial Order issued to the firm by the ERA on August 2, 1979. In its Motion, the firm submitted interrogatories and requests for production of DOE documents regarding the DOE definition of "property" and the reasons the DOE changed its position regarding the status of Hunt's Amacker Leases. In considering the Motion, the DOE determined that the firm failed to show that the information it requested is relevant or material or that the approval of the Motion would advance the resolution of any disputed factual issue in the case. Hunt's discovery request was therefore denied.

True Oil Company, 6/12/81, BRD-0268, BRH-0268

True Oil Company (True) filed Motions for Discovery and Evidentiary Hearing in connection with its Statement of Objections to a Proposed Remedial Order that ERA's Rocky Mountain District issued to it on June 8, 1979. In its Motion for Discovery, True requested: (1) administrative record discovery of the regulations defining the terms "posted price" and "property" and the rulings relating to these definitions; (2) contemporaneous construction discovery of these terms; (3) specific information relating to the ERA's determination that the Amoco Bulletin A-3 reflected the highest posted price on May 15, 1973 for certain crude oil produced in Wyoming's Power River Basin; (4) documents relating to all audits of True's properties; (5) information concerning the DOE employees involved in the audits; and (6) information relating to True's contention that it is not liable for all the overcharges alleged in the PRO. Although the DOE denied the motion in most respects, it ordered the ERA to provide True with (1) all documents authored, approved, or authorized by responsible agency officers generated in the period between August 17, 1973 and January 31, 1978, that discuss the effect of "royalty, overriding royalty, or working interest accounting requirements or practices" under the "property" definition; (2) a list of all enforcement proceedings concerning May 15, 1973 Powder River Basin posted prices in which a Notice of Probable Violation or a Proposed Remedial Order has been issued; and (3) all documents in the ERA audit file that have not been released to True and which contain price offerings for the crude oil produced from the Powder River Basin which were in effect on May 15, 1973. With respect to the True Motion for Evidentiary Hearing, the DOE determined that none of the 14 issues identified in True's submission raised relevant and material issues of fact whose resolution would be substantially assisted by an evidentiary proceeding. The Motion for Evidentiary Hearing was therefore denied.

Interlocutory Order

Office of Special Counsel, 6/10/81, BRZ-0104

Pursuant to *Office of Special Counsel*, 8 DOE ¶ —— (May 15, 1981), the Office of Hearings and Appeals entered an Order finding Texaco Inc. to have admitted specified factual findings in a Remedial Order issued to it on May 1, 1979, which it failed to controvert in its Statement of Factual Objections.

Supplemental Orders

First National Bank in Dallas, 6/9/81, BEX-0217

On December 31, 1980, the DOE approved exception relief to the Citronelle Unit in order that the working interest owners could implement a tertiary recovery project on the Citronelle Field. *The 341 Tract Unit of the Citronelle Field*, 7 DOE ¶ 81,140 (1980). As a condition subsequent to receiving exception relief, the DOE indicated that it would appoint a special trustee to monitor the project. As a result, the DOE appointed the First National Bank in Dallas as special trustee and ratified the agreement that would be executed by the bank and the Citronelle Unit. The agreement sets forth the powers, duties and liabilities of the special trustee.

Office of Enforcement (GORCO), 6/9/81, BRX-0208

The Office of Enforcement of the Economic Regulatory Administration filed a Motion for Supplemental Order in which it requested that the Office of Hearings and Appeals lift the stay granted to Guam Oil & Refining Company, Inc. (GORCO) on May 26, 1978, *See Guam Oil & Refining Co.*, 1 DOE ¶ 82,052 (1978), and require GORCO to file a Response to the Notice of Probable Violation (NOPV) issued to the firm on March 30, 1978. In considering the Motion, the DOE found that the stay was intended to remain in force during the pendency of a related exception proceeding (Case No. FEE-4105) and that the completion of that exception proceeding warranted lifting of the stay at this time. The DOE also found that the public interest in the expeditious resolution of enforcement proceedings strongly favored lifting the stay. Accordingly, the Motion for Supplemental Order was granted.

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Company Name and Case No.

Farmers Union Central Exchange, Inc., Cities Service Company—BEJ-0202

Petitions Involving the Motor Gasoline Allocation Regulations

The following firm filed an Application for Exception from the provisions of the Motor Gasoline Allocation Regulations. The DOE issued a Decision and Order which determined that the request be dismissed:

Company Name and Case No.

Arnold's Arco & Rental, BEO–0560

Dismissals

The following submissions were dismissed without prejudice:

Company Name and Case No.

Allied Materials Corporation, BEA–0109
Giant Industries, Inc., BEE–1631; BES–1613; BET–1614
Hewit and Dougherty, DEE–2195
Dougherty Group, DEE–3455

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B–120, 2000 M Street, N.W. Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., 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.

July 14, 1981.

[FR Doc. 81-21251 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-01-M

Objection to Proposed Remedial Orders Filed; Period of May 11 Through June 12, 1981

During the period of May 11 through June 12, 1981, the notices of objection to proposed remedial orders listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Any person who wishes to participate in the proceeding the Department of Energy will conduct concerning the proposed remedial orders described in the Appendix to this Notice must file a request to participate pursuant to 10 CFR § 205.194 on or before August 10, 1981. The Office of Hearings and Appeals will then determine those persons who may participate on an active basis in the proceeding and will prepare an official service list, which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown.

All requests to participate in these proceedings should be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Acting Director, Office of Hearings and Appeals.

July 14, 1981.

Conoco, Inc., Washington, D.C. BRO–1448, motor gasoline

On June 11, 1981, Conoco, Inc., High Ridge Park, Stamford, Connecticut 06904, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on May 6, 1981. In the PRO the Southwest District found that during the period from September 1, 1973 to December 31, 1980, Conoco overcharged certain customers who purchased gasoline and No. 2 oil at certain terminals in the firm's Reseller Sales Division. According to the PRO the Conoco violation resulted in $339,827.48 of overcharges.

Conoco, Inc., Washington, D.C. BRO–1448, motor gasoline

On June 11, 1981, Conoco, Inc., High Ridge Park, Stamford, Connecticut 06904, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southwest District Office of Enforcement issued to the firm on April 30, 1981. In the PRO the Southwest District found that during the period from June 7, 1973 to December 31, 1980, Conoco overcharged customers who purchased motor gasoline at its Lake Charles, Louisiana refinery. According to the PRO the Conoco violation resulted in $6,947,712.00 of overcharges.

Pacific Valley Center, Big Sur, California, BRO–1449, motor gasoline

On June 12, 1981, Pacific Valley Center, Big Sur, California 93920, filed a Notice of Objection to a Proposed Remedial Order which the DOE Western District Office of Enforcement issued to the firm on May 29, 1981. In the PRO the Western District found that during July 11, 1980 to January 18, 1981, Pacific Valley Center has charged certain prices for certain grades of gasoline in excess of the maximum lawful selling price for those grades of gasoline in violation of 10 CFR § 212.93. According to the PRO the Pacific Valley Center violation resulted in $6,868.79 of overcharges.

[FR Doc. 21252 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4448–000]

CHASM Hydro, Inc.; Application for Preliminary Permit

July 15, 1981.

Take notice that CHASM Hydro, Inc. (Applicant) filed on April 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4448 known as the Forge Dam Project located on the Chateaugay River in Franklin County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John H. Dowd, Box 319, Chateaugay, New York 12920.

Project Description—The proposed project would utilize the existing facilities owned by the Town of Belmont, New York, consisting of: (1) a 155-foot long and 20-foot high concrete reinforced masonry buttress-type dam with a 90-foot long wingwall at the right (east) side and a 77.5-foot long wingwall at the left (west) side; (2) two screened and steel-gated 6-foot square intake structures at the dam's left side; (3) a reservoir (Chateaugay Lake) having a surface area of 3,000 acres and a storage capacity of 82,500 acre-feet at normal maximum pool elevation 1,310 m.s.l.; (4) an 8-foot diameter 6-foot long steel penstock; and (5) appurtenant facilities.

Applicant proposes to construct: (1) an 8-foot diameter 400-foot long penstock along the left bank; (2) a reinforced concrete powerhouse containing a generating unit having a rated capacity of 350-kW; (3) a 600-foot long transmission line; and (4) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,150,000 kWh. Applicant would sell the project energy to New York State Electric & Gas Corporation.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 18 months, during which time it would evaluate the existing facilities, determine the engineering, economic and environmental feasibility, perform studies, and prepare an application for an FERC license. Applicant estimates the cost of the work under the permit to be $20,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 21, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before September 21, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21278 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project 4645-000]

Greenwood Ironworks; Application for Preliminary Permit

July 15, 1981.

Take notice that Greenwood Ironworks (Applicant) filed on May 11, 1981, and application for preliminary permit [pursuant to the Federal Powder Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4645 known as the Locks Dam Project located on the Appomattox River in Dinwidie and Chesterfield Counties, Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joshua Greenwood, Greenwood Ironworks, 420 Grove Avenue, Petersburg, Virginia 23803.

Project Description—The proposed project would consist of: (1) an existing 300-foot long and 6-foot high diversion dam; (2) an existing 2.5 mile long intake canal; (3) a proposed powerhouse with an estimated installed generating capacity of 1,000 kW; (4) an exisitng 5-acre reservoir having 30 acre-feet of storage capacity; (5) an existing 40-foot high overflow spillway at the downstream terminus of the canal; and (6) appurtenant facilities. The Applicant estimates that the average annual energy output would be 7,280 MWh.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months. During this time the significant legal, institutional, engineering, environmental, marketing, economic and financial aspects of the project will be defined, investigated and assessed to support an investigation decision. The report of the proposed study will address whether or not a commitment to implementation is warranted, and, if the findings are positive, describe the steps required for implementation. The report will be prepared so that the information presented will be useful in preparing an application for license for the project. The Applicant's estimated total cost for performing a feasibility study is $40,000.

Competing Applications—This application was filed as a competing application to the Locks Dam Project No. 3684 filed on November 5, 1980, by Chesdin Development Ltd. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4645. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21279 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-58-000]

Gulf States Utilities Co.; Application

July 16, 1981.

Take notice that on July 9, 1981, Gulf States Utilities Company (Applicant) filed an application with the Federal Energy Regulatory Commission (the Commission) seeking an order pursuant to Section 204(a) of the Federal Power Act authorizing the issuance of not more than $100,000,000 Principal Amount of First Mortgage Bonds via negotiated placement.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in

any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21280 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-59-000]

Gulf States Utilities Co.; Application

July 16, 1981.

Take notice that on July 9, 1981, Gulf States Utilities Company (Applicant) filed an application with the Federal Energy Regulatory Commission pursuant to Section 204 of the Federal Power Act seeking authorization to enter into a leasing arrangement for coal porters which will be utilized to begin building the coal pile for the Applicant's Nelson Unit No. 6, a 540 megawatt coal-fired unit presently planned to be in service in 1982.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21281 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP76-91]

Montana-Dakota Utilities Co.; Amendment of Stipulation and Agreement in Settlement of Remaining Issues

July 15, 1981.

Take notice that on July 10, 1981, Montana-Dakota Utilities Co. ("MDU") filed with the Commission for its consideration and approval, pursuant to § 1.18(e) of the Commission's Rules of Practice and Procedure, an Amendment of Stipulation and Agreement in Settlement of Remaining Issues ("Amendment"). The Amendment asserts that it revises MDU's currently effective curtailment plan, as approved by the Commission on November 30, 1979. The Amendment is joined in by all the active intervenors in the proceeding.

The proposed Amendment would restate the 1979 Settlement provisions regarding new connections for the years 1979 and 1980, allowing MDU to make up to 5,000 and 7,500 new high priority connections in calendar years 1979 and 1980, respectively. Article II of the 1979 Settlement is amended to allow MDU to make up to 7,500 new high priority connections and up to 50 new low priority connections (large commercial or industrial customers whose estimated usage is less than 300 Mcf on a peak day) as determined by reserve additions and deliverability limitations set forth in the Amendment. For any year in which MDU is permitted to make less than 7,550 new connections MDU must file a tariff sheet on or before March 31 of that year, fixing the number of new connections permitted.

Article II of the 1979 Settlement is further amended to provide that nothing in MDU's curtailment plan shall limit MDU's right to contract to and seek authorization to sell gas to Cody Gas Company as an on-system customer and, in fact, provides for express consent to the on-system sale of gas to Cody Gas Company by the intervenors who ratify this Amendment. MDU is thereby allowed to make sales of gas to off-system customers subject to deliverability conditions set forth in the Amendment. Again, ratification of the Amendment by the intervenors herein provides express consent to the excess gas sale to Colorado Interstate Gas Company and MIGC, Inc., as proposed in Docket No. CP81-316.

Article V of the 1979 Settlement is amended to allow MDU to offer its essential agricultural (including boiler fuel) users annual contracts for 100% of the essential agricultural use requirements through June 30, 1985, without requiring alternate fuel tests to be met by the agricultural customers.

Article VI of the 1979 Settlement is amended to allow MDU to offer its large industrial customers annual contracts for 100% of their Priority 2(b) and 4 requirements, as set forth in MDU's Index of Requirements, through June 30, 1985.

Article VII of the 1979 Settlement is amended to require MDU to take into account the availability of storage gas in determining its ability to make deliveries under Articles V and VI, and to withdraw gas from storage to the maximum extent feasible before invoking curtailment procedures. Moreover, before curtailing any of such contract quantities, MDU shall first curtail all Article II excess gas sales to off-system customers.

Article VIII of the 1979 Settlement is amended to require MDU to reduce deliveries to off-system purchasers before imposing an interruption on on-System customers except when doing so would not increase the gas available to the on-system customers which are subject to interruption. MDU will supply plant protection gas in the event of interruption. Finally, those customers who have converted to coal under Section 2.6(c) of MDU's FERC curtailment plan, shall be treated for purposes of ordering interruptions in the same manner as firm commercial requirements without alternate fuel capability installed.

MDU also agrees to propose and accept conditions to the excess gas sales certificate it is seeking in Docket No. CP81-316 which condition the proposed sale upon the deliverability conditions of Section (D) of Article II of the Amendment, provide for price conditions relative to the price for on-system customers, and require MDU to file various gas cost and deliverability reports on or before April 30 of each year through October 31, 1985.

Any person desiring to be heard or to make any protest with reference to said filing should on or before July 30, 1981 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10).

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21282 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4511-000]

City of Monticello; Application for Preliminary Permit

July 16, 1981.

Take notice that the City of Monticello (Applicant) filed on April 13, 1981, an applicaton for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 4511 known as the Monticello Mill Dam Project located at the Monticello Mill Dam on the Maqyoketa River in Jones County, Iowa. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Michael E. Ament, P.E., Shive-Hattery & Associates, PO. Box 1803, Cedar Rapids, Iowa 52406.

Project Description—The proposed project would utilize the existing Monticello Mill Dam owned by the Jones County Conservation Board. The project works would include: (1) an existing 12-foot high, 430-foot long concrete

structure with an overflow spillway; (2) an existing 40-acre reservoir with approximately 240 acre-feet of storage capacity; (3) a proposed powerhouse with an installed generating capacity of 300 kW and an estimated average annual generation of 1,314 GWh; (4) a proposed approach channel; (5) a proposed tailrace channel, and (6) appurtenant facilities. The Applicant states that the most likely customer for the power produced would be the Iowa Electric Light and Power Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time studies would be made to determine the technical, economic, and financial feasibility of the proposed project, taking into consideration its environmental impacts, in support of an application for license for the project. The cost of Applicant's studies are estimated to be $35,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 4, 1981, either the competing application itself [See 18 CFR 4.33 (a) and (d) (1980)] or a notice of intent [See 18 CFR 4.33 (b) and (c) (1980)] to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies only directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before September 4, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21277 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-60-000]

Northwestern Public Service Co.; Application

July 16, 1981.

Take notice that on July 10, 1981, the Northwestern Public Service Company (Applicant) filed an application with the Commission, pursuant to Section 204 of the Act, seeking authorization to issue and sell 200,000 additional shares of its Common Stock, par value $7 per share, pursuant to Applicant's Automatic Dividend Reinvestment and Stock Purchase Plan.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 198, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21283 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-37]

Oklahoma Natural Gas Gathering Corp.; Third Party Protest [1]

July 16, 1981.

Take notice that in accordance with the procedures established by the Federal Energy Regulatory Commission (Commission) in Order No. 23-B,[2] and "Order on Rehearing of Order No. 23-B," [3] The Staff of the Commission protested on July 2, 1981 the assertion by the Oklahoma Natural Gas Gathering Corporation (Oklahoma) and certain producers that the contracts identified in its protests constitute contractual authority for the producers to charge and collect any applicable maximum lawful price under the Natural Gas Policy Act of 1978 (NGPA).

Staff stated that the language of the following contracts does not constitute authority for the producer to increase prices to the extent claimed by Oklahoma in its evidentiary submission:

Seller	Rate schedule No. or contract date
Ladd Petroleum Corporation	30.
Texaco Inc	253.
ONG Exploration, Inc	22.
Union Texas Petroleum	61.
D.P.H. Ltd	30.
Al McCord, Inc	Mar. 4, 1977.
Home Petroleum Corporation	July 4, 1977.
Texas Oil & Gas Corporation	Sept. 11, 1978.

Any person, other than the pipeline and the seller, desiring to be heard or to make any response with respect to these protests should file with the Commission, on or before July 31, 1981, a petition to intervene in accordance with 18 CFR 1.8. The seller need not file for intervention because under 18 CFR 154.94(j)(4)(ii), the seller in the first sale is automatically joined as a party.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21284 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4692-000]

City of Paris, Ky.; Application for Preliminary Permit

July 16, 1981.

Take notice that the City of Paris, Kentucky (Applicant) filed on May 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 4692 known as the Kentucky River Lock and Dam No. 12 located on Kentucky River in Estill County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Kerby Burton, W. M. Lewis and

[1] The term "third party protest" refers to a protest filed by a party who is not a party to the contract which is protested.

[2] "Order Adopting Final Regulations and Establishing Protest Procedure," Docket No. RM79-22, issued June 21, 1979.

[3] Docket No. RM79-22, issued August 6, 1979.

Associates, Inc., P. O. Box 1383, Portsmouth, Ohio 45662.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located at the east end of the existing dam, containing two generating units rated at 9 MW each for a total installed capacity of 18 MW; (2) a proposed 0.5 mile, 69 kV transmission line; and (3) appurtenant facilities. Applicant estimates that the annual energy output for the project would be 51.02 GWh. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time the following studies would be performed: (1) selection of generating equipment; (2) land use; (3) transmission line right-of-way; (4) hydraulic analyses; (5) flow/energy calculations; (6) cost estimates; (7) financing; and (8) water quality. In addition, Federal, State, and local government agencies would be consulted concerning the environmental effects of the project. Applicant estimates the cost of the studies would be $75,000.

Competing Applications—This application was filed as a competing application to the Kentucky River Lock and Dam No. 12 Project Nos. 3660, 3680 and 3971 filed on November 4, 1980, November 5, 1980, and January 12, 1981, by Continental Hydro Corporation, Dam Twelve Development Ltd, and Energenics System Inc., respectively, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 21, 1981.

Filing and Service of Responsive Documents—Any comments, protests, of petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4692. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21278 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4757]

Public Utility District No. 1 of Jefferson County; Application for Preliminary Permit

July 16, 1981.

Take notice that Public Utility District No. 1 of Jefferson County (Applicant) filed on June 1, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4757 known as the Rocky Brook Project located on Rocky Brook in Jefferson County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: J. R. Kint, Manager, Public Utility District No. 1 of Jefferson County, Jefferson County Courthouse, Jefferson and Cass Streets, Port Townsend, Washington, 98368.

Project Description—The proposed project will consist of: (1) an 80-foot high concrete dam, impounding approximately 450 acre-feet; (2) a 3,000-foot long, 48-inch diameter power conduit; (3) a powerhouse containing two units, each rated at 1,250 kW; (4) a tailrace; and (5) a two-mile long transmission line. The average annual energy generation is estimated to be 20.3 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, economic, feasibility, and environmental studies, and prepare an FERC license application. The cost of studies is estimated to be $320,000.

Competing Applications—This application was filed as a competing application to the Rocky Brook Project No. 3783 filed on November 24, 1980, by Rocky Brook Electric Corporation under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 20, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A

copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21285 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI81-414-000 et al.]

Southern Union Exploration Company (Partial Successor in Interest to Supron Energy Corporation); Application for Certificates of Public Convenience and Necessity

July 16, 1981.

Take notice that on June 29, 1981, Southern Union Exploration Company ("SX"), 1217 Main St., Suite 400, Dallas, Texas 75202, filed an application for certificates of public convenience and necessity to act as partial successor in interest to service previously authorized by the Commission to Supron Energy Corporation ("Supron"), as shown on Exhibit I. SX also requests that certain of dockets and rate schedules currently held by Supron be amended to reflect SX as the applicant for a portion of the service previously rendered by Supron.

Prior to the December 31, 1980 transfer between SX and Supron, the Commission had on file certificates of public convenience and necessity and rate schedules assigned in the name of Southern Union Exploration Company. On December 30, 1980 the name of that company was changed to Southern Union Exploration Company of Texas.

In a separate transaction, and pursuant to a corporate reorganization, Supron conveyed, as a contribution to capital, interests in certain of its properties to Southern Union Properties, Inc., a newly formed, wholly owned subsidiary of Supron. On December 31, 1980, all of the stock of Southern Union Properties, Inc. was traded to Southern Union Company in return for approximately 27% of the outstanding stock of Supron, which stock was owned by Southern Union Company. Because of the name change executed December 30, 1980, bringing into existence Southern Union Exploration Company of Texas on December 31, 1980, it was possible to change the name of Southern Union Exploration Company (SX) by amendment to the Articles of Incorporation.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Exhibit I

Supron Energy Company gas rate schedule No.	Certificate docket No.	Purchaser
1 CI 81-414-000	G-4612	El Paso Natural Gas Co.
3 CI 81-415-000	G-7671	Southern Union Exploration Co.
10 CI 81-416-000	CI 81-1267,	El Paso Natural Gas Co.
11 CI 81-417-000	CI 64-935	Michigan Wisconsin Pipeline Co.
14 CI 81-418-000	CI 65-472	Michigan Wisconsin Pipeline Co.
15 CI 81-419-000	CI 65-767	El Paso Natural Gas Co.
17 CI 81-420-000	CI 66-403	Arkansas Louisiana Gas Co.
19 CI 81-421-000	Unknown	Michigan Wisconsin Pipeline Co.
20 CI 81-422-000	Unknown	Michigan Wisconsin Pipeline Co.
32 CI 81-423-000	Unknown	Arkansas Louisiana Gas Co.
34 CI 81-424-000	Unknown	Arkansas Louisiana Gas Co.
37 CI 81-425-000	Unknown	Northwest Pipeline Corp.
39 CI 81-426-000	Unknown	Arkansas Louisiana Pipeline Co.

[FR Doc. 81-21286 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CI77-428-003, et al.]

Southern Union Exploration Company of Texas (Formerly: Southern Union Exploration Company); Corporate Name Change

July 16, 1981.

Take notice that on June 29, 1981, Southern Union Exploration Company of Texas ("SXT"), 1217 Main St., Suite 400, Dallas, Texas 75202, filed an application in Docket Nos. CI72-428-003, *et al.*, to amend the certificates currently held by Southern Union Exploration Company ("SX"), so as to substitute SXT for SX as certificate holder and to redesignate the rate schedules in the name of the Applicant.

By Certificate of Amendment of Certificate of Incorporation, effective December 30, 1980, Southern Union Exploration Company changed its name to Southern Union Exploration Company of Texas.

The various dockets and rate schedules are listed in the attached appendix.

Notice is hereby given that all certificates, rate schedules and pending applications and proceedings as listed in the attached Appendix are redesignated to reflect the corporate name change from Southern Union Exploration Company to Southern Union Exploration Company of Texas, effective December 30, 1980.

Kenneth F. Plumb,

Secretary.

Appendix

[Docket numbers of Southern Union Exploration Company]

Rate schedule No.	Docket No.	Purchaser
1	CI 77-428-003	Western Gas Interstate.
2	CI 77-489-002	El Paso Natural Gas Co.
3	CI 77-578-001	Southern Union Co.
4	CI 76-579-003	El Paso Natural Gas Co.
5	CI 77-677-002	Western Gas Interstate.

[FR Doc. 81-21287 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. RM79-34 and ST81-260]

Transportation Certificates for Natural Gas Displacement of Fuel Oil and Mustang Fuel Corp.; Self-Implementing Transactions

July 16, 1981.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to Part 284 of the Commission's Regulations and Sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA).

The "Part 284 Subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline pursuant to § 284.102 of the Commission's Regulations.

A "C" indicates transportation by an intrastate pipeline pursuant to § 284.122 of the Commission's Regulations. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and expiration date for the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a petition to intervene with the Secretary of the Commission.

A "D" indicates a sale by an intrastate pipeline pursuant to § 284.142 of the Commission's Regulations and Section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline pursuant to Section 284.163 of the Commission's Regulations and Section 312 of the NGPA.

An "F" indicates a fuel oil displacement transaction implemented pursuant to Section 284.202 of the Commission's Regulations. Any interested person may file a complaint concerning such transactions pursuant to § 284.205(d) of the Commission's Regulations.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G (HT)" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.222 of the Commission's Regulations.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284 subpart	Expiration date*	Transportation rate (C/MMBTU)
ST81-260	Mustang Fuel Corp	El Paso Natural Gas Co	05/01/81	C	09/28/81	22.29
ST81-261	Channel Industries Gas Co	Transcontinental Gas Pipe Line Corp	05/01/81	C		
ST81-262	Northwest Pipeline Corp	El Paso Natural Gas Co	05/04/81	G		
ST81-263	United Gas Pipe Line Co	Valiro Transmission Co	05/04/81	B		
ST81-264	Colorado Interstate Gas Co	Texas Gas Transmission Corp	05/04/81	G		
ST81-265	Texas Eastern Transmission Corp	Transwestern Pipelinc Co	05/05/81	G		
ST81-266	Trunkline Gas Co	Southern Natural Gas Co	05/05/81	G		
ST81-268	Dow Intrastate Gas Co	Natural Gas Pipeline Co. of America	05/05/81	C	10/02/81	15.00
ST81-269	Monterey Pipeline Co	Columbia Gas Transmission Corp	05/06/81	C	10/05/81	17.50
ST81-270	Louisiana Resources Co	Texas Gas Transmission Corp	05/11/81	C	10/08/81	0.00
ST81-271	National Fuel Gas Supply Corp	Connecticut Natural Gas Co	05/04/81	B		
ST81-272	National Fuel Gas Supply Corp	Lowell Gas Co	05/04/81	B		
ST81-273	Northern Natural Gas Co	Northwest Pipeline Co	05/11/81	G		
ST81-274	Coronado Transmission Co	Southern Natural Gas Co	05/11/81	C		
ST81-275	Mountain Fuel Supply Corp	Northwest Pipeline Corp	05/12/81	G		
ST81-276	Tennessee Gas Pipeline Co	Florida Gas Transmission Co	05/13/81	G		
ST81-277	Delhi Gas Pipeline Corp	Southern Natural Gas Co	05/13/81	C	10/10/81	39.07
ST81-278	Houston Pipe Line Co	Public Service Electric and Gas Co	05/11/81	C		
ST81-279	Houston Pipe Line Co	El Paso Natural Gas Co	05/11/81	C		
ST81-280	Oasis Pipe Line Co	El Paso Natural Gas Co	05/11/81	C		
ST81-281	Texas Eastern Transmission Corp	Consolidated Edison Co., Inc	05/18/81	F		
ST81-282	The East Ohio Gas Co	Bay State Gas Co	05/14/81	G(HT)		
ST81-283	The East Ohio Gas Co	Fitchburg Gas and Electric Light Co	05/14/81	G(HT)		
ST81-284	Tennessee Gas Pipeline Co	Bay State Gas Co	05/20/81	B		
ST81-285	Tennessee Gas Pipeline Co	Fitchburg Gas and Electric Light Co	05/20/81	B		
ST81-286	Tennessee Gas Pipeline Co	Consolidated Gas Supply Corp	05/21/81	G		
ST81-287	Natural Gas Pipeline Co of America	Entex, Inc	05/26/81	B		
ST81-288	Black Marlin Pipeline Co	Lone Star Gas Co	05/20/81	B		
ST81-289	Seagull Pipeline Corp	United Gas Pipe Line Co	05/26/81	C		
ST81-290	Seagull Pipeline Corp	United Gas Pipe Line Co	05/26/81	C		
ST81-291	Galaxy Energies, Inc	United Gas Pipe Line Co	05/26/81	C		
ST81-292	Tennessee Gas Pipeline Co	Orange and Rockland Utilities, Inc	05/26/81	B		
ST81-293	Natural Gas Pipeline Co. of America	United Gas Pipe Line Co	05/29/81	G		
ST81-294	Mountain Fuel Supply Co	Colorado Interstate Gas Co	05/27/81	G		
ST81-295	The Nueces Co	Colorado Interstate Gas Co	05/29/81	D	10/26/81	39.64
ST81-296	Tennessee Gas Pipeline Co	Natural Gas Pipeline Co. of America	05/29/81	G		

*The intrastate pipeline has sought Commission approval of its transportation rate pursuant to section 284.123(b)(2) of the Commission's regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the Commission does not take action by the date indicated.

[FR Doc. 81-21288 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-64-000]

USA Petroleum Corp.; Filing of Petition for Review

July 16, 1981.

Take notice that USA Petroleum Corporation on July 10, 1981 filed a Petition for Review under 42 U.S.C. § 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before July 31, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participant in the prior proceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before July 31, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR §§ 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025,

1000 Independence Avenue, S.W., Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-21280 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4505-000]

C.D.M. Generating Inc.; Application for Preliminary Permit

July 15, 1981.

Take notice that C.D.M. Generating Inc. (Applicant) filed on April 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for proposed Project No. 4505 to be known as Iron Mountain Project located on Spring Creek in Shasta County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Gary Drumm, P.O. Box 1778, Redding, California 96099. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 3-foot high concrete overflow diversion dam; (2) a 4,200-foot long and 36-inch diameter steel penstock; (3) a powerhouse containing one generating unit rated at 2,000 kW; and (4) a 600-foot long transmission long.

The Applicant estimates that the average annual energy output would be 13 million kWh.

Purpose of Project—The energy generated by the project would be sold to the Pacific Gas and Electric Company or to the City of Redding, California.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, economic, feasibility, and environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $90,000.

Competing Applications—This application was filed as a competing application to Iron Mountain Mines, Inc.'s Project No. 4311 filed on March 10, 1981, under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4505. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-21290 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4736-000]

City of Malden, Missouri; Application for Preliminary Permit

July 15, 1981.

Take notice that the City of Malden, Missouri (Applicant) filed on May 27, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 4736 to be known as the Wappapello Lake Project located on the St. Francis River in Wayne County, Missouri. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Phillip A. Santie, City of Malden, 115 East Main Street, Malden, Missouri 63863.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Wappapello Dam and would consist of a powerhouse containing one or more generating units having a rated capacity of 4 MW, an existing 69-kV transmission line, a penstock, a spillway, and appurtenant facilities. The Applicant estimates that the average annual energy output would be 24,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The proposed term of the requested permit is 24 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for an FERC license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $40,000.

Competing Applications—This application was filed as a competing application to the Wappapello Lake Project No. 3563 filed on October 14, 1980, by the City of Nashville, Arkansas under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file

comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4736. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21291 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES81-53-000]

Iowa Public Service Co.; Amended Application

July 14, 1981.

Take notice that on July 10, 1981, Iowa Public Service Company (Applicant), filed an amended application pursuant to section 204 of the Federal Power Act seeking authority to issue not more than $30 million aggregate principal amount of First Mortgage Bonds by means of a private placement. All such Bonds are to be issued on or about July 27, 1981, and will bear final maturity dates not later than eight years after the date of issuance.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 24, 1981, file with the Federal Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is avialable for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21292 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2744-001]

Menominee Co.; Application for License (Major)

July 15, 1981.

Take notice that Menominee Company (Applicant) filed on December 5, 1980, an application for license [pursuant to the Federal Power Act, 16 U.S.C 791(a)–825(r)] for continued operation of the Park Mill and Menominee Project No. 2744. The project is located on the Menominee River in Marinette County, Wisconsin and Menominee County, Michigan. Correspondence with the Applicant should be directed: Mr. R. Duke Vickrey, Scott Paper Company, Scott Plaza Two, Philadelphia, Pennsylvania 19113.

Project Description—The existing project consists of the Park Mill and Menominee Project facilities. The Park Mill facility (upstream) consists of: (1) an existing reservior with a normal elevation of 610 feet (m.s.l.) and a surface area of approximately 539 acres; (2) an existing concrete gravity dam structure approximately 22 feet high and 538 feet long with a normal operating head of 16 feet; (3) an existing intake canal approximately 2,400 feet long; (4) an existing spillway section consisting of seven, 20-foot wide by 11-foot high tainter gates and 350 feet of overflow spillway with flashboards; (5) an existing brick and concrete powerhouse with two horizontal and three vertical turbines having a combined maximum capacity of 1,744 kW; and (6) appurtenant facilities. The Menominee facility (downstream) consists of: (1) an existing reservoir with a normal elevation of 594 feet (m.s.l.) and a surface area of approximately 143 acres; (2) an existing concrete gravity dam structure approximately 26 feet high and 456 feet long with a normal operating head of 12 feet; (3) an existing spillway section consisting of twelve, 20-foot wide by 11-foot high tainter gates and a 150-foot long overflow spillway; (4) an existing 13-foot long concrete gravity closed dam and a 20-foot long earth embankment with concrete core wall at the south end of the spillway; (5) an existing concrete powerhouse with four vertical-type turbines having a combined maximum capacity of 2,240 kW; and (6) appurtenant facilities. The two facilities have a combined generating capacity of 3,984 kW and an average annual energy output of 20,265 MWh.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before September 21, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than January 19, 1981. A notice of intent must conform with the requirements of 18 C.F.R. 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commisson, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determing the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be filed on or before September 21, 1981. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the

Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21293 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GT81-6-000]

North Penn Gas Co.; Proposed Revision of Service Agreement

July 14, 1981.

Take notice that North Penn Gas Company (North Penn), on June 22, 1981, tendered for filing proposed Revision No. 1 to the Service Agreement between North Penn and Corning Natural Gas Corporation (Corning). North Penn states that the only effect of this revision is to increase the daily volume of gas that Corning may purchase from Consolidated Gas Supply Corporation at Horsehead, New York, during the months of December through March from 7,000 Mcf to 8,000 Mcf. No change in North Penn's revenues is contemplated.

North Penn proposes an effective date of July 22, 1981.

Copies of the filing were served on North Penn's jurisdicational customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 21, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21294 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 2833-002]

Public Utility District No. 1 of Lewis County; Application for a New Major License

July 15, 1981.

Take notice that on April 6, 1981, the Public Utility District No. 1 of Lewis County, Washington (Applicant) filed an application for license with the Federal Energy Regulatory Commission [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for construction, operation and maintenance of the Cowlitz Falls Hydroelectric Project, FERC No. 2833 to be located on the Cowlitz River in Lewis County, Washington. Correspondence with the Applicant should be directed to: Mr. Garry H. Kalich, Manager, Lewis County Public Utility District No. 1 of Lewis County, P.O. Box 330, Chehalis, Washington 98532.

Project Description—The proposed project would consist of (1) a concrete-gravity dam, 800 feet long, 140 feet high with four spillway bays each 60 feet wide and equipped with four hoist-operated 600-foot wide and 36-foot high radial gates; (2) a reservoir which would extend about 12.3 miles up the Cispus River, with a gross storage capacity of 13,150 acre-feet and a surface area of 870 acres at 866 feet m.s.l.; (3) an intake structure integral with a non-overflow, gravity section of the dam consisting of two rectangular, 27-foot by 33-foot bellmouth openings, each leading by way of a transition to 18-foot diameter penstocks; (4) a reinforced concrete powerhouse integrated with the dam and intake structure, housing two identical generating units with a total rated capacity of 35.1 MW; (5) two generator step-up 3-phase, 60-Hz transformers rated at 40.5 MVA FOA located at the powerhouse; (6) a switchyard containing two circuit breakers located 500 feet downstream from the powerhouse; (7) a 5.2 mile long transmission line connecting to the Applicant's proposed Glenona Substation which would be connected to existing Bonneville Power Administration transmission line.

Proposed Scope of Studies Under Permit—The Applicant proposes to develop campgrounds, a boat launch facility and a day park as recreational facilities at the reservoir site and estimates the cost of project to be $140,715. The power generated by the project would be integrated into the Bonneville Power Administration's interconnected transmission and distribution system.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before August 31, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than December 29, 1981. A notice of intent must conform with the requirements of 18 C.F.R. 4.33 (b) and (c) (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 for protests. In determing the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petitions to intervene must be filed on or before August 31, 1981. The Commission's address: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21295 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4490-000]

Richvale Irrigation District; Application for Preliminary Permit

July 15, 1981.

Take notice that Richvale Irrigation District (Applicant) filed on April 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 4490 known as the Sutter-Butte Power Project located on Sutter-Butte Main Canal in Butte County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed: Mr. Lloyd E. Horn, Secretary-Manager, Richvale Irrigation District, P.O. Box 147, Richvale, California 95974.

Project Description—The proposed project would consist of: (1) an intake structure located adjacent to the headworks structure for the Sutter-Butte Maine Canal at the California Department of Water Resources Thermalito Afterbay Dam; (2) a 650-foot

long penstock; (3) a powerhouse containing a single 3,000 kW generating unit and discharging into the canal; and (4) associated electrical and transmission equipment.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant would conduct a detailed study to determine the technical, economic, financial and environmental feasibility of the proposed project. Applicant estimates that the proposed study and preparation of a license application would cost $80,000.

Competing Applications—This application was filed as a competing application to Project No. 4301 filed on March 5, 1981, by the City of Gridley, California under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4490. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21296 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA81-63-000]

San Joaquin Refining Co.; Filing of Petition for Review Under 42 U.S.C. 7194

July 15, 1981.

Take notice that San Joaquin Refining Co. on July 6, 1981 filed a Petition for Review under 42 U.S.C. § 7194(b) (1977) Supp. from an order of the Secretary of Energy (Secretary).

Copies of the petition for review have been served on the Secretary and all participants in prior proceedings before the Secretary.

Any person who participated in the prior proceedings before the Secretary may be a participant in the proceeding before the Commission without filing a petition to intervene. However, any such person wishing to be a participant is requested to file a notice of participation on or before July 30, 1981, with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. Any other person who was denied the opportunity to participate in the prior preceedings before the Secretary or who is aggrieved or adversely affected by the contested order, and who wishes to be a participant in the Commission proceeding, must file a petition to intervene on or before July 30, 1981, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.40(e)(3)).

A notice of participation or petition to intervene filed with the Commission must also be served on the parties of record in this proceeding and on the Secretary of Energy through John McKenna, Office of General Counsel, Department of Energy, Room 6H-025, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Kenneth F. Plumb,

Secretary

[FR Doc. 81-21297 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4499-000]

The Village of Winnetka, Illinois; Application for Preliminary Permit

July 15, 1981.

Take notice that the Village of Winnetka, Illinois (Applicant) filed on April 8, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)—825(r)] for Project No. 4499 to be known as the Marseilles Dam located on Illinois River in LaSalle County, Illinois. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Gary L. Zimmerman, 510 Green Bay Road, Winnetka, Illinois 60093.

Project Description—The proposed project would consist of: (1) a proposed powerhouse that would be constructed on Bell's Island and would contain 9 generating units rated at 2,650 kW each for a total installed capacity of 23,850 kW; (2) proposed 138 kV transmission lines; and (3) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands.

Applicant estimates that the average annual generation would be 113,000,000 kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months. During this time the following studies would be performed: (1) environmental assessments; (2) hydraulic assessments; (3) transmission analysis; (4) foundation analysis; (5) cost estimates; (6) financing; and (7) preliminary and final designs. In addition, Federal, State, and local government agencies would be consulted concerning the environmental effects of the project. Applicant estimates the cost of the studies would be $50,000.

Competing Applications—This application was filed as a competing application to the Marseilles Dam Project No. 3594 filed on October 22, 1980, by Mitchell Energy Company, Inc. under 18 CFR 4.33 (1980). Public notice of the filing of the initial application has already been given and the due date for

filing competing application or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit commits on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before August 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capital Street, NE., Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-21238 Filed 7-20-81; 8:45 am]

BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[PP 1G2485/T316]

Sandoz, Inc.; Establishment of a Temporary Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A temporary exemption from the requirement of a tolerance has been established for residues of the virus codling moth granulosis when used as a virus on apples, pears, and walnuts.

DATE: This temporary exemption expires May 15, 1982.

FOR FURTHER INFORMATION CONTACT: Franklin D. R. Gee, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 401, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7028).

SUPPLEMENTARY INFORMATION: A temporary exemption from the requirement of a tolerance has been established for residues of the virus codling moth granulosis when used as a virus on apples, pears, and walnuts. This temporary exemption from the requirement of a tolerance was requested by Sandoz, Inc., 480 Camino Del Rio South, San Diego, CA 92108.

This temporary exemption from the requirement of a tolerance will permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of an experimental use permit (11273-EUP-23), which is being issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material have been evaluated and it has been determined that establishment of the temporary exemption from the requirement of a tolerance will protect the public health. Therefore, the temporary exemption from the requirement of a tolerance is established on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The amount of the pesticide to be used will not exceed the amount authorized in the experiment use permit.

2. Sandoz, Inc. will immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company will also keep records of production, distribution, and performance, and on request make these records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption from the requirement of a tolerance expires May 15, 1982. Residues remaining in or on the raw agricultural commodities after the expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and the temporary exemption from the requirement of a tolerance. This exemption may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health.

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

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

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: July 8, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-21229 Filed 7-20-81; 8:45 am]

BILLING CODE 6560-32-M

[OPTS-51279; TSH-FRL-1878-2]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 81-19964 appearing at page 35339, in the issue of Wednesday, July 8, 1981, make the following change:

On page 35340, the third column, the heading now reading "PMN 81-228" should be changed to read "PMN 81-288".

FEDERAL MARITIME COMMISSION

[Docket No. 78-32]

Pacific Westbound Conference—Equalization and Absorption Rules and Practices; Availability of Finding of no Significant Impact

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on Docket No. 78-32 will not constitute a

major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of an environmental impact statement is not required. Docket No. 78–32 is an investigation to determine whether PWC's basic agreement No. 57 permits equalization and absorption of motor carrier inland freight rates and charges and whether or not these practices violate the Shipping Act, 1916, or the Merchant Marine Act, 1936.

This Finding of No Significant Impact (FONSI) will become final within 20 days of publication of this Notice in the **Federal Register** unless a petition for review is filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessment are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Francis C. Hurney,

Secretary.

[FR Doc. 81–21181 Filed 7–20–81; 8:45 am]

BILLING CODE 6730–01–M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 7 days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No. 7680 DR (Second DR Westbound).

Filing party: Dominick J. Manfredi, Chairman, American West African Freight Conference, 67 Broad Street, New York, New York 10004.

Summary: The American West African Freight Conference has filed an application to extend, indefinitely, the second westbound exclusive patronage (dual rate) contract, denominated as 7680 DR (Second DR Westbound). Said contract is presently set to expire on August 2, 1981.

By Order of the Federal Maritime Commission.

Dated: July 15, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–21182 Filed 7–20–81; 8:45 am]

BILLING CODE 6730–01–M

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street NW, Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within *10* days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No. 9745–3.

Filing party:

Edwin Longcope, Attorney for Compagnie Maritime Belge, S.A., and Consolidated Container Service Co. Ltd., Hill Betts and Nash, One World Trade Center, New York, New York 10048

Edward Schmeltzer, Attorney for Centennial Shipping Limited, Schmeltzer, Aptaker & Sheppard, P.C., 1800 Massachusetts Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 9745–3 substitutes Centennial Shipping Limited for Bristol City Line Limited as a party to the agreement. The purpose of the modification is to reflect the purchase by Centennial Shipping Limited of the interest previously held by Bristol City Line Limited.

By Order of the Federal Maritime Commission.

Dated: July 15, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81–21184 Filed 7–20–81; 8:45 am]

BILLING CODE 6730–01–M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within *20* days after the date of the **Federal Register** in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or

between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 9238–11.

Filing party: Anthony J. Ciccone, Jr., Billig, Sher & Jones, P.C., 2033 K Street NW., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 9238–11 modifies the basic agreement of the Greece/United States Atlantic Rate Agreement by extending its geographical scope to include inland points in the United States.

Agreement No. 9548–23.

Filing party: John R. Attanasio, Esquire, Billig, Sher & Jones, P.C., 2033 K Street NW., Suite 300, Washington, D.C. 20006.

Summary: Agreement No. 9548–23 would extend the geographic scope of the North Atlantic Mediterranean Freight Conference Agreement to cover inland points in the United States.

Agreement No. 10392–1.

Filing party: Ronald C. Rasmus, President, American Atlantic Lines, c/o Chester, Blackburn & Roder (NY), Inc., Suite 1067, One World Trade Center, New York, New York 10048.

Summary: Agreement No. 10392–1, between American Atlantic Shipping, Inc. and Frota Amazonica, S.A., extends the term of the lapsed discussion agreement between them from the date the Commission approves such extension, through July 8, 1982.

By Order of the Federal Maritime Commission.

Dated: July 15, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-21165 Filed 7-20-81; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License Applicants; Allied Van Lines International Corp., et al.

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Allied Van Lines International Corporation, 25th Avenue & Roosevelt Rd., Broadview, IL 60153
Officers:
Sidney Epstein, President
William H. Whalen, Jr., Chairman
Robert S. Seeler, Vice President
Frank W. Borta, Vice President
George R. Sikora, Vice President
Richard L. Ryan, Secretary
Robert D. Linnell, Treasurer
Rex C. Denkmann, Assistant Secretary
Terry G. Fewell, Assistant Secretary
William J. Welty, Assistant Treasurer

International Cargo Network, Inc., 8020 N.W. 33rd Street, Miami, FL 33122
Officers:
Guillermo H. Ayala, President
Jose L Cabrera, Vice President/Treasurer
Jose G. Herrera, Vice President
Carlos A. Castaneda, Vice President/Secretary

Samaras International Corporation, 6753 E. 47th Avenue, Suite A, Raycom Bldg. (P.O. Box 38235 AMF), Denver, CO 80238
Officers:
James P. Samaras, President
Mary J. Samaras, Secretary/Treasurer
George Papadeas, Director

All States International Forwarding Co., 2100 Travis, Suite 1205, Houston, TX 77002
Officers:
R. T. Herrin, Sr., Chairman
D. W. McCormick, President
R. T. Herrin, Jr., Vice President
Ruth M. Martin, Secretary/Treasurer

Impex International Brokerage, Inc., 7425 N.W. 48th Street, Miami, FL 33166
Officers:
Alberto del Cerro, Jr., President
Juan A. del Cerro, Vice President
Margarita Piedra, Treasurer

Texas Gulf Iberia Navigation, 5200 South Yale, Suite 202, Tulsa, OK 74135
Officers:
Fred C. Leatherland, President/Director
Philip E. Boyd, Vice President/Director
Gayla S. Crosby, Secretary/Treasurer/Director

Hubert Deal Hagan, 110 North Kensington, La Grange, IL 60525

Quick International Service, Inc., 4723 N.W. 72nd Avenue, Miami, FL 33166
Officers:
Arturo E. Insignares, President/Director
Javier Perez, Vice President/Director
Louis Perez, Jr., Vice President
Carmen Perez, Treasurer/Secretary

Scan-Shipping Inc., 170 Broadway, #410, New York, NY 10038
Officers:
Arne Simonsen, President/Director
Henning B. Agerskov, Vice President
Klaus H. Jepsen, Vice President/Assistant Secretary
Lennard K. Rambusch, Secretary.

By the Federal Maritime Commission.

Dated: July 15, 1981.

Francis C. Hurney,

Secretary.

[FR Doc. 81-21163 Filed 7-20-81; 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 section 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. § 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 detemined 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 indentify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than August 13, 1981.

Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045: Deutsche Bank AG, Frankfurt, Germany (securities custodial activities; United States): to engage through its subsidiary, Atlantic Capital Corporation, in the activity of acting as custodiam for securities in connection with the brokerage business conducted by Atlantic Capital Corporation. These activities would be conducted from offices located in New York, New York, serving the United States and Germany.

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; Pennsylvania): to expand the geographic scope of activities engaged through its indirect subsidiary, FinanceAmerica Consumer Discount Company, a Pennsylvania corporation. FinanceAmerica is engaged 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, credit-related accident and health and credit-related property insurance. Such activities include, but are not 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, credit-related accident and health and credit-related property insurance directly related to extensions of credit made or acquired by FinanceAmerica Consumer Discount Company. These activities will be conducted from an existing office located in Norristown, Pennsylvania, serving the entire State of Pennsylvania.

Security Pacific Corporation, Los Angeles, California (industrial loan, financing and credit-related insurance activities; California): to engage in financing and industrial loan corporation activities through its indirect subsidiary Security Pacific Finance Money Center Inc., including making, acquiring and servicing loans and other extensions of credit; selling and issuing investment certificates; and acting as agent for the sale of credit-related life, credit-related accident and health and credit-related property insurance, all as authorized by California law. These activities would be conducted from an office of Security Pacific Finance Money Center Inc. in the city of Encino, California, serving the State of California.

Security Pacific Corporatrion, Los Angeles, California (financing activities, Massachusetts): to engage through its subsidiary, Security Pacific Finance Crop., in making or acquiring for its own account or for others, loans and extension of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a consumer finance company. These activities would be conducted from an office located in Dedham, Massachusetts, serving the State of Massachusetts.

Other Federal Reserve Systems. None.

Board of Governors of the Federal System, July 14, 1981.

D. Michael Maines,

Assistant Secretary of the Board.

[FR Doc. 81-21220 Filed 7-20-81; 8:45 am]

BILLING CODE 6210-01-M

First International Bancshares, Inc.; Acquistion of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 per cent of the voting shares of the The First National Bank in Mount Pleasant, Mount Pleasant, 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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 13, 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, July 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21223 Filed 7-20-81; 8:45 am]

BILLING CODE 6210-01-M

Puget Sound Bancorp; Formation of Bank Holding Company

Puget Sound Bancorp, Tacoma, Washington, 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 the successor by merger of the Puget Sound National Bank, Tacoma, Washington. 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)).

Puget Sound Bancorp, Tacoma, Washington, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Telecheck Washington, Inc., and Check Services Northwest, Inc., both located in Seattle, Washington.

Applicant states that the proposed subsidiaries would engage in the activities of check verification and check collection. These activities would be performed from offices of Applicant's subsidiaries in Seattle, Washington, and the geographic area to be served is the entire State of Washington, except for Clark County, Washington. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts or interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

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 August 13, 1981.

Board of Governors of the Federal Reserve System, July 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21224 Filed 7-20-81; 8:45 am]

BILLING CODE 6210-01-M

Lytton Bancorporation; Formation of Bank Holding Company

Lytton Bancorporation, Lytton, Iowa, 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 Lytton Savings Bank, Lytton, Iowa. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 13, 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, July 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21221 Filed 7-20-81; 8:45 am]

BILLING CODE 6210-01-M

National City Bancorporation; Acquisition of Bank

National City Bancorporation, Minneapolis, Minnesota, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 85 percent or more of the voting shares of National City Bank of Ridgedale, Ridgedale Center, Minnesota. 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 Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 13, 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, July 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21225 Filed 7-20-81; 8:45 am]

BILLING CODE 6210-01-M

Security National Corporation; Acquisition of Bank

Security National Corporation, Sioux City, Iowa, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 80 percent or more of the voting shares of The First National Bank of Akron, Akron, Iowa. 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 Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than August 13, 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, July 14, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-21222 Filed 7-20-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

GSA Bulletin FPR 53 Federal Procurement

July 14, 1981.

To: Heads of Federal agencies

Subject: Current interest rate of 14 7/8 percent under Pub. L. 92-41

1. *Purpose.* This bulletin provides, for the information of executive agencies, the current interest rates established by the Secretary of the Treasury under Pub. L. 92-41 (85 Stat. 97) for the Renegotiation Board.

2. *Expiration date.* This bulletin expires December 31, 1981, unless sooner revised or superseded.

3. *Background.*

a. The interest rate determined by the Secretary of the Treasury, as required by Pub. L. 92-41 for Renegotiation Act purposes, has been applied to various interest payment requirements in the FPR. This rate is established semiannually and is based on commercial rates of interest for new loans maturing in approximately 5 years. The following sections in the FPR include a reference to this rate: §§ 1-3.1204-1, 1-3.1204-2, 1-7.203-15, 1-8.212-1(f), 1-8.701, 1-8.702, 1-8.703, 1-8.704-1, 1-8.706, 1-8.804-2(b), 1-8.806-4, 1-30.403, 1-30.414-2(k) (2), 1-30.414-2(n) (3), and FPR Temporary Regulation 55, dated May 23, 1980, (45 FR 35815, May 28, 1980).

b. In June 1980, the Treasury Fiscal Requirements Manual (TFRM) was amended to establish a "Value of Funds" rate which is calculated on the basis of prevailing short-term interest rates. This rate, published quarterly by the Treasury Department, is applicable to situations indicated in §§ 8020.20 and 8040.30 of the TFRM, but is not applicable to situations covered by the FPR sections referenced in the preceding paragraph.

c. Consideration is being given to the propriety of adopting the "Value of Funds" rate. Meanwhile, the Renegotiation Act rate will continue in effect when so specified.

4. *Agency information.* The Secretary of the Treasury has established an interest rate of 14 7/8 (14.875) percent as applicable to the 6-month period beginning July 1, 1981, and ending December 31, 1981.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 81-21239 Filed 7-20-81; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee; Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees. The following advisory committee meeting is announced.

Miscellaneous Internal Drug Products Panel

Date, time, and place. August 21, 22, and 23, 9 a.m., Conference Rm. F, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD (August 21), Bldg. A,

Lecture Rm. C, Uniformed Services University of the Health Sciences, 4301 Jones Bridge Rd., Bethesda, MD (August 22 and 23).

Type of meeting and executive secretary. Open public hearing, August 21, 9 a.m. to 11 a.m., open committee discussion, August 21, 11 a.m. to 5 p.m.; August 22, 9 a.m. to 5 p.m., August 23, 8 a.m. to 3 p.m.; John R. Short, Bureau of Drugs (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6156.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of nonprescription drugs.

Open public hearing. Any interested person may present data, information, or views, orally or in writing, before the committee on any of the issues mentioned below. Those who desire to make such a presentation should notify the executive secretary before August 7, 1981, and submit a brief statement of the general nature of the data, information, or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation.

Open committee discussion. The Panel will review data submitted pursuant to the over-the-counter (OTC) review's call for data for this Panel (see also 21 CFR 330.10(a)(2)). This is the last meeting of the Panel. The Panel will be adopting a report on drug products for overindulgence in alcohol and food and a report on menstrual drug products. The Panel also invites comments on, and may discuss the following drug categories: glucose tolerance, appetite stimulants, leg muscle cramps, oral electrolyte replacement, poison oak/ivy remedies, ammonia inhalants, benign prostatic hypertrophy, kidney and bladder irritation remedies. The agency will use these comments, in the future, in developing proposed rulemaking for these categories of drugs. The Panel will also be approving the summary minutes of the July 10, 1981, meeting that was conducted by conference call.

Applications for reimbursement. Must be received by July 31, 1981.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5200 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Applications for reimbursement for participation in the meeting listed above should be sent to the Office of Consumer Affairs (HFE–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301–443–5006.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meeting announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meeting announced in this notice in the docket for this notice.

Dated: July 13, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-21052 Filed 7-20-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81N–0200]

Review of Agency Rules

Correction

In FR Doc. 81–20532, appearing at page 36332 in the issue of Tuesday, July 14, 1981, the following changes should be made:

The date appearing in the second line of the "DATE" paragraph on page 36334, column one, and in the second line of the last complete paragraph on page 36335 should read, "October 13, 1981".

BILLING CODE 4110-03-M

[Docket No. 81F–0197]

American Cyanamid Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that American Cyanamid Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of dimethlyamine-epichlorohydrin copolymer for use as a flocculant and/or decolorizer in the clarification of refinery sugar liquors and juices.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP–0A3500) has been filed by American Cyanamid C., Wayne, NJ 07470, proposing that Subpart A—Polymer Substances for Food Treatment of Part 173 21 CFR Part 173) be amended to provide for the safe use of dimethylamine-epichlorohydrin copolymer for use as a flocculant and/or decolorizer in the clarification of refinery sugar liquors and juices.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the

evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: July 14, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-18066 Filed 7-20-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-81-1082]

President's Commission on Housing: Meeting

The President's Commission on Housing will meet in Room 2010 of the New Executive Office Building, Washington, D.C., on Tuesday, August 18, 1981 from 8:30 a.m. to 5:00 p.m. The purpose of the meeting, among other things, is to provide each of the Commission's four Committees an opportunity to brief the full Commission on its progress and activities to date.

Beginning July 20, 1981 and continuing through August 17, meetings will be held by the Committees both in Washington, D.C., and outside of Washington, D.C. A schedule of those meetings is being developed and information on the dates, locations and times of specific Committee meetings may be obtained by calling the Offices of the Commission at (202) 395-5832.

Further information may be obtained from the President's Housing Commission, 730 Jackson Place, NW, Washington, D.C. 20503, (202) 395-5832.

(Sec. 10(a)(2), Federal Advisory Committee Act, as amended (5 U.S.C. App I))

Issued at Washington, D.C., July 16, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-21227 Filed 7-20-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA 8597]

California; Order Providing for Opening of Public Land: Correction

July 13, 1981.

In **Federal Register** Document 81-9764, appearing on page 19858, the tenth line of the first paragraph reading Sec. 21, SW¼NW¼, NW¼SW¼, is corrected to Sec. 21, SW¼SW¼SW¼NW¼, W½SW¼SE¼NW¼, NW¼SW¼, W½NW¼NE¼SW¼, SE¼SW¼NW¼, SE¼SW¼SW¼NW¼.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-21233 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-84-M

[W-73795, 2800-A]

Wyoming; Application

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Marathon Pipe Line Company, of Casper, Wyoming filed an application for an existing 6" and 8" pipeline and pipeline pumping and storage facilities for the purpose of transporting oil and other synthetic liquid fuels across the following described public lands:

Sixth Principal Meridian, Wyoming

T. 50 N., R. 100 W.,
- Sec. 4: Lot 4, SW¼NW¼, W½SW¼;
- Sec. 5: Lots 1, 2;
- Sec. 9: W½NW¼, SE¼NW¼.

T. 51 N., R. 100 W.,
- Sec. 4: W½SW¼, SE¼SW¼;
- Sec. 5: Lot 2, S½NE¼, E½SW¼;
- Sec. 8: NE¼NE¼;
- Sec. 9: Lot 1, W½NW¼, N½SW¼;
- Sec. 10: Lot 6;
- Sec. 20: SE¼, S½SW¼;
- Sec. 21: N½NE¼, SE¼NE¼, E½SE¼, E½NW¼, SW¼NW¼, NW¼SW¼;
- Sec. 28: NE¼NE¼, S½NE¼, W½SE¼;
- Sec. 29: E½NW¼;
- Sec. 33: NW¼NE¼, E½W½.

T. 52 N., R. 100 W.,
- Sec. 32: SE¼NW¼, NE¼SW¼, W½SE¼.

The pipeline and related facilities begin at a point located in the SE¼ of section 5, T. 50 N., R. 100 W., and extend to a point in the SW¼ of section 32, T. 52 N., R. 100 W., all within Park County, Wyoming.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyoming 82401.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-21234 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-84-M

Nevada Realty Action; Public Sale; Public Lands in Elko County

The following described land has been identified as suitable for disposal by noncompetitive sale under section 203 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1713, at no less than the fair market value:

T. 33 N., R. 70 E., Mount Diablo Meridian, Nevada,
- Sec. 16, lots 7, 9, N½SW¼.

Containing 141.64 acres.

The sale will be made on approximately the 12th day of September 1981.

The above described land is being offered as a direct, noncompetitive sale to Elko County on behalf of the unincorporated town of West Wendover, Nevada to facilitate residential expansion of the community.

The land is not required for any Federal purpose. The sale is consistent with the Bureau's planning for the land involved and is in response to Elko County's expression of need for the land. The public interest would be served by offering the land for sale. The land will not be offered for sale until 60 days after the date of this notice.

The terms and conditions applicable to the sale are:

1. All leasable minerals in the land will be reserved to the United States in accordance with Sec. 209 (a) and (b) of the Federal Land Policy and Management Act of 1976.

2. A right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

3. Those rights of Kerr-McGee Corporation, their successors and assigns under oil and gas lease N-25080 issued September 1, 1979 pursuant to Act of February 25, 1920 (30 U.S.C. 181 et. seq.).

4. Those rights for railroad purposes which have been granted to Western Pacific Railroad Company, its successors or assigns, by Permit No. CC-05090 under the Act of March 3, 1875, 18 Stat. 482, 43 U.S.C. 934.

5. Those rights for highway purposes which have been granted to Nevada Department of Highways, its successors or assigns by Permit No. Nev-041037 under the Act of August 27, 1958, 72 Stat. 885, 23 U.S.C. Sec. 107(d).

Detailed information concerning the sale including the planning documents and environmental assessment, is available for review at the Elko District Office, Bureau of Land Management, 2002 Idaho Street, Elko, Nevada 89801.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Secretary of the Interior, Bureau of Land Management (320), Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary of the Interior who may vacate or modify this realty action and

issue a final determination. In the absence of any action by the Secretary of the Interior, this Notice of Realty Action will become the final determination of the Department of the Interior and the required payment requested of Elko County. Such payment, in full, shall be in accordance with 43 CFR 1822.1–2.

Dated: July 13, 1981.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 81-21235 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-84-M

[M 51879]

Montana; Invitation Coal Exploration License Application

July 14, 1981

Members of the public are hereby invited to participate with Consolidation Coal Company in a program for the exploration of coal deposits owned by the United States of America in the following-described lands located in Big Horn County, Montana:

T. 9 S., R. 39 E., P.M.M.
Sec. 14: All.
Sec. 23: E½W½, SW¼NW¼, NW¼SW¼.
Sec. 26: E½W½.
Sec. 35: Lots 1, 2, 3, 4, NW¼, N½S½.
1,467.28 acres.

Any party electing to participate in this exploration program, shall notify, *in writing*, both the State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107, and Consolidation Coal Company, #14 Inverness Drive East, Building #6–Q, Englwood, Colorado 80112. Such written notice must refer to serial number M 51879 and be received no later than 30 calendar days after publication of this Notice in the Federal Register or 10 calendar days after the last publication of this Notice in the Hardin Herald, whichever is later. This Notice will be published for two consecutive weeks.

This proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the U.S. Geological Survey and the Bureau of Land Management, Montana State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana.

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-21232 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-84-M

[ES 27250, Survey Group 115]

Minnesota; Filing of Plat of Survey

Correction

In FR Doc. No. 81–19854, published on page 35193 in the issue of Tuesday, July 7, 1981, column two, paragraph 1, line 9, now reading "(45 days from publication)." should be corrected to read "August 21, 1981."

BILLING CODE 1505-01-M

Fish and Wildlife Service

Migratory Bird Hunting; Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meetings.

SUMMARY: This notice announces that representatives of the U.S. Fish and Wildlife Service will be in attendance at meetings of the Atlantic, Mississippi, Central, and Pacific Flyway Councils at the following times and locations.

DATES:
July 30–31, 1981—Atlantic Flyway Council, 8:30 a.m.
July 30–31, 1981—Mississippi Flyway Council, 8:30 a.m. and 9 a.m., respectively.
July 29–30, 1981—Central Flyway Council, 1:30 p.m. and 8 a.m., respectively.
July 28, 1981—Pacific Flyway Council, 1 p.m.

ADDRESS: Council meetings will be held at the following locations:
Atlantic Flyway Council, Lord Baltimore Hotel, Baltimore, MD.;
Mississippi Flyway Council, Music City Rodeway Inn, Nashville, TN.;
Central Flyway Council, Sheraton Inn, Billings, MT.;
Pacific Flyway Council, Sands Hotel, Reno, NV.

FOR FURTHER INFORMATION CONTACT: John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240, telephone AC 202–254–3207.

SUPPLEMENTARY INFORMATION: Flyway Councils are organizations of State conservation agencies which cooperate with the U.S. Fish and Wildlife Service and the Canadian Wildlife Service in migratory bird management and research programs. Although the U.S. Fish and Wildlife Service is not a member of these councils, it will be represented at the above meetings to facilitate discussions of various migratory bird management and research programs, many of which are conducted jointly with the Service.

Dated: July 15, 1981.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-21313 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-55-M

Office of Secretary

Commission on Fiscal Accountability of the Nation's Energy Resources; Meeting

Notice is hereby given that a meeting of the Commission on Fiscal Accountability of the Nation's Energy Resources will be held on July 27, 1981 at 10:15 a.m. in Room 2010 of the New Executive Office Building on 17th and Pennsylvania Avenue, NW.

Purpose of the Commission

The mission of this Commission includes the review of waste and loss of revenue due to the theft of oil and gas and royalty management problems. The potential loss in revenues to the Federal Treasury, Indian tribes and individuals, and State treasuries is great. Thus the first meeting of the Commission is to be held in less than 15 days from publication of this notice. The importance of organizing the Commission's efforts and planning its initiatives and activities dictates this decision.

The Commission will examine the problems of waste and loss of revenues from energy resources from Federal and Indian Tribal lands. Concern has been expressed by Congress, the Department of the Interior, the General Accounting Office, the Indian Community, State governments, and the taxpayers over the fiscal accountability of mineral royalty revenues. Departmental efforts to improve the Royalty Accounting System will be evaluated by the Commission. A final report will be presented to the Secretary recommending improvements in the Royalty Accounting System, internal controls and actions relating to the allegations of oil theft.

Purpose of the Meeting

The purpose of the meeting will be primarily to organize and to plan the Commission's approach to the study.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. Any member of the public may file a written statement concerning matters to be discussed with the Committee. Oral testimony will not be

accepted at the organizational and briefing meeting.

For this meeting, persons wishing further information concerning the meeting may contact the Federal Representative in Room 4356, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240, phone (202) 343-4701.

Minutes of the meeting will be available for public inspection in 30 days in Room 4356, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Dated: July 16, 1981.

Richard R. Hite,

Deputy Assistant Secretary—Policy, Budget and Administration.

[FR Doc. 81-21310 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-10-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before July 10, 1981. Pursuant to section 1202.13 of 36 CFR Part 1202, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by August 5, 1981.

Sarah G. Oldham,

Acting Chief of Registration.

INDIANA

Wabash County

Roann vicinity, *Roann Covered Bridge, 4th,* N of Roann on SR 700W

MINNESOTA

Ramsey County

St. Paul, *Smith Avenue High Bridge (Bridge No. 5753)* Smith Ave.

NEW JERSEY

Essex County

Bloomfield, *Oakes Estate,* 240 Belleville Ave.

NEW MEXICO

Bernalillo County

Albuquerque, *Monte Vista School,* 3211 Monte Vista Blvd., NE.

[FR Doc. 81-21067 Filed 7-20-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR DOC. 81-19694 appearing at page 34845 in the issue of Monday, July 6, 1981 please make the following change:

On page 34847, first column, 5th paragraph, "MC 118282 (Sub-43)" should read "MC 118292 (Sub-45F)".

BILLING CODE 1505-01-M

[Finance Docket No. 29600]

American Forest Products Co.—Control—Amador Central Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts the acquistion of control of Amador Central Railroad Company (AMC) by American Forest Products Company (AFP) from the requirements of prior approval under 49 U.S.C. 11343.

DATES: This exemption will be effective 30 days from the date of this publication in the **Federal Register**. Petitions for reconsideration of this decision must be filed within 20 days of this publication.

ADDRESSES: Send petitions for reconsideration to:

(1) Interstate Commerce Commission Section of Finance Room 5414 Washington, DC 20423; and (2) Petitioner's Representative: Robert D. Browning, 1321 S.E. Water Avenue, Portland, OR 97214.

FOR FURTHER INFORMATION CONTACT: Ellen D. Hanson (202) 275-7425.

SUPPLEMENTAL INFORMATION: AMC and AFP have filed a joint petition to exempt AFP's acquisition of AMC from the requirements of prior approval under 49 U.S.C. 11343.

Background

AMC is a Class III railroad owned by Bendix Forest Products Corporation (Bendix). Bendix also owns a mill at Martell, CA, where it produces lumber, plywood, particleboard and lumber products. AMC operates over an 11.8-mile track between Martell and Ione, CA. Its sole function is to haul lumber and lumber mill products from the Bendix mill at Martell to Ione, where the freight is interchanged with Southern Pacific Transportation Company.

On January 27, 1981, AFP agreed to purchase the assets of Bendix, including AMC. AFP is a California limited partnership that is engaged in the lumber business. AFP's general partner is KKR Associates, and one of its limited partners is Kohlberg, Kravis and Roberts Company. Henry R. Kravis, Jerome Kohlberg, Jr., and George R. Roberts are directly involved in the two partnerships and have controlling interests in Eagle Motor Lines (Eagle).

Eagle is a motor common carrier authorized under Certificate No. MC-73165 (Sub-No. 460)F to transport lumber and wood products from points in California, Washington, Montana, Idaho and Oregon to points in Oklahoma, Texas, Arkansas and Louisiana. Mr. Kravis is a member of Eagle's board of directors and holds nearly 200,000 of the 337,916 outstanding shares of Eagle's common stock. Mr. Kohlberg and Mr. Roberts are also members of Eagle's board of directors and have beneficial interests in Eagle's stock. In addition, Eagle controls two other motor common carriers, F-B Truck Line Company and Machinery Transports. Because of these relationships, petitioners believe the proposed transaction requires authorization under 49 U.S.C. 11343.

AFP seeks to acquire Bendix's assets to expand its capability and market within the lumber industry; the Bendix mill, rather than the railroad, is viewed as the focal point of the transaction. AFP does not intend to change the railroad's operations but merely to substitute itself in place of Bendix. AFP will continue to employ the same personnel and operate the railroad as it has been operated under Bendix's control. For these reasons, petitioners believe the transaction satisfies the criteria for exemption under 49 U.S.C. 10505.

Statutory Provisions

The acquisition of control of a carrier by persons controlling one or more other carriers requires our approval under 49 U.S.C. 11343, in accordance with the regulations under 49 CFR Part IIII (1979).

Under 49 U.S.C. 10505 (as amended by Section 213 of the Staggers Rail Act of 1980, Pub. L. No. 96-448) we may exempt a transaction when we find that (1) regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. 10101a; and (2) either the transaction is of limited scope, or regulation is not necessary to protect shippers from an abuse of market power.

Discussion and Conclusions

Because the transaction would result in the common control of at least two carriers, it would require approval under

49 U.S.C. 11343. However, we agree with petitioners that the transaction should be exempted under 49 U.S.C. 10505.

The proposed acquisition would have no significant impact on interstate transportation. Our scrutiny of the transaction under 49 U.S.C. 11343 is not necessary to carry out the objectives of the Rail Transportation Policy. In fact, our exempting the transaction would promote at least one objective of Section 10101a: to minimize the need for regulatory control. See 49 U.S.C. 10101(a)(2).

Additionally, the proposal is of limited scope because it involves a small carrier with very limited operations, will not result in changed rail operations, and will not adversely affect employees, shippers or other carriers.

Having concluded that the transaction is of limited scope, we need not determine whether regulation is needed to protect shippers from the abuse of market power. We note, however, that since AFP will merely replace Bendix as the owner and sole user of the line, no shipper should be affected by the transaction.

Intermodal Ownership. We cannot use our exemption power under section 10505 to authorize intermodal ownership that is otherwise prohibited by 49 U.S.C., Subtitle IV. 49 U.S.C. 10505(g)(1). The only statutory limitations on intermodal ownership under Subtitle IV are those contained in 49 U.S.C. 11344(c). [1] However, section 11344(c) does not apply to this transaction. The limitations imposed by section 11344(c) are aimed at preventing rail domination of the motor carrier industry. They are intended to carry out the policies of preserving the inherent advantages of each mode of transportation and promoting healthy competition between rail and motor carriers. See 49 U.S.C. 10101(a)(1) and 10101a(4) and (5); *American Trucking Ass'ns, Inc. v. United States*, 364 U.S. 1 (1960).

These concerns clearly do not arise in this transaction. The transaction does not involve the acquisition or control of a motor carrier by a railroad. The railroad involved is of such inconsequential size that it is highly unlikely that its resources could be used to affect materially the competitive situation in the territories served by its affiliated motor carriers. See *ET & WNC Transport. Co.—Purchase—Huckabee*, 56 M.C.C. 50, 56 (1949). Indeed, there is no indication that the parties even intend or would be able to create a new or expanded transportation network through the transaction. To the contrary, AFP has stated its intention to maintain the status quo. AFP's acquisition of the railroad is a collateral impact of the transaction. Moreover, because AFP will simply step into the prior owner's shoes as the sole user of the line, the transaction is essentially a change of form rather than substance. We conclude, therefore, that the transaction will not result in prohibited intermodal ownership and should be exempted.

Labor Protection. In granting an exemption under section 10505, we may not relieve a carrier of its obligation to protect the interests of its employees as otherwise required by 49 U.S.C., Subtitle IV. See 49 U.S.C. 10505(g)(2). We have determined that the employee protective conditions developed in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979), satisfy the statutory requirements of 49 U.S.C. 11347 for protection of employees involved in control transactions such as that proposed here. Accordingly, these employee protective conditions will be imposed.

This action will not significantly affect energy consumption or the quality of the human environment.

It is ordered:

(1) Pursuant to 49 U.S.C. 10505, we exempt AFP's control of AMC from the requirements of 49 U.S.C. 11343, subject to the emloyee protective conditions imposed in *New York Dock Ry. Co.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

(2) AFP shall, within 60 days after consummation of the transaction, submit three copies of a sworn statement showing all journal entries required to record the transaction.

(3) Notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, Federal Register, for publication.

(4) This exemption will contiue in effect for one year from the effective date of this decision. The parties must consummate this transaction during that time to take advantage of the exemption.

(5) This decision shall be effective 30 days after the date of publication in the Federal Register.

(6) Petitions to stay in effective date of this decision must be filed no later than 10 days following the date of publication in the Federal Register.

(7) Petitions to reopen this proceeding for reconsideration must be filed within 20 days after the date of publication in the Federal Register.

Decided: July 14, 1981.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-21238 Filed 7-20-81; 8:45 am]

BILLING CODE FR-7035-10-M

[1] Section 11344(c) provides that we may approve a section 11343 transaction when the applicant is a rail carrier or a person controlled by or affiliated with a rail carrier and the transaction involves a motor carrier, only if we find that the transaction (1) is consistent with the public interest, (2) will enable the rail carrier to use the motor carrier transportation to public advantage in its operations, and (3) will not unreasonably restrain competition.

Washington; Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

July 16, 1981.

This application for long-and-short-haul relief has been granted by the I.C.C. No. 43920, Illinois Central Gulf Railroad Company (ICG RR No. 81-1), reduced rates on Wheat from Herscher and Paxton, IL to Chicago, IL, minimum weight 200,000 pounds per car, with an aggregate minimum shipment consisting of 25 or more cars per shipment. The rates are published in Item 3731, supplement 99 to its tariff ICC ICG 4012, effective June 28, 1981. Grounds for relief—motor competition.

This application was received by the Commission's Suspension Board on June 22, 1981. This precluded the Board from publishing the requested relief in the Federal Register in order to give interested parties an opportunity to protest.

By action of June 26, 1981, the Commission, Suspension Board, Members Fitzgerald, Halvarson and O'Malley, concluded to grant the requested relief in Long-and-Short Haul No. 20245, subject to the proviso that the authority will expire 45 days from June 26, 1981. This notice is to advise that the Commission's Suspension Board will reopen this proceeding on its own motion (if not protested), to consider the expiration date of this authority. Interested parties wishing to object may file objections with the Suspension Board not later than the 10th day before the expiration date.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-21236 Filed 7-20-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-203]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by

order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

MC 144221 (Sub-3), (republication), filed February 6, 1981, published in the **Federal Register** March 13, 1981, and republished this issue. Applicant: KINGSWAY FREIGHTLINES LIMITED, 212 Meridian Road N.E., Calgary, Alberta, Canada 2TA246. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055. To operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting general commodities (except classes A and B explosives), (1) between Portland, OR, and the port of entry on the international boundary line between the United States and Canada at or near Blaine, WA, over Interstate Hwy 5, serving all intermediate points, (2) between the port of entry on the international boundary line between the United States and Canada at or near Lynden, WA, and the junction of Washington Hwy 539 and Interstate Hwy 5 at or near Bellingham, WA, over Washington Hwy 539, serving all intermediate points, and (3) between the port of entry on the international boundary line between the United States and Canada at or near Sumas, WA, and the junction of Washington Hwy 542 and Interstate Hwy 5 at or near Bellingham, WA, from the international boundary line, over Washington Hwy 9 to junction Washington Hwy 542, then over Washington Hwy 542 to junction Interstate Hwy 5, and return over the same route, serving all intermediate points. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. Conditions: The person or persons engaged in common control or management of applicant and any other carrier operating in interstate or foreign commerce must file an application for approval thereof as required by the provisions of 49 U.S.C. § 11343 or submit an affidavit explaining why such approval is unnecessary. Applicant should submit the required documents to the Deputy Director, Section of Operating Rights, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423. The purpose of this republication is to allow interested parties time for filing petitions to intervene.

MC 153130 (Sub-1F), (republication), filed January 27, 1981 published in the FR of February 18, 1981, and republished this issue. Applicant: MERSCHMAN TRUCKING CORPORATION, P.O. Box 67, West Point, IA 52656. Representative: Gregory J. Humphrey, 627 Avenue G, Fort Madison, IA 52627. A decision by the Commission, Review Board 3, decided June 4, 1981, served July 1, 1981, finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer and fertilizer equipment and agricultural equipment and parts and accessories*, between points in Lee County, IA, on the one hand, and, on the other, points in Illinois, Missouri, and Wisconsin. Applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to clarify the proper grant of authority.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-21237 Filed 7-20-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Attorney General

Proposed Consent Decree in Action To Enjoin Discharge of Air and Water Pollutants

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on June 30, 1981, a proposed consent decree in *United States* v. *Velsicol Chemical Corporation* (consolidated cases) was lodged with the United States District Court for the Southern District of Texas, Houston Division. The proposed decree requires Velsicol Chemical Corporation to pay a civil penalty and to provide the Environmental Protection Agency, Region VI, with an analysis of storm water runoff from Velsicol's Bayport facility.

The Department of Justice will receive written comments relating to the proposed judgment on or before August 20, 1981. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Departent of Justice, Washington, D.C. 20530, and refer to *United States* v. *Velsicol Chemical Corporation* (consolidated cases), D. J. Ref. 90-5-1-1-826 and 90-5-1-1-1145.

The proposed consent decree may be examined at the office of the United States Attorney, Courthouse & Federal Building, 515 Rusk Avenue, Houston, Texas 77002, at the Region VI Office of the Environmental Protection Agency, First International Building, 1201 Elm Street, Dallas, Texas 75270, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice (Room 1254), 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.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-21243 Filed 7-20-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Federal-State Unemployment Compensation Program; Extended Benefits; Ending of Extended Benefit Period in the State of New Jersey

This notice announces the ending of the Extended Benefit Period in the State of New Jersey, effective on July 18, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State law. 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of New Jersey on March 9, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of New Jersey has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on June 27, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on July 18, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits at the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of New Jersey should contact the nearest State Employment Service Office of the New Jersey Department of Labor and Industry in their locality.

Signed at Washington, D.C. on July 15, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-21258 Filed 7-20-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-131-C]

Clinchfield Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Clinchfield Coal Company, Dante, Virginia 24237, has filed a petition to modify the application of 30 CFR 75.1704-1(b) (escapeways and escape facilities) to its Moss No. 4 Mine located in Dickenson County, Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that each escape shaft which is more than 20 feet deep shall include elevators, hoists, cranes or other such equipment, which shall be equipped with cages and buckets.

2. Access into the mine is by multiple drift entries and the recently completed intake airshaft. Due to the close proximity of the Alvy Creek, the depth of the shaft was increased from 30 to 56 feet. This projects the top of the shaft above the 100-year storm level. At the 30 foot level a six foot diameter slope pipe constructed of 8-gauge corrugated metal will be connected into the airshaft and extend on a 15 degree slope to the surface at the top-of-the-shaft elevation. The slope will be equipped with a four foot wide grated metal walkway with a handrail on one side. The stairway up the shaft from the mine floor to the slope pipe will consist of three sections installed on 45 degree angles. The stairs will be constructed of fabricated metal, 4 feet wide with landings at the end of each section and with suitable handrails on the open sides.

3. Petitioner states that the procedures outlined above will at all times afford a greater degree of safety for the miners affected than that afforded by the standard in that:

a. In event of an emergency necessitating escape, people can exit the mine much quicker, safer and in a more orderly manner;

b. This facility eliminates machinery that may possibly malfunction, creating more delays in escape;

c. The width of the stairs and the width and height of the slope pipe will permit a 4-man carry of stretchers bearing injured persons to the surface;

d. In event of an emergency requiring rescue efforts this facility will permit rescue crews quick ingress and egress of the mine.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 20, 1981. Copies of the petition are available for inspection at that address.

Dated: July 13, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-21255 Filed 7-20-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-132-C]

T And V Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

T and V Coal Company, 113 E. Main Street, Whitesburg, Kentucky 41858 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Mine No. 1 located in Letcher County, Kentucky. The petition is filed under Secton 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. Petitioner states that the installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety for the miners affected because:

a. The visibility of the equipment operator would be diminished and the operator could not properly control the machinery;

b. The cab or canopy could strike the roof supports, because of uneven top and bottom conditions, and create the danger of a roof fall.

3. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before August 20, 1981. Copies of the petition

are available for inspection at that address.

Dated: July 13, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-21254 Filed 7-20-81; 8:45 am]

BILLING CODE 4510-43-M

Office of the Secretary

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period July 6–10, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,463; CTS of Berne, Inc., Berne, IN

TA–W–11,733; Inland Equipment Co., Inc., Lewisburg, TN

TA–W–10,618; Nova, Inc., Fowlerville, MI

TA–W–11,348; Barth Industries, Inc., Cleveland, OH

TA–W–12,090; She Shop, Inc., Bohemia, NY

Investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

TA–W–10,155; Joseph Perrella, Inc., Gloversville, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of gloves did not increase as required for certification.

TA–W–9388; Keiper USA, Battle Creek, MI

Investigation revealed that criterion (2) has not been met.

TA–W–10,173; Peerless Tanning Co., Inc., Johnstown, NY

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of sheepskins and cattlehides did not increase as required for certification.

TA–W–10,934; Manhattan Shirt Co., Americus, GA

Investigation revealed that criterion (3) has not been met. Employment declines at the firm are attributable to a training program designed to increase plant efficiency.

TA–W–9184; Sheller-Globe Corp., Research Center, Detroit, MI

Investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

I hereby certify that the aforementioned determinations were issued during the period July 6–10, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Dated: June 14, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-21257 Filed 7-20-81; 8:45 am]

BILLING CODE 4510-28-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Notice of Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published June 17, 1981 (46 FR 31801). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the August 1981 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommittee Meetings

**Shoreham Nuclear Power Station Unit 1*, July 21, 1981, Washington, DC—*cancelled.*

**Comanche Peak Steam Electric Station Units 1 and 2*, July 22, 1981, Washington, DC—*cancelled.*

**Electrical Systems*, July 22, 1981, Washington, DC. The Subcommittee will discuss the proposed rulemaking, Section 50.49 of 10 CFR Part 50, "Environmental and Seismic Qualification of Electric Equipment Important to Safety for Nuclear Power Plants" and the proposed Revision 1 to Regulatory Guide 1.89, "Environmental Qualification of Electric Equipment Important to Safety for Light-Water-Cooled Nuclear Power Plants". Notice of this meeting was published July 8.

**Susquehanna Steam Electric Station Units 1 and 2*, July 23, 1981, Washington, DC. The Subcommittee will discuss the Pennsylvania Power & Light Company's request for an Operating License. Notice of this meeting was published July 7.

**Enrico Fermi Atomic Power Plant Unit 2*, July 24, 1981, Washington, DC. The Subcommittee will review the application of Detroit Edison Company for an Operating License. Notice of this meeting was published June 17.

**Reliability and Probabilistic Assessment*, July 28 and 29, 1981, Los

Angeles, CA. The Subcommittee will review some of the strengths and weaknesses of risk assessments and their potential for use in the design/licensing processes and review the NRC efforts to develop a quantitative safety goal. Notice of this meeting was published June 17.

Decay Heat Removal Systems, August 4, 1981, Washington, DC. The Subcommittee will review the proposed NRC action plan for Task A-45, "shutdown Decay Heat Removal Requirements."

Program Management and Plan, August 5, 1981, Washington, DC. The Subcommittee will discuss a proposed report by DOE regarding a Management Plan for the conduct of Research, Development and Demonstration Activities. This report is in response to Public Law 96-567, "Nuclear Safety Research, Development, and Demonstration Act of 1980." Notice of this meeting was published June 17.

Waterford Steam Electric Station Unit No. 3, August 5, 1981, Washington, DC. The Subcommittee will continue review of the application by Louisiana Power and Light Company for an Operating License. Notice of this meeting was published June 17.

Visit of ACRS Members to Japan, August 22-28, 1981, Tokyo, Japan. Visit by ACRS members to research and test facilities in and around Tokyo and discussions with representatives of Japanese nuclear agencies, vendors and nuclear plant operators regarding safety-related items including seismic design of nuclear facilities.

Emergency Core Cooling Systems, August 28, 1981, Monterey, CA. The Subcommittee will discuss various topics related to NRC Nuclear Reactor Regulation's Emergency Core Cooling Systems licensing matters and General Electric's proposed revisions to their Emergency Core Cooling System licensing model. Notice of this meeting was published June 17.

Waste Management, August 31, 1981, Washington, DC. The Subcommittee will discuss the proposed rule on Technical Criteria for Disposal of High-Level Radioactive Wastes in Geological Repositories (10 CFR 60) and the Licensing Requirements for Land Disposal of Radioactive Waste (10 CFR 61).

National Engineering Simulator/ Nuclear Manpower and Training Study, September 1, 1981, Washington, DC. The Subcommittee will discuss the draft report from DOE to the Congress that reports the results of a study regarding the need for and feasibility of a National Engineering Simulator; and the sufficiency of efforts in the U.S. to provide specifically trained professionals to operate the controls of nuclear power plants and other facilities in the back-end of the nuclear fuel cycle.

Regulatory Activities, September 9, 1981, Washington, DC. The Subcommittee will review Proposed Regulatory Guides and Regulations.

Evaluation of Licensee Event Reports, September 9, 1981, Washington, DC. The Subcommittee will discuss recent developments in NRC's LER sequence coding and search procedure.

Sequoyah Nuclear Plant, September 9, 1981, Washington, DC. The Subcommittee will review operating experience, response to ACRS requests, status of hydrogen control measures.

Transportation of Radioactive Materials, Date to be Determined, Oak Ridge, TN. The Subcommittee will review the package certification procedures used by the Transportation Certification Branch of NRC.

Shoreham Nuclear Power Station Unit 1, Date to be Determined, Washington, DC. The Subcommittee will discuss the application of the Long Island Lighting Company's request for an Operating License.

ACRS Full Committee Meetings

August 6-8, 1981—Items are *tentatively* scheduled.

A. *Susquehanna Steam Electric Station Units 1 and 2*—Operating License.

B. *Waterford Steam Electric Station Unit 3*—Operating License.

C. *Enrico Fermi Atomic Power Plant Unit 2*—Operating License.

D. *Proposed NRC rule (10 CFR 50.49), Environmental and Seismic Qualification of Electrical Equipment Important to Safety*—ACRS comments.

E. *Proposed NRC Task Action Plan (A-45), Alternate Means of Decay Heat Removal in PWR Nuclear Plants*—ACRS comments.

F. *Reports of ACRS Subcommittees*—Safety related matters such as use of PRA in licensing, and criteria for advanced reactors.

G. *Meeting with NRC Chairman and other Commissioners*—To discuss regulatory matters such as the NRC Safety Research Program budget, materials test program for radwaste disposal containers, and appointment of new ACRS member.

September 10-12, 1981: Agenda to be announced.

October 15-17, 1981: Agenda to be announced.

Dated: July 15, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-21285 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317, 50-318]

Baltimore Gas and Electric Co. (Calvert Cliffs Nuclear Power Plant, Units No. 1 and 2); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Baltimore Gas and Electric Company (the licensee) is the holder of Facility Operating Licenses Nos. DPR-53 and DPR-69, which authorize the operation of the Calvert Cliffs Nuclear Power Plant, Units No. 1 and 2 (the facilities) at steady-state power levels not in excess of 2700 megawatts thermal for each unit. The facilities consist of pressurized water reactors (PWRs) located at the licensee's site in Calvert County, Maryland.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1970, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the

[1] Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15 and 30, 1980 and January 31, February 11, 20, 25 and 26, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21206 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-324]

Carolina Power & Light Co., Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 61 to Facility Operating License No. DPR-62 issued to Carolina Power & Light Company (the licensee) which revised the Technical Specifications for operation on the Brunswick Steam Electric Plant, Unit No. 2 (the facility), located in Brunswick County, North Carolina. The amendment is effective June 29, 1981.

The amendment revises the Technical Specifications to permit a temporary exemption from the containment oxygen concentration limiting condition for operation requirements of 72 hours commencing 6:30 a.m. June 29, 1981.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated June 29, 1981, (2) Amendment No. 61 to License No. DPR-62, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C. and at the Southport-Brunswick County Library, 109 West Moore Street, Southport, North Carolina 28461. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 14th day of July 1981.

For the Nuclear Regulatory Commission.

Vernon L. Rooney,

Acting Chief, Operating Reactors Branch #2, Divison of Licensing.

[FR Doc. 81-21267 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-336]

Northeast Nuclear Energy Co. et al.; Order Confirming Licensee Commitments on Post-TMI Related Issues

I

In the Matter of the Connecticut Light & Power Co.; the Hartford Electric Light Co.; Western Massachusetts Electric Co.; Northeast Nuclear Energy Co. (Millstone Nuclear Power Station, Unit No. 2).

The Northeast Nuclear Energy Company, et al. (the licensee) is the holder of Facility Operating License No. DPR-65, which authorizes the operation of the Millstone Nuclear Power Station, Unit No. 2, (the facility) at steady-state power levels not in excess of 2700 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Waterford, Connecticut.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be

implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15 and 31, 1980, February 13, 19, and 27, and March 4 and 18, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

[1] Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's intereest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21288 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power and Light Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-31, and Amendment No. 63 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments incorporate certain of the lessons learned Category A requirements into the Technical Specifications.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated December 23, 1980, as supplemented March 10, 1981, (2) Amendment Nos. 70 and 63 to License Nos. DPR-31 and DPR-41, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 6th day of July, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-21269 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power & Light Co. (St. Lucie Plant, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Florida Power & Light Company (the licensee) is the holder of Facility Operating License No. DPR-67 which authorizes the operation of the St. Lucie Plant, Unit No. 1 (the facility) at steady-state power levels not in excess of 2560 megawatts thermal. The facility is a pressurized water reactor (PWR) located at the licensee's site in St. Lucie County, Florida.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection in the operation of nuclear facilities based on the experience from the accident at TMI-2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG-0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG-0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG-0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 23, 1980, May 28, 1981, and June 19, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specific submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG-0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request should also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150-0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland, this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21270 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Plant); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Maine Yankee Atomic Power Company (the licensee) is the holder of Facility Operating License No. DPR-36, which authorizes the operation of Maine Yankee Atomic Power Station (the facility) at steady-state power levels not in excess of 2630 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Lincoln County, Maine.

II

Following the accident at Three Mile Island Unit No. 2 (TMI-2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI-2

[1] Attachment: NUREG-0737 Requirements, available in NRC Public Document Room.

and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 15, 1980, and January 8, 16, and 30, March 11 and 16, 1981 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Section II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21271 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District (Fort Calhoun Station, Unit No. 1); Order Confirming Licensee Commitments on Post-TMI Related Issues

I

Omaha Public Power District (the licensee) is the holder of Facility Operating License No. DPR–40, which authorizes the operation of the Fort Calhoun Station Unit No. 1 (the facility) at steady-state power levels not in excess of 1500 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Washington County, Nebraska.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittals dated December 12, 1980, as supplemented by letters dated December 31, 1980, and January 6 and 26, and February 27, 1981, and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittals and determined that the licensee's modified schedule is acceptable based on the following:

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attaachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Bethesda, Maryland this 10th day of July, 1981.

Darrell G Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81-21272 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50–344]

Portland General Electric Co. et al.; Order Confirming Licensee Commitments on Post-TMI Related Issues

I

In the matter of Portland General Electric Co., the City of Eugene, Oregon, Pacific Power and Light Co., (Trojan Nuclear Plant).

Portland General Electric Company, *et al.* (the licensee) is the holder of Facility Operating License No. NPF–1, which authorizes the operation of the Trojan Nuclear Plant (the facility) at steady-state power levels not in excess of 3411 megawatts thermal. The facility consists of a pressurized water reactor (PWR) located at the licensee's site in Columbia County, Oregon.

II

Following the accident at Three Mile Island Unit No. 2 (TMI–2) on March 28, 1979, the Nuclear Regulatory Commission (NRC) staff developed a number of proposed requirements to be implemented on operating reactors and on plants under construction. These requirements include Operational Safety, Siting and Design, and Emergency Preparedness and are intended to provide substantial additional protection for the operation of nuclear facilities based on the experience from the accident at TMI–2 and the official studies and investigations of the accident. The staff's proposed requirements and schedule for implementation are set forth in NUREG–0737, "Clarification of TMI Action Plan Requirements." Among these requirements are a number of items, consisting of hardware modifications, administrative procedure implementation and specific information to be submitted by the licensee, scheduled to be completed on or before June 30, 1981 (see the Attachment to this Order).[1] NUREG–0737 was transmitted to each licensee and applicant by an NRC letter from my office dated October 31, 1980, which is hereby incorporated by reference. In that letter, it was indicated that although the NRC staff expected each requirement to be implemented in accordance with the schedule set forth in NUREG–0737, the staff would consider licensee requests for relief from staff proposed requirements and their associated implementation dates.

III

The licensee's submittal dated December 23, 1980 and the references stated therein, which are incorporated herein by reference, committed to complete each of the actions specified in the Attachment. The licensee's submittals included a modified schedule for submittal of certain information. The staff has reviewed the licensee's submittal and determined that the licensee's modified schedule is acceptable based on the following:

The licensee's schedule for submittal of information in some instances does not meet the staff's specified submittal dates. Most of the information requested by the staff describes how the licensee is meeting the guidance of NUREG–0737. Therefore, this deferral of the licensee submittal will not alter the implementation of plant modifications. Therefore, plant safety is not affected by this modification in schedule for the submittal of information.

I have determined that these commitments are required in the interest of public health and safety, and therefore, should be confirmed by Order.

IV

Accordingly, pursuant to Sections 103, 161i, 161o, and 182 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered effective immediately that the licensee shall comply with the following conditions:

The licensee shall satisfy the specific requirements described in the Attachment to this Order (as appropriate to the licensee's facility) as early as practicable but no later than 30 days after the effective date of the Order.

V

Any person who has an interest affected by this Order may request a hearing on or before August 10, 1981. Any request for a hearing shall be addressed to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy shall also be sent to the Executive Legal Director at the same address. If a hearing is requested by a person other

[1] Attachment: NUREG–0737 Requirements, available in NRC Public Document Room.

than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the nature of the person's interest and the manner in which the interest is affected by this Order. A request for hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other persons who have an interest affected by this Order, the Commission will issue an Order designating the time and place of any such hearing.

If a hearing is held concerning this Order, the issue to be considered at the hearing shall be whether, on the basis of the information set forth in Sections II and III of this Order, the licensee should comply with the conditions set forth in Section IV of this Order.

This request for information was approved by OMB under clearance number 3150–0065 which expires June 30, 1983. Comments on burden and duplication may be directed to the Office of Management and Budget, Reports Management, Room 3208, New Executive Office Building, Washington, D.C.

This Order is effective upon issuance.

Dated at Bethesda, Maryland this 10th day of July, 1981.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 81–21273 Filed 7–20–81; 8:45 am]

BILLING CODE 7590–01–M

Regulatory Guides; Notice of Issuance and Availability and Withdrawals

The Nuclear Regulatory Commission has issued a revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.136, Revision 2, "Materials, Construction, and Testing of Concrete Containments (Articles CC–1000 –2000, and –4000 through –6000 of the 'Code for Concrete Reactor Vessels and Containments')," describes bases acceptable to the NRC staff for implementing portions of the Commission's regulations, with regard to the materials, construction, and testing of concrete containments.

This revision was developed to endorse, with some exceptions, Articles CC–1000, –2000, and –4000 through –6000 of Section III, Division 2, "Code for Concrete Reactor Vessels and Containments," of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code, also known as American Concrete Institute Standard 359–80, and to include any guidance necessary as a result of public comment and additional staff review.

With the issuance of this revision, the regulatory positions of six regulatory guides are considered to be covered by one or more of the following national standards:

—ACI 359 (ASME Section III, Division 2), "Code for Concrete Reactor Vessels and Containments," endorsed by Regulatory Guide 1.136.

—ACI 349, "Code Requirements for Nuclear Safety-Related Concrete Structures," endorsed by Regulatory Guide 1.142, "Safety-Related Concrete Structures for Nuclear Power Plants (Other than Reactor Vessels and Containments)."

—ANSI N45.2.5, "Supplementary Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete, Structural Steel, Soils, and Foundations During the Construction Phase of Nuclear Power Plants," endorsed by Regulatory Guide 1.94, "Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel During the Construction Phase of Nuclear Power Plants."

Therefore, the six regulatory guides identified below have been withdrawn. Withdrawal of these guides does not alter any prior or existing licensing commitments based on their use.

1.10 "Mechanical (Cadweld) Splices in Reinforcing Bars of Category I Concrete Structures," Revision 1, January 1973,

1.15 "Testing of Reinforcing Bars for Category I Concrete Structures," Revision 1, December 1972,

1.18 Structural Acceptance Test for Concrete Primary Reactor Containments," Revision 1, December 1972,

1.19 "Nondestructive Examination of Primary Containment Liner Welds," Revision 1, August 1972 (Safety Guide 19),

1.55 "Concrete Placement in Category I Structures," June 1973, and

1.103 "Post-tensioned Prestressing Systems for Concrete Reactor Vessels and Containments," Revision 1, October 1976.

Guides may be withdrawn when they are superseded by the Commission's regulations, when equivalent recommendations have been incorporated in applicable approved codes and standards, or when changes in methods and techniques or in the need for specific guidance have made them obsolete.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C.20555. Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of active guides may be purchased at the current Government Printing Office price. A subscription service for future guides in specific divisions is available through the Government Printing Office. Information on the subscription service and current prices may be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Publication Sales Manager.

(5 U.S.C. 552(a))Q02

Dated at Rockville, Maryland this 14th day of July 1981.

For the Nuclear Regulatory Commission.

Robert B. Monogue,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 81–21274 Filed 7–20–81; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–327]

Tennessee Valley Authority; Issuance of Amendment to Facility Operating License No. DPR–77

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR–77, issued to Tennessee Valley Authority (licensee) for the Sequoyah Nuclear Plant, Unit 1 (the facility) located in Hamilton County, Tennessee. This amendment updates technical specifications 3.7.5 and 4.7.5 to reflect design changes resulting from the implementation of the new Essential Raw Cooling Water (ERCW) pumping station. This amendment also increases the ultimate heat sink temperature from 81 degrees F to 83 degrees F.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the

Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a signtficant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Tennessee Valley Authority letter dated July 14, 1981, (2) Amendment No. 8 to Facility Operating License No. DPR-77 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Chattanooga Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402. A copy of Amendment No. 8 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 15th day of July, 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 81-21275 Filed 7-20-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Intergovernmental Personnel Act Grant Program; Expiration of Grant Authority

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: The Office of Personnel Management (OPM) announces that, as a result of the enactment of the Supplemental Appropriations and Rescission Act of 1981, no further award of Intergovernmental Personnel Act (IPA) grant funds will be made.

DATES: OPM's authority to award IPA grant funds expired as of June 5, 1981. (This corrects the **Federal Register** notice of May 22, 1981, which stated that awards would be made until September 30, 1981.)

ADDRESS: U.S. Office of Personnel Management, Intergovernmental Personnel Programs, P.O. Box 14184, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Richard L. Romero, telephone (202) 632-6274.

SUPPLEMENTARY INFORMATION: The official program number and title for this program is 27.012—Intergovernmental Personnel Grants.

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Intergovernmental Personnel Grants

Award of Funds for Fiscal Year 1981 and Prior Years

Expiration of Award Authority

On June 5, 1981, the Supplemental Appropriations and Rescission Act of 1981 (P.L. 97-12) was signed into law. That portion of the Act which pertains to the Office of Personnel Management (OPM) includes the following provision:

> Of the funds provided for the Intergovernmental Personnel Act Grant program for fiscal year 1981 in Public Law 96-536, $5,600,000 are rescinded: Provided, That no funds appropriated or made available by this or any other Act shall be available to fund the Intergovernmental Personnel Act Grant program after June 5, 1981.

The rescission of $5.6 million had already been taken into account by OPM and the award of fiscal year 1981 grant funds has been made at the reduced program level of $14.4 million (original request was for $20.0 million). No further action needs to be taken on the rescission.

As a further result of the provision, however, OPM's authority to award Intergovernmental Personnel Act (IPA) grants funds expired on June 5, 1981. This expiration of award authority applies to IPA funds appropriated for previous fiscal years as well as for fiscal year 1981.

This notice amends the **Federal Register** notice of May 22, 1981, which said that OPM would award available IPA funds until September 30, 1981. The impact of this provision is not extensive, since almost all fiscal year 1981 funds were awarded prior to the close of business on June 5, 1981.

Remaining Grant Operations

As indicated in the notice of May 22, 1981, OPM will continue to work with current grant recipients until all existing IPA grants are completed and closed out. To the greatest extent possible, all existing IPA grants will be scheduled for completion on or before May 31, 1982. OPM's goal is to disburse approved funds to grantees and close out the agency's grant operations by the end of fiscal year 1982.

Relation to IPA Mobility Authority

The May 22, 1981, notice resulted in a number of inquiries concerning its effect on the IPA mobility program. The mobility authority, contained in Title IV of the IPA, permits the temporary assignment of employees between the Federal Government and State and local governments, institutions of higher education, Indian tribal governments, and certain nonprofit organizations. This notice and the notice of May 22 pertain only to the expiration of the grant program authorized by Titles II and III of the IPA. Neither notice has any effect on the IPA mobility authority. The mobility provision remains available as a staffing authority for sharing expertise among the various participating organizations.

Federal agencies should continue to send a copy of each IPA mobility agreement (Optional Form 69) to OPM. The address for sending these forms is: Faculty Fellows and Personnel Mobility Division, Office of Personnel Management, P.O. Box 14184, Washington, D.C. 20044.

[FR Doc. 81-21201 Filed 7-20-81; 8:45 am]

BILLING CODE 5325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17941; File No. SR-CBOE-81-11]

Chicago Board Options Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organizations Relating to Certain Charges and Fees

Comments requested on or before August 11, 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 June 29, 1981, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of the Proposed Rule Change

Pursuant to Exchange Rules 2.20 and 2.22, the Exchange revises effective July 1, 1981 certain of its charges and fees as described below.

Charge or fee	Old	New
1. Membership applications:		
Individual (includes sole proprietors, lessors, lessees and nominees)	$1,000	$2,000
Firm	1,250	250
Firm stockholder (ten percent or more)	1,000	250
Limited partner	500	250
Status change	500	100
2. Other:		
Stock phone per line		[1] 5
Clerk badge	150	300
Member dues	800	1,000
Communications wire line		[1] 150
Trade match per contract side	.02	.03

[1] Per month.

II. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

The purpose of the revised charges and fees is to enable the Exchange to increase revenue to meet increased costs. The basis under the Securities Exchange Act of 1934 (the Act) for the revisions is section 6(b)(4), which requires that reasonable charges and fees be allocated equitably. The revisions are consistent with this requirement because they are fair and equitable charges to members and others for Exchange services that members and others make use of and benefit from.

III. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not have an impact on competition.

IV. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

V. 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 purposes of the Securities Exchange Act of 1934.

VI. 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 N.W., 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 within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

July 14, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-21218 Filed 7-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17939; File No. SR-NYSE-81-15]

Proposed Rule Change by Self-Regulatory Organizations, New York Stock Exchange, Inc.; Relating to the Allocation of Stock to Specialists in Cases Where Two Listed Companies Combine

Comments requested on or before August 11, 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 July 13, 1981 the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change clarifies the procedures for allocating to a specialist the stock of a newly listed company in those instances where the new listing results from a combination of two listed companies each of which has been assigned different specialists, and neither of the two is the clear survivor of such combination. Under such circumstances, the Allocation Committee of the Exchange will invite applications from all specialist units, and will make a determination based upon its consideration of all applications received.

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. 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 clarify the procedures to be followed by the Exchange with respect to the allocation of listed company stock to a specialist in these cases where a new listing results from a combination of two previously-listed companies which were assigned different specialists where neither one of the companies is the clear survivor of the combination. It is specified that under such circumstances, the Allocation Committee of the Exchange will consider the allocation of the new stock based upon the same criteria applicable to other new issues after inviting all specialist units to apply.

The statutory basis for the rule change is section 6(b)(5) of the Securities Exchange Act of 1934 as amended which, among other things, requires Exchange rules to be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to and facilitating transactions

in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose a burden on competition. It will enhance competition in that every specialist will have the opportunity to apply and be considered for the allocation of a newly-listed stock resulting from the combination of two listed companies with different specialists, where neither company is the clear survivor.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

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 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 within 21 days after the date of this publication. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 14, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-21217 Filed 7-20-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-6853]

Shaw Industries, Inc., Common Stock, No Par Value; Application To Withdraw From Listing and Registration

July 15, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to Section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The common stock of Shaw Industries, Inc. (the "Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8–A which became effective on June 9, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the common stock on the Amex and the NYSE.

2. This application relates solely to withdrawal of the common stock from listing and registration on the Amex and shall have no effect upon the continued of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before August 5, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-21216 Filed 7-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17944; File No. SR-Amex-81-1; Amendment No. 1]

American Stock Exchange, Inc.; Proposed Rule Change by Self-Regulatory Organization

In the matter of options on Treasury securities; comments requested on or before September 4, 1981.

Pursuant to Section 19(b)(1), of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on July 13, 1981 the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange ("Amex" or the "Exchange") proposes to amend its filing SR–AMEX–81–1 to provide for the trading of options on Treasury securities with smaller principal amounts than originally filed for in addition to the options on Treasury securities which were proposed in that filing. The Exchange also proposes certain other modifications to its originally filed plan for trading options on Treasury securities, as described below. A summary of the proposed rule changes is set forth below.

Series of Options Open for Trading

The Exchange intends generally to list options on Treasury notes and bonds with two to five point exercise intervals and options on Treasury bills with one to two point exercise intervals, depending on the then current market conditions and price volatilities. Similarly, certain exercise intervals may be omitted if the Exchange determines that their listing would be unnecessary due to the then current volatility of interest rates, market conditions, and other related relevant factors.

Position Limits and Exercise Limits (Exchange Rules 904 and 905)

The Exchange proposes to amend the position and exercise limits set forth in the original filing to provide for the contracts on smaller underlying principal values. The new proposed change provides, in effect, that the position and exercise limits shall be proportionally greater for option contracts on the smaller underlying principal values, in relation to the decreased amount of the underlying principal amounts of the bonds, notes or bills and the position limits prescribed in the original filing. For example, assuming the Exchange lists contracts on notes or bonds with principal values of $20,000, this would mean position and exercise limits of 10,000 such contracts on Treassury notes or bonds (which is the equivalent of 2,000 contracts on securities with underlying principal values of $100,000).

In addition, certain changes were made in the text of Rule 905 to conform the exercise limits to the position limits prescribed in Rule 904. The language found in Rule 905 of the Exchange's previous filing had been inserted at a time when the Exchange was considering the possibility of listing Treasury notes or bonds with public issuances of less than $1 billion. Since this is no longer a consideration, the different exercise limits for options on securities having public issuances (plus reissuances) of less than $1 billion and those with more than $1 billion is not applicable.

Reporting of Options Positions (Exchange Rule 906)

Similarly, the Exchange proposes that the number of contracts which would trigger the reporting requirement for Treasury securities be proportionally increased for the smaller sized contracts by the inverse of the proportional amount that the principal value is less than that of a contract with an underlying principal amount of $100,000 for Treasury bonds or notes and $1,000,000 or $500,000 for 13-week and 26-week Treasury bills, respectively.

Trading Rotations, Halts and Suspensions (Exchange Rule 918) and Rules of General Applicability (Exchange Rule 950)

The changes in this amendment note the new text of Rule 917 (currently proposed to be remunbered as Rule 918), and Rule 950 as recently approved by the Commission (see SR–AMEX–81–4; approved by the SEC in Release No. 34–17778).

Premium Bids and Offers (Exchange Rule 951)

The Exchange proposes to delete that portion of the language in the originally proposed rule changes, relating to bids and offers on option contracts on Treasury securities, which referred to the underlying principal value of Treasury bills as $1,000,000 and the principal amount of Treasury bonds and notes as $100,000. Instead, the Exchange is proposing a new formula applicable to Treasury bills with different underlying principal amounts. The new rule states that bids or offers for option contracts relating to an underlying Treasury bill will be expressed as a percentage of an amount which shall be determined by multiplying the principal amount of the underlying Treasury bill by a fraction whose numerator is the number of weeks to maturity of the underlying Treasury bill and whose denominator is 52. Hence, in the case of options on Treasury bills having 13 weeks to maturity, a bid of "1" shall represent a bid to pay a premium of one percent of 13/52 (1/4) of the principal value of the underlying Treasury bill, i.e., one percent of $250,000 ($2,500) if the underlying principal amount is $1,000,000 and one percent of $50,000 ($500) if the underlying principal amount is $200,000.

In the case of options on Treasury bills having 26 weeks to maturity, a bid of "1" shall represent a bid to pay one percent of 26/52 (1/2) of the principal value of the underlying Treasury bill, i.e., one percent of $250,000 ($2,500) if the principal value of the underlying Treasury bill is $500,000 and one percent of $50,000 ($500) if the principal value of the underlying Treasury bill is $100,000.

In place of reference to the fixed underlying amount of $100,000, the Exchange proposes to change the language to include Treasury bonds and notes with different underlying principal amounts. Therefore, the Exchange proposes that bids and offers for option contracts relating to an underlying Treasury bond or note shall be expressed as a percentage of the principal amount of the underlying Treasury bond or note. Hence, a bid of "1" shall represent a bid to pay a premium of one percent of $100,000 ($1,000) if the principal value of the underlying Treasury bond or note is $100,000 and one percent of $20,000 ($200) if the principal value of the underlying Treasury bond or note is $20,000.

Minimum Fractional Changes (Exchange Rule 952)

The purpose of this amendment to the originally proposed rule change regarding fractional changes is to provide for the various underlying principal amounts of the Treasury securities on which the Exchange proposes to trade options. This amendment replaces the reference to an underlying principal amount of $250,000 (in the previous filing) with a formula applicable to all Treasury bills, regardless of the underlying principal amount. Hence, the new proposed rule change states that the minimum fractional change for dealing on the Exchange in option contracts for which the underlying security is a Treasury bill shall be one-hundredth of one percent (0.01%) of the amount determined by multiplying the principal amount of the underlying Treasury bill by a fraction whose numerator shall be the number of weeks to maturity of the underlying Treasury bill and whose denominator shall be 52. For example, in the case of options on Treasury bills having 13 weeks to maturity, the minimum fractional change would be $25.00 if the principal amount of the underlying Treasury bill is $1,000,000 and $5.00 if the principal amount of the underlying Treasury bill is $200,000. In the case of options on Treasury bills having 26 weeks to maturity, the minimum fractional change would be $25.00 if the principal amount of the underlying Treasury bill is $500,000 and $5.00 if the principal amount of the underlying Treasury bill is $100,000.

Similarly, the Exchange proposes to amend the previous rule change proposal regarding minimum fractional changes for option contracts on Treasury bonds or Treasury notes by eliminating the fixed underlying principal amount of $100,000. The currently proposed change provides, instead, that the minimum fractional change for dealing on the Exchange in option contracts for which the underlying security is a Treasury bond or note shall be one thirty-second of one percent (1/32%) of the principal amount of the underlying Treasury bond or note. For example, the minimum fractional change would be $31.25 if the principal amount of the underlying Treasury bond or note is $100,000 and $6.25 if the principal amount of the underlying Treasury bond or note is $20,000.

Hours of Business (Exchange Rule 1)

Lastly, the Exchange proposes to begin trading in options on Government securities each trading day at 9:00 a.m.

since the underlying securities begin trading at that time, and proposes to amend the rule pertaining to hours of business accordingly.

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 proposed rule changes are intended to provide for the trading of options on Treasury securities with smaller principal values than originally filed for in addition to the Treasury security options previously proposed. Hence, if the security underlying an option contract is a Treasury bond or note, the security would be identified by its coupon rate, maturity date and principal amount. The option contract may relate to $100,000 principal value of the underlying bond or note, or a lesser principal value. The contracts on underlying principal values of less than $100,000 may be aggregated so that when the amount of underlying principal values totals $100,000, the contracts on smaller underlying values would be fungible with one contract on a security with an underlying principal value of $100,000. Conversely, one contract on a security with an underlying principal amount of $100,000 would be fungible with the proportional number of smaller contracts. The examples described in the original filing remain applicable, but should be scaled down proportionally for contracts on securities with a lesser underlying principal value. The Exchange plans to list contracts with one-fifth the value of the contract originally proposed with respect to Treasury notes and bonds (i.e., $20,000 underlying principal value).

If the security underlying an option contract is a Treasury bill, the security will be identified as either a 13-week or 26-week Treasury bill and by the underlying principal amount. An option contract may relate to $1,000,000 or $500,000 underlying principal values for 13-week and 26-week Treasury bills, respectively, or to lesser underlying principal values. The Exchange plans to list contracts with one-fifth the value of the contracts originally proposed ($200,000 underlying principal value for 13-week bills and $100,000 underlying principal value for 26-week bills). Again, the examples described in the original filing remain applicable, but should be scaled down proportionally for the contracts on securities with the smaller principal values.

The Exchange now intends to list for trading, options on both 13-week and 26-week bills when it begins listing options on Treasury bills, rather than just options on 13-week bills as originally proposed.

In addition, the Exchange has amended its definition of "long-term" bonds since its original filing, in view of the U.S. Treasury Department's recent issuance of 20-year maturity bonds. The Exchange now considers the term "long-term" Treasury bond to refer to bonds with a minimum period to call of 15 years if callable, or if not callable a minimum period to maturity at the time of expiration of the option contract of 15 years, instead of a period of 20¼ years at the time of expiration of the option contract as indicated in the Exchange's initial filing.

The purpose of the proposed rule changes contained in this amendment to the Exchange's original filing, which introduces option contracts on securities with principal amounts less than those originally proposed, is to make the option contracts on U.S. Treasury securities a more useful tool for smaller investors.

As the Exchange pointed out in its original filing, the average transaction in stock option contracts is approximately six contracts. The amendments to the previous filing are intended to make government security options more accessible to small investors. Obviously, if the average number of stock option contracts traded is six, there must be many small investors whose transactions are averaged with those of the larger institutional options traders. So as not to preclude small investors from the government securities option market, by pricing the options out of their reach, the Exchange has proposed to list for trading the contracts with lesser underlying principal amounts as described above. However, since it is expected that much of the volume in Government securities options will be due to those who trade in large volume, the Exchange continues its desire to trade the Government security options as originally proposed. It is expected that the ability to interchange contracts with varying underlying principal amounts will add to the liquidity of both markets.

The proposed changes are consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to the Exchange in that they promote a market in Government security options which are appropriately sized to meet the investment needs of all investers, small and large, thereby adding to the depth of the market. The fungibility of the contracts on smaller underlying principal amounts and the contracts with underlying principal amounts originally proposed should give great liquidity to the Government security options market as well. The proposed rule changes will contribute to the maintenance of a fair and orderly market in Government security options.

Therefore, the proposed rule changes are consistent with Section 6(b)(5) of the 1934 Act, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect public investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited or received any written comments on the proposed rule changes since the date of the original filing.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concernig 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 Commsission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the 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 September 4, 1981.

For the Commisson by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

July 16, 1981.

[FR Doc. 81-21306 Filed 7-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17940; SR-CBOE-81-4]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

July 14, 1981.

On May 22, 1981, the Chicago Board Options Exchange, Incorporated ("CBOE"), LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change to revise certain of its rules governing the establishment of joint accounts and trading activity by participants in a joint account. Among other things, the rule change would (1) permit the establishment of a joint account among more than two market makers; (2) eliminate the requirement that joint account participants register as broker-dealers;[1] (3) for purposes of evaluating market maker performance in accordance with Rule 8.7, credit trading activity to the joint account participant initiating each transaction; and (4) for purposes of determining a joint account participant's compliance with position and exercise limits, aggregate positions or exercises in the joint account with all positions and exercises covering the same underlying security which any participant or member organization associated with a participant holds or controls or is obligated in respect of.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17834, June 3, 1981) and by publication in the **Federal Register** (46 FR 30613, June 9, 1981). No written comments on the proposed rule change were filed with the Commission.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-21308 Filed 7-20-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11198]

MassMutual Mortgage and Realty Investors; Application and Opportunity for Hearing

July 14, 1981.

Notice is hereby given that MassMutual Mortgage and Realty Investors (the "Applicant") 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 Chemical Bank under four existing indentures, and one new indenture of the applicant and MassMutual Mortgage and Realty Investors Finance N.V. ("Finance"), a Netherlands Antilles Corporation and an affiliate of the Trust, 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 Chemical Bank from acting as Trustee under any such indenture.

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 issurer are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding, if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

(1) Chemical Bank currently is acting as trustee under four separate indentures in which the Applicant is the obligor. The first indenture, dated October 1, 1970, involved the issuance of $50,000,000 principal amount 6¾% Convertible Subordinated Debentures due 1990; the second indenture, dated October 1, 1971, involved the issuance of $50,000,000 principal amount 6¼% Convertible Subordinated Debentures due 1991; and the third indenture dated April 1, 1981, involved the issuance of $35,800,000 principal amount 7% Convertible Subordinated Debentures due 2000. All these indentures were filed as exhibits to registration statements filed under the Securities Act of 1933 and have been qualified under the Trust Indenture Act of 1939.

(2) Under an indenture between the Applicant and Chemical Bank dated July 15, 1972, the Applicant issued $25,000,000 principal amount 6¾% Convertible Subordinated Debentures due 1987 (the "Old Eurobonds"). The Old Eurobonds were not registered under the Securities Acts of 1933, and were not qualified under the Trust Indenture Act of 1939 because the Old Eurobonds were offereed and sold outside of the United States, its territories and possessions to persons who were not nationals or residents

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[1] Joint account participants would remain subject to general CBOE and Exchange Act requirements concerning broker-dealer registration. CBOE Rule 3.2 provides that individual exchange memberships may only be owned by natural persons who are registered as broker-dealers under Section 15 of the Act or are associated with registered broker-dealers. Section 15(a)(1) of the Act generally requires any natural person not associated with a registered broker-dealer who acts as a broker or dealer to register as a broker-dealer under Section 15(b) of the Act.

thereof. On August 23, 1972, the Securities and Exchange Commission (the "Commission") issued an order granting the Applicant's application pursuant to Section 310(b)(1)(ii) of the Trust Indenture Act of 1939 to allow Chemical Bank to act as Indenture Trustee under the Old Eurobond indenture.

(3) The Applicant is not in default in any respect under any of the indentures described above or under any other existing indenture.

(4) Chemical Bank has entered into an indenture with Applicant and Finance as of June 1, 1981, pursuant to which there are to be issued $21,000,000 principal amount 8% Guaranteed Convertible Subordinated Debentures due 1994 (the "New Eurobonds"), guaranteed as to principal and interest by the Applicant on a subordinated basis. The New Eurobonds are to be issued in connection with an exchange offer currently being made by Finance for the Old Eurobonds. The guarantee contained in the New Eurobonds Indenture, if enforced against the Applicant, would rank on a parity with the obligations issued in 1970, 1971, 1972, and 1981 described above. The New Eurobonds have not been registered under the Securities Act of 1933 and have not been qualified under the Trust Indenture Act of 1939 because the New Eurobonds are being offered and sold under circumstances reasonably designed to preclude distribution or redistribution within, or to nationals of the United States.

(5) The New Eurobond Indenture and the other four indentures described above are wholly unsecured and, aside form differences among these five indentures as to amounts, interest rates, maturity dates, redemption dates and redemption powers, certain covenants relating to United States taxation, and differences in form between the New Eurobond Indenture and the other four indentures mentioned above, the terms of said indentures are substantially similar.

Such differences as exist among the four existing indentures under the trusteeship of Chemical Bank and the proposed indenture are 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 Chemical Bank from acting as Trustee under either of said indentures.

(6) Applicant has waived notice of hearing, hearing and any and all rights to specify procedures under the rules of Practice of the Commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the office of the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C.

Notice is further given than any interested person may, not later than August 10, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-21304 Filed 7-20-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17942; SR-Phlx-81-9]

Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Change

July 14, 1981.

On May 27, 1980, the Philadelphia Stock Exchange, Inc., 1900 Market Street, Philadelphia, PA 19103, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) ("Act") and Rule 19b-4 thereunder, copies of a proposed rule change which provides uniform standards of conduct for both the options and equity trading floors and increases the maximum assessments for violations of the exchange's rules governing conduct on the respective trading floors.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by issuance of a Commission Release (Securities Exchange Act Release No. 17846, June 5, 1981) and by publication in the **Federal Register** (46 FR 30949, June 11, 1981). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

Shirley E. Hollis,

Assistant Secretary.

[FR Doc. 81-21307 Filed 7-20-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2000]

Kansas; Declaration of Disaster Loan Area

Douglas County and adjacent counties within the State of Kansas constitute a disaster area as a result of damage caused by a tornado, hail, wind and rain which occured on June 19, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on September 14, 1981, and for economic injury until the close of business April 15, 1982, at: Small Business Administration, District Office, 12 Grand Bldg., 5th Floor, 1150 Grand Avenue, Kansas City, Missouri 64106, or other locally announced locations.

For recent change in disaster loan eligibility see **Federal Register** 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: July 15, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-21253 Filed 7-20-81; 8:45 am]

BILLING CODE 8025-01-M

TRADE REPRESENTATIVE, OFFICE OF THE U.S.

Trade Policy Staff Committee; Hearings on Additional Articles Being Considered for Duty Modification

1. Notice of Public Hearings. Pursuant to section 133 of the Trade Act of 1974 (19 U.S.C. 2153), the Trade Policy Staff Committee, chaired by the Office of the United States Trade Representative, has scheduled public hearings for August 18, 1981, concerning additional articles

being considered for possible duty modification, notice of which was published in the **Federal Register** of July 7, 1981 (46 FR 35234).

2. Time and Place of Hearings. The Committee's hearings will open at 2:00 p.m., EST, on August 18, 1981. They will be held in Washington, D.C., Office of the United States Trade Representative, Winder Building, 600 Seventeenth Street, NW, Room 403.

3. Requests to Present Oral Testimony. All requests to present oral testimony must be received by the Secretary of the Trade Policy Staff Committee, Room 413, Winder Building, 600 Seventeenth Street, NW, Washington, D.C. 20506 not later than noon, August 11, 1981. Procedures for the submission of written briefs and rebuttal briefs, and other relevant information concerning the hearing process is contained in the **Federal Register** of August 28, 1980 (45 FR 57636) and Trade Policy Staff Committee Regulations codified at 15 CFR 2003.

4. All communications with regard to these hearings should be addressed to: Secretary, Trade Policy Staff Committee, Office of the United States Trade Representative, Room 413, Winder Building, 600 Seventeenth Street, NW, Washington, D.C. 20506 (Phone: 202–395–3487).

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 81-21244 Filed 7-20-81; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-188]

Approval of Public Gauger Performing Gauging Under Standards and Procedures Required by Customs

Notice is hereby given pursuant to the provisions of § 151.43 of the Customs Regulations (19 CFR 151.43) that the application of National Maritime Surveys, Inc., 8935 Jefferson, River Ridge, Louisiana 70123, to gauge imported petroleum and petroleum products in all Customs districts in accordance with the provisions of § 151.43 of the Customs Regulations is approved.

Dated: July 15, 1981.

Anthony L. Piazza,

Acting Director, Entry Procedures and Penalties Division.

[FR Doc. 81-21259 Filed 7-20-81; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

[Department Circular/Public Debt Series—No. 21-81]

Treasury Notes of July 31, 1983, Series T-1983

July 16, 1981.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $4,500,000,000 of United States securities, designated Treasury Notes of July 31, 1983, Series T-1983 (CUSIP No. 912827 MC 3). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additonal amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2.1. The securities will be dated July 31, 1981, and will bear interest from that date, payable on a semiannual basis on January 31, 1982, and each subsequent 6 months on July 31 and January 31 until the principal becomes payable. They will mature July 31, 1983, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, July 22, 1981. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, July 21, 1981.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Non-competitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only

permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Friday, July 31, 1981. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Wednesday, July 29, 1981. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amended rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Paul H. Taylor,

Fiscal Assistant Secretary.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 81-21408 Filed 7-20-81; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 139
Tuesday, July 21, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

FEDERAL ENERGY REGULATORY COMMISSION.

Notice of Meeting

July 17, 1981.

TIME AND DATE: 10 a.m., July 24, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

(1) Docket No. IN81-3
(2) Docket No. IN 80-7
(3) Docket Nos. GP80-72, GP80-73, GP80-85, GP80-86, GP80-87, GP80-95, GP80-103, and GP80-25-000
(4 Docket Nos. E-9548 and E-9549

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

[S-1110-81 Filed 7-17-81; 3:50 pm]

BILLING CODE 6450-85-M

2

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be announced.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, July 23, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board Meeting.

Statement of Policy Regarding Due-on-Sale Clauses

No. 517, July 17, 1981

[S-1109-81 Filed 7-17-81; 3:49 pm]

BILLING CODE 6720-01-M

3

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 36985, July 16, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9 a.m., July 21, 1981.

CHANGES IN THE MEETING: Addition of the following items to the closed session:

2. Docket No. 77-7: Agreements Nos. 9929-2, 9929-4 (Modifications to the Combi Line Joint Service Agreement) and Agreements Nos. 10266 and 10266-1 (Joint Marketing Agreement Between Intercontinental Transport, B.V. and Compagnie Generale Maritime)—Proceedings on Remand from Court of Appeals.
3. Agreement No. 10266-4: Modification of the Gulf Europe Express Joint Service Agreement to provide for intermodal authority.

[S-1105-81 Filed 7-17-81; 10:31 am]

BILLING CODE 6730-01-M

4

BFFL FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

July 15, 1981.

TIME AND DATE: 10 a.m., Wednesday, July 22, 1981.

PLACE: Room 600, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. Frederick Bradley v. Belva Coal Company, Docket No. WEVA 80-708-D.

Following the oral argument the Commission will consider and act upon the following:

1. American Materials Corporation, Docket No. LAKE 79-9-M; (Petition for Descretionary Review).
2. Tazco, Inc., Docket No. VA 80-121.
3. Salt Lake County Road Department, Docket No. WEST 79-365-M.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, 202-653-5632.

[S 1111-81 Filed 7-17-81; 3:52 pm]

BILLING CODE 6820-12-M

5

FEDERAL RESERVE SYSTEM.

(Board of Governors).

TIME AND DATE: 10 a.m., Monday, July 27, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposal regarding the funding of post-retirement pension supplements of the Federal Reserve System.
2. Personnel actions (appointments, promotions, assignments, reassignmnets, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: July 17, 1981.

James McAfee, Assistant Secretary of the Board.

[S 1107-81 Filed 7-17-81; 1:14 pm]

BILLING CODE 6210-01-M

6

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH (NIE).

DATE AND TIME: July 28, 1981, 9:30 a.m.-3:30 p.m.

PLACE: Room 823, National Institute of Education, 1200 19th Street, N.W., Washington, D.C.

STATUS: Certification is being sought from the Department of Education Office of General Counsel, that in the opinion of that office, the NCER "would be authorized to close portions of its meeting on July 28, 1981, under 5 U.S.C. 522b(c)(9)(B) and 34 CFR 705.2(a)(9) for the purposes of reviewing and

discussing with the Director of NIE options for the NIE fiscal year 1983 budget and procurement planning and budget for fiscal year 1982." Agenda item #8 will be closed, the rest of the agenda will be open to the public. The public should call to verify the *closing* of this portion of the meeting.

MATTERS TO BE CONSIDERED:

1. Convene (9:30 a.m.).
2. Approve minutes of April 29, 1981 NCER meeting (9:35 a.m.).
3. Acting Director's Report (9:40 a.m.–10:15 a.m.).
4. Report on Minimum Competency Testing Hearings (10:15 a.m.–11:00 a.m.).
5. Report on Preliminary Planning concerning Educational Technology (11:00 a.m.–11:30 a.m.).
6. Staff report on ways of further examining NIE fundamental research work (continuation of April 29 review) (11:30 a.m.–12:15 p.m.).
7. Discussion of NIE activities in International Education (1:30 p.m.–2:15 p.m.).
8. Budget Planning for FY 1983 and procurement planning and budget for FY 1982 (Closed Session—2:15 p.m.–3:30 p.m.)

CONTACT PERSON FOR MORE INFORMATION: Martha H. Catto; Telephone: 202/254–7900

[S–1108–81 Filed 7–17–81; 3:25 pm]

BILLING CODE 4000–05–M

7

NATIONAL RAILROAD PASSENGER CORPORATION.

Board of Directors Meeting

In accordance with Rule 4(a) of Appendix A of the Bylaws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on July 29, 1981.

A. The meeting will be held on Wednesday, July 29, 1981, in the Pierre Suite, Loew's L'Enfant Plaza Hotel, 480 L'Enfant Plaza, S.W., Washington, D.C., beginning at 9:30 a.m.

B. The meeting will be open to the public at 10:30 a.m. beginning with agenda item No. 3, as described below.

C. The agenda items to be discussed at the meeting follow:

Agenda—National Railroad Passenger Corporation, Meeting of the Board of Directors—July 29, 1981

(9:30) *Closed Session*
1. *Internal Personnel Matters*
2. *Litigation Matters*

(10:30) *Open Session*
3. *Approval of Minutes of Regular Meeting of June 24, 1981*
4. *Commitment Approval Requests:*
80–197–R1: Revision of CAR 80–197: Reservations Expansion and Modernization (REM) Project
5. *Resolution Authorizing Corporate Officers to Execute Agreements for Development of 30th Street Station-Philadelphia*
6. *Board Committee Reports:*
Audit
Legal Affairs
Northeast Corridor Improvement Project
Organization and Compensation
7. *President's Report*
8. *New Business*
9. *Adjournment*

D. Inquiries regarding the information required to be made available pursuant to Appendix A of the Corporation's Bylaws should be directed to the Corporate Secretary at (202) 383–3754.

July 17, 1981.

Sandra Spence,
Corporate Secretary.

[S–1106–81 Filed 7–17–81; 11:13 am]

BILLING CODE 0000–00–M

federal register

Tuesday
July 21, 1981

Part II

Department of Education

Desegregation Support Program

DEPARTMENT OF EDUCATION

Office of Bilingual Education and Minority Languages Affairs

34 CFR Part 520

Bilingual Education: Desegregation Support Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary of Education issues final regulations to implement the Desegregation Support Program under the authority of Section 751 of the Bilingual Education Act. These regulations govern financial assistance awards that enable desegregating school districts to meet the special educational needs of minority group children who, because of language barriers and cultural differences, do not have equal educational opportunity.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect September 4, 1981. If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

FOR FURTHER INFORMATION CONTACT: Ms. Regina Robbins, Office of Bilingual Education and Minority Languages Affairs, Department of Education, (Room 421, Reporters Building), 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone (202) 472-3520.

SUPPLEMENTARY INFORMATION:

I. Authority

The statutory authority for this program is the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978, Pub. L. 95-561 (20 U.S.C. 3261).

II. Background

To encourage a greater degree of coordination among Education Department programs that support bilingual education programs for children of limited English proficiency, the Education Amendments of 1978 transferred the authority for the Desegregation Support Program from the Emergency School Aid Act (Title VI of the Elementary and Secondary Education Act) to the Bilingual Education Act (Title VII of the Elementary and Secondary Education Act). On June 29, 1979, The Commissioner of Education published a notice of proposed rulemaking (NPRM) in the **Federal Register** (44 FR 18906) to implement changes to the Bilingual Education "Title VII" Program made by the Education Amendments of 1978. With the exception of regulations for the Desegregation Support Program, final regulations for Title VII were published in the **Federal Register** (45 FR 23208) on April 4, 1980. Regulations were not needed to make fiscal year (FY) 1980 awards under the Desegregation Support Program; the legislation provided that recipients of FY 1979 funds would receive continued assistance under the program for FY 1980. These regulations, when effective, will govern applicants and grantees under the Desegregation Support Program, beginning with the FY 1981 grants competition, and will remain in effect until modified or replaced by a change in the authorizing legislation.

These regulations govern the award of grants to develop curricula for, and to conduct, instructional programs of bilingual-bicultural education designed to complement school districts' qualifying desegregation plans and to meet the special educational needs of eligible minority group children enrolled in schools participating in the desegregation plans.

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall requirement of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burden found in these regulations.

III. Summary of Public Comment

The Secretary has made several important changes from the proposed regulations for the Desegregation Support Program based on review of comments received on the NPRM, review of the content and format of the final regulations implementing other programs authorized under the Bilingual Education Act, and review of the authorizing legislation. All comments and recommendations received prior to August 29, 1979 were considered in the development of these final regulations. A summary of those comments and the Secretary's responses to them are contained in Appendix A to the regualtions. In addition, the Bilingual Education: General Provisions (34 CFR Part 500) have been republished here as Appendix B for the reader's information and better understanding of the Desegregation Support Program, since those regulations apply to all programs implemented under the Act.

The proposed regulations for the Desegregation Support Program closely resembled and in some instances

repeated, the definitions, target populations, eligible activities, selection criteria, and application and grant requirements in the regulations proposed for the Basic Projects Program. The NPRM even provided that quality Desegregation Support applications would be considered for support under the Basic Project Program when available funds under the Desegregation Support Program had been exhausted. The majority of commenters opposed the points of similarity that the regulations established between two programs and suggested that the differences in the authorizing legislation for the two programs should be more strongly reflected in the implementing regulations. They also suggested that the regulations should emphasize that, unlike the other programs established under Title VII, this program supports bilingual-bicultural education programs designed specifically to complement desegregation plans implemented by school districts.

In response to public comment, the Secretary has revised the regulations for the Desegregation Support Program to clarify the distinctions between the program and the Basic Projects Program and to emphasize that the Desegregation Support Program provides assistance to desegregating school districts. Some of the provisions in these regulations parallel the language and format of the Basic Projects regulations, where application requirements under the two programs are similar. However, these regulations use language and terms that are specific to the authorizing legislation for the Desegregation Support Program (Section 751 of the Act) and otherwise make clear the different purposes of the two programs.

Eligibility requirements under the Desegregation Support Program, as well as a description of a qualifying desegregation plan and the procedures for obtaining a waiver of ineligibility, are contained in Section 606 of the Emergency School Aid Act and in regulations which implement Section 606 for Emergency School Aid Act programs. The reader should refer to the Desegregation Support Program regulations (34 CFR 520.3) for citations of the Emergency School Aid Act regulations that apply to the Desegregation Support Program. An applicant that has been found to be out of compliance with the Civil Rights Act must have applied for a waiver of ineligibility as described in Section 606(c) of the Emergency School Aid Act and in implementing regulations to be eligible for a grant under the Desegregation Support Program. However, an applicant may use assistance received under this program to support compliance activities carried out under any United States or State court order regarding special programs of education for children of limited English proficiency.

A project assisted under the Desegregation Support Program must be designed to complement the qualifying desegregation plan of an eligible school district. Implementation of the project must be coordinated with activities carried out under the school district's qualifying desegregation plan. Therefore, it is expected a project assisted under this program will not be designed or implemented in such a way that minority group isolation in the school district is continued or exacerbated. It is also hoped that activities supported under this program will increase the self-esteem of the minority group children served by the project and will cultivate in all project participants—children, teachers, principals, and parents—a better understanding of special educational needs of the minority group children and an appreciation of the history, language, and cultural heritage of those children. A number of commenters asserted that the positive self concept and proud sense of cultural awareness fostered under this program would contribute fundamentally to a minority group child's ability to achieve in school.

Citation of Legal Authority

The reader will find a citation of statutory or other legal authority placed in parentheses on the line following each substantive provision of the regulations.

Dated: July 16, 1981.

T. H. Bell,

Secretary of Education.

(Catalog of Federal Domestic Assistance Program No. 84.003, Bilingual Education Program)

The Secretary revises Part 520 of Title 34 of the Code of Federal Regulations to read as follows:

PART 520—BILINGUAL EDUCATION: DESEGREGATION SUPPORT PROGRAM

Subpart A—General

Authority: Section 751 of the Title VII Elementary and Secondary Education Act, Pub. L. 95–561, 20 U.S.C. 3261.

Subpart A—General

§ 520.1 What is the Desegregation Support Program?

(a) The purpose of this program is to provide assistance to eligible local educational agencies (LEAs) that–

(1) Are implementing qualifying desegregation plans; and

(2) Have eligible minority group children enrolled in schools participating in the qualifying desegregation plans.

(b) This program supports two types of projects designed to complement an LEA's qualifying desegregation plan and to meet the special educational needs of eligible minority group children:

(1) Bilingual-bicultural curriculum development projects that develop curriculum for use in instructional programs of bilingual-bicultural education;

(2) Projects that implement instructional programs of bilingual-bicultural education.

(20 U.S.C. 3261(a))

§ 520.2 (See 34 CFR 500.2(g)—Who is eligible for assistance under these programs?)

§ 520.3 What regulations govern this program?

(a) The following regulations apply to grants awarded under this program:

(1) The regulations in this part (34 CFR Part 520)

(2) The Bilingual Education: General Provisions (34 CFR Part 500) with the following exceptions:

(i) The definitions in 34 CFR 500.4 do not apply. Definitions for this program are contained in this part (34 CFR 520.4).

(ii) The Secretary approves a project period of from one to three years.

(3)(i) Emergency School Aid Act regulations which implement Sections 606(a) and 606(c) of the Emergency School Aid Act, specifically those sections in the regulations which govern—

(A) Limitations on eligibility (34 CFR 280.21–280.24);

(B) Continuing conditions of eligibility (34 CFR 280.26);

(C) Show cause conferences (34 CFR 280.27);

(D) Waivers of ineligibility (34 CFR 280.28–280.32); and

(E) Qualifying plans (34 CFR 280.42(a)–(c)).

(ii) For the purposes of this program, the term "under the Act" as used in the Emergency School Aid Act regulations cited in this section (34 CFR 520.3(A)(3)(i)) shall mean "under Section 751 of the Bilingual Education Act.

§ 520.4 What definitions apply?

In addition to terms defined in EDGAR (34 CFR Part 77), the following terms are used in this part:

"Act" means the Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 3221)

"Curriculum" is considered to encompass the instructional activities, including the use of materials, planned and provided for students by the school or school system. The curriculum, therefore, is the planned interaction of students with instructional content, instructional resources, and instructional processes for the attainment of educational objectives.

(20 U.S.C. 3261)

"Emergency School Aid Act" means the Emergency School Aid Act, Title VI of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 3191)

"Instructional program of bilingual-bicultural education" means a program of instruction designed to meet the special educational needs of minority group children in elementary and secondary schools and having the following characteristics:

(1) There is instruction given in, and study of, English and the native language of the parents and grandparents of the minority group children.

(2) Instruction is given with appreciation for the heritage of the minority group children and of other children in American society.

(20 U.S.C. 3261(a)(1)(A))

"Minority group children" means children who are from environments in which the native language is other than English and who, as a result of language barriers and cultural differences, do not have equal educational opportunity.

(20 U.S.C. 3207(6), 3261)

"Native language" means the language normally used by an individual, or in the case of a child, the language normally used by the parents or grandparents of the child.

(20 U.S.C. 3261(a)(1))

"Qualifying desegregation plan" means the desegregation plan that satisfies the requirements of Section 606 of the Emergency School Aid Act (ESAA) and qualifies an LEA for assistance under this program.

(20 U.S.C. 3261)

Subpart B—What Kinds of Projects Does the Secretary Assist?

§ 520.10 What activities are eligible for assistance?

The Secretary funds two types of projects which must be designed to complement the LEA's qualifying desegregation plan.

(a) *Bilingual-bicultural curriculum development projects.* An eligible LEA, or a nonprofit private organization that has received a request for curriculum development from one or more eligible

LEAs may propose to develop curriculum for use in instructional programs of bilingual-bicultural education. This curriculum is designed to—

(1) Increase the skills of minority group children in understanding, speaking, reading, and writing both English and the native language of the parents or grandparents or the minority group children;

(2) Enhance the understanding of minority group children and their classmates about the history and cultural backgrounds of the minority group children; and

(3) Complement the LEA's qualifying desegregation plan.

(b) *Instructional programs of bilingual-bicultural education.*

(1) An eligible LEA may propose to implement—

(i) Curriculum developed under paragraph (a) of this section; or

(ii) Any other curriculum that the Secretary determines meets the requirements in paragraph (a) of this section.

(2) In its plan to implement an instructional program of bilingual-bicultural education, an LEA shall provide, as necessary, training for teachers, principals, and other educational personnel who work with minority group children, to enable them to provide services more effectively to those children.

(20 U.S.C. 3231(a)(2) and 3261(a)(1) and (b))

Subpart C—How Does One Apply for a Grant?

§ 520.20 What requirements pertain to project committees?

(a) An LEA applying for a bilingual-bicultural curriculum development project or an instructional program of bilingual-bicultural education shall establish a project committee meeting the requirements of paragraph (b) of this section that will fully participate in the preparation of the application and in the implementation of the project and join in submitting the application.

(b) (1) The project committee must be broadly representative of parents, school officials, teachers, and other interested members of the community or communities to be served.

(2) At least half of the committee members must be parents.

(3) At least half of the committee members must be members of the minority group(s) whose educational needs the project is intended to meet.

(c) The LEA may use the following procedures, or other procedures it determines appropriate, to meet the requirements of paragraph (b):

(1) Solicit nominations for project committee membership from parents, other representatives of minority group children, and interested members of the community or communities to be served.

(2) Publish a solicitation of nominations for membership in a manner likely to bring the solicitation to the attention of potential members; for example, publication of an announcement in a local newspaper or other local publication.

(3) Include at least seven members on the committee.

(d) The LEA shall provide the project committee with adequate resources (as determined by the LEA), including staff with language skills in the native language of the committee members.

(e) The LEA shall submit with its application—

(1)(i) Documentation of its consultations with the project committee;

(ii) The project committee's comments on the application; and

(iii) Documentation of support for the project signed by the majority of the members of the project committee; and

(2) An assurance that in carrying out its project, the applicant will provide for frequent consultations with, and participation by, the project committee.

(f) The requirements in paragraphs (a) through (e) of this section apply to a nonprofit organization applying for a bilingual-bicultural curriculum development project, with the following exceptions:

(1) The committee must consist of at least ten persons; and

(2) The committee must exercise policy-making authority with respect to the program or project.

(20 U.S.C. 3223(a)(4)(E) and 3261(a)(2))

§ 520.21 How does the Secretary provide for the participation of children enrolled in nonprofit private schools in an instructional program of bilingual-bicultural education?

(a) An applicant shall provide for the participation in its project of minority group children enrolled in nondiscriminating nonprofit private schools in the LEA, whose participation would assist in achieving the purposes of the LEA's qualifying desegregation plan, if the educational needs, language(s), and grade level(s) of those children are of a similar type to those which the project is intended to address.

(b) (1) In meeting the requirements in paragraph (a) of this section, the applicant shall comply with the requirements in EDGAR (34 CFR 76.651–76.662).

(2) For the purpose of this section, the terms "subgrantee" and "subgrant" as used in those sections of EDGAR mean "grantee" and "grant", respectively.

(c) If an applicant fails to provide for the participation of minority group children enrolled in nonprofit private schools as required in paragraph (a) of this section, the Secretary—

(1) Withholds approval of the application until the applicant demonstrates that it will provide for the participation of those children; or

(2) Reduces the amount of the grant by the amount the Secretary needs to—

(i) Arrange to assess the needs of minority group children in nonprofit private schools whose participation would assist in achieving the purposes of the LEA's qualifying desegregation plan; and

(ii) Carry out an instructional program of bilingual-bicultural education for minority group children whose educational needs, language(s), and grade level(s) are of a similar type to those which the project is intended to address.

(d) (1) In addition to meeting the requirements in paragraphs (a) and (b) of this section, an applicant may, at its option, provide an instructional program of bilingual-bicultural education for minority group children and their classmates enrolled in nondiscriminating nonprofit private schools in the LEA, whose participation would assist in achieving the purposes of the LEA's qualifying desegregation plan, although the educational needs, language(s), and grade level(s) of the minority group children are not of a type similar to those of the public school participants.

(2) An applicant that proposes to provide services under paragraph (d)(1) of this section to children enrolled in nonprofit private schools shall comply with the requirements in 34 CFR 76.657–76.662.

(20 U.S.C. 3231(b)(3)(C)(ii) and (f), 3261(a)(1))

§ 520.22 What requirements pertain to training activities?

An LEA proposing to carry out an instructional program of bilingual-bicultural education shall—

(a) Assess the training needs of the teachers, principals, and other educational personnel who work with minority group children in school(s) participating in the qualifying desegregation plan;

(b) Include in its application plans for training activities that provide, as necessary, training for teachers, principals, and other education personnel who work with minority group children; and

(c) Include in its budget adequate funds for these activities.

(20 U.S.C. 3261(a)(1))

§ 520.23 What requirements pertain to nonprofit private organizations that apply for a bilingual-bicultural curriculum development project?

A nonprofit private organization must include in its application—

(a) Evidence that it has received a request from one or more eligible LEAs to develop bilingual-bicultural curriculum under this program; and

(b) Evidence that it has the capacity to obtain the services of adequately trained and qualified staff.

(20 U.S.C. 3261(a)(2))

Subpart D—How Does the Secretary Make a Grant?

§ 520.30 How does the Secretary evaluate an application proposing a bilingual-bicultural curriculum development project?

The Secretary considers the following criteria worth a total of 150 possible points. The maximum possible score for each criterion is indicated in parentheses.

(a) *Curriculum design.* (40 points)

The Secretary considers the quality of the applicant's plans for designing a curriculum that complements—

(1) The LEA's qualifying desegregation plan; and

(2) Any programs of Federal financial assistance that are related to the purposes of this program.

(b) *Needs identification.* (10 points)

The Secretary considers the extent to which the applicant has identified, by reliable and objective means, the nature and magnitude of the special educational needs of the minority group children.

(c) *Impact.* (40 points total)

The Secretary considers the extent to which the proposed curriculum will—

(1) Meet the special educational needs of minority group children; (15 points);

(2) Increase the skills of minority group children in understanding, speaking, reading, and writing both English and the native language of the parents or grandparents of the minority group children (10 points);

(3) Enhance the understanding of the minority group children and their classmates about the history and cultural backgrounds of the minority group children (10 points); and

(4) Involve parents of minority group children in the education of their children (5 points).

(d) *Curriculum evaluation.* (15 points)

The Secretary considers the adequacy of the applicant's plans—

(1) To test the curriculum as it is developed to determine whether it meets the needs identified in the application; and

(2) To include teachers, principals, and other educational personnel from schools participating in the qualifying desegregation plan in the evaluation of the curriculum.

(e) *Plan of operation.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(f) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (e)(2) (i) and (ii) of this section plans to commit to the project; and

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

Note.—The qualifications of project personnel should relate to the population served by the project. For example, when reviewing projects that serve children of a particular ethnic population, the Secretary looks for project personnel who have extensive experience or expertise in the culture and language of that population.

(g) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(h) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(20 U.S.C. 3261(a)(1) and 20 U.S.C. 3474(a))

§ 520.31 How does the Secretary evaluate an application proposing an instructional program of bilingual-bicultural education?

The Secretary considers the following criteria worth a total of 150 possible points. The maximum possible score for each criterion is indicated in parentheses.

(a) *Project design.* (40 points)

The Secretary considers the quality of the applicant's plans to coordinate the implementation of the instructional program of bilingual-bicultural education with—

(1) Activities carried out under the LEA's desegregation plan; and

(2) Any programs of Federal financial assistance that are related to the purpose of the program.

(b) *Rationale for selection of project sites and participants.* (5 points)

The Secretary considers the rationale and the appropriateness of the methods used to select the schools and children to be served by the project.

(c) *Needs assessment.* (10 points)

The Secretary considers the adequacy of the applicant's assessment of the needs of the children to be served by the project, including assessments of—

(1) The special educational needs of the minority group children;

(2) Proficiency of the minority group children in understanding, speaking,

reading, and writing both English and the native language(s) of the parents or grandparents of the minority group children to be served by the project; and

(3) Knowledge and understanding of the children of the history and cultural heritage of the minority group children to be served;

(d) *Impact.* (40 points total)

The Secretary considers the extent to which the proposed program of bilingual-bicultural education will—

(1) Meet the special educational needs of the minority group children (15 points);

(2) Increase the skills of minority group children in understanding, speaking, reading, and writing both English and the native language of the parents or grandparents of the minority group children (10 points);

(3) Enhance the understanding of the minority group children and their classmates about the history and cultural backgrounds of the minority group children and increase their tolerance and appreciation for ethnic differences, (10 points); and

(4) Involve parents of minority group children in the education of their children (5 points).

(e) *Plan of operation.* (15 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) High quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) A clear description of how the applicant will provide equal access and treatment for eligible project participants who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(f) *Quality of key personnel.* (20 points)

(1) The Secretary reviews each application for information that shows the quality of key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (unless the building principal is to be so designated);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (f)(2) (i) and (ii) of this section plans to commit to the project;

(iv) The extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic groups, women, handicapped persons, and the elderly; and

(v) The extent to which the building principal is involved in the daily administration of the project.

(3) To determine the qualifications of a person, the Secretary considers evidence of the past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

Note.—The qualifications of project personnel should relate to the population served by the project. For example, when reviewing projects that serve children of a particular ethnic population, the Secretary looks for project personnel who have extensive experience or expertise in the culture and language of that population.

(g) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project.

(See 34 CFR 75.590—Evaluation by the grantee)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(h) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objectives of the project.

(i) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(20 U.S.C. 3261(a)(1) and 20 U.S.C. 3474(a))

§ 520.32 What factors does the Secretary consider in awarding grants?

(a) The Secretary considers the rank order of the application as determined by applying the selection criteria in § 520.31 (for applications proposing instructional programs of bilingual-bicultural education).

(b) The Secretary also considers the need for the proposed activities in the LEA(s) to be served by the project.

(1) In determining need under paragraph (b) of this section, the Secretary considers—

(i) The number of minority group children who would benefit from the program of bilingual-bicultural education;

(ii) Assistance the applicant is receiving under other programs of Federal financial assistance that are related to the purposes of this program; and

(iii) Previous assistance that the applicant has received under this program or under Section 708 of the Emergency School Aid Act and the need for further assistance.

(2) In determining need under paragraph (b)(1) of this section, the Secretary uses—

(i) Information provided in the application;

(ii) Information provided in the SEA review of the application (under 34 CFR 500.20);

(iii) Information on current and past educational and training activities supported under the Bilingual Education Act and the Emergency School Aid Act; and

(iv) Other information available to the Secretary; and

(c) For applications proposing to implement instructional programs of bilingual-bicultural education, the Secretary gives priority to applications that propose to implement bilingual-bicultural curriculum developed under this program, if that curriculum is determined to be appropriate to the needs of the LEA.

(20 U.S.C. 3231(c), 3261)

Subpart E—What Conditions Must Be Met by a Grantee?

§ 520.40 What requirements pertain to all grantees?

A grantee shall—

(a) Work closely with its project committee in carrying out project activities; and

(b) Coordinate project activities with—

(1) The goals and implementation of the LEA's qualifying desegregation plan; and

(2) Any programs of Federal financial assistance that are related to the purposes of the program.

(c) A grantee shall comply with the "supplement not supplant" requirement in Section 721(b)(3)(G) of the Act.

(20 U.S.C. 3231(b)(3)(G) and 3261(a) (2) and (3))

§ 520.41 What additional requirement pertains to grantees carrying out an instructional program of bilingual-bicultural education?

A grantee shall inform parents of children participating in the program of the instructional goals of the program and the progress of their children in the program.

(20 U.S.C. 3223(a)(4)(F))

Note.—This appendix will not be codified in the Code of Federal Regulations.

Appendix A

Summary of Comments and Responses

Approximately 20 persons commented on the notice of proposed rulemaking (NPRM) for the Bilingual Education: Desegregation Support Program. Their comments are arranged in the order of the sections of the proposed regulations to which they pertain. Each set of comments is followed by a response that indicates any change that has been made to the regulations or why no change was considered appropriate.

PART 510—BILINGUAL EDUCATION: DESEGREGATION SUPPORT PROGRAM (FORMERLY 45 CFR PART 123b)

§ 123b.3 *What definitions apply to the program?*

Comment. Several commenters suggested that the regulations should use terminology that more closely parallels the legislative language and that definitions should be added to clarify the type of educational program supported under these regulations. Commenters also asked for clarification of the relationship between these regulations and regulations implementing Emergency School Aid Act programs, since Section 606 of the Emergency School Aid Act contains eligibility requirements that also apply to the Desegregation Support Program.

Response. The regulations now use language that more closely parallels the language in the legislation. A section has been added to clarify the terms and provisions contained in the regulations for Emergency School Aid Act programs that apply to this program. A section has been added to these regulations that defines terms used in this program. The definitions section in the General Provisions (34 CFR 500.4) no longer applies to this program.

Comment. Several commenters questioned whether Black English was considered a "native language" that could qualify minority group children for assistance under this program.

Response. The Department of Education holds the position that so-called "Black English" is a form of English and not a separate and distinct language. It is one of many forms of non-standard English in common currency. It cannot, therefore, be considered a native language that is other than English. Programs that propose to use "Black English" as one of the languages in a bilingual education program are therefore not eligible for funding under Title VII ESEA. This position is supported by the legislative history of the Act.

§ 123b.10 *What activities are eligible for assistance under the desegregation support program?*

Comment. Several commenters questioned the legal authority for supporting projects designed solely to develop the native language skills of participants and suggested that projects supported under this program be bilingual in approach. Commenters questioned the focus of the regulations on the needs and native language(s) of children of limited English proficiency, since those children are not mentioned in the authorizing legislation. Several commenters suggested the regulations clarify that the curricula developed and the instructional programs implemented under this program be designed to complement the local educational agency's (LEA's) desegregation plan. Commenters suggested that programs of bilingual-bicultural education should be designed to meet the needs of minority group children and their classmates and that they should include instruction in and of the language of parents or grandparents of the minority group children. A few commenters suggested that an LEA be required to include in its project training activities for teachers, principals, and other education personnel who work with minority group children, designed to increase their understanding of the special needs of those children and to enable them to provide services more effectively to those children.

Response. This section has been rewritten to clarify that this program supports the development of curriculum for, and the implementation of, instructional programs of bilingual-bicultural education to complement the LEA's qualifying desegregation plan and to meet the special educational needs of minority group children. These programs are bilingual in focus, with students studying both English and the native language of the parents or grandparents of the minority group children. The regulations make it clear that an LEA is required to provide training for teachers, as necessary, and may provide training for principals and other education personnel who work with minority group children, as appropriate.

Comment. A few commenters suggested that the regulations state that a nonprofit private organization must have received a request from an eligible LEA to develop bilingual-bicultural curriculum to be eligible for support under this program.

Response. The eligibility criterion for nonprofit private organizations is stated in the Bilingual Education General Provisions (34 CFR 500.2), which establish eligibility requirements for applicants under all the programs authorized under the Bilingual Education Act. For emphasis and clarity, the regulations now require a nonprofit private organization to submit with its application evidence of an eligible LEA's request for curriculum development.

§ 123b.20 *What are the requirements when applying for a desegregation support project?*

Comment. Commenters asked why the regulations use terms different from those used in the law in the description of the advisory committees required of applicants under the Desegregation Support Program. One commenter asked why the regulations establish a minimum number of members for the LEA's committee and why the regulations assign responsibilities to the committee that were not specified in the law. One commenter asked the reason for requiring an LEA to provide the committee with staff and resources. The commenter asked whether an LEA must use its own funds to meet this requirement. One commenter suggested that advisory committees be required to meet at least quarterly.

Response. The regulations now use the term "project committee", one of the terms used in the legislation, to describe the advisory group required of applicants under this program. The same term is used to describe the committees required of LEA's and nonprofit private organizations, since requirements are similar for two types of applicants. To avoid undue burden on applicants, certain requirements have been made permissive rather than mandatory. The requirement for a seven-member committee and the proposed nomination process have both been made permissive. The regulations retain the requirement that an LEA provide adequate staff and resources to its project committee to ensure that the committee is able to carry out its advisory responsibilities effectively. However, the regulations provide that the determination of what constitutes "adequate staff and resources" is left to the LEA. The regulations require an applicant to provide an assurance that it will provide for frequent consultations with, and participation of, its project committee, but defer to the grantee the scheduling of project committee meetings.

§ 123b.30 *What are the funding procedures?*

Comment. Several commenters requested clarification of the procedures used to allot funds under this program.

Response. This section has been deleted from the final regulations. The Secretary announces in the closing date notice the approximate amount of funds available for the two types of projects supported under this program. The Secretary bases the decision concerning allotment of funds on the best available information on the needs of desegregating school districts. However, the amounts announced in the closing date notice are only estimates and do not bind the Department of Education. The Secretary may reallocate funds if too few applications of high quality are received under a

competition. Applications submitted under the Desegregation Support Program compete only for funds made available for awards under that program. Applications submitted under that program will not be supported with funds specifically made available for any other program under the Bilingual Education Act.

§ 123b.31 *What are the selection criteria for applications that propose activities described in § 123b.10(a)?*

Comment. Several commenters asked the reason for including recency as a selection criterion. Commenters feared that the recency criterion would favor school districts which have not made an effort to desegregate and that the criterion would not be sensitive to the needs of school districts that experience continuing problems with desegregation. One commenter suggested that design of a project that complements the LEA's qualifying desegregation plan is a requirement which must be met by an applicant and should not be a criterion to which points are assigned. Several applicants suggested that criteria be added which evaluated the quality of the applicant's assessment of the needs of minority group children, the expected impact of the project, and the needs of the activities proposed in schools be chosen for the project.

Response. The recency criterion has been deleted. Under the final regulations, the Secretary makes awards based on the quality of the proposed project as determined by review according to the appropriate selection criteria. The Secretary also considers the need for the proposed activities as determined by review of the assistance that an applicant receives under federally-funded programs for related activities and purposes and any previous assistance that an applicant may have received under the Desegregation Support Program or under Section 708 of the Emergency School Aid Act. In determining need, the Secretary considers information provided in the application and in the SEA review.

The Secretary makes an award to a project only if it has been designed to complement the LEA's qualifying desegregation plan. However, the quality of applicants' designs and implementation plans will vary. This variance should be recognized and reflected in the Secretary's selection of quality projects for support. Therefore, under the final regulations, the Secretary evaluates the quality of an applicant's plans to coordinate the implementation of the project with the activities carried out under the LEA's qualifying desegregation plan.

Criteria have been added that evaluate the quality of the applicant's assessment of the needs of the minority group children, the rationale and methods used to select schools to participate in the project, and the expected impact of the proposed project. In addition, the selection criteria in the Education Department General Administrative Regulations have been added to the selection criteria to be used in evaluating the applicant's proposed project.

§ 123b.32 *What are the selection criteria for applications that propose activities described in § 123b.10(b)?*

Comment. Commenters repeated their concerns regarding the recency criterion. Several commenters suggested the addition of criteria that evaluate the quality of the applicant's identification of the needs of the minority group children for whom curriculum is to be developed, the expected impact of the project, and the quality of the applicant's plans to evaluate and field-test the curriculum as it is developed. Commenters also suggested that an applicant should involve teachers, principals, and other education personnel from schools participating in the qualifying desegregation plan in the evaluation of the curriculum.

Response. The recency criterion has been deleted. The criteria suggested by commenters have been added to the final regulations.

§ 123b.40 *What are the requirements of advisory committees?*

Comment. Several commenters asked why the regulations used the term "committee" when the law uses the term "board"? A few commenters noted that the regulations omitted the legal requirement that a nonprofit private organization demonstrate its capability of obtaining the services of trained and qualified staff.

Response. The regulations use the term "project committee" to be consistent with the term used to describe the committee required to advise an LEA in the development of its application to implement an instructional program of bilingual-bicultural education. Since most of the requirements pertaining to project committees are the same for LEAs and nonprofit private organizations, the same term is used to describe both committees. The final regulations now require a nonprofit private organization to submit with its application evidence that it has the capacity to obtain the services of adequately trained and qualified staff.

§ 123b.41 *What requirements apply to LEAs?*

Comment. Commenters questioned the appropriateness of requiring an applicant under this program to meet grant requirements established for an applicant under the Basic Projects Program. Commenters also questioned the omission of the requirement that projects supported under the Desegregation Support Program be bilingual-bicultural programs of education.

Response. The grant requirements for the Basic Projects Program no longer apply to applicants under the Desegregation Support Program. The regulations now include a definition of an instructional program of bilingual-bicultural education. The Desegregation Support Program assists only projects that propose to develop curriculum for, or to implement, an instructional program of bilingual-bicultural education.

Additional Comments

Comment. A few commenters suggested the addition of a section to the final regulations to explain requirements pertaining to the participation of children enrolled in nonprofit private schools. Commenters also suggested that prior recipients under this program or under Section 708 of the Emergency School Aid Act (ESAA), be required to submit a justification for continued assistance, since the overall thrust of Title VII is toward building commitment and capacity in its grantees. Several commenters suggested that a grantee implementing an instructional program of bilingual-bicultural education be required to inform parents of children participating in the program of the progress of their children in the program.

Response. A section has been added to the final regulations to explain requirements for providing services to children enrolled in nonprofit private schools. The final regulations provide that, in making grant awards, the Secretary considers any previous assistance that an applicant has received under this program or under Section 708 of the Emergency School Aid Act and the applicant's need for continued assistance. A grantee carrying out an instructional program of bilingual-bicultural education is now required to inform parents of children participating in the program of their children's progress in the program.

Note.—The attached appendix to 34 CFR Part 520 will not be published in the Code of Federal Regulations.

PART 500—BILINGUAL EDUCATION: GENERAL PROVISIONS

Subpart A—General

Sec.

Subpart B—[Reserved]

Subpart C—How Does One apply for a Grant?

Subpart D—[Reserved]

Subpart E—What Conditions Apply to a Grantee?

Authority: Title VII of the Elementary and Secondary Education Act of 1965, as amended by Pub. L. 95–561 (20 U.S.C. 3221–3261; 92 Stat. 2268–2284).

Subpart A—General

§ 500.1 What programs are authorized under the Bilingual Education Act?

The Bilingual Education Act authorizes the following programs:

(a) *Basic Projects in Bilingual Education* (34 CFR Part 501). This program provides financial assistance to establish, operate, or improve programs of bilingual education to assist children of limited English proficiency to improve their English language skills. These projects are designed to build the capacity of the grantee to continue programs

of bilingual education when Federal funding is reduced or no longer available.

(20 U.S.C. 3223–3231)

(b) *Demonstration Projects* (34 CFR Part 502). This program provides financial assistance to demonstrate exemplary approaches to providing programs of bilingual education and to building the capacity of the grantee to continue those programs when Federal funding is reduced or no longer available.

(20 U.S.C. 3223–3231)

(c) *State Educational Agency Projects for Coordinating Technical Assistance* (34 CFR Part 503). This program provides financial assistance to State educational agencies (SEAs) to coordinate technical assistance to programs of bilingual education funded under the Act within their States.

(20 U.S.C. 3231(b)(5))

(d) *Support Services Projects* (34 CFR Part 504). This program provides financial assistance to strengthen programs of bilingual education and bilingual education training programs. There are two types of centers authorized:

(1) *Bilingual Education Service Centers* (BESCs). These centers provide training and other services to programs of bilingual education and bilingual education training programs within designated service areas.

(2) *Evaluation, Dissemination, and Assessment Centers* (EDACs). These centers assist programs of bilingual education and bilingual education training programs within designated service areas in assessing, evaluating, and disseminating bilingual education materials.

(20 U.S.C. 3231, 3233)

(e) *Training Projects* (34 CFR Part 510). This program provides financial assistance to establish, operate, or improve training programs for persons who are participating in, or preparing to participate in, programs of bilingual education or bilingual education training programs.

(20 U.S.C. 3233)

(f) *School of Education Projects* (34 CFR Part 514). This program provides financial assistance to institutions of higher education (IHEs) to develop or expand their capability to provide degree-granting bilingual education training programs by—

(1) Establishing such programs at the undergraduate or graduate level; or

(2) Expanding the scope of existing programs to include curricula related to other fields of study useful in training personnel for participation in programs of bilingual education.

(20 U.S.C. 3233)

(g) *Desegregation Support Program* (34 CFR Part 520). This program provides assistance to desegregating local educational agencies (LEAs) to meet the needs of children who are from an environment in which the dominant language is other than English and who lack equality of educational opportunity because of language barriers and cultural differences.

(20 U.S.C. 3261)

(h) *Fellowship Program* (34 CFR Part 575). This program provides financial assistance to full-time graduate students who are preparing to become trainers of teachers for bilingual education.

(20 U.S.C. 3233)

(i) *Materials Development Projects Program* (34 CFR Part 505).

(1) This program awards grants and contracts to develop instructional and testing materials for use in programs of bilingual education and bilingual education training programs.

(2) Grants under this program are covered by these regulations.

(3) Contracts are subject to—

(i) The requirements of the Bilingual Education Act;

(ii) The regulations in 41 CFR Chapters 1 and 3; and

(iii) The requirements and criteria in particular requests for proposals (RFPs).

(20 U.S.C. 3231 (a)(1), (a)(4))

(j) *Research and Development Program.*

(1) This program authorizes—

(i) Research activities funded by the Department of Education (ED);

(ii) Research—funded by the National Institute of Education (NIE) in consultation with ED—to enhance the effectiveness of bilingual education and other programs for persons who have language proficiencies other than English;

(iii) Coordination—by the Assistant Secretary for Education—of ED, NIE, the National Center for Education Statistics (NCES), and other appropriate agencies to develop a national research program for bilingual education; and

(iv) Development and dissemination of instructional materials and equipment suitable for programs of bilingual education.

(2) Awards under this program are made by contract and are not covered by these regulations.

(3) These contracts are subject to—

(i) The requirements of the Bilingual Education Act;

(ii) The regulations in 41 CFR Chapters 1 and 34; and

(iii) The requirements and criteria in particular requests for proposals (RFPs).

(20 U.S.C. 3252)

§ 123.2 Who is eligible for assistance under these programs?

(a) *Basic Projects in Bilingual Education.* Those eligible for assistance under this program are—

(1) An LEA;

(2) An IHE that applies jointly with one or more LEAs; or

(3) An elementary or secondary school operated or funded by the Bureau of Indian Affairs (BIA) for Indian children on a reservation.

(20 U.S.C. 3231(b)(1), 3232)

(b) *Demonstration Projects.* Those eligible for assistance under this program are—

(1) An LEA;

(2) An IHE that applies jointly with one or more LEAs; or

(3) An elementary or secondary school operated or funded by BIA for Indian children on a reservation.

(20 U.S.C. 3231(b)(1), 3232)

(c) *State Educational Agency Projects for Coordinating Technical Assistance.* An SEA is eligible for assistance under this program.

(20 U.S.C. 3231(b)(5))

(d)(1) *Support Services Projects: BESCs.* Those eligible for assistance under this program are—

(i) An LEA;

(ii) An SEA;

(iii) An IHE or a nonprofit private organization that applies after consultation with one or more LEAs or with an SEA; or

(iv) An IHE or a nonprofit private organization that applies jointly with one or more LEAs or with an SEA.

(20 U.S.C. 3233(b))

(2) *Support Services Projects: EDACs.* Those eligible for assistance under this program are—

(i) An LEA; or

(ii) An IHE that applies jointly with one or more LEAs.

(20 U.S.C. 3231(b)(1))

(e) *Training Projects.* Those eligible for assistance under this program are—

(1) An LEA;

(2) An SEA;

(3) An IHE or a nonprofit private organization that applies after consultation with one or more LEAs or with an SEA; or

(4) An IHE or a nonprofit private organization that applies jointly with one or more LEAs or with an SEA.

(20 U.S.C. 3233(b))

(f) *School of Education Projects.* Those eligible for assistance under this program are—

(1) An IHE with a school, department, or college of education or a bilingual education training program that applies after consultation with one or more LEAs or with an SEA; or

(2) An IHE with a school, department, or college of education or a bilingual education training program that applies jointly with one or more LEAs or with an SEA.

(20 U.S.C. 3233(b))

(g) *Desegregation Support Program.* (1)(i) An LEA that meets the requirements of Sections 606(a) and 606(c) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), and any regulations implementing those sections, may apply for a grant.

(ii) If an applicant LEA does not meet the requirements in Section 606(c) of ESEA, the Secretary uses the procedures for show cause conferences established by regulations under Title VI of ESEA.

(iii) The secretary uses the procedures for granting a waiver of ineligibility described in Section 606(c) of ESEA and in regulations implementing that section.

(2) A nonprofit private agency, institution, or organization may apply for a grant if it has received a request for curriculum development from an LEA that is eligible under paragraph (g)(1)(i) of this section or that has received a waiver of ineligibility under paragraph (g)(1)(iii) of this section.

(20 U.S.C. 3261)

(h) *Fellowship Program.* (1) An IHE that offers a program of study leading to a degree

above the master's level in the field of training teachers for bilingual education is eligible to participate in this program.

(2) An individual is eligible to apply for a fellowship under this program if this individual—

(i)(A) Is a citizen, a national, or a permanent resident of the United States;

(B) Is in the United States for other than a temporary purpose and can provide evidence from the Immigration and Naturalization Service of his or her intent to become a permanent resident; or

(C) Is a permanent resident of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territories of the Pacific Islands; and

(ii) Has been accepted for enrollment as a full-time student in a course of study offered by an IHE approved for participation in this program. The course of study must lead to a degree above the master's level in the field of training teachers for bilingual education.

(20 U.S.C. 3233)

(i) *Materials Development Projects.* Those eligible for assistance under this program are—

(1) An LEA; or

(2) An IHE that applies jointly with one or more LEAs.

(20 U.S.C. 3231(b)(1))

§ 123.3 What regulations govern these programs?

(a) The following regulations apply to grants and fellowships awarded under the Act:

(1) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions).

(2) The Education Appeal Board regulations in 34 CFR Part 78.

(3) The regulations in these parts (34 CFR Parts 500, 505, 510, 514, 515, and 520).

(b)(1) However, the regulations in these parts to not apply to noncompeting continuation grants under the Basic Projects in Bilingual Education, Support Services Projects, Training Projects, and Materials Development Projects programs for fiscal year 1980.

(2) The interim final regulations for the Bilingual Education Program, published in the Federal Register on March 29, 1979 (44 FR 18906), apply to those grants for fiscal year 1980.

(c) The following provisions of EDGAR do not apply to the types of awards described:

(1) The provisions in 34 CFR Part 75 do not apply to the Fellowship Program (Part 515), except for the provisions in 34 CFR 75.51 (relating to proof of nonprofit status).

(2) The provisions in 34 CFR 75.250(a), 75.253 (a) and (b), and 75.254 (relating to the approval of multi-year projects) do not apply to grants made to LEAs as sole or joint applicants under any of the Bilingual Education Programs.

(3) The provisions in 34 CFR 75.217(a)(3) and (c)–(e) (relating to the review of applications) do not apply to the State Educational Agency Projects for Coordinating Technical Assistance Program. In addition, the provisions of 34 CFR 75.217 (a) and (b) do not apply to the review of applications from SEAs submitted under 34 CFR 503.30(c).

(4) Any provision in EDGAR that conflicts with any provision in these parts does not apply to awards under these parts.

(20 U.S.C. 1221e–3)

§ 123.4 What definitions apply to these programs?

In addition to terms defined in 34 CFR Part 77, the following terms are used in these parts:

"Act" means the Bilingual Education Act (Title VII of the Elementary and Secondary Education Act, as amended).

(20 U.S.C. 3221)

"Full-time student" means a student who is carrying a full-time academic work load as determined by the institution at which he or she is enrolled. The institution's standards for determining the student's full-time status in a program of study must be applicable to all students enrolled in the program.

(20 U.S.C. 3221–3261)

"Institution of higher education" (IHE) means an educational institution, including a junior college or community college, in any State that meets the requirements of Section 1001(e) of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 3381(e))

"Limited English proficiency", with reference to an individual, means an individual—

(1)(i) Who was not born in the United States or whose native language is other than English;

(ii) Who comes from a home in which a language other than English is most relied upon for communication; or

(iii) Who is an American Indian or Alaskan Native student and comes from an environment in which a language other than English has had a significant impact on his or her level of English language proficiency; and

(2) Who, as a result of the circumstances described in paragraph (1) of the definition of "Limited English Proficiency" of this section, has sufficient difficulty in understanding, speaking, reading, or writing the English language to deny him or her the opportunity to learn successfully in classrooms in which the language of instruction is English.

(20 U.S.C. 3223(a)(1))

"Local educational agency" (LEA) means—

(1) An LEA as defined in EDGAR; or

(2) A nonprofit institution or organization of an Indian tribe that—

(i) Operates an elementary of secondary school in which Indian children constitute more than 50 percent of the enrollment; and

(ii) Is approved by the Commissioner for purposes of carrying out programs under the Act.

(20 U.S.C. 3232(a), 3381(f)

"Low income" means an annual family income that does not exceed the poverty level determined under Section 111(c)(2) of Title I of the Elementary and Secondary Education Act of 1965, as amended.

(20 U.S.C. 3223(a)(3))

"Native language" means the language normally used by an individual, or, in the case of a child, the language normally used by the parents of the child.

(20 U.S.C. 3223(a)(2))

"Program of bilingual education" means a program of instruction designed for children of limited English proficiency in elementary or secondary schools, with the following characteristics:

(1) There is instruction given in, and study of, English and (to the extent necessary to allow children to achieve competence in the English language) the native language of the children of limited English proficiency.

(2) The instruction is given with appreciation for the cultural heritage of the children of limited English proficiency and of other children in American society, with emphasis on those cultures represented in the LEA.

(3) The instruction is given in all courses or subjects of study to the extent necessary to allow a child to progress effectively through the educational system.

(20 U.S.C. 3223(a)(4))

"Qualified bilingual personnel" means individuals—

(1) Who are qualified under State and local law to teach the subjects and grades to which they are assigned;

(2) Who have successfully completed a course of study or the equivalent inservice training in the use of classroom materials and instructional practices for bilingual education;

(3) Who are able to converse with proficiency in English and in the native language of the students, both on general topics and in their assigned areas of instruction. This includes the ability to understand, speak, read, and write the language; it neither implies nor precludes an extensive vocabulary which might be necessary to converse with native speakers on complicated matters not related to the subjects which they are required to teach; and

(4) Who are able to communicate effectively with parents in their native language and in English about school matters.

(20 U.S.C. 3231(b)(3))

Subpart B—[Reserved]

Subpart C—How Does One Apply for a Grant?

§ 123.20 What are the requirements for SEA review of an application?

(a) Except as specified in paragraph (d) of this section, an applicant that seeks assistance for a project under 34 CFR Parts 501, 502, 504, 510, 514, and 520 shall submit its application for comment to the SEA of the State(s) in which the applicant proposes to conduct the project.

(b) If an applicant seeks assistance under Support Services Projects (Part 504), the applicant shall submit its application for comment to the SEAs of all States within its designated service area.

(c) Procedures for State comment are specified in EDGAR (34 CFR 75.155–75.159) except that—

(1) The applicant shall provide a copy of its application to the SEA in advance of its

submission to OE in order to afford the SEA a reasonable opportunity to comment on the application to the applicant; and

(2) If the applicant subsequently makes substantive revisions in its application, it shall submit a copy of the revised application to the SEA so that the SEA may comment to the Secretary under the provisions in EDGAR.

(d) An eligible school operated or funded by BIA shall submit its application for comment to the Secretary of the Interior or his or her designee, using the procedures described in paragraph (c) of this section.

(20 U.S.C. 2331(b)(3)(D))

Subpart D—[Reserved]

Subpart E—What Conditions Apply to a Grantee?

§ 123.40 What is the length of the project period?

(a) *Grants to LEAs.* In the case of an application submitted by an LEA as either a sole or joint applicant, the Secretary uses the following procedures:

(1) The Secretary approves a project period of from one to three years based on—

(i) The severity and likely duration of the problems addressed by the project;

(ii) The nature of the proposed activities; and

(iii) The quality of the application based on the appropriate selection criteria.

(2) The Secretary makes a continuation award for a budget period after the first budget period of an approved multi-year project under the conditions in Section 721(e)(2) of the Act.

(3) In determining whether the grantee is making satisfactory progress toward achieving the stated objectives of the program, the Secretary—

(i) Compares the objectives contained in the approved application with the results of the grantee's annual evaluation; and

(ii) Considers the information attained through site review and any other contact with the grantee.

(20 U.S.C. 3231(e))

(b) *Grants to applicants other than LEAs.* (1) In the case of an application submitted by an applicant other than an LEA, the Secretary uses the procedures and criteria in EDGAR for setting the project period and determining whether to make a continuation award.

(2) However, in the case of an application under the School of Education Projects Program, the Secretary approves a project period of three years.

(20 U.S.C. 1221e–3, 3233)

(c) *Fellowship Program.*—(1) *Approvals of IHEs for participation.* The Secretary approves an IHE's application for participation in the Fellowship Program (34 CFR Part 515) for a period of from one of five years based on the quality of the applicant's bilingual education training program.

(2) *Fellowship awards.* (i) The Secretary approves a fellowship for one year.

(ii) A recipient of a fellowship who seeks assistance beyond this period to continue in the program of study must be renominated by the participating IHE.

(iii) The Secretary approves all renominations of recipients who maintain satisfactory progress in the program of study before approving nominations of new students.

(iv) A fellowship may be awarded for a maximum of two years to a student who maintains satisfactory progress in a post-master's program of study.

(v) A fellowship may be awarded for a maximum of three years to a student who maintains satisfactory progress in a doctoral program of study.

(vi) However, where adequate justification is provided by an IHE, the Secretary may extend a fellowship beyond the maximum period to a recipient who, for circumstances beyond his or her control, is not able to complete the program of study in that period.

(20 U.S.C. 3233(a)(2))

§ 123.41 What requirements pertain to the use of funds for training activities and fellowship?

(a) *Allowable costs.* The allowable costs for training activities under those Bilingual Education Programs in which training is an authorized activity and for fellowships under the Fellowship Program may include—

(1) Tuition and fees—the normal and usual costs associated with the course of study;

(2) Books—up to $250;

(3) Travel—up to $250 for travel to field-study sites; and

(4) A stipend.

(b) *Stipends for long-term training.* (1) Long-term training is training with a duration in excess of 90 days.

(2) An individual may receive a stipend if he or she is—

(i) A full-time student in a program of study which was approved in the application; and

(ii) Gainfully employed no more than 20 hours a week or the annual equivalent.

(3) A stipend for an individual enrolled in a course of study leading to a master's degree or baccalaureate degree may not exceed $325 per month.

(4) A stipend for an individual enrolled in a course of study leading to a degree beyond the master's level may not exceed $400 per month. However, an individual participating in the Fellowship Program who has been employed in the field of bilingual education for at least two years may receive a stipend of up to $500 per month.

(c) *Stipends for short-term training.* (1) Short-term training is training with a duration of 90 days or less.

(2) An individual may receive a stipend only if he or she is not otherwise compensated for his or her time during that training.

(3) The grantee may award a stipend to an individual participating in short-term training in accordance with its prevailing policies and rates for training not funded under the Act.

(20 U.S.C. 3231(b)(1), 3233(a)(3), 3233(b))

[FR Doc. 81-21258 Filed 7-20-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF EDUCATION

Bilingual Education: Desegregation Support Program

AGENCY: Department of Education.

ACTION: Notice of closing date for transmittal of applications.

Applications are invited for new projects under the Bilingual Education Act—Desegregation Support Program.

Authority for this program is contained in Section 751 of the Elementary and Secondary Education Act of 1965, as amended by the Education Amendments of 1978 (Pub. L. 95-561).

(20 U.S.C. 3261)

This program issues awards to eligible local educational agencies that are implementing qualifying desegregation plans under Section 606 of the Emergency School Aid Act (as amended by Pub. L. 95-561), and to nonprofit private organizations that have received requests for curriculum development from eligible local educational agencies.

The purpose of the awards is to develop curricula for, or to implement, instructional programs of bilingual-bicultural education to meet the special educational needs of minority group children who, because of language barriers and cultural differences, do not have equal educational opportunity. The curricula developed and the instructional programs implemented under this program must be designed to complement the local educational agency's qualifying desegregation plan.

Closing date for transmittal of applications: An application must be mailed or hand delivered by August 21, 1981.

Applications delivered by mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.003A, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Applications delivered by hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Program Information: Final regulations governing the Desegregation Support Program are published in this issue of the **Federal Register.** An applicant should review the regulations, particularly the appropriate selection criteria before preparing its application.

The maximum project period which an applicant may propose is three years.

An application may be ruled ineligible under the Education Department General Administrative Regulations (34 CFR 75.216) if the applicant does not meet the following requirements.

(1) An applicant must establish a project committee as required in the program regulations (34 CFR 520.20) to assist in the development of its application. Regulatory requirements include documentation of the applicant's consultations with the committee and the committee's comments on the application.

(2) An applicant must provide a copy of its application to the appropriate State educational agency in its State in advance of submitting it to the Department of Education. Requirements pertaining to State educational agency review are contained in the Bilingual Education General Provisions (34 CFR 500.20).

(3) A local educational agency, applying as a sole or joint applicant, is required to hold at least one meeting, open to the public, to discuss the contents of its application. Requirements for scheduling and holding this open meeting are contained in the Education Department General Administrative Regulations (34 CFR 75.139-75.141). The local educational agency must complete the certification form in the application package.

(4) Joint applicants must complete a special certification form in the application package.

(5) An applicant proposing to develop curricula for an instructional program of bilingual-bicultural education must submit evidence that it has received a request from one or more eligible local educational agencies to develop bilingual-bicultural curriculum under this program.

(6) An applicant proposing to conduct an instructional program of bilingual-bicultural education must provide for the participation in its project of eligible minority group children enrolled in nonprofit private schools that are participating in the qualifying desegregation plan, if the educational needs, language(s), and grade level(s) of those children are of a similar type to those which the project is intended to address. Requirements pertaining to private school participation are contained in the program regulations (34 CFR 520.21).

(7) An applicant proposing to implement an instructional program of bilingual-bicultural education must include in its application plans for training activities that provide, as necessary, training for teachers, principals, and other education personnel who work with minority group children. Applicants should refer to the Bilingual Education General Provisions (34 CFR 500.41) for allowable rates and costs for trainees participating in the training programs.

Available Funds: It is expected that approximately $8,100,000 will be available for new grants under the Desegregation Support Program in fiscal year 1981.

It is estimated that these funds could support 30 projects.

The anticipated award for most projects is between $100,000 and $250,000.

However, these estimates do not bind the Department of Education to a specific number of grants or to the amount of any grant unless that amount is otherwise specified by statute or regulations.

Allocation of Funds. The Secretary holds separate competitions for applications proposing to develop bilingual-bicultural curriculum under 34 CFR 520.10(a) and for applications proposing to implement instructional programs of bilingual-bicultural education under 34 CFR 520.10(b)

For fiscal year 1981, the Secretary anticipates that funds will be allocated to those competitions in the amounts

stated below. However, these amounts are only estimates and do not bind the Department of Education. The Secretary may reallocate funds if too few applications of high quality are recieved under a competition.

34 CFR 520.10(a). Bilingual-bicultural curriculum development projects: $800,000.

34 CFR 520.10(b). Implementation of instructional programs of bilingual-bicultural education: $7,300,000.

Application Forms: Application forms and program information packages are available and may be obtained by writing to the Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education (Room 421, Reporters Building), 400 Maryland Avenue, SW, Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the application package. The Secretary strongly urges that the narrative portion of the application not exceed 30 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(1) The Bilingual Education General Provisions (34 CFR Part 500).

(2) The regulations governing the Bilingual Education Desegregation Support Program (34 CFR Part 520) published in this issue of the **Federal Register** as 7/16/81.

(3) The Education Department General Administrative Regulations (34 CFR Parts 75 and 77) published on April 3, 1980 at 45 FR 22494.

(4) The regulations governing Emergency School Aid Act Programs (34 CFR Part 280) published on May 16, 1980 at 45 FR 32586.

Further Information: For further information, contact the Desegregation Support Application Coordinator, Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education (Room 421, Reporters Building) 400 Maryland Avenue, SW, Washington, D.C. 20202. Telephone (202) 447-9227.

(20 U.S.C. 3261)

Dated: July 16, 1981.

(Catalog of Federal Domestic Assistance Number 84.003, Bilingual Education)

T. H. Bell,

Secretary of Education.

[FR Doc. 81-21219 Filed 7-20-81; 8:45 am]

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federal register

Tuesday
July 21, 1981

Part III

Environmental Protection Agency

Asbestos Export Notification

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 707

[TSH-FRL-1881-5; OPTS 120001C]

Asbestos Export Notifiication

AGENCY: Environmental Protection Agency (EPA).

ACTION: Statement of clarification.

SUMMARY: The purpose of this statement is to clarify the reporting responsibilities of persons exporting asbestos or mixtures containing asbestos. Under section 12(b) of the Toxic Substances Control Act (TSCA), exports of bulk asbestos must be reported. Also, mixtures containing asbestos must be reported if the mixture is in an amorphous form or if the mixture's shape must be fundamentally changed before use.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, Office of Pesticides and Toxic Substances (TS-799), Environmental Protection Agency, 401 M St., SW, Washington, D.C. 20460, Toll free: (800-424-9065), Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404)

SUPPLEMENTARY INFORMATION:

I. Background

Final regulations interpreting the requirements of section 12(b) of the Toxic Substances Control Act were published in the **Federal Register** of December 16, 1980 (45 FR 82844). These regulations require that any person who exports certain regulated chemical substances or mixtures must notify the Administrator of the first annual export to a country. Exports of a substance as a bulk chemical or mixture must be reported if that substance is subject to one or more of the following TSCA rules, actions, or orders:

1. A final rule requiring submission of test data under section 4 or 5(b).
2. An order issued under section 5.
3. A proposed or final rule under section 5 or 6.
4. A pending or final court action under section 5 or 7.

To date, the following chemical substances are subject to section 12(b) export reporting requirements: polychlorinated biphenyls (PCBs), fully halogenated chlorofluoroalkanes (CFCs), 2,3,7,8-tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD or dioxin), N-methanesulfonyl-p-toluenesulfonamide, and asbestos.

The provisions of section 12(b) of TSCA are self-implementing, i.e., not requiring that specific regulations for reporting be promulgated. However, as an aid to affected exporters, EPA issued interim guidance published in the **Federal Register** of June 7, 1978 (43 FR 24818) for submitting notice of export of CFCs and PCBs—the only two substances regulated at that time. EPA proposed a rule published in the **Federal Register** of October 2, 1979 (44 FR 56856) to interpret the requirements of section 12(b) and to immediately supersede the interim guidance. While these interim actions were proceeding, only PCBs and CFCs were subject to export reporting. However, by the time the final rule was promulgated, three more substances, including asbestos, had become subject to reporting.

II. EPA Received Inquiries Regarding Asbestos Exports

After promulgation of the final section 12(b) regulations, the Agency received requests for clarification of the requirements for reporting exports of asbestos. The final section 12(b) regulations require reporting of a chemical if it is exported as the "substance" (e.g., asbestos in bulk form) or as part of a mixture. The regulations set no minimum percentage cut-off for the substance as part of a mixture. However, reporting is required only if the substance is known to be present in the mixture. In other words, a person should not test exported mixtures to see if they contain asbestos as an impurity (e.g., to determine whether vermiculite, talc, or water in a mixture contain asbestos fibers as an impurity). Also, one is not required to report exports of *articles* containing the substance in question unless specifically so required in the underlying section 4, 5, 6, or 7 action. The Agency did not require submission of export notices for asbestos-containing articles in the proposed section 6 rule.

On January 12, 1980, EPA staff met with representatives of the Asbestos Information Association of North America (AIA), an organization that represents many of the largest U.S. and Canadian producers of asbestos and asbestos products. AIA stated that it was relatively easy to identify bulk shipments of asbestos. However, companies trying to report asbestos exports found it difficult to distinguish between a reportable asbestos-containing mixture and a non-reportable asbestos-containing article. In order to respond to this concern of the asbestos industry, the Agency decided to publish this statement of clarification. Also, in the meeting and in subsequent communications, AIA requested an exemption from section 12(b) for asbestos exports. This issue will be discussed later in this notice.

III. Statement of Clarification

The Agency considers the following types of asbestos exports to be reportable:

(1) Bulk shipments of asbestos including raw spinnable fibers and slivers. This includes, but is not limited to, asbestos commodities exported under Bureau of Census Schedule B numbers 518.1115 (asbestos, not manufactured, asbestos crudes, fibers, and stucco) and 518.1125 (asbestos sand and refuse).

(2) An asbestos-containing mixture that is amorphous, i.e., the mixture assumes the shape of its container (e.g., asbestos-reinforced plastic pellets, asbestos-containing paints, and bags of dry asbestos-cement mix).

(3) An asbestos-containing mixture that is formed to a shape that must be fundamentally changed before use.

For purposes of section 12(b) export notification only, the Agency will not require reporting of asbestos-containing mixtures of which the fundamental form is unlikely to change during further processing or end use. For example, asbestos paper by the roll will generally be cut or trimmed for installation, but will retain the same basic form. Other examples of non-reportable asbestos-containing mixtures include asbestos-cement pipe, brake linings, sheet gasketing, unfinished asbestos textiles, and floor tiling. EPA is not requiring these mixtures to be reported because exporters will not know in all cases what the nature or extent of the next processing step will be for such products.

Exporters should follow the above guidelines and apply them to their individual situations. Exporters are encouraged to contact the Agency concerning questions about applying the guidelines to any material to be exported. These guidelines are intended for the purpose of interpreting TSCA section 12(b) requirements for asbestos only. They should not be taken as definitional precedent for other TSCA purposes.

IV. Request for Exemption

As mentioned above, the Asbestos Information Association requested that asbestos be exempted from section 12(b) export reporting.

First, AIA expressed its belief that asbestos should not have been made subject to export reporting based on the proposed section 6 Asbestos-Containing Materials in Schools Rule (45 FR 78970). According to AIA, this proposed rule

bears no relation to the asbestos export trade.

Second, of the 160 countries in the world, AIA identified over 100 countries to which asbestos and asbestos products were exported in 1980. AIA estimated that as many as 575 companies may be involved in the asbestos export trade. As an alternative to section 12(b) reporting, AIA proposed that EPA send a blanket notice to all nations regarding asbestos. Such notice they contend would satisfy the requirements of section 12(b) and lift a regulatory burden from the industry.

EPA studied AIA's request, but concluded that it cannot exempt asbestos from the requirements of section 12(b). First, asbestos is the subject of a proposed section 6 rule. The statutory language of section 12(b) clearly requires reporting of exports of a substance covered by, among other actions, a proposed TSCA section 6 regulation. It is true that the proposed rule covers only one situation (friable asbestos in schools) in which asbestos is used. However, basic to the proposed rulemaking is the fact that EPA has made a finding that asbestos may present a risk to a human health in the use considered. Thus, the Agency is bound by section 12(b) to notify foreign governments of its action with respect to this substance.

Second, EPA authority to exempt chemicals from reporting just because of an anticipated high volume of reports is very questionable. There is also the question of whether such action would be fair to other industries affected by section 12(b) now or in the future. For example, section 12(b) reports received in 1980 show that CFCs were exported to at least 80 countries. Leaving aside the legal questions, where would the Agency draw the line for determining how many countries justify an exemption to section 12(b)?

Furthermore, the alternative of a blanket notice to all foreign governments would not carry out the intent of Congress. The Agency interprets section 12(b) to require a link of the notice to foreign governments to the fact of actual export or firm intent to export. A blanket notice to all countries regarding asbestos exports would not carry the message that the country may be actually affected by exports.

V. Reconsideration of Section 12(b) Procedures

In addition to the requests of AIA that are addressed by this notice, the Agency has received a petition from the Chemical Manufacturers Association for changes in section 12(b) procedures. Also, representatives of the Synthetic Organic Chemical Manufacturers Association requested a meeting with Agency staff at which these procedures were discussed. A number of alternative approaches have been suggested to the Agency by these groups for changing the way that section 12(b) is implemented. We are examining these approaches in light of our experience to date and the language of the statute. The Agency will consider revisions to the present procedures based on this examination.

Dated: June 30, 1981.

Edwin H. Clark, II,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 81-21321 Filed 7-20-81; 8:45 am]

BILLING CODE 6560-31-M

federal register

Tuesday
July 21, 1981

Part IV

Office of Management and Budget

Budget Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report a new proposal to rescind $173.0 million in budget authority previously provided by the Congress. In addition, I am reporting ten new deferrals totaling $495.1 million, and revisions to four previously reported deferrals increasing the amount deferred by $76.4 million.

The rescission proposal affects a program in the Department of Energy. The deferrals affect programs in the Departments of Agriculture, Commerce, Defense, Health and Human Services, Justice, and Labor, as well as the Railroad Retirement Board and the United States Railway Association.

The details of each rescission proposal and deferral are contained in the attached reports.

THE WHITE HOUSE,

July 16, 1981.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission #	Item	Budget Authority
	Department of Energy	
	Energy Programs	
R81-166	Fossil energy construction	173,000
	Subtotal, rescission proposals	173,000

Deferral #	Item	Budget Authority
	Department of Agriculture	
	Foreign Assistance Programs	
D81-107A	Expenses, P.L. 480, foreign assistance programs Agriculture	49,000
	Agricultural Stabilization and Conservation Service	
D81-120	Dairy and beekeeper indemnity programs	1,500
	Farmers Home Administration	
D81-121	Rural development planning grants	2,000
D81-122	Rural housing insurance fund	166,000
D81-123	Agricultural credit insurance fund	35,000
	Forest Service	
D81-124	Construction and land acquisition	13,578
	Department of Commerce	
	National Oceanic and Atmospheric Administration	
D81-125	Coastal zone management	33,000
	Department of Defense -- Civil	
	Cemeterial Expenses, Army	
D81-126	Salaries and expenses	659
	Department of Health and Human Services	
	Alcohol, Drug Abuse and Mental Health Admin.	
D81-10A	Construction and renovation, St. Elizabeth's Hospital	36,073
	Human Development Services	
D81-127	White House Conference on Aging	1,152
	Department of Justice	
	Federal Prison System	
D81-169	Buildings and facilities	28,883

CONTENTS OF SPECIAL MESSAGE (continued)

Deferral #	Item	Budget Authority
	Department of Labor	
	Employment and Training Administration	
D81-368	Employment and training assistance	751,155
	Other Independent Agencies	
	Railroad Retirement Board	
D81-128	Milwaukee railroad restructuring administration	179
	United States Railway Association	
D81-129	Payments for purchase of Conrail securities	242,000
	Subtotal, deferrals	1,359,179
	Total, rescission proposals and deferrals	1,532,179

SUMMARY OF SPECIAL MESSAGES
FOR FY 1981

(in thousands of dollars)

	Rescissions	Deferrals
Twelfth special message:		
New items	173,000	495,068
Change to amounts previously submitted	---	76,426
Effect of twelfth special message	173,000	571,494
Previous special messages	15,188,937	8,906,247
Total amount proposed in special messages	15,361,937 a/	9,477,741 b/

a/ This amount represents budget authority except for $751.8 million involving authority to incur obligations for direct loans.
b/ This amount represents budget authority except for $61,756 thousand involving the deferral of outlays only (D81-198).

Rescission Proposal No. R81-166

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 96-514 & 97-12) $ 333,900,000
Bureau Energy Programs	Other budgetary resources 162,645,823
Appropriation title & symbol: Fossil Energy Construction 89X0214	Total budgetary resources 496,545,823
	Amount proposed for rescission $ 173,000,000
OMB identification code: 89-0214-0-1-271	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Governments of Japan, the Federal Republic of Germany and the United States recently agreed to terminate support for the SRC II project and further agreed that the U.S. Government should take prompt action to terminate the prime contract with SRC International, Inc. This action was taken because of large projected increases in project costs and the Government's desire to reallocate research and development funds elsewhere. Funds for the SRC II project, totaling $100 million that were previously deferred (D81-338), are included within this rescission proposal. The rescission is consistent with language in Senate Report No. 97-67, accompanying the Supplemental Appropriations and Rescission Bill, 1981 (H.R. 3512), which noted the possibility of the deferral being changed to a rescission proposal following the consultations between Governments.

Estimated Effects: This decision has the effect of removing international financial support for the project. Sufficient funds will remain to cover currently estimated termination costs.

Outlay Effects: (in millions of dollars)

1981 Outlay Estimate		Outlay Savings			
Without Rescission	With Rescission	1981	1982	1983	1984
45	45	-0-	-16	-0-	-0-

R81-166

DEPARTMENT OF ENERGY

Energy Programs

Fossil Energy Construction

Of the funds appropriated under this head in Public Law 96-514 and Public Law 97-12, $173,000,000 are rescinded.

D81-107A

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-107, transmitted to the Congress on June 19, 1981.

This revision to a deferral for expenses, P.L. 480 in the Department of Agriculture, increases the amount reported as deferred from $28,000,000 to $48,000,000. The increase reflects a reduction in prices for Title II commodities below estimated prices used in preparation of the fiscal year 1981 budget plan.

Deferral No: D81-107A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: U.S. Department of Agriculture	New budget authority (P.L. 96-528): $1,228,930,000
Bureau: Foreign Assistance Program	Other budgetary resources:
Appropriation title & symbol: Expenses, Public Law 480, Foreign Assistance Programs, Agriculture 12x2274	Total budgetary resources: 1,228,930,000
	Amount to be deferred: Part of year: $
	Entire year: 48,000,000*
OMB identification code: 12-2274-0-1-151	Legal authority (in addition to sec 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Agricultural Trade Development and Assistance Act of 1954, P.L. 83-480, as amended, authorizes the President in Titles I and III to negotiate with friendly countries to provide for the sale of agricultural commodities for dollars on credit terms or for foreign currencies; and in Title II to furnish agricultural commodities on behalf of the people of the United States to meet famine or other urgent or extraordinary relief requirements. Section 403 of the Act authorizes to be appropriated such sums as may be necessary to carry out this Act. Public Law 96-528, making appropriations for the Department of Agriculture Rural Development, and Related Agencies, 1981, made an appropriation of $1,228,930,000 for expenses during fiscal year 1981 under the Act.

This deferral of $48 million is taken primarily because of lower commodity prices during the current year: current actual prices are in some cases below the estimated prices used in preparation of the fiscal year 1981 budget plan. The resulting savings are $5 million in the Titles I and III programs and $35 million in the Title II program. A deferral of these savings is expected to have no impact on the planned commodity levels of these programs. A further saving is possible in the Titles I and III programs due to anticipated changes in some country allocations. As noted in each quarterly allocation submitted to Congress, all allocations under Titles I and III are subject to review and change as circumstances change during the year. Such changes in allocations this year enable a deferral of an additional $8 million for Titles I and III.

Estimated Effects: This deferral action will have no programmatic effect because deferring the savings will have no impact on planned commodity levels.

Outlay Effects:* This deferral action will shift $48 million in outlays into FY 1982 and later years.

* Revised from previous report

Deferral No: D81-120

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 96-528): $1,700,000
Bureau: Agricultural Stabilization and Conservation Service	Other budgetary resources: --
Appropriation title & symbol: Dairy and beekeeper indemnity programs 1213314	Total budgetary resources: 1,700,000
	Amount to be deferred: Part of year: $; Entire year: 1,500,000
OMB identification code: 12-3314-0-1-351	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☒ Other P.L. 97-12
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multiple-year ____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: Indemnity payments are made under this experimental program to dairy farmers, manufacturers of dairy products, and beekeepers who suffer losses of honey bees as a result of using approved and registered insecticides near or adjacent to property on which the beehives are located. The Congress provided the authority for the Administration to withhold these funds from obligation until October 1, 1981 in the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97-12). This deferral action is taken in accordance with the Congressional authorization.

Estimated Effect: The deferral will result in no indemnity payments being made to beekeepers in fiscal year 1981.

Outlay Effect: The deferral action will reduce fiscal year 1981 outlays by $1.5 million.

Deferral No: D81-121

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 96-528): $5,000,000
Bureau: Farmers Home Administration	Other budgetary resources: --
Appropriation title & symbol: Rural development planning grants 1212068	Total budgetary resources: 5,000,000
	Amount to be deferred: Part of year: $; Entire year: 2,000,000
OMB identification code: 12-2068-0-1-452	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act ☒ Other P.L. 97-12
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: Grants are made to public bodies or such other agencies as the Secretary may select under this program to prepare comprehensive plans for rural development. The Congress provided the authority for the Administration to withhold these funds from obligation until October 1, 1981 in the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97-12). This deferral action is taken in accordance with the Congressional authorization.

Estimated Effect: The deferral will reduce the number of grant awards made in fiscal year 1981 by 40% or from 133 to 80.

Outlay Effect: The deferral action will reduce fiscal year 1981 outlays by $0.4 million and fiscal year 1982 outlays by $1.2 million.

Deferral No: D81-122

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1015 of P.L. 95-344

Agency: Department of Agriculture	New budget authority (P.L. 96-528, 97-12): $ 24,000,000
Bureau: Farmers Home Administration	Other budgetary resources: 3,927,100,000
Appropriation title & symbol: Rural housing insurance fund 12X4141	Total budgetary resources: 3,951,100,000
	Amount to be deferred: Part of year: $; Entire year: 166,000,000
OMB identification code: 12-4141-0-3-371	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act; ☒ Other P.L. 97-12
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual; ☐ Multiple-year ____ (expiration date); ☒ No-year	Type of authority: ☐ Appropriation; ☐ Contract authority; ☒ Other Loan authority

Justification: The Rural housing insurance fund finances loans to purchase, develop, improve, repair, and rehabilitate housing in rural areas. The Congress provided the authority for the Administration to withhold from obligation $166 million of these funds until October 1, 1981 in the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97-12). This deferral action is taken in accordance with the Congressional authorization.

Estimated Effect: The deferral will decrease the amount of direct loans to be made for moderate income housing from $675 million to $509 million, and the number of housing units receiving assistance from 18,743 to 14,700 in fiscal year 1981.

Outlay Effect: This deferral action will shift an estimated $0.8 million in fiscal year 1981 outlays into fiscal year 1982.

Deferral No: D81-123

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1015 of P.L. 95-344

Agency: Department of Agriculture	New budget authority (P.L. 96-528, 97-12): $ --
Bureau: Farmers Home Administration	Other budgetary resources: 8,660,200,000
Appropriation title & symbol: Agricultural credit insurance fund 12X4140	Total budgetary resources: 8,660,200,000
	Amount to be deferred: Part of year: $; Entire year: 35,000,000
OMB identification code: 12-4140-0-3-351	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act; ☒ Other P.L. 97-12
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual; ☐ Multiple-year ____ (expiration date); ☒ No-year	Type of authority: ☐ Appropriation; ☐ Contract authority; ☒ Other Loan authority

Justification: The Agricultural credit insurance fund finances a number of loan programs for individuals and associations. This action defers $30 million for farm ownership loans and $5 million for the Soil and Water Conservation program. The Congress provided the authority for the Administration to withhold obligation of these funds until October 1, 1981 in the Supplemental Appropriations and Rescission Act, 1981 (Public Law 97-12). This deferral action is taken in accordance with the Congressional authorization.

Estimated Effect: The deferral will decrease the amount of funds obligated for direct loans under the farm ownership program in fiscal year 1981 from $870 million to $840 million and the number of loans made in 1981 from 10,876 to 10,700. The soil and water loan program will be reduced from $53.1 million to $48.1 million and the number of loans made in 1981 will be decreased from 2,260 to 2,050.

Outlay Effect: This deferral action has no effect on fiscal year 1981 outlays.

Deferral No: 081-124

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 96-514, P.L. 97-12): $ 530,118,429
Bureau: Forest Service	Other budgetary resources: 70,429,643
Appropriation title & symbol: Construction and Land Acquisition 12X1103	Total budgetary resources: 600,548,072
	Amount to be deferred: Part of year: $ ____ Entire year: 13,578,000
OMB identification code: 12-1103-0-1-302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: A substantial portion of the roads constructed for timber sales is required to be constructed by timber purchasers as a condition of the timber sale contract. Section 14(of the National Forest Management Act of 1976 provides that small business firms have the discretion to elect, however, to have the Forest Service construct such roads costing more than $20,000. A permanent appropriation, Timber Purchaser Roads Constructed by the Forest Service, is made for this purpose.

Purchaser elections in excess of the budget estimate for fiscal year 1981 will reduce the requirement for Construction and Land Acquisition funds in the current fiscal year as the costs will be financed from the permanent appropriation. This deferral is consistent with Congressional intent to provide no-year funding for this project, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral will have no programmatic effect because roads planned to be constructed with these funds will be financed by the Timber Purchaser Roads Constructed by the Forest Service permanent appropriation.

Outlay Effects: This deferral action will have no effect on fiscal year 1981 outlays.

Deferral No: 081-125

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. 96-536, 97-12): $ 51,585,000
Bureau: National Oceanic and Atmospheric Administration	Other budgetary resources: $ 57,681,443
Appropriation title & symbol: Coastal Zone Management 13X1451	Total budgetary resources: $109,266,443
	Amount to be deferred: Part of year: $ ____ Entire year: 33,000,000
OMB identification code: 13-1451-0-1-302	Legal authority (in addition to sec. 1013): [ ] Antideficiency Act [ ] Other ____
Grant program: [X] Yes [ ] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: The Coastal Zone Management Program provides program administration grants to States to support State and territorial coastal management activities. The Supplemental Appropriations and Rescission Act, 1981 authorized the transfer of $33 million from the Coastal Energy Impact Fund to this program. The Conference Report (H.R. 97-124) accompanying the bill (H.R. 3512) indicated that the funds were to be transferred to phase down grants to recipient coastal States for the period 1982-84 and that no additional Federal funding should be anticipated. This deferral action is taken in accordance with the intent of the Congress as expressed in the Conference Report.

Estimated Effects: This deferral action will have the effect of preserving these funds for use in fiscal years 1982-1984 in accordance with the intent of the Congress.

Outlay Effect: This deferral action has no effect on fiscal 1981 outlays.

Deferral No: 281- 125

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense - Civil	New budget authority (P.L. 96-526) $4,032,000
Bureau:	Other budgetary resources 1,217,417
Appropriation title & symbol: Cemeterial Expenses, Army Salaries and Expenses 21X1805	Total budgetary resources 5,249,417
	Amount to be deferred: Part of year $ ____ Entire year $659,000
OMB identification code: 21-1805-0-1-705	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification

These funds provide for the maintenance, operation, and improvements of the cemetery at the U.S. Soldiers' and Airmen's Home and Arlington National Cemetery. This deferral of $659,000 results from a recovery of prior year obligations. These funds are deferred for the remainder of fiscal year 1981, and will be used to meet program requirements in fiscal year 1982. This deferral is consistent with Congressional intent to provide no-year funding for this program and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects

This deferral has no programmatic or budgetary effect in 1981.

Outlay Effects

This deferral action has no outlay effects in 1981.

DBI-10A

Deferral No: DBI-10A

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. DBI-10, transmitted to the Congress on October 1, 1980.

This revision to a deferral for construction and renovation projects at Saint Elizabeth's Hospital funded within the Alcohol, Drug Abuse, and Mental Health Administration increases the amount reported as deferred from $10,698,000 to $36,072,994. The increase reflects amounts not required for obligation based upon the current renovation schedule for the hospital.

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Health and Human Services	New budget authority (P.L. _____) $ _____
Bureau Alcohol, Drug Abuse, and Mental Health Administration	Other budgetary resources 47,903,635*
Appropriation title & symbol Construction and Renovation, Saint Elizabeths Hospital 1/ 75X1312	Total budgetary resources 47,903,635
	Amount to be deferred: Part of year $ _____ Entire year 36,072,994*
OMB identification code: 75-1312-0-1-551	Legal authority (in addition to sec 1013): ☒ Antideficiency Act ☐ Other _____
Grant program ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

Justification: * Funds were provided in the Second Supplemental Appropriations Act, 1978 (Public Law 95-355), for the purpose of upgrading Saint Elizabeth's Hospital to meet accreditation standards. Since 1979, the Joint Commission on Accreditation of Hospitals has granted Saint Elizabeth's Hospital accreditation contingent upon implementation of the renovation plans. Plans and design for renovation and reconstruction are now being implemented. This deferral represents amounts not required for obligation in 1981, based on the current renovation schedule for the hospital. This deferral is consistent with Congressional intent to provide no-year funding for this project, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: The amount deferred could not be economically used this fiscal year, if made available, due to the planned renovation schedule.

Outlay Effect: This deferral action has no effect on fiscal year 1981 outlays.

1/ This account was the subject of a similar deferral during fiscal year 1980.
* Revised from previous report.

Deferral No: D81-127

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Health and Human Services	New budget authority: $ 3,000,000 (P.L. 97-12)
Bureau: Human Development Services	Other budgetary resources: 2,056,345
Appropriation title & symbol: 75X1636 Human Development Services (White House Conference on Aging)	Total budgetary resources: 5,056,345
	Amount to be deferred: Part of year: $ ____ Entire year: $ 1,152,000
OMB identification code: 75-1636-0-1-999	Legal authority (in addition to sec 1013): [X] Antideficiency Act [ ] Other ____
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual [ ] Multiple-year ____ (expiration date) [X] No-year	Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other ____

Justification: The White House Conference on Aging was established pursuant to P.L. 95-478 to develop recommendations for a comprehensive national policy on aging. The Supplemental Appropriations and Rescission Act, 1981, provided authority to continue funding for the Conference at a $3 million level for the remainder of FY 1981 to cover all remaining costs of planning and carrying out the Conference. This deferral represents amounts not required for obligation in FY 1981. The $1.152 million will be made available for FY 82 to pay certain expenses of the national meeting scheduled for November 29 through December 3, 1981, and to develop, print, and distribute the final report to the President and the Congress by June 2, 1982. This deferral action is consistent with congressional intent to provide no-year funding for the Conference, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: There is no programmatic effect in FY 1981 resulting from this deferral.

Outlay Effect: This deferral action has no effect on fiscal 1981 outlays.

D81-16S

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-16A transmitted to the Congress on January 15, 1981.

The amount deferred for the Federal Prison System's Buildings and Facilities account is $26,883,419, an increase of $9,083,419 over the amount previously reported as deferred. This increase occurred shortly after the transmittal of D81-16A but was delayed in being reported due to an administrative oversight. The increase is attributable to delays in the completion of repairs to existing facilities, and the Phoenix project.

Deferral No: D81-168

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Justice	New budget authority (P.L. 96-536, 97-12): $10,020,000*
Bureau: Federal Prison System	Other budgetary resources: 40,237,419
Appropriation title & symbol: Buildings and Facilities 15X1003 1/	Total budgetary resources: 50,257,419*
	Amount to be deferred: Part of year: $ ____
	Entire year: 28,883,419*
OMB identification code: 15-1003-0-1-753	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This appropriation finances planning, acquisition of sites, and construction of new penal and correctional facilities, as well as construction, remodeling and equipping of necessary buildings and facilities at existing penal and correctional institutions.

Reserves are routinely maintained in this account because of the time required for planning, site acquisition, design efforts, and selection of contractors. Funds not required for obligation in the current fiscal year are deferred for use in subsequent years.

The deferral of funds for the entire year is consistent with Congressional intent to provide no-year funding for the total cost of these projects and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: The amount deferred for the entire year could not be economically used, if made available in fiscal year 1981, because of the planned phased procurement, construction and installation cycle.

Outlay Effect: This deferral action has no effect on fiscal year 1981 outlays.

1/ This account was also the subject of a deferral in fiscal year 1980 (D80-178).
* Revised from previous report.

D81-36B

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of Public Law 93-344

This report revises Deferral No. D81-36A transmitted to the Congress on March 10, 1981.

The amount deferred for Employment and Training Assistance in the Department of Labor is $751,155,000, an increase of $21,968,000 over the amount previously deferred. This increase is attributable to deferral of portions of additional funding provided by the extension of the 1981 continuing resolution by Public Law 97-12. These additional deferred amounts are for the Young Adult Conservation Corps ($20.9 million) and for CETA evaluation and research activities ($1.1 million).

Deferral No: D81-36B

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Labor	New budget authority (P.L. 96-536; 97-12) $7,142,973,000*
Bureau: Employment and Training Administration	Other budgetary resources 242,854,510*
Appropriation title & symbol: Employment and training assistance 16l/2017/	Total budgetary resources 7,385,827,510*
	Amount to be deferred: Part of year $ ____
	Entire year 751,155,000*
OMB identification code: 1*-***4-2-1-504	Legal authority (in addition to sec 1013): ☐ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other ____
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☒ Multiple-year September 30, 1982 (expiration date)	☐ Contract authority
☐ No-year	☐ Other ____

Justification:*

In addition to the $729,187,000 previously reported as deferred, an additional $21,968,000 of the amount made available by the Continuing Resolution (P.L. 96-536) as extended by the Supplemental Appropriations and Rescission Act, 1981 (P.L. 97-12) is now deferred. The Supplementary Report D81- 36 A, transmitted to the Congress on March 10, 1981, stated that an additional $21,968,000 would be deferred if the financing levels provided by the Continuing Resolution were extended beyond June 5, 1981. Of the total additional deferral, $20.9 million reflects continuation of the phase-out of the Young Adult Conservation Corps (YACC) program included in the original deferral transmitted to the Congress on January 10, 1981. The remaining $1.1 million reflects a reduction in research on and evaluation of employment and training programs. This reduction is consistent with the reduced levels of programs financed by this account.

The amounts are to be deferred for the entire year. Their availability in 1982 will decrease the need for budget authority for continuing other programs financed under this account.

Estimated Effects:*

The additional deferral will have no effects on the YACC program in addition to those described in the January 10, 1981 report. Fewer research and evaluation contracts, however, will be let, but major ongoing efforts in this area will not be affected by the $1.1 million deferral of research and evaluation funds.

Outlay Effects:*

Current outlay estimate for 1981:

Under current deferral	$6,806,177,000*
Under revised deferral	6,806,177,000*
Additional 1981 outlay savings	—*

All of the outlay effects of this deferral increase will occur in fiscal year 1982.

* Revised from previous report.

Deferral No: D81-126

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Railroad Retirement Board	New budget authority (P.L. ____): $ ____
Bureau:	Other budgetary resources: 278,673
Appropriation title & symbol: Milwaukee railroad restructuring, administration 60X0108	Total budgetary resources: 278,673
	Amount to be deferred: Part of year: $ ____
	Entire year: 178,673
OMB identification code: 60-0108-0-1-603	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This account funds administrative expenses incurred by the Railroad Retirement Board in disbursing benefit payments under the Milwaukee Railroad Restructuring Act and the Rock Island Railroad Transition and Employee Assistance Act. The Board estimates that only $100,000 in administrative expenses will be charged to this account in fiscal year 1981, and that $178,673 will be carried forward into fiscal year 1982. This deferral therefore represents amounts not required for obligation in fiscal year 1981. It is also consistent with Congressional intent to provide funding for the Board that remains available until expended, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effect: There will be no effect upon the operation of the programs, as the funds are not needed in this fiscal year.

Outlay Effect: This deferral action has no effect on fiscal year 1981 outlays.

[FR Doc. 81-21329 Filed 7-20-81; 8:45 am]

BILLING CODE 3110-01-C

Deferral No: D81-129

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: United States Railway Association	New budget authority (P.L. 96-400): $485,000,000
Bureau:	Other budgetary resources: —
Appropriation title & symbol: Payments for purchase of Conrail securities 9880111	Total budgetary resources: 485,000,000
	Amount to be deferred: Part of year: $ ____
	Entire year: 242,000,000
OMB identification code: 98-0111-0-1-401	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification: This appropriation is used to purchase securities issued by the Consolidated Rail Corporation (Conrail) so that the Corporation will have funds to rehabilitate its plant and equipment and for working capital. Revenues from operations have been sufficient to cover the Corporation's costs in recent months and are expected to meet the majority of its anticipated capital needs for the remainder of this fiscal year. As a result, this deferral represents only amounts not required for obligation in fiscal 1981. This deferral is consistent with congressional intent to provide funding for this appropriation that remains available until expended, and is taken under the provisions of the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral will not affect the Corporation's capital requirements this year. Funds not required in 1981 will be available to cover Conrail's needs for capital in subsequent years.

Outlay Effect: This deferral action has no effect on fiscal 1981 outlays.

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Tuesday, July 21, 1981

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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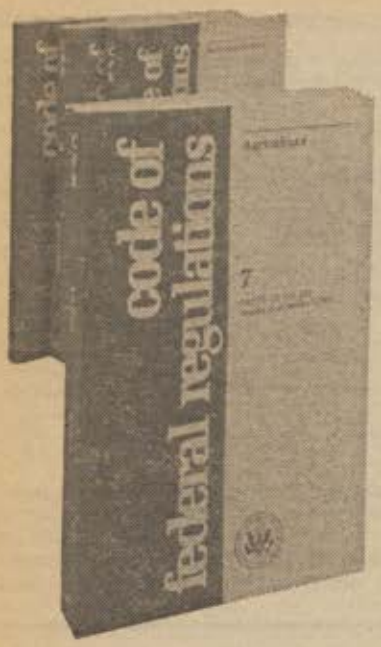
Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Last Listing July 14, 1981

This is a continuing listing of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

H.R. 3520 / Pub. L. 97–23 Steel Industry Compliance Extension Act of 1981. (July 17, 1981; 95 Stat. 139) Price: $1.50.



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